

By: Representative Eaton

To: Agriculture;  
Appropriations

## HOUSE BILL NO. 578

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. Such abandonment  
28 shall constitute the relinquishment of all rights and claims by  
29 the client to such an animal.

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

35           (c) "Accredited program in veterinary  
36 technology/technician" means any postsecondary educational program  
37 that is accredited by the Committee on Veterinary Technician  
38 Education and Activities of the AVMA.

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

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

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

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

55           (h) "Consultation" means when a licensed veterinarian  
56 receives advice in person, telephonically, electronically or by  
57 any other method of communication, from a veterinarian licensed in  
58 this or any other state or other person whose expertise, in the  
59 opinion of the licensed veterinarian, would benefit a patient.  
60 Under any circumstance, the responsibility for the welfare of the  
61 patient remains with the licensed veterinarian receiving  
62 consultation.

63           (i) "Credentialed veterinary technician" means a  
64 veterinary technician who is validly and currently certified by  
65 the board.

66           (j) "Direct supervision" means a licensed veterinarian  
67 is readily available on the premises where the patient is being  
68 treated.

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

72           (l) "Extralabel use" means actual use or intended use  
73 of a drug in an animal in a manner that is not in accordance with  
74 the approved labeling. This includes, but is not limited to, use  
75 in species not listed in the labeling, use for indications  
76 (disease or other conditions) not listed in the labeling, use at  
77 dosage levels, frequencies, or routes of administration other than  
78 those stated in the labeling, and deviation from the labeled  
79 withdrawal time based on these different uses.

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

88           (n) "Indirect supervision" means a veterinarian has  
89 given either written or oral instructions for treatment of the  
90 patient and is readily available by telephone or other form of  
91 communication.

92           (o) "Informed consent" means the veterinarian has  
93 informed the client, in a manner that would be understood by a  
94 reasonable person, of the diagnostic and treatment options, risk  
95 assessment and prognosis and has provided the client with an  
96 estimate of the charges for veterinary services to be rendered and  
97 the client has consented to the recommended treatment.

98           (p) "Licensed veterinarian" means a person who is  
99 validly and currently licensed to practice veterinary medicine in  
100 this state.

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

103           (r) "Person" means any individual, firm, partnership  
104 (general, limited or limited liability), association, joint  
105 venture, cooperative, corporation, limited liability company or  
106 any other group or combination acting in concert and whether or  
107 not acting as a principal, partner, member, trustee, fiduciary,  
108 receiver or as any other kind of legal or personal representative  
109 or as the successor in interest, assignee, agent, factor, servant,  
110 employee, director, officer or any other representative of such  
111 person.

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

113               (i) To diagnose, treat, correct, change, alleviate  
114 or prevent animal disease, illness, pain, deformity, defect,  
115 injury or other physical, dental or mental conditions by any  
116 method or mode; including:

117                       1. The prescribing, dispensing, administering  
118 or applying of any drug, medicine, biologic, apparatus, anesthetic  
119 or other therapeutic or diagnostic substance or medical or  
120 surgical technique; or

121                       2. The using of complementary, alternative  
122 and integrative therapies; or

123                       3. The rendering of advice or recommendation  
124 by any means including telephonic and other electronic  
125 communications with regard to any of the above.

126               (ii) To represent, directly or indirectly,  
127 publicly or privately, an ability and willingness to do an act  
128 described in this paragraph.

129               (iii) To use any title, words, abbreviation or  
130 letters in a manner or under circumstances that induce the belief

131 that the person using them is qualified to do any act described in  
132 this paragraph.

133 (t) "Practice of veterinary technology/technician"  
134 means: to perform patient care or other services that require a  
135 technical understanding of veterinary medicine on the basis of  
136 written or oral instruction of a veterinarian, excluding  
137 diagnosing, prognosing, performing surgery or prescribing drugs,  
138 medicine or appliances.

139 (u) "Veterinarian" means a person who has received a  
140 professional veterinary medical degree from a college of  
141 veterinary medicine.

