

By: Senator(s) Hyde-Smith

To: Agriculture;
Appropriations

SENATE BILL NO. 2978

1 AN ACT TO ESTABLISH THE "MISSISSIPPI VETERINARY PRACTICE
2 ACT"; TO PROVIDE DEFINITIONS; TO PROVIDE FOR A BOARD OF VETERINARY
3 MEDICINE, APPOINTED BY THE GOVERNOR; TO PROVIDE FOR THE POWERS AND
4 DUTIES OF THE BOARD; TO PROVIDE THAT NO PERSON MAY PRACTICE
5 VETERINARY MEDICINE IN THIS STATE WHO IS NOT A LICENSED
6 VETERINARIAN UNLESS OTHERWISE EXEMPTED BY THE BOARD; TO PROVIDE
7 FOR STATE BOARD EXAMINATIONS AND TEMPORARY PERMITS TO PRACTICE
8 VETERINARY MEDICINE; TO PROVIDE FOR LICENSE BY ENDORSEMENT IN THE
9 DISCRETION OF THE BOARD; TO PROVIDE FOR A VETERINARY FACULTY
10 LICENSE; TO PROVIDE FOR LICENSE RENEWALS; TO PROVIDE FOR
11 DISCIPLINE OF LICENSEES; TO AUTHORIZE THE BOARD TO ESTABLISH BY
12 RULE A PROGRAM OF CARE, COUNSELING OR TREATMENT FOR IMPAIRED
13 VETERINARIANS; TO PROVIDE FOR HEARINGS AND APPEALS FOR LICENSEES;
14 TO PROVIDE CERTAIN IMMUNITY FROM LIABILITY FOR BOARD MEMBERS,
15 VETERINARIANS AND PERSONS WHO LODGE A COMPLAINT; TO PROVIDE
16 PENALTIES FOR VIOLATIONS OF THIS ACT; TO REPEAL SECTIONS 73-39-1
17 THROUGH 73-39-41, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
18 VETERINARY PRACTICE LAW OF 1946; AND FOR RELATED PURPOSES.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 **SECTION 1.** This act shall be known as the "Mississippi
21 Veterinary Practice Act."

22 **SECTION 2.** When used in this act, these words and phrases
23 shall be defined as follows:

24 (a) "Abandoned" means to forsake entirely, to neglect
25 or refuse to provide or perform legal obligations for the care and
26 support of an animal or to refuse to pay for treatment or other
27 services without an assertion of good cause.

28 (b) "Accredited college of veterinary medicine" means
29 any veterinary college, school or division of a university or
30 college that offers the degree of doctor of veterinary medicine or
31 its equivalent and that is accredited by the Council on Education
32 of the American Veterinary Medical Association (AVMA).

33 (c) "Accredited program in veterinary
34 technology/technician" means any postsecondary educational program

35 that is accredited by the Committee on Veterinary Technician
36 Education and Activities of the AVMA.

37 (d) "Animal" means any animal other than a human.

38 (e) "Board" means the Board of Veterinary Medicine.

39 (f) "Client" means the patient's owner, owner's agent
40 or other person responsible for the patient.

41 (g) "Complementary, alternative and integrative
42 therapies" means a heterogeneous group of preventive, diagnostic,
43 and therapeutic philosophies and practices, which at the time they
44 are performed may differ from current scientific knowledge, or
45 whose theoretical basis and techniques may diverge from veterinary
46 medicine routinely taught in accredited veterinary medical
47 colleges, or both. These therapies include, but are not limited
48 to, veterinary acupuncture, acutheraPy, and acupressure;
49 veterinary homeopathy; veterinary manual or manipulative therapy
50 (therapies based on techniques practiced in osteopathy,
51 chiropractic medicine or physical medicine and therapy);
52 veterinary nutraceutical therapy; and veterinary phytotherapy.

53 (h) "Consultation" means when a licensed veterinarian
54 receives advice in person, telephonically, electronically or by
55 any other method of communication, from a veterinarian licensed in
56 this or any other state or other person whose expertise, in the
57 opinion of the licensed veterinarian, would benefit a patient.

58 (i) "Certified veterinary technician" means a
59 veterinary technician certified by the board.

60 (j) "Direct supervision" means a licensed veterinarian
61 is readily available on the premises where the patient is being
62 treated.

63 (k) "Educational equivalence" means the holder has
64 demonstrated knowledge and skill equivalent to that possessed by a
65 graduate of an accredited college of veterinary medicine.

