

# Senate Bill 646

Sponsored by Senator WHITSETT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires veterinary facilities not controlled by individuals licensed to practice veterinary medicine, surgery or dentistry to obtain veterinary facility permit from Oregon State Veterinary Medical Examining Board. Provides board regulatory authority over veterinary facilities.

Becomes operative January 1, 2014.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to veterinary facilities; creating new provisions; amending ORS 596.065, 596.220, 686.010, 686.085, 686.110, 686.120, 686.132, 686.135, 686.150 and 686.255; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

## DEFINITION OF "VETERINARY FACILITY"

**SECTION 1.** ORS 686.010 is amended to read:

686.010. As used in this chapter, unless the context requires otherwise:

(1) "Animal medical problem" means any wound, injury, disease, discomfort, abnormality, deformity or defect of an animal.

[(2) "*Board*" means the Oregon State Veterinary Medical Examining Board.]

[(3)] **(2)** "Veterinary college, or veterinary department of a university or college, of good standing and repute," means any veterinary college or department of a university or college, legally organized, which is approved and placed on the accredited list by the **Oregon State Veterinary Medical Examining Board**, but in any event the accreditation requirements of the board shall be no more restrictive than the accreditation standards of the American Veterinary Medical Association.

**(3) "Veterinary facility" means a for-profit or nonprofit entity located in this state where persons practice veterinary medicine, surgery or dentistry, as described in ORS 686.030, and of which:**

**(a) If the veterinary facility is a for-profit entity, a majority of the controlling interest is vested in individuals who are not licensed to practice veterinary medicine, surgery or dentistry in this state; or**

**(b) If the veterinary facility is a nonprofit entity, a majority of the members of the governing body of the veterinary facility are not licensed to practice veterinary medicine, surgery or dentistry in this state.**

(4) "Veterinary technician" means an individual who has received a certificate in veterinary technology, or a comparable certificate, from a recognized college or university approved by the [Oregon State Veterinary Medical Examining] board or an individual employed as a veterinary tech-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 nician who has had at least four calendar years of on-the-job training in the technical procedures  
 2 certified by a licensed veterinarian who presented the instruction.

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 4 **LICENSING OF VETERINARY FACILITIES**

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 6 **SECTION 2.** Section 3 of this 2013 Act is added to and made a part of ORS chapter 686.

7 **SECTION 3.** (1) To operate a veterinary facility in this state, a person must obtain and  
 8 annually renew a valid veterinary facility permit.

9 (2) To obtain a veterinary facility permit, a person must file a written application with  
 10 the Oregon State Veterinary Medical Examining Board on a form and in the manner pre-  
 11 scribed by the board by rule. At a minimum, an application filed under this section must  
 12 contain:

13 (a) The name and address of the veterinary facility;

14 (b) The name and address of each licensed veterinarian who practices veterinary medi-  
 15 cine, surgery or dentistry at the veterinary facility; and

16 (c) The name and address of each person that owns, operates or controls the veterinary  
 17 facility and, if the person or the veterinary facility is a subsidiary of another entity, the  
 18 name and address of the parent entity.

19 (3) The board shall adopt rules by which a person who holds a veterinary facility permit:

20 (a) Must update the information submitted under subsection (2) of this section if that  
 21 information changes; and

22 (b) May annually renew the veterinary facility permit.

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 24 **GROUNDS FOR DISCIPLINE AND ENFORCEMENT**

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 26 **SECTION 4.** ORS 686.120 is amended to read:

27 686.120. (1) With the consent of five members, the Oregon State Veterinary Medical Examining  
 28 Board may discipline in accordance with ORS 686.150 [*any permit or license holder*] **a holder of a**  
 29 **license, veterinary facility permit or internship license** under this chapter for unprofessional or  
 30 dishonorable conduct.