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

144 (i) The veterinarian has assumed the  
145 responsibility for making clinical judgments regarding the health  
146 of the animal and the need for medical treatment, and the client  
147 has agreed to follow the veterinarian's instructions.

148 (ii) The veterinarian has sufficient knowledge of  
149 the animal to initiate at least a general or preliminary diagnosis  
150 of the medical condition of the animal. This means that the  
151 veterinarian has recently seen and is personally acquainted with  
152 the keeping and care of the animal either by virtue of an  
153 examination of the animal or by medically appropriate and timely  
154 visits to the premises where the animal is kept.

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

157 (x) "Veterinary premises" means any premises or  
158 facility where the practice of veterinary medicine occurs,  
159 including, but not limited to, a mobile clinic, outpatient clinic,  
160 satellite clinic or veterinary hospital or clinic, but shall not  
161 include the premises of a veterinary client, research facility, a  
162 federal military base or an accredited college of veterinary  
163 medicine.

164           (y) "Veterinary prescription drug" means a drug that  
165 may not be dispensed without the prescription of a veterinarian  
166 and that bears the label statement: "CAUTION: federal law  
167 restricts this drug to use by or on the order of a licensed  
168 veterinarian."

169           (z) "Veterinary specialist" means that a veterinarian  
170 has completed all of the requirements to become a diplomat within  
171 an AVMA-recognized veterinary specialty organization.

172           (aa) "Veterinary technician" means a graduate of a  
173 two-year or three-year accredited program in veterinary  
174 technology, a person who has a high school diploma, has completed  
175 a program of five (5) continuous years of practical training,  
176 approved by the board, as an animal technician, has completed and  
177 filed an application, paid fees and successfully completed the  
178 examination for certification as an animal  
179 technician/technologist.

180           (bb) "Veterinary technologist" means a graduate of a  
181 four-year accredited program in veterinary technology.

182           **SECTION 3.** (1) A Board of Veterinary Medicine shall be  
183 appointed by the Governor and shall consist of five (5) licensed  
184 veterinarians, with at least one (1) member from each of the  
185 Supreme Court districts of the state and not more than two (2)  
186 members from the same Supreme Court district. All members of the  
187 Board of Veterinary Medicine shall be veterinarians who have  
188 practiced in this state for a period of not less than five (5)  
189 years and shall be graduates of a bona fide school of veterinary  
190 medicine recognized by the American Veterinary Medical  
191 Association. Appointments shall be for a five-year term or to  
192 fill an unexpired term. The Governor shall fill all vacancies on  
193 the board as they shall occur by appointment from a list of three  
194 (3) eligible veterinarians submitted by the Mississippi Veterinary  
195 Medical Association for each vacancy. If the vacancy to be filled  
196 is caused by expiration of the term, death, resignation or

197 inability to serve of a board member whose residence is in a  
198 Supreme Court district having two (2) members on the board, the  
199 Mississippi Veterinary Medical Association shall submit six (6)  
200 names: three (3) from the Supreme Court district in which the  
201 former board member resided and three (3) from the Supreme Court  
202 district which had only one (1) member on the board, and the  
203 Governor shall fill the vacancy by appointment of one (1) of the  
204 six (6) nominees. All appointments shall be with the advice and  
205 consent of the Senate.

206 Members of the board appointed under Section 73-39-5 as it  
207 existed before the effective date of this act may continue as  
208 members of the board until the expiration of the term for which  
209 they were appointed. Vacancies due to death, resignation or  
210 removal shall be filled for the remainder of the unexpired term in  
211 the same manner as regular appointments.

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

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

221 (c) Any member of the board may be removed in  
222 accordance with the Mississippi Administrative Procedures Law.

223 (2) The board shall meet at least once each year at the time  
224 and place fixed by rule of the board. Other necessary meetings  
225 may be called by the board by giving notice as may be required by  
226 rule. Except as may otherwise be provided, a majority of the  
227 board constitutes a quorum. Meetings shall be open and public  
228 except that the board may meet in closed session to prepare,  
229 approve, administer or grade examinations or to deliberate the

230 qualification of an applicant for license or the disposition of a  
231 proceeding to discipline a licensed veterinarian in accordance  
232 with Section 25-41-7.