66 (l) "Extralabel use" means actual use or intended use
67 of a drug in an animal in a manner that is not in accordance with

68 the approved labeling. This includes, but is not limited to, use
69 in species not listed in the labeling, use for indications
70 (disease or other conditions) not listed in the labeling, use at
71 dosage levels, frequencies, or routes of administration other than
72 those stated in the labeling, and deviation from the labeled
73 withdrawal time based on these different uses.

74 (m) "Impaired veterinarian" means a veterinarian who is
75 unable to practice veterinary medicine with reasonable skill and
76 safety because of a physical or mental disability as evidenced by
77 a written determination from a competent authority or written
78 consent based on clinical evidence, including deterioration of
79 mental capacity, loss of motor skills, or abuse of drugs or
80 alcohol of sufficient degree to diminish the person's ability to
81 deliver competent patient care.

82 (n) "Indirect supervision" means a veterinarian has
83 given either written or oral instructions for treatment of the
84 patient and is readily available by telephone or other form of
85 communication.

86 (o) "Informed consent" means the veterinarian has
87 informed the client, in a manner that would be understood by a
88 reasonable person, of the diagnostic and treatment options, risk
89 assessment and prognosis and has provided the client with an
90 estimate of the charges for veterinary services to be rendered and
91 the client has consented to the recommended treatment.

92 (p) "Licensed veterinarian" means a person licensed to
93 practice veterinary medicine in this state.

94 (q) "Patient" means an animal that is examined or
95 treated by a veterinarian.

96 (r) "Person" means any individual, firm, partnership
97 (general, limited or limited liability), association, joint
98 venture, cooperative, corporation, limited liability company or
99 any other group or combination acting in concert and whether or
100 not acting as a principal, partner, member, trustee, fiduciary,

101 receiver or as any other kind of legal or personal representative
102 or as the successor in interest, assignee, agent, factor, servant,
103 employee, director, officer or any other representative of such
104 person.

105 (s) "Practice of veterinary medicine" means:

106 (i) To diagnose, treat, correct, change, alleviate
107 or prevent animal disease, illness, pain, deformity, defect,
108 injury or other physical, dental or mental conditions by any
109 method or mode; including:

110 1. The prescribing, dispensing, administering
111 or applying of any drug, medicine, biologic, apparatus, anesthetic
112 or other therapeutic or diagnostic substance or medical or
113 surgical technique; or

114 2. The using of complementary, alternative
115 and integrative therapies; or

116 3. The rendering of advice or recommendation
117 by any means including telephonic and other electronic
118 communications with regard to any of the above.

119 (ii) To represent, directly or indirectly,
120 publicly or privately, an ability and willingness to do an act
121 described in this paragraph.

122 (iii) To use any title, words, abbreviation or
123 letters in a manner or under circumstances that induce the belief
124 that the person using them is qualified to do any act described in
125 this paragraph.

126 (t) "Practice of veterinary technology" means to
127 perform patient care or other services that require a technical
128 understanding of veterinary medicine on the basis of written or
129 oral instruction of a veterinarian, excluding diagnosing,
130 prognosing, performing surgery or prescribing drugs, medicine or
131 appliances.

132 (u) "Veterinarian" means a person who has received a
133 professional veterinary medical degree from a college of
134 veterinary medicine.

135 (v) "Veterinarian-client-patient relationship" means
136 that all of the following are required:

137 (i) The veterinarian has assumed the
138 responsibility for making clinical judgments regarding the health
139 of the animal and the need for medical treatment, and the client
140 has agreed to follow the veterinarian's instructions.

141 (ii) The veterinarian has sufficient knowledge of
142 the animal to initiate at least a general or preliminary diagnosis
143 of the medical condition of the animal because the veterinarian
144 has recently seen and is personally acquainted with the keeping
145 and care of the animal either by virtue of an examination of the
146 animal or by medically appropriate and timely visits to the
147 premises where the animal is kept.

148 (w) "Veterinary medicine" means all branches and
149 specialties included within the practice of veterinary medicine.

150 (x) "Veterinary premises" means any premises or
151 facility where the practice of veterinary medicine occurs,
152 including, but not limited to, a mobile clinic, outpatient clinic,
153 satellite clinic or veterinary hospital or clinic, but shall not
154 include the premises of a veterinary client, research facility, a
155 federal military base or an accredited college of veterinary
156 medicine.

157 (y) "Veterinary prescription drug" means a drug that
158 may not be dispensed without the prescription of a veterinarian
159 and that bears the label statement: "CAUTION: Federal law
160 restricts this drug to use by or on the order of a licensed
161 veterinarian."

