



[SF 541](#) – Veterinary Auxiliary Personnel (LSB1917SV)
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Fiscal Note Version – New

Description

[Senate File 541](#) adds and changes various definitions related to veterinary medicine to Iowa Code. The Bill also does the following:

- Authorizes certain individuals to provide authorized veterinary medical services under the direct supervision of a licensed veterinarian.
- Changes the definition of “practice of veterinary medicine” to include veterinary acupuncture, acuthery, acupressure, manipulative therapy based on techniques of osteopathy and chiropractic medicine, or some other similar therapies specified by the Board of Veterinary Medicine.
- Defines “veterinary auxiliary personnel” as a veterinary assistant, registered veterinary technician, veterinary student, veterinary technician student, or graduate of a foreign college of veterinary medicine who does not have a veterinary license or temporary permit.
- Provides the level of supervision required to delegate tasks to veterinary auxiliary personnel.
- Establishes the duties of a supervising veterinarian, registered veterinarian technician, registered veterinarian technician student, and a graduate of a foreign veterinary college.
- Requires the Board of Veterinary Medicine to issue certificates of registration to qualified veterinarian technicians and provides the procedures for certification.
- Creates a simple misdemeanor if a person falsely indicates they are a registered veterinary technician.
- Adds practicing veterinary medicine without a valid license or temporary permit to Iowa Code section [714.8](#) on fraudulent practice.
- Directs the Board of Veterinary Medicine to submit rules to implement this Bill prior to January 1, 2024.

This Bill is effective July 1, 2024; however, the section of the Bill that requires the Board of Veterinary Medicine to adopt administrative rules takes effect upon enactment.

Background

Iowa Code chapter [169](#) regulates veterinary practice, including the licensing requirements and exceptions. Currently, the practice of veterinary medicine means to, for a fee, diagnose, treat, correct, change, relieve, or prevent any animal disease, deformity, defect, injury, or other physical or mental conditions or cosmetic surgery. This includes the prescription or administration of any drug, medicine, biologic, apparatus, anesthetic or diagnostic substance, or technique to evaluate or correct sterility or infertility. The practice also includes representing oneself as willing to perform acts listed as veterinary practice, and to use any title, words, abbreviation, or letters in a manner that would give the belief that a person is qualified to practice veterinary medicine.

A person may not practice veterinary medicine in the State unless the person is a licensed veterinarian or has a valid temporary permit issued by the Board of Veterinary Medicine. The Board issues certificates to veterinary medicine students who have been certified by an

instructor to practice veterinary medicine. In addition, a veterinary assistant employed by a licensed veterinarian may be certified to practice veterinary medicine, except for diagnosing, prescribing, or performing surgery, if the veterinary assistant has met educational, experience, and testing requirements established by the Board.

The penalty for fraudulent practice ranges from a simple misdemeanor to a Class C felony depending on the amount of money or value of property or services involved. A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,370 but not more than \$13,660. A Class D felony is punishable by confinement for up to five years and a fine of at least \$1,025 but not more than \$10,245. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but not more than \$8,540. A serious misdemeanor is punishable by confinement for up to one year and a fine of at least \$430 but not more than \$2,560. A simple misdemeanor is punishable by confinement for up to 30 days and a fine of at least \$105 but not more than \$855.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

Senate File 541 creates a new simple misdemeanor if a person falsely indicates they are a registered veterinary technician. The Bill also expands the violation of fraudulent practice and adds practicing veterinary medicine without a valid license to the definition of fraudulent practices. The correctional impact cannot be estimated for the Bill due to a lack of existing conviction data. There have been no convictions under Iowa Code chapter 169 in FY 2022.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of Class C felonies, Class D felonies, aggravated misdemeanors, and serious misdemeanors. A conviction for a simple misdemeanor does not result in a prison sentence, but does carry the possibility of confinement for up to 30 days. Marginal county jail costs are estimated to be \$50 per day. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

Table 1 — Sentencing Estimates and Length of Stay (LOS)

Conviction Offense Class	Percent Ordered to State Prison	FY 22 Avg LOS In Prison In Months (All Releases)	FY 22 Marginal Cost Per Day Prison	Percent Ordered to Probation	FY 22 Avg LOS on Probation In Months	FY 22 Avg Cost Per Day Probation	Percent Sentenced to CBC Residential Facility	FY 22 Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY 22 Avg LOS on Parole In Months	FY 22 Marginal Cost Per Day Parole
C Felony (Non-Persons)	84.2%	20.9	\$23.42	67.4%	38.7	\$7.27	12.0%	\$20.67	31.5%	\$50.00	22.8	\$7.27
D Felony (Non-Persons)	83.9%	13.9	\$23.42	68.0%	33.5	\$7.27	13.3%	\$20.67	31.4%	\$50.00	15.5	\$7.27
Aggravated Misdemeanor (Non-Persons)	31.4%	7.5	\$23.42	45.6%	20.7	\$7.27	3.3%	\$20.67	72.2%	\$50.00	8.2	\$7.27
Serious Misdemeanor	1.9%	5.5	\$23.42	51.2%	13.7	\$7.27	0.9%	\$20.67	73.3%	\$50.00	0.5	\$7.27

Minority Impact

Senate File 541 establishes a new simple misdemeanor and also adds practicing veterinary medicine without a license or permit to the fraudulent practice violations. As a result, the Division of Criminal and Juvenile Justice Planning (CJJP) of the Department of Human Rights cannot use existing data to estimate the minority impact of the Bill. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 541 establishes a new simple misdemeanor and also adds practicing veterinary medicine without a license or permit to the fraudulent practice violations. The fiscal impact cannot be estimated due to a lack of existing conviction data. **Table 2** below shows the average State cost per offense for a Class C felony, Class D felony, aggravated misdemeanor, serious misdemeanor, and simple misdemeanor. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC). The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense	
Class C Felony	\$12,100 to \$25,100
Class D Felony	\$9,500 to \$17,400
Aggravated Misdemeanor	\$5,000 to \$9,600
Serious Misdemeanor	\$400 to \$5,600
Simple Misdemeanor	\$35 to \$375

Sources

Division of Criminal and Juvenile Justice Planning, Department of Human Rights
Legislative Services Agency

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