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

238 (4) The board may:

239 (a) Adopt, amend or repeal all rules necessary for its  
240 government and all regulations necessary to carry into effect the  
241 provisions of this act, including the establishment and  
242 publication of standards of practice and professional conduct for  
243 the practice of veterinary medicine.

244 (b) Adopt, promulgate and enforce rules and regulations  
245 relating to specific duties and responsibilities; certification,  
246 registration or licensure; and other matters pertaining to  
247 veterinary technicians or nonlicensed persons consistent with the  
248 provisions of this act.

249 (c) Initiate disciplinary procedures, hold hearings,  
250 reprimand, suspend, revoke or refuse to issue or renew credentials  
251 and perform any other acts that may be necessary to regulate  
252 veterinary technicians and technologists in a manner consistent  
253 with the provisions of this act applicable to veterinarians.

254 (d) Examine by established protocol the qualifications  
255 and fitness of applicants for a license to practice veterinary  
256 medicine in the state.

257 (e) Issue, renew or deny the licenses and temporary  
258 permits to practice veterinary medicine in this state.

259 (f) Limit, suspend or revoke the licenses of  
260 disciplined veterinarians or otherwise discipline licensed  
261 veterinarians consistent with the provisions of the act and the  
262 rules and regulations adopted thereunder.



263           (g) Establish and publish annually a schedule of fees  
264 for licensing and certification.

265           (h) Conduct investigations of suspected violations of  
266 this act to determine whether there are sufficient grounds to  
267 initiate disciplinary proceedings. All investigations shall be  
268 conducted in accordance with the Mississippi Administrative  
269 Procedures Law.

270           (i) Inspect veterinary premises and equipment,  
271 including practice vehicles, at any time in accordance with  
272 protocols established by rule.

273           (j) Hold hearings on all matters properly brought  
274 before the board and in connection thereto to administer oaths,  
275 receive evidence, make necessary determinations and enter orders  
276 consistent with the findings. The board may require by subpoena  
277 the attendance and testimony of witnesses and the production of  
278 papers, records or other documentary evidence and commission  
279 depositions. The board may designate one or more of its members  
280 to serve as its hearing officer. All hearings shall be conducted  
281 in accordance with the Mississippi Administrative Procedures Law.

282           (k) Employ full or part-time personnel necessary to  
283 effectuate the provisions of this act and purchase or rent  
284 necessary office space, equipment and supplies.

285           (l) Appoint from its own membership one or more members  
286 to act as representatives of the board at any meeting within or  
287 outside the state where such representative is deemed desirable.

288           (m) Bring proceedings in the courts against any person  
289 for the enforcement of this act or any regulations made pursuant  
290 thereto.

291           (5) The powers enumerated herein are granted for the purpose  
292 of enabling the board to supervise effectively the practice of  
293 veterinary medicine and veterinary technology/technician and are  
294 to be construed liberally to accomplish this objective.

295           **SECTION 4.** No person may practice veterinary medicine in the  
296 state who is not a licensed veterinarian or the holder of a valid  
297 temporary permit issued by the board unless otherwise exempt under  
298 Section 6 of this act.

299           **SECTION 5.** (1) No person may practice veterinary medicine  
300 in the state except within the context of a  
301 veterinarian-client-patient relationship.

302           (2) A veterinarian-client-patient relationship cannot be  
303 established solely by telephonic or other electronic means.

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

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

307           (b) Any person who is a student in an accredited  
308 college of veterinary medicine or an accredited program in  
309 veterinary technology/technician performing duties or actions  
310 assigned by instructors or working under the direct supervision of  
311 a licensed veterinarian.

312           (c) Any person advising with respect to or performing  
313 acts that the board has designated by rule as accepted livestock  
314 management practices.