162 (z) "Veterinary technician" means a person certified by
163 the board as a veterinary technician.

164 (aa) "Veterinary technologist" means a graduate of a
165 four-year accredited program in veterinary technology.

166 **SECTION 3.** (1) A Board of Veterinary Medicine shall be
167 appointed by the Governor and shall consist of five (5) licensed
168 veterinarians, with at least one (1) member from each of the
169 Supreme Court districts of the state and not more than two (2)
170 members from the same Supreme Court district. All members of the
171 Board of Veterinary Medicine shall be veterinarians who have
172 practiced in this state for a period of not less than five (5)
173 years and shall be graduates of a school of veterinary medicine
174 recognized by the American Veterinary Medical Association.
175 Appointments shall be for a five-year term or to fill an unexpired
176 term. The Governor shall fill all vacancies on the board as they
177 shall occur by appointment from a list of three (3) eligible
178 veterinarians submitted by the Mississippi Veterinary Medical
179 Association for each vacancy. If the vacancy to be filled is
180 caused by expiration of the term, death, resignation or inability
181 to serve as a board member whose residence is in a Supreme Court
182 district having two (2) members on the board, the Mississippi
183 Veterinary Medical Association shall submit six (6) names: three
184 (3) from the Supreme Court district in which the former board
185 member resided and three (3) from the Supreme Court district which
186 had only one (1) member on the board, and the Governor shall fill
187 the vacancy by appointment of one (1) of the six (6) nominees.
188 All appointments shall be with the advice and consent of the
189 Senate.

190 Members of the board serving on the predecessor board under
191 Section 73-39-5 on July 1, 2005, may continue as members of the
192 board until the expiration of the term for which they were
193 appointed. Vacancies due to death, resignation or removal shall
194 be filled for the remainder of the unexpired term in the same
195 manner as regular appointments.

196 (a) A licensed veterinarian shall be qualified to serve
197 as a member of the board if he has been licensed to practice
198 veterinary medicine in this state for the five (5) years
199 immediately preceding the time of his appointment.

200 (b) Each member of the board shall be paid in
201 accordance with Section 25-3-69 for each day or substantial
202 portion thereof if he is engaged in the work of the board, in
203 addition to such reimbursement for travel and other expenses as is
204 allowed under Section 25-3-41.

205 (2) The board shall meet at least once each year at the time
206 and place fixed by rule of the board. Other necessary meetings
207 may be called by the board by giving notice as may be required by
208 rule. Except as may otherwise be provided, a majority of the
209 board constitutes a quorum. Meetings shall be open and public
210 except that the board may meet in closed session to prepare,
211 approve, administer or grade examinations or to deliberate the
212 qualification of an applicant for license or the disposition of a
213 proceeding to discipline a licensed veterinarian in accordance
214 with Section 25-41-7.

215 (3) The board annually shall elect officers from its
216 membership as may be prescribed by rule. Officers of the board
217 serve for terms of one (1) year and until a successor is elected,
218 without limitation on the number of terms an officer may serve.
219 The duties of officers shall be prescribed by rule.

220 **SECTION 4.** The board may:

221 (a) Adopt, amend or repeal all rules necessary for its
222 government and all regulations necessary to implement this act,
223 including the establishment and publication of standards of
224 practice and professional conduct for the practice of veterinary
225 medicine.

226 (b) Adopt, promulgate and enforce rules and regulations
227 relating to specific duties and responsibilities; certification,
228 registration or licensure; and other matters pertaining to

229 veterinary technicians or nonlicensed persons consistent with this
230 act.

231 (c) Initiate disciplinary procedures, hold hearings,
232 reprimand, suspend, revoke or refuse to issue or renew credentials
233 and perform any other acts that may be necessary to regulate
234 veterinary technicians and technologists.

235 (d) Examine by established protocol the qualifications
236 and fitness of applicants for a license to practice veterinary
237 medicine in this state.

238 (e) Issue, renew or deny the licenses and temporary
239 permits to practice veterinary medicine.

240 (f) Limit, suspend or revoke the licenses of
241 disciplined veterinarians or otherwise discipline licensed
242 veterinarians consistent with this act and applicable rules and
243 regulations.

244 (g) Establish and publish annually a schedule of fees
245 for licensing and certification.

246 (h) Conduct investigations of suspected violations of
247 this act to determine whether there are sufficient grounds to
248 initiate disciplinary proceedings.