31 (2) The board may discipline in accordance with ORS 686.150 any [*permit or*] license **or**  
 32 **internship license** holder who:

33 (a) After undergoing a physical or mental health evaluation ordered by the board, has been de-  
 34 termined to have a physical condition that makes the [*permit or*] license **or internship license**  
 35 holder unable to safely conduct the practice of veterinary medicine;

36 (b) Has an impairment as defined in ORS 676.303;

37 (c) Publicly professes to cure or treat diseases of a highly contagious, infectious and incurable  
 38 nature;

39 (d) In any way cares or treats injury and deformity in such a way as to deceive the public; or

40 (e) Tests any horse, mule or ass for glanders, or cow or cattle for tuberculosis, and knowingly,  
 41 wrongfully and maliciously states verbally or in writing that the animals are diseased or in a  
 42 disease-free condition contrary to the indication of the test made.

43 (3) **The board may discipline a holder of a veterinary facility permit under this chapter**  
 44 **if a person licensed to practice veterinary medicine is not designated by the veterinary fa-**  
 45 **ility to be responsible for the diagnosis or treatment of animal medical problems at times**

1 **when animals are on the premises of the veterinary facility for the purpose of being diag-**  
 2 **nosed or treated.**

3 **SECTION 5.** ORS 686.132 is amended to read:

4 686.132. The Oregon State Veterinary Medical Examining Board may refuse to issue or renew  
 5 a license, **veterinary facility permit** or *[permit]* **internship license** if it finds that the applicant  
 6 has committed any act or omission which if committed by a licensee or permittee would constitute  
 7 unprofessional or dishonorable conduct under ORS 686.120, 686.130 or any rule of the board.

8 **SECTION 6.** ORS 686.135 is amended to read:

9 686.135. (1) When the Oregon State Veterinary Medical Examining Board proposes to refuse to  
 10 issue or renew a license, **veterinary facility permit** or *[permit]* **internship license** under ORS  
 11 686.110 (1)(c), 686.120 or 686.130 or proposes to discipline *[any permit or license holder]* **a holder of**  
 12 **a license, veterinary facility permit or internship license** in accordance with the provisions of  
 13 ORS 686.150, opportunity for hearing shall be accorded as provided in ORS chapter 183.

14 (2) Adoption of rules, conduct of hearings, issuance of orders and judicial review of rules and  
 15 orders shall be as provided in ORS chapter 183.

16 (3) Information that the board or a committee appointed by the board obtains as part of an in-  
 17 vestigation into licensee, **permittee** or applicant conduct or as part of a contested case proceeding,  
 18 consent order or stipulated agreement involving licensee, **permittee** or applicant conduct is confi-  
 19 dential as provided under ORS 676.175.

20 **SECTION 7.** ORS 686.150 is amended to read:

21 686.150. If, pursuant to ORS 686.120 and 686.135, the Oregon State Veterinary Medical Examin-  
 22 ing Board determines that disciplinary action is necessary, the board may take any or all of the  
 23 following actions:

- 24 (1) Revoke, suspend or refuse to renew the license **or veterinary facility permit**;
- 25 (2) Place the person on probation;
- 26 (3) Suspend execution of an order of the board;
- 27 (4) Place limitations on an individual's license or *[permit]* **internship license** to practice  
 28 veterinary medicine in Oregon;
- 29 (5) Issue a reprimand or assess to the individual the costs of the disciplinary proceedings;
- 30 (6) Require board-approved community services; or
- 31 (7) Impose a civil penalty not to exceed \$1,000 for each violation.

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 33 **FEES**

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 35 **SECTION 8.** ORS 686.255 is amended to read:

36 686.255. (1) The Oregon State Veterinary Medical Examining Board may impose fees for the  
 37 following:

- 38 (a) License, **veterinary facility permit** or *[permit]* **internship license** issuance or renewal.
- 39 (b) Examination for licensure.
- 40 (c) Temporary license.
- 41 (d) Duplicate license.
- 42 (e) Veterinary technician license.
- 43 (f) Delinquent renewal.
- 44 (g) Application and certification fee for certified euthanasia technicians and employers.
- 45 (h) Verification of a license of a veterinarian applying for license under reciprocity with another

1 state.