315           (d) Any person providing consultation to a licensed  
316 veterinarian in this state on the care and management of a  
317 patient.

318           (e) Any member in good standing of another licensed or  
319 regulated profession within any state, or any member of an  
320 organization or group approved by the board within the rules and  
321 regulations, providing assistance requested by a veterinarian  
322 licensed in the state, acting with informed consent from the  
323 client, and acting under the direct or indirect supervision and  
324 control of the licensed veterinarian. Providing assistance  
325 involves hands-on active participation in the treatment and care  
326 of the patient. The licensed veterinarian shall maintain  
327 responsibility for the veterinarian-client-patient relationship.

328           (f) Any veterinarian employed by an accredited college  
329 of veterinary medicine providing assistance requested by a  
330 veterinarian licensed in the state, acting with informed consent  
331 from the client, and acting under the direct or indirect  
332 supervision and control of the licensed veterinarian. Providing  
333 assistance involves hands-on active participation in the treatment  
334 and care of the patient. The licensed veterinarian shall maintain  
335 responsibility for the veterinarian-client-patient relationship.

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

340           (h) Any person lawfully engaged in the art or  
341 profession of horseshoeing.

342           (i) Any person rendering advice without expectation of  
343 compensation.

344           (j) Any owner of an animal and any of the owner's  
345 regular employees caring for and treating the animal belonging to  
346 such owner, except where the ownership of the animal was  
347 transferred for purposes of circumventing this act.

348 Notwithstanding the provisions of Section 10 of this act, a  
349 veterinarian-client-patient relationship must exist when  
350 prescription drugs or nonprescription drugs intended for  
351 extralabel use are administered, dispensed or prescribed.

352           (k) Any instructor at an accredited college of  
353 veterinary medicine or accredited program in veterinary  
354 technology/technician performing his regular functions or any  
355 person lecturing or giving instructions or demonstrations at an  
356 accredited college of veterinary medicine or accredited program in  
357 veterinary technology/technician or in connection with a  
358 veterinary or veterinary technology/technician continuing  
359 education course or seminar.

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

362 (m) Any person engaging in bona fide scientific  
363 research that reasonably requires experimentation involving  
364 animals.

365 (n) Any credentialed veterinary technician or other  
366 employee of a licensed veterinarian performing duties other than  
367 diagnosis, prognosis, prescription or surgery under the direction  
368 and supervision of such veterinarian who shall be responsible for  
369 the performance of the employee.

370 (o) Any graduate of a nonaccredited college of  
371 veterinary medicine who is in the process of obtaining educational  
372 equivalence and is performing duties or actions assigned by  
373 instructors in an accredited college of veterinary medicine.

374 (p) Any person who, without expectation of  
375 compensation, provides emergency veterinary care in an emergency  
376 or disaster situation.

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

380 **SECTION 7.** (1) The practice of veterinary technology is a  
381 privilege granted by legislative authority to maintain public  
382 health, safety and welfare and to protect the public from being  
383 misled by unauthorized individuals.

384 (2) An individual who has graduated from a veterinary  
385 technology/technician program that is accredited according to the  
386 standards adopted by the American Veterinary Medical Association's  
387 Committee on Veterinary Technician/Technology Education and  
388 Activities or has obtained a high school diploma or GED  
389 certificate and has completed a program of five (5) continuous  
390 years of practical training as an animal technician/technologist  
391 approved by the board; and who has completed and filed the  
392 application as provided herein and paid the requisite fees shall

393 be eligible to take the examination for certification as an animal  
394 technician.

395 (3) Veterinary technicians/technologists applying for  
396 certification shall be required to pass the Veterinary Technician  
397 National Examination, with scores as set by the board, before  
398 receiving certification.

399 (4) All certified veterinary technicians/technologists shall  
400 be required to complete continuing professional education as  
401 prescribed by rule to renew their credentials.

402 (5) The board may suspend, revoke or deny the issuance or  
403 renewal of certification of any veterinary technician/technologist  
404 if after a hearing of the board has been found guilty of any of  
405 the following:

406 (a) Fraud or misrepresentation in applying for  
407 certification.