249 (i) Inspect veterinary premises and equipment,
250 including practice vehicles, at any time in accordance with
251 protocols established by rule.

252 (j) Hold hearings on all matters properly brought
253 before the board, to administer oaths, receive evidence, make
254 necessary determinations and enter orders consistent with the
255 findings. The board may require by subpoena the attendance and
256 testimony of witnesses and the production of papers, records or
257 other documentary evidence and commission depositions. The board
258 may designate one or more of its members to serve as its hearing
259 officer. The board shall adopt rules and regulations for hearings
260 before the board and the rules shall afford any person appearing

261 before the board the safeguards of procedural due process. Formal
262 rules of evidence shall not apply.

263 (k) Employ full- or part-time personnel necessary to
264 implement this act and purchase or rent necessary office space,
265 equipment and supplies.

266 (l) Appoint from its own membership one or more members
267 to act as representatives of the board at any meeting within or
268 outside the state.

269 (m) Bring proceedings in the courts against any person
270 for the enforcement of this act or any regulations made pursuant
271 thereto.

272 The powers enumerated herein are granted for the purpose of
273 enabling the board to supervise effectively the practice of
274 veterinary medicine and veterinary technology and are to be
275 construed liberally to accomplish this objective.

276 **SECTION 5.** (1) No person may practice veterinary medicine
277 in the state who is not a licensed veterinarian or the holder of a
278 valid temporary permit issued by the board unless otherwise exempt
279 under this act.

280 (2) No person may practice veterinary medicine in the state
281 except within the context of a veterinarian-client-patient
282 relationship.

283 (3) A veterinarian-client-patient relationship cannot be
284 established solely by telephonic or other electronic means.

285 **SECTION 6.** This act shall not be construed to prohibit:

286 (a) Any employee of the federal, state or local
287 government performing his official duties.

288 (b) Any student in an accredited college of veterinary
289 medicine or an accredited program in veterinary technology
290 performing duties or actions assigned by instructors or working
291 under the direct supervision of a licensed veterinarian.

292 (c) Any person advising or performing acts that the
293 board has designated by rule as accepted livestock management
294 practices.

295 (d) Any person providing consultation to a licensed
296 veterinarian in this state on the care and management of a
297 patient.

298 (e) Any member in good standing of another licensed or
299 regulated profession within any state, or any member of an
300 organization or group approved by the board, providing assistance
301 requested by a veterinarian licensed in the state, acting with
302 informed consent from the client, and acting under the direct or
303 indirect supervision and control of the licensed veterinarian.
304 Providing assistance involves hands-on active participation in the
305 treatment and care of the patient. The licensed veterinarian
306 shall maintain responsibility for the veterinarian-client-patient
307 relationship.

308 (f) Any veterinarian employed by an accredited college
309 of veterinary medicine providing assistance requested by a
310 veterinarian licensed in the state, acting with informed consent
311 from the client, and acting under the direct or indirect
312 supervision and control of the licensed veterinarian. Providing
313 assistance involves hands-on active participation in the treatment
314 and care of the patient. The licensed veterinarian shall maintain
315 responsibility for the veterinarian-client-patient relationship.

316 (g) Any pharmacist, merchant or manufacturer selling at
317 his regular place of business medicines, feed, appliances or other
318 products used in the prevention or treatment of animal diseases as
319 permitted by law.

320 (h) Any person lawfully engaged in horseshoeing.

321 (i) Any person rendering advice without expectation of
322 compensation.

323 (j) Any owner of an animal and any of the owner's
324 regular employees caring for and treating the animal belonging to

325 such owner, except when the ownership of the animal was
326 transferred for purposes of circumventing this act. A
327 veterinarian-client-patient relationship must exist when
328 prescription drugs or nonprescription drugs intended for
329 extralabel use are administered, dispensed or prescribed.

330 (k) Any instructor at an accredited college of
331 veterinary medicine or accredited program in veterinary technology
332 performing his regular functions or any person lecturing or giving
333 instructions or demonstrations at an accredited college of
334 veterinary medicine, accredited program in veterinary technology
335 or in a veterinary or veterinary technology continuing education
336 course or seminar.

337 (l) Any person selling or applying pesticides,
338 insecticides or herbicides as permitted by law.

339 (m) Any person engaging in bona fide scientific
340 research that reasonably requires experimentation involving
341 animals.

