

By: Senator(s) Hyde-Smith

To: Agriculture;  
Appropriations

SENATE BILL NO. 2978  
(As Sent to Governor)

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; veterinary  
49 homeopathy; veterinary manual or manipulative therapy (therapies  
50 based on techniques practiced in osteopathy, chiropractic medicine  
51 or physical medicine and therapy); veterinary nutraceutical  
52 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           (r) Any wildlife rehabilitator that is licensed by a  
358 federal or state agency performing duties in accordance with its  
359 licensure authority.

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

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

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

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

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

385           (a) Fraud or misrepresentation in applying for  
386 certification.

387           (b) Criminal offense relating to veterinary medicine.

388           (c) Any violation of the Uniform Controlled Substances  
389 Law.

390 (d) Convicted of cruelty to animals.

391 (e) Violation of any of the rules or regulations of the  
392 board.

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

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

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

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

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

424 **SECTION 10.** (1) The board shall provide for at least one  
425 (1) examination for licensing, certification or registration  
426 during each calendar year and may provide for such additional  
427 examinations as are necessary. The board shall give public notice  
428 of the time and place of each examination at least one hundred  
429 twenty (120) days before the date of the examination.

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

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

452 (4) After examination, each examinee shall be notified of  
453 the result of the examination, and the board shall issue a license  
454 signed by members of the board. Any person who fails an

455 examination may be admitted to any subsequent examination on  
456 payment of the application fee.

457       **SECTION 11.** (1) The board may issue a license by  
458 endorsement to an applicant who furnishes satisfactory proof that  
459 he is a graduate of an accredited college of veterinary medicine  
460 or the educational equivalence. The applicant must also show that  
461 he is a person of good moral character and is licensed to practice  
462 veterinary medicine in at least one (1) state, territory or  
463 district of the United States and has practiced veterinary  
464 medicine in one or more of those states without disciplinary  
465 action by any state or federal agency for at least the three (3)  
466 years immediately before filing the application.

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

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

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

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

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

485       **SECTION 13.** (1) All licenses shall expire August 1 of each  
486 year but may be renewed by registration with the board and payment  
487 of the license renewal fee. At least thirty (30) days in advance,

488 the board shall mail an expiration notice to each licensed  
489 veterinarian and include a form for renewal.

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

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

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

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

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

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

513 (a) The employment of fraud, misrepresentation or  
514 deception in obtaining a license.

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



520 (c) The use of advertising or solicitation that is  
521 false or misleading.

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

525 (i) Any felony;

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

528 (iii) Any crime of moral turpitude;

529 (iv) Any crime involving unlawful sexual contact,  
530 child abuse, the use or threatened use of a weapon, the infliction  
531 of injury, indecent exposure, perjury, false reporting, criminal  
532 impersonation, forgery and any other crime involving a lack of  
533 truthfulness, veracity or honesty, intimidation of a victim or  
534 witness, larceny, or alcohol or drugs.

535 For the purposes of this paragraph, a plea of guilty or a  
536 plea of nolo contendere accepted by the court shall be considered  
537 as a conviction.

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

540 (f) Aiding the unlawful practice of veterinary  
541 medicine.

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

544 (h) Failure to report, as required by law, or making  
545 false or misleading report of, any contagious or infectious  
546 disease.

547 (i) Failure to keep accurate patient records.

548 (j) Dishonesty or gross negligence in the performance  
549 of food safety inspections or in the issuance of any health or  
550 inspection certificates.

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

553           (1) Failure to permit the board or its agents to enter  
554 and inspect veterinary premises and equipment, including practice  
555 vehicles, as set by rules promulgated by the board.

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

559           (n) Loss or suspension of accreditation by any federal  
560 or state agency.

561           (o) Unprofessional conduct as defined in regulations  
562 adopted by the board.

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

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

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

569           (s) Violations of this act or of the rules promulgated  
570 under this act.

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

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

584           (2) The program of care, counseling or treatment shall  
585 include a written schedule of organized treatment, care,

586 counseling, activities or education satisfactory to the board  
587 designed for the purposes of restoring an impaired person to a  
588 condition whereby the impaired person can practice veterinary  
589 medicine with reasonable skill and safety of a sufficient degree  
590 to deliver competent patient care.

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

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

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

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

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

615 (4) The privilege provided by this section shall be waived  
616 to the extent that the licensed veterinarian's client or the owner  
617 of the patient places the licensed veterinarian's care and

618 treatment of the patient or the nature and extent of injuries to  
619 the animal at issue in any civil criminal proceeding.

620 **SECTION 18.** Any member of the board, any witness testifying  
621 in a proceeding or hearing authorized under this act, any person  
622 who lodges a complaint pursuant to this act and any person  
623 reporting an impaired veterinarian shall be immune from liability  
624 in any civil or criminal action brought against him for any action  
625 occurring while he was acting in his capacity as a board member,  
626 witness, complainant or reporting party, if the person was acting  
627 in good faith within the scope of his capacity.

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

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

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

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

651           SECTION 21. (1) Any person who practices veterinary  
652 medicine without a valid license or temporary permit issued by the  
653 board is guilty of a misdemeanor and, upon conviction, shall be  
654 fined an amount of not more than Five Hundred Dollars (\$500.00)  
655 nor less than One Hundred Dollars (\$100.00) per violation if each  
656 act of such unlawful practice constitutes a distinct and separate  
657 offense.

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

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

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

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

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

677           (4) Notwithstanding any other provisions of this act, the  
678 board may take immediate action if there is an imminent threat to  
679 the health, safety or welfare of the public. The board shall find  
680 that this action is necessary for the protection of the public and  
681 necessary to effectively enforce this act. If the board takes  
682 immediate action under this subsection, efforts shall be made as

683 soon as possible to proceed in accordance with a hearing under  
684 Section 16 of this act.

685 (5) In addition to any other penalty or remedy provided by  
686 law, the board may implement a system of cite and fine procedures  
687 for licensed and nonlicensed persons who violate the state  
688 veterinary practice act. The board may also impose a civil  
689 penalty, upon conviction, for each separate violation. This civil  
690 penalty shall be in an amount not to exceed Five Hundred Dollars  
691 (\$500.00) for each violation and shall be assessed by the board in  
692 accordance with the provisions set forth in Section 16 of this  
693 act.

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

698 **SECTION 22.** Any person whose license is suspended, revoked  
699 or limited may be reinstated at any time, with or without an  
700 examination, by approval of the board after written application is  
701 made to the board showing cause justifying relicensing or  
702 reinstatement.

703 **SECTION 23.** Sections 1 through 23 shall repeal on July 1,  
704 2008.

705 **SECTION 24.** Sections 73-39-1, 73-39-2, 73-39-3, 73-39-5,  
706 73-39-7, 73-39-9, 73-39-11, 73-39-13, 73-39-15, 73-39-17,  
707 73-39-19, 73-39-20, 73-39-21, 73-39-23, 73-39-25, 73-39-27,  
708 73-39-29, 73-39-31, 73-39-32, 73-39-33, 73-39-34, 73-39-35,  
709 73-39-37 and 73-39-41, Mississippi Code of 1972, which provide for  
710 the Veterinary Practice Law of 1946, are repealed.

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