408 (b) Criminal offense relating to veterinary medicine.

409 (c) Any violation of the Uniform Controlled Substances  
410 Law.

411 (d) Convicted of cruelty to animals.

412 (e) Violation of any of the rules or regulations of the  
413 board.

414 **SECTION 8.** Any person who holds a valid license to practice  
415 veterinary medicine in this state on the effective date of this  
416 act shall be recognized as a licensed veterinarian and shall be  
417 entitled to retain this status so long as he complies with the  
418 provisions of this act, including periodic renewal of the license.

419 **SECTION 9.** (1) Any person desiring a license to practice  
420 veterinary medicine in this state shall make written application  
421 to the board. The application shall show that the applicant is a  
422 graduate of an accredited college of veterinary medicine or has  
423 proven educational equivalence as set by rule of the board. The  
424 application shall also show that the applicant is a person of good  
425 moral character and such other information and proof as the board

426 may require by rule. The application shall be accompanied by a  
427 fee in the amount established and published by the board.

428 (2) If the board determines that the applicant possesses the  
429 proper qualifications, it shall admit the applicant to the next  
430 examination, or if the applicant is eligible for license by  
431 endorsement under Section 11 of this act, the board may forthwith  
432 grant him a license. If an applicant is found not qualified to  
433 take the examination or for a license by endorsement, the board  
434 shall notify the applicant in writing within thirty (30) days of  
435 such finding and the grounds therefor. An applicant found  
436 unqualified may request a hearing on the questions of his  
437 qualifications under the procedure set forth in Section 16 of this  
438 act.

439 (3) The board may grant a temporary license to practice  
440 veterinary medicine to an applicant who applies and wishes to  
441 practice before the scheduled state board examination, if the  
442 applicant submits the application fee set forth by rule of the  
443 board, provides sufficient evidence that he meets the  
444 qualifications set forth for licensure and provides evidence that  
445 he resides in the State of Mississippi. The temporary permit  
446 shall entitle the holder to practice until the next state board  
447 examination is administered in June during the annual meeting at  
448 which time the permit shall expire. The board may grant a second  
449 temporary permit, but the board may not grant more than two (2)  
450 such temporary permits to any one (1) person.

451 (4) A person duly licensed by the Board of Veterinary  
452 Medicine shall display such license in the facility in which the  
453 licensee practices.

454 **SECTION 10.** (1) The board shall provide for at least one  
455 (1) examination for licensing, certification, or registration  
456 during each calendar year and may provide for such additional  
457 examinations as are necessary. The board shall give public notice  
458 of the time and place of each examination at least one hundred

459 twenty (120) days in advance of the date set for the examination.  
460 Deadline for application shall be determined by rule.

461 (2) The preparation, administration, grading and criterion  
462 for passing examinations shall be governed by rules prescribed by  
463 the board. Examinations for veterinary licensure shall be  
464 designed to test the examinee's knowledge of and proficiency in  
465 the subjects and techniques pertaining to the practice of  
466 veterinary medicine commonly taught in an accredited college of  
467 veterinary medicine. The passing score shall be determined by the  
468 testing entity. The board may adopt and use the results of a  
469 nationally recognized testing entity such the National Board of  
470 Veterinary Medical Licensing Examiners.

471 (3) Any person, not already licensed to practice veterinary  
472 medicine under the laws of Mississippi, shall be required to take  
473 the state board examination prepared and administered by the  
474 board. This examination is designed to test the applicant's  
475 knowledge of the Mississippi Veterinary Practice Act and  
476 Principles of Veterinary Medical Ethics as set forth by the  
477 American Veterinary Medical Association. Notice of this  
478 examination shall be given one hundred twenty (120) days in  
479 advance, and application must be made at least thirty (30) days  
480 before the examination. The examination shall be administered  
481 annually on the second Tuesday of June. The application fee and  
482 time and location of the examination shall be determined by rule  
483 of the board.