342 (n) Any certified veterinary technician or other
343 employee of a licensed veterinarian performing duties other than
344 diagnosis, prognosis, prescription or surgery under the direction
345 and supervision of the veterinarian who shall be responsible for
346 the performance of the employee.

347 (o) Any graduate of a nonaccredited college of
348 veterinary medicine who is in the process of obtaining educational
349 equivalence and is performing duties or actions assigned by
350 instructors in an accredited college of veterinary medicine.

351 (p) Any person who, without expectation of
352 compensation, provides emergency veterinary care in an emergency
353 or disaster situation.

354 (q) Any animal shelter employee acting under the
355 supervision of a licensed veterinarian or authorized by the board
356 to perform euthanasia in the course and scope of employment.

357 SECTION 7. (1) The practice of veterinary technology is a
358 privilege granted by legislative authority to maintain public
359 health, safety and welfare and to protect the public from being
360 misled by unauthorized individuals.

361 (2) An individual who has graduated from a veterinary
362 technology or technician program that is accredited according to
363 the standards adopted by the American Veterinary Medical
364 Association's Committee on Veterinary Technician/Technology
365 Education and Activities or has obtained a high school diploma or
366 GED certificate and has completed a program of five (5) continuous
367 years of practical training as an animal technician or
368 technologist approved by the board; and who has filed the
369 application and the requisite fees shall be eligible to take the
370 examination for certification as an animal technician.

371 (3) Veterinary technicians and technologists applying for
372 certification shall be required to pass the Veterinary Technician
373 National Examination, with scores as set by the board, before
374 receiving certification.

375 (4) All certified veterinary technicians and technologists
376 shall be required to complete continuing professional education as
377 prescribed by rule to renew their credentials.

378 (5) After a hearing, the board may suspend, revoke or deny
379 the issuance or renewal of certification of any veterinary
380 technician or technologist who is found guilty of any of the
381 following:

382 (a) Fraud or misrepresentation in applying for
383 certification.

384 (b) Criminal offense relating to veterinary medicine.

385 (c) Any violation of the Uniform Controlled Substances
386 Law.

387 (d) Convicted of cruelty to animals.

388 (e) Violation of any of the rules or regulations of the
389 board.

390 **SECTION 8.** Any person who holds a valid license to practice
391 veterinary medicine in this state on July 1, 2005, shall be
392 recognized as a licensed veterinarian and shall be entitled to
393 retain this status so long as he complies with this act.

394 **SECTION 9.** (1) To obtain a license to practice veterinary
395 medicine, a person shall file a written application and
396 application fee with the board. The application shall show that
397 the applicant is a graduate of an accredited college of veterinary
398 medicine or has the educational equivalence as set by the board.
399 The application shall also show that the applicant is a person of
400 good moral character and any other information and proof as the
401 board may require.

402 (2) If the board determines that the applicant possesses the
403 proper qualifications, it shall admit the applicant to the next
404 examination, or if the applicant is eligible for license by
405 endorsement, the board may grant him a license. If an applicant
406 is found not qualified to take the examination or for a license by
407 endorsement, the board shall notify the applicant in writing
408 within thirty (30) days of its finding and the grounds for its
409 findings. An applicant found unqualified may request a hearing
410 before the board.

411 (3) The board may grant a temporary license to an applicant
412 to practice veterinary medicine until the scheduled state board
413 examination, if the applicant pays the application fee, provides
414 sufficient evidence that he meets the qualifications for
415 licensure, and provides evidence that he resides in the State of
416 Mississippi. The board may grant a second temporary permit, but
417 the board may not grant more than two (2) temporary permits to any
418 one (1) person.

419 (4) A person licensed by the board shall display the license
420 in the facility in which the licensee practices.

421 **SECTION 10.** (1) The board shall provide for at least one
422 (1) examination for licensing, certification, or registration

423 during each calendar year and may provide for such additional
424 examinations as are necessary. The board shall give public notice
425 of the time and place of each examination at least one hundred
426 twenty (120) days before the date of the examination.

427 (2) The preparation, administration, grading and criterion
428 for passing examinations shall be governed by rules prescribed by
429 the board. Examinations for veterinary licensure shall be
430 designed to test the examinee's knowledge of and proficiency in
431 the subjects and techniques pertaining to the practice of
432 veterinary medicine commonly taught in an accredited college of
433 veterinary medicine. The passing score shall be determined by the
434 testing entity. The board may adopt and use the results of a
435 nationally recognized testing entity such as the National Board of
436 Veterinary Medical Licensing Examiners.