2 (2) Subject to prior approval of the Oregon Department of Administrative Services and a report  
 3 to the Emergency Board prior to adopting the fees [*and charges*], the fees [*and charges*] established  
 4 under this section [*shall*] **may** not exceed the cost of administering the regulatory program of the  
 5 **Oregon State Veterinary Medical Examining Board** pertaining to the purpose for which the fee  
 6 [*or charge*] is established, as authorized by the Legislative Assembly within the [*board's*] budget **of**  
 7 **the Oregon State Veterinary Medical Examining Board**, as [*the*] **that** budget may be modified  
 8 by the Emergency Board.

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 10 **CONFORMING AMENDMENTS**

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 12 **SECTION 9.** ORS 686.085 is amended to read:

13 686.085. (1) Except as provided in subsections (3) and (4) of this section, an applicant for a li-  
 14 cense shall serve an internship of not less than one year following passage of the examination re-  
 15 quired under ORS 686.075 before receiving a license. The internship period may be served in any  
 16 one of the following ways:

17 (a) By association with and under the supervision of a licensed veterinarian engaged in the ac-  
 18 tive practice of veterinary medicine, surgery or dentistry in this state.

19 (b) By engaging in some special form of educational, regulatory or research work under the  
 20 supervision of a veterinarian licensed to engage in the practice of veterinary medicine, dentistry or  
 21 surgery in this state.

22 (c) By engaging in livestock sanitary control work pursuant to employment by the state, the  
 23 federal government or a municipality of this state.

24 (2) Internship [*permits*] **licenses** shall be issued for the purpose set forth in this section. No  
 25 internship [*permit*] **license** shall be valid for more than two years but the period may be extended  
 26 by the Oregon State Veterinary Medical Examining Board for reason.

27 (3) Time spent by an applicant while a veterinary student engaged in any of the activities listed  
 28 in subsection (1) of this section may be counted toward the one-year internship required in sub-  
 29 section (1) of this section, subject to the approval of the board.

30 (4) The requirements of this section shall not apply to applicants who come within the provisions  
 31 of ORS 686.065, or applicants who hold a valid current license to practice veterinary medicine in  
 32 another state or territory of the United States and who have actively practiced veterinary medicine  
 33 in such state or territory for not less than one year.

34 **SECTION 10.** ORS 686.110 is amended to read:

35 686.110. (1) A license or [*permit*] **internship license** shall be renewed when the holder:

36 (a) Requests renewal;

37 (b) Pays a fee to the Oregon State Veterinary Medical Examining Board to be determined pur-  
 38 suant to ORS 686.255; and

39 (c) Presents evidence of participation in approved professional educational activities during the  
 40 previous year to the extent established by the board.

41 (2) Upon failure to pay renewal fees due to absence from the state or for other reasons, a license  
 42 may be renewed upon payment of late fees set by the board.

43 **SECTION 11.** ORS 596.220 is amended to read:

44 596.220. (1) The State Department of Agriculture may deputize certain veterinarians throughout  
 45 the state to assist the State Department of Agriculture in carrying out its duties. Such veterinarians

1 shall be known as deputy state veterinarians[. *They*] **and** shall be in the unclassified service of the  
2 state or may furnish professional services to the department as provided by ORS 596.225. To be el-  
3 igible for appointment as a deputy state veterinarian, a person shall be licensed to practice  
4 veterinary medicine in Oregon or [*hold a valid temporary permit issued by the Oregon State*  
5 *Veterinary Medical Examining Board as authorized by the provisions of ORS 686.065 or 686.085*] **shall**  
6 **have been issued a temporary license to practice veterinary medicine under ORS 686.065 or**  
7 **an internship license under ORS 686.085.**

8 (2) A person desiring an appointment as deputy state veterinarian shall apply to the department  
9 on forms provided by it. The department may require on the application all pertinent information it  
10 deems necessary. In the discretion of the department, veterinarians employed by the United States  
11 Department of Agriculture, Bureau of Animal Industry, may be appointed deputy state veterinarians  
12 without further requirement if it appears to the department that any communicable or contagious  
13 disease of livestock may be more effectively controlled or eradicated by joint federal and state  
14 action.