484 (4) After examination, each examinee shall be notified of  
485 the result of the examination, and the board shall issue a license  
486 signed by members of the board. Any person who fails an  
487 examination may be admitted to any subsequent examination on  
488 payment of the application fee.

489 **SECTION 11.** (1) The board, in its sole discretion, may  
490 issue a license by endorsement to a qualified applicant who  
491 furnishes satisfactory proof that he is a graduate of an

492 accredited college of veterinary medicine or has established  
493 educational equivalence as determined by rule of the board. The  
494 applicant must also show that he is a person of good moral  
495 character and is currently licensed to practice veterinary  
496 medicine in at least one (1) state, territory or district of the  
497 United States and has practiced veterinary medicine in one or more  
498 of those states without disciplinary action by any state or  
499 federal agency for at least the three (3) years immediately before  
500 filing the application.

501 (2) At its sole discretion, the board may examine any person  
502 qualifying for licensing under this section.

503 (3) Veterinarians applying for licensure by endorsement in  
504 Mississippi must also take and pass the state board examination as  
505 provided in Section 10 of this act.

506 **SECTION 12.** The board shall issue a veterinary faculty  
507 license, which shall be required for employment in any state  
508 institution, to any veterinarian associated with one (1) of the  
509 state institutions of higher learning and involved in the  
510 instructional program of either undergraduate or graduate  
511 veterinary medical students, subject to the following conditions:

512 (a) That the holder of the veterinary faculty license  
513 shall not be remunerated for the practice aspects of his service  
514 rather, the institution employing him shall receive any fees due  
515 from his services;

516 (b) That the applicant shall furnish the board with  
517 proof that he or she is a graduate of an accredited school or  
518 college of veterinary medicine and is duly licensed in this or  
519 another state; and

520 (c) That the license may be cancelled for any of the  
521 reasons enumerated in Section 14 of this act or if the holder of  
522 the veterinary faculty license permanently moves out of the state  
523 or leaves the employment of the institution of higher learning.



524           **SECTION 13.** (1) All licenses shall expire August 1 of each  
525 year but may be renewed by registration with the board and payment  
526 of the license renewal fee established and published by the board.  
527 At least thirty (30) days in advance, the board shall mail a  
528 notice to each licensed veterinarian that his license will expire  
529 and provide him with a form for reregistration. The board shall  
530 issue a new certificate of licensure to all persons registering  
531 under this act.

532           (2) The board shall establish the continuing education  
533 requirements that must be met for license renewal. The board  
534 shall also define the types of continuing education that will meet  
535 its requirements.

536           (3) Any person who shall practice veterinary medicine after  
537 the expiration of his license and willfully or by neglect fail to  
538 renew such license shall be practicing in violation of this act.  
539 Any person may renew an expired license within five (5) years of  
540 the date of its expiration by making written application for  
541 renewal, paying the current renewal fee and a reinstatement fee of  
542 Five Hundred Dollars (\$500.00) plus all delinquent renewal fees  
543 and complying with current continuing education requirements.

544           (4) The board may by rule waive the payment of the  
545 registration renewal fee of a licensed veterinarian during the  
546 period when he is on active duty with any branch of the Armed  
547 Services of the United States.

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

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

554           **SECTION 14.** (1) Upon a written complaint sworn to by any  
555 person, the board, in its sole discretion, may, after a hearing,  
556 revoke, suspend or limit for a certain time the license of, impose

557 an administrative fine not to exceed One Thousand Dollars  
558 (\$1,000.00) for each separate offense on or otherwise discipline,  
559 any licensed veterinarian for any of the following reasons:

560 (a) The employment of fraud, misrepresentation or  
561 deception in obtaining a license.

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

567 (c) The use of advertising or solicitation that is  
568 false or misleading.