437 (3) Any person, not licensed to practice veterinary medicine
438 under the laws of Mississippi, shall be required to take the state
439 board examination. This examination shall be designed to test the
440 applicant's knowledge of the Mississippi Veterinary Practice Act
441 and Principles of Veterinary Medical Ethics as set forth by the
442 American Veterinary Medical Association. Notice of this
443 examination shall be given one hundred twenty (120) days in
444 advance, and application must be made at least thirty (30) days
445 before the examination. The examination shall be administered
446 annually on the second Tuesday of June. The application fee and
447 time and location of the examination shall be determined by the
448 board.

449 (4) After examination, each examinee shall be notified of
450 the result of the examination, and the board shall issue a license
451 signed by members of the board. Any person who fails an
452 examination may be admitted to any subsequent examination on
453 payment of the application fee.

454 **SECTION 11.** (1) The board may issue a license by
455 endorsement to an applicant who furnishes satisfactory proof that

456 he is a graduate of an accredited college of veterinary medicine
457 or the educational equivalence. The applicant must also show that
458 he is a person of good moral character and is licensed to practice
459 veterinary medicine in at least one (1) state, territory or
460 district of the United States and has practiced veterinary
461 medicine in one or more of those states without disciplinary
462 action by any state or federal agency for at least the three (3)
463 years immediately before filing the application.

464 (2) The board may examine any person qualifying for
465 licensing under this section.

466 **SECTION 12.** (1) A veterinary faculty license shall be
467 required for veterinarians employed in any state institution of
468 higher learning. The board shall issue a license to any
469 veterinarian associated with one (1) of the state institutions of
470 higher learning and involved in the instructional program of
471 either undergraduate or graduate veterinary medical students, if
472 he meets the following conditions:

473 (a) The holder of the veterinary faculty license is not
474 remunerated for the his veterinary practice and the institution
475 employing him shall receive any fees due from his services; and

476 (b) The applicant furnishes the board with proof that
477 he is a graduate of an accredited school or college of veterinary
478 medicine and is duly licensed in this or another state.

479 (2) The license may be cancelled for any violations of this
480 act or if the licensee permanently moves out of the state or
481 leaves the employment of the institution of higher learning.

482 **SECTION 13.** (1) All licenses shall expire August 1 of each
483 year but may be renewed by registration with the board and payment
484 of the license renewal fee. At least thirty (30) days in advance,
485 the board shall mail an expiration notice to each licensed
486 veterinarian and include a form for renewal.

487 (2) The board shall establish the continuing education
488 requirements that must be met for license renewal.

489 (3) Any person may renew an expired license within five (5)
490 years of the date of its expiration by making written application
491 for renewal, paying the current renewal fee and a reinstatement
492 fee of Five Hundred Dollars (\$500.00) plus all delinquent renewal
493 fees and complying with continuing education requirements.

494 (4) The board may waive the payment of the registration
495 renewal fee of a licensed veterinarian during the period when he
496 is on active duty with any branch of the Armed Services of the
497 United States.

498 (5) Any licensed veterinarian who is sixty-five (65) years
499 of age or older and who is employed as a veterinarian on a
500 part-time basis only shall be exempt from payment of such renewal
501 fee.

502 (6) The payment of the annual license renewal fee shall be
503 optional for all veterinarians seventy (70) years and older.

504 **SECTION 14.** (1) Upon a written complaint sworn to by any
505 person, the board, in its sole discretion, may, after a hearing,
506 revoke, suspend or limit for a certain time a license, impose an
507 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
508 for each separate offense, or otherwise discipline any licensed
509 veterinarian for any of the following reasons:

510 (a) The employment of fraud, misrepresentation or
511 deception in obtaining a license.

512 (b) The inability to practice veterinary medicine with
513 reasonable skill and safety because of a physical or mental
514 disability, including deterioration of mental capacity, loss of
515 motor skills or abuse of drugs or alcohol of sufficient degree to
516 diminish the person's ability to deliver competent patient care.

517 (c) The use of advertising or solicitation that is
518 false or misleading.

519 (d) Conviction of the following in any federal court or
520 in the courts of this state or any other jurisdiction, regardless
521 of whether the sentence is deferred:

- 522 (i) Any felony;
- 523 (ii) Any crime involving cruelty, abuse or neglect
524 of animals, including bestiality;
- 525 (iii) Any crime of moral turpitude;
- 526 (iv) Any crime involving unlawful sexual contact,
527 child abuse, the use or threatened use of a weapon, the infliction
528 of injury, indecent exposure, perjury, false reporting, criminal
529 impersonation, forgery and any other crime involving a lack of
530 truthfulness, veracity or honesty, intimidation of a victim or
531 witness, larceny, or alcohol or drugs.