15 **SECTION 12.** ORS 596.065 is amended to read:

16 596.065. (1)(a) The following vaccines or bacteriological or biological products are deemed to be  
17 vaccines or products that are a hazard to the livestock in this state:

18 (A) Brucella Abortus Vaccine;

19 (B) Hog Cholera Vaccine; and

20 (C) Any biologic not approved for general use by the United States Department of Agriculture.

21 (b) In addition to the vaccines or products set forth in paragraph (a) of this subsection, the State  
22 Department of Agriculture, after consultation with the Oregon Veterinary Medical Association, may  
23 from time to time enact and amend rules containing a list of additional vaccines or other  
24 bacteriological or biological products used or intended to be used for the detection, prevention,  
25 mitigation, control, treatment or curing of livestock diseases, whenever such vaccines or products  
26 are or might become a hazard to the livestock in this state.

27 (c) The biological product Brucella Abortus Antigen may only be used by state veterinarians,  
28 federal veterinarians and deputy state veterinarians, and may only be used for programs approved  
29 by the State Veterinarian.

30 (d) The biological product Equine Infectious Anemia Antigen may only be used by the  
31 department's animal health division laboratory personnel.

32 (2) The department, when establishing a list under subsection (1)(b) of this section, shall con-  
33 sider:

34 (a) The possibility of dissemination of disease in this state through the use of the vaccines or  
35 products.

36 (b) The known effectiveness of the vaccines or products for the purpose for which they are sold  
37 or recommended.

38 (c) The existence of alternative vaccines or products constituting a lesser or no hazard to live-  
39 stock.

40 (d) Whether or not the disease for which a particular vaccine or product is used or intended to  
41 be used is present in this state and to what extent it is present.

42 (e) Any other factor which, having due regard for the properties of the vaccine or product, may  
43 constitute a hazard to the health of livestock in this state.

44 (3) The use, purchase, sale or distribution of vaccines or products which is prohibited under  
45 subsection (1) of this section or under ORS 596.075, may be authorized by written permit of the de-

1 partment to:

2 (a) Deputy state veterinarians, assistant state veterinarians, federal veterinarians, veterinarians  
3 duly licensed by the State of Oregon, veterinarians who have been issued a temporary license to  
4 practice veterinary medicine under ORS 686.065, veterinary medicine interns issued an internship  
5 [permit] license under ORS 686.085 and veterinarians employed by a community college or university  
6 in the State of Oregon.

7 (b) Recognized research agencies.

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9 **OPERATIVE DATE**

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11 **SECTION 13.** (1) Sections 2 and 3 of this 2013 Act and the amendments to ORS 596.065,  
12 596.220, 686.010, 686.085, 686.110, 686.120, 686.132, 686.135, 686.150 and 686.255 by sections 1 and  
13 4 to 12 of this 2013 Act become operative on January 1, 2014.

14 (2) The Oregon State Veterinary Medical Examining Board by take any action before the  
15 operative date specified in subsection (1) of this section that is necessary for the board to  
16 exercise, on and after the operative date specified in subsection (1) of this section, all the  
17 duties, functions and powers conferred on the board by sections 2 and 3 of this 2013 Act and  
18 the amendments to ORS 596.065, 596.220, 686.010, 686.085, 686.110, 686.120, 686.132, 686.135,  
19 686.150 and 686.255 by sections 1 and 4 to 12 of this 2013 Act.

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21 **UNIT CAPTIONS**

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23 **SECTION 14.** The unit captions used in this 2013 Act are provided only for the conven-  
24 ience of the reader and do not become part of the statutory law of this state or express any  
25 legislative intent in the enactment of this 2013 Act.

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27 **EMERGENCY CLAUSE**

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29 **SECTION 15.** This 2013 Act being necessary for the immediate preservation of the public  
30 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
31 on its passage.  
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