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

572 (i) Any felony;

573 (ii) Any crime involving cruelty, abuse or neglect  
574 of animals, including bestiality;

575 (iii) Any crime of moral turpitude;

576 (iv) Any crime involving unlawful sexual contact,  
577 child abuse, the use or threatened use of a weapon, the infliction  
578 of injury, indecent exposure, perjury, false reporting, criminal  
579 impersonation, forgery and any other crime involving a lack of  
580 truthfulness, veracity or honesty, intimidation of a victim or  
581 witness, larceny, or alcohol or drugs.

582 For the purposes of this paragraph, a plea of guilty or a  
583 plea of nolo contendere accepted by the court shall be considered  
584 as a conviction.

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

587 (f) Aiding the unlawful practice of veterinary  
588 medicine.

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

591 (h) Failure to report, as required by law, or making  
592 false or misleading report of, any contagious or infectious  
593 disease.

594 (i) Failure to keep accurate patient records.

595 (j) Dishonesty or gross negligence in the performance  
596 of food safety inspections or in the issuance of any health or  
597 inspection certificates.

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

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

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

606 (n) Loss or suspension of accreditation by any federal  
607 or state agency.

608 (o) Unprofessional conduct as defined in regulations  
609 adopted by the board.

610 (p) The dispensing, distribution, prescription or  
611 administration of any veterinary prescription drug, or the  
612 extralabel use of any drug in the absence of a  
613 veterinarian-client-patient relationship.

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

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

616 (s) Violations of this act or of the rules promulgated  
617 under this act.

618 (2) A certified copy of any judgment of conviction or  
619 finding of guilt by a court of competent jurisdiction or by a  
620 governmental agency, or agency authorized to issue licenses or  
621 permits, including the United States Department of Agriculture,

622 Animal and Plant Health Inspection Service, the Mississippi Board  
623 of Animal Health and the Mississippi Board of Health, of a  
624 veterinarian or veterinary technician of any matters listed in  
625 this section shall be admissible in evidence in any hearing held  
626 by the board to discipline such veterinarian or technician and  
627 shall constitute prima facie evidence of the commission of any  
628 such act.

629 **SECTION 15.** (1) The board shall establish by rule a program  
630 of care, counseling or treatment for impaired veterinarians.

631 (2) The program of care, counseling or treatment shall  
632 include a written schedule of organized treatment, care,  
633 counseling, activities or education satisfactory to the board  
634 designed for the purposes of restoring an impaired person to a  
635 condition whereby the impaired person can practice veterinary  
636 medicine with reasonable skill and safety of a sufficient degree  
637 to deliver competent patient care.

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

641 **SECTION 16.** All hearings shall be in accordance with the  
642 Mississippi Administrative Procedures Law.

643 **SECTION 17.** All appeals shall be in accordance with the  
644 Mississippi Administrative Procedures Law.

645 **SECTION 18.** Any person whose license is suspended, revoked  
646 or limited may be reinstated at any time, with or without an  
647 examination, by approval of the board after written application is  
648 made to the board showing cause justifying relicensing or  
649 reinstatement.

650 **SECTION 19.** (1) No licensed veterinarian shall disclose any  
651 information concerning the licensed veterinarian's care of a  
652 patient except on written authorization or by waiver by the  
653 licensed veterinarian's client or on appropriate court order, by  
654 subpoena, or as otherwise provided in this section.

655 (2) Copies of or information from veterinary records shall  
656 be provided without the owner's consent to public, animal health,  
657 animal welfare, wildlife or agriculture authorities employed by  
658 federal, state or local governmental agencies who have a legal or  
659 regulatory interest in the contents of the records for the  
660 protection of animal and public health.

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

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

670 **SECTION 20.** Any member of the board, any witness testifying  
671 in a proceeding or hearing authorized under this act, any person  
672 who lodges a complaint pursuant to this act and any person  
673 reporting an impaired veterinarian shall be immune from liability  
674 in any civil or criminal action brought against him for any action  
675 occurring while he was acting in his capacity as a board member,  
676 witness, complainant or reporting party, if such person was acting  
677 in good faith within the scope of his respective capacity.