532 For the purposes of this paragraph, a plea of guilty or a
533 plea of nolo contendere accepted by the court shall be considered
534 as a conviction.

535 (e) Incompetence, gross negligence or other malpractice
536 in the practice of veterinary medicine.

537 (f) Aiding the unlawful practice of veterinary
538 medicine.

539 (g) Fraud or dishonesty in the application or reporting
540 of any test for disease in animals.

541 (h) Failure to report, as required by law, or making
542 false or misleading report of, any contagious or infectious
543 disease.

544 (i) Failure to keep accurate patient records.

545 (j) Dishonesty or gross negligence in the performance
546 of food safety inspections or in the issuance of any health or
547 inspection certificates.

548 (k) Failure to keep veterinary premises and equipment,
549 including practice vehicles, in a clean and sanitary condition.

550 (l) Failure to permit the board or its agents to enter
551 and inspect veterinary premises and equipment, including practice
552 vehicles, as set by rules promulgated by the board.

553 (m) Revocation, suspension or limitation of a license
554 to practice veterinary medicine by another state, territory or
555 district of the United States.

556 (n) Loss or suspension of accreditation by any federal
557 or state agency.

558 (o) Unprofessional conduct as defined in regulations
559 adopted by the board.

560 (p) The dispensing, distribution, prescription or
561 administration of any veterinary prescription drug, or the
562 extralabel use of any drug in the absence of a
563 veterinarian-client-patient relationship.

564 (q) Violations of state or federal drug laws.

565 (r) Violations of any order of the board.

566 (s) Violations of this act or of the rules promulgated
567 under this act.

568 (2) A certified copy of any judgment of conviction or
569 finding of guilt by a court of competent jurisdiction or by a
570 governmental agency, or agency authorized to issue licenses or
571 permits, including the United States Department of Agriculture,
572 Animal and Plant Health Inspection Service, the Mississippi Board
573 of Animal Health and the Mississippi Board of Health, of a
574 veterinarian or veterinary technician of any matters listed in
575 this section shall be admissible in evidence in any hearing held
576 by the board to discipline such veterinarian or technician and
577 shall constitute prima facie evidence of the commission of any
578 such act.

579 **SECTION 15.** (1) The board shall establish a program of
580 care, counseling or treatment for impaired veterinarians.

581 (2) The program of care, counseling or treatment shall
582 include a written schedule of organized treatment, care,
583 counseling, activities or education satisfactory to the board
584 designed for the purposes of restoring an impaired person to a
585 condition whereby the impaired person can practice veterinary

586 medicine with reasonable skill and safety of a sufficient degree
587 to deliver competent patient care.

588 (3) All persons authorized to practice by the board shall
589 report in good faith any veterinarian they reasonably believe to
590 be impaired as defined in Section 2 of this act.

591 **SECTION 16.** Any person aggrieved by a decision of the board
592 may appeal to the Circuit Court of the First Judicial District of
593 Hinds County, Mississippi, in accordance with the Uniform Rules of
594 Circuit and County Court Practice governing appeals from
595 administrative agencies. The appeal shall be made solely on the
596 record before the board.

597 **SECTION 17.** (1) No licensed veterinarian shall disclose any
598 information concerning the licensed veterinarian's care of a
599 patient except on written authorization or by waiver by the
600 licensed veterinarian's client or by court order, by subpoena, or
601 as otherwise provided in this section.

602 (2) Copies of or information from veterinary records shall
603 be provided without the owner's consent to public, animal health,
604 animal welfare, wildlife or agriculture authorities employed by
605 federal, state or local governmental agencies who have a legal or
606 regulatory interest in the contents of the records for the
607 protection of animal and public health.

608 (3) Any licensed veterinarian releasing information under
609 written authorization or other waiver by the client or under court
610 order, by subpoena, or as otherwise provided by this section shall
611 not be liable to the client or any other person.

612 (4) The privilege provided by this section shall be waived
613 to the extent that the licensed veterinarian's client or the owner
614 of the patient places the licensed veterinarian's care and
615 treatment of the patient or the nature and extent of injuries to
616 the animal at issue in any civil criminal proceeding.