678 **SECTION 21.** Any veterinarian licensed in this state who  
679 reports, in good faith and in the normal course of business, a  
680 suspected incident of animal cruelty, as described by law, to the  
681 proper authorities shall be immune from liability in any civil or  
682 criminal action brought against such veterinarian for reporting  
683 such incident.

684 **SECTION 22.** (1) Any animal placed in the custody of a  
685 licensed veterinarian for treatment, boarding or other care which  
686 is unclaimed by the client for more than ten (10) days after  
687 written notice by certified mail, return receipt requested, or

688 United States priority mail, confirmation of receipt, is sent to  
689 the client at the client's last known address shall be deemed to  
690 be abandoned. Such abandoned animal may be turned over to the  
691 nearest humane society or animal shelter or otherwise disposed of  
692 or destroyed by the licensed veterinarian in a humane manner.

693 (2) If notice is sent under this section, the licensed  
694 veterinarian responsible for such abandoned animal is relieved of  
695 any further liability for disposal. If a licensed veterinarian  
696 follows the procedures of this section, the veterinarian shall not  
697 be subject to disciplinary action under Section 14 of this act  
698 unless such licensed veterinarian fails to provide the proper  
699 notification to the client.

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

703 **SECTION 23.** (1) Any person who practices veterinary  
704 medicine without a valid license or temporary permit issued by the  
705 board shall be guilty of a misdemeanor and, upon conviction, shall  
706 be fined an amount of not more than Five Hundred Dollars (\$500.00)  
707 nor less than One Hundred Dollars (\$100.00) per violation if each  
708 act of such unlawful practice shall constitute a distinct and  
709 separate offense.

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

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

715 (b) Represents, directly or indirectly, publicly or  
716 privately, an ability and willingness to perform any of the  
717 functions described as the practice of veterinary medicine as  
718 defined in this act; or

719 (c) Uses any title, words, abbreviation or letters in a  
720 manner or under circumstances that induces the belief that the

721 person using them is qualified to perform any of the functions  
722 described as the practice of veterinary medicine as defined in  
723 this act.

724 (3) The board may bring an action to enjoin any person from  
725 practicing veterinary medicine without a currently valid license  
726 or temporary permit issued by the board. If the court finds that  
727 the person is violating or is threatening to violate this act, it  
728 shall enter an injunction restraining him from such unlawful acts.

729 (4) Notwithstanding other provisions of this act, the board  
730 may take immediate action if there is an imminent threat to the  
731 health, safety or welfare of the public. The board shall find  
732 that this action is necessary for the protection of the public and  
733 necessary to effectively enforce this act. If the board takes  
734 immediate action under this subsection, efforts shall be made as  
735 soon as possible to proceed in accordance with a hearing under  
736 Section 16 of this act.

737 (5) In addition to any other penalty or remedy provided by  
738 law, the board may implement a system of cite and fine procedures  
739 for licensed and nonlicensed persons who violate the state  
740 veterinary practice act. The board may also impose a civil  
741 penalty, upon conviction, for each separate violation. This civil  
742 penalty shall be in an amount not to exceed Five Hundred Dollars  
743 (\$500.00) for each violation and shall be assessed by the board in  
744 accordance with the provisions set forth in Section 16 of this  
745 act.

746 (6) The success or failure of an action based on any one (1)  
747 of the remedies set forth in this section shall in no way  
748 prejudice the prosecution of an action based on any other of the  
749 remedies.

750 **SECTION 24.** Sections 73-39-1, 73-39-2, 73-39-5, 73-39-7,  
751 73-39-9, 73-39-11, 73-39-13, 73-39-15, 73-39-17, 73-39-19,  
752 73-39-21, 73-39-23, 73-39-25, 73-39-26, 73-39-27, 73-39-29,  
753 73-39-31, 73-39-32, 73-39-33, 73-39-34, 73-39-35, 73-39-37 and

754 73-39-41, Mississippi Code of 1972, which provide for the  
755 Veterinary Practice Law of 1946, are repealed.

756           **SECTION 25.** This act shall take effect and be in force from  
757 and after July 1, 2005.