617 **SECTION 18.** Any member of the board, any witness testifying
618 in a proceeding or hearing authorized under this act, any person

619 who lodges a complaint pursuant to this act and any person
620 reporting an impaired veterinarian shall be immune from liability
621 in any civil or criminal action brought against him for any action
622 occurring while he was acting in his capacity as a board member,
623 witness, complainant or reporting party, if the person was acting
624 in good faith within the scope of his capacity.

625 **SECTION 19.** Any veterinarian licensed in this state who
626 reports, in good faith and in the normal course of business, a
627 suspected incident of animal cruelty to the proper authorities
628 shall be immune from liability in any civil or criminal action
629 brought against the veterinarian for reporting the incident.

630 **SECTION 20.** (1) Any animal placed in the custody of a
631 licensed veterinarian for treatment, boarding or other care which
632 is unclaimed by the client for more than ten (10) days after
633 written notice by certified mail, return receipt requested, or
634 United States priority mail, confirmation of receipt, is sent to
635 the client at the client's last known address shall be deemed to
636 be abandoned. The abandonment shall constitute the relinquishment
637 of all rights and claims by the client to the animal. The
638 abandoned animal may be turned over to the nearest humane society
639 or animal shelter or otherwise disposed of or destroyed by the
640 licensed veterinarian in a humane manner.

641 (2) If a licensed veterinarian follows the procedures of
642 this section, the veterinarian is relieved of any further
643 liability for disposal and shall not be subject to disciplinary
644 action under this act.

645 (3) The disposal of an abandoned animal shall not relieve
646 the client of any financial obligation incurred for treatment,
647 boarding or other care provided by the licensed veterinarian.

648 **SECTION 21.** (1) Any person who practices veterinary
649 medicine without a valid license or temporary permit issued by the
650 board is guilty of a misdemeanor and, upon conviction, shall be
651 fined an amount of not more than Five Hundred Dollars (\$500.00)

652 nor less than One Hundred Dollars (\$100.00) per violation if each
653 act of such unlawful practice constitutes a distinct and separate
654 offense.

655 (2) Any person not licensed under this act is considered to
656 have violated this act and may be subject to all the penalties
657 provided for such violations if he:

658 (a) Performs any of the functions described as the
659 practice of veterinary medicine as defined in this act;

660 (b) Represents, directly or indirectly, publicly or
661 privately, an ability and willingness to perform any of the
662 functions described as the practice of veterinary medicine as
663 defined in this act; or

664 (c) Uses any title, words, abbreviation or letters in a
665 manner or under circumstances that induces the belief that the
666 person using them is qualified to perform any of the functions
667 described as the practice of veterinary medicine as defined in
668 this act.

669 (3) The board may bring an action to enjoin any person from
670 practicing veterinary medicine without a valid license or
671 temporary permit issued by the board. If the court finds that the
672 person is violating or is threatening to violate this act, it
673 shall enter an injunction restraining him from the unlawful acts.

674 (4) Notwithstanding any other provisions of this act, the
675 board may take immediate action if there is an imminent threat to
676 the health, safety or welfare of the public. The board shall find
677 that this action is necessary for the protection of the public and
678 necessary to effectively enforce this act. If the board takes
679 immediate action under this subsection, efforts shall be made as
680 soon as possible to proceed in accordance with a hearing under
681 Section 16 of this act.

682 (5) In addition to any other penalty or remedy provided by
683 law, the board may implement a system of cite and fine procedures
684 for licensed and nonlicensed persons who violate the state

685 veterinary practice act. The board may also impose a civil
686 penalty, upon conviction, for each separate violation. This civil
687 penalty shall be in an amount not to exceed Five Hundred Dollars
688 (\$500.00) for each violation and shall be assessed by the board in
689 accordance with the provisions set forth in Section 16 of this
690 act.

691 (6) The success or failure of an action based on any one (1)
692 of the remedies set forth in this section shall in no way
693 prejudice the prosecution of an action based on any other of the
694 remedies.

695 **SECTION 22.** Sections 73-39-1, 73-39-2, 73-39-3, 73-39-5,
696 73-39-7, 73-39-9, 73-39-11, 73-39-13, 73-39-15, 73-39-17,
697 73-39-19, 73-39-20, 73-39-21, 73-39-23, 73-39-25, 73-39-27,
698 73-39-29, 73-39-31, 73-39-32, 73-39-33, 73-39-34, 73-39-35,
699 73-39-37 and 73-39-41, Mississippi Code of 1972, which provide for
700 the Veterinary Practice Law of 1946, are repealed.

701 **SECTION 23.** This act shall take effect and be in force from
702 and after July 1, 2005.