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SENATE FILE 347

By COMMITTEE ON AGRICULTURE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the licensing and practicing of  
 2 veterinarians.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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S.F. 347

1 Section 1. NEW SECTION. TITLE. This Act shall be known  
2 as the "Iowa Veterinary Practice Act".

3 Sec. 2. NEW SECTION. LEGISLATIVE PURPOSE. This Act is  
4 enacted as an exercise of the police powers of the state to  
5 promote the public health, safety, and welfare by safeguarding  
6 the people of this state against incompetent, dishonest, or  
7 unprincipled practitioners of veterinary medicine. It is  
8 declared that the right to practice veterinary medicine is  
9 a privilege conferred by legislative grant to persons possessed  
10 of the personal and professional qualifications specified  
11 in this Act. This chapter shall be liberally construed to  
12 effect the legislative purpose.

13 Sec. 3. NEW SECTION. DEFINITIONS. When used in this  
14 Act:

15 1. "Animal" means any nonhuman primate, dog, cat, rab-  
16 bit, rodent, fish, reptile, bird and other vertebrate or  
17 nonvertebrate life forms, living or dead.

18 2. "Veterinary medicine" includes veterinary surgery,  
19 veterinary obstetrics, veterinary dentistry, and all other  
20 branches or specialities of veterinary medicine.

21 3. "Practice of veterinary medicine" means any of the  
22 following:

23 a. To diagnose, treat, correct, change, relieve or pre-  
24 vent animal disease, deformity, defect, injury or other  
25 physical or mental conditions or cosmetic surgery; includ-  
26 ing the prescription or administration of any drug, medicine,  
27 biologic, apparatus, application, anesthetic, or other  
28 therapeutic or diagnostic substance or technique; or any  
29 manual procedure testing for pregnancy, or evaluation or  
30 correcting sterility or infertility or to render, advise or  
31 recommend with regard to any of the above.

32 b. To represent, directly or indirectly, publicly or pri-  
33 vately, an ability or willingness to do an act described in  
34 paragraph a of subsection three (3) of this section.

35 c. To use any title, words, abbreviation, or letters in

1 a manner or under circumstances which induce the belief that  
2 the person using them is qualified to do any act described  
3 in paragraph a of subsection three (3) of this section.

4 4. "Veterinarian" means a person who has received a doctor  
5 of veterinary medicine degree or its equivalent from a college  
6 of veterinary medicine.

7 5. "Licensed veterinarian" means a person who is validly  
8 and currently licensed to practice veterinary medicine in  
9 the state of Iowa.

10 6. "Accredited or approved college of veterinary medi-  
11 cine" means any veterinary college or division of a university  
12 or college that offers the degree of doctor of veterinary  
13 medicine or its equivalent and that conforms to the standards  
14 required for accreditation or approval by the American  
15 veterinary medical association.

16 7. "Board" means the Iowa board of veterinary medicine.

17 8. "ECFVG certificate" means a current certificate is-  
18 sued by the American veterinary medical association educa-  
19 tional commission for foreign veterinary graduates, indi-  
20 cating that the holder has demonstrated knowledge and skill  
21 equivalent to that possessed by a graduate of an accredited  
22 or approved college of veterinary medicine.

23 9. "Person" means natural person.

24 10. "Fee" means monetary compensation given for a ser-  
25 vice consisting primarily of an act or acts described in  
26 paragraph a of subsection three (3) of this section.

27 11. "Accepted livestock management practice" includes  
28 but is not limited to: dehorning, castration, docking,  
29 vaccination, pregnancy testing, artificial insemination,  
30 collecting of semen, implanting of growth hormones, feed-  
31 ing commercial feed defined in section one hundred ninety-  
32 eight point three (198.3) of the Code, or administration or  
33 prescription of drugs performed upon, prescribed, or  
34 administered to livestock by the owner or contract-feeder  
35 thereof, his or her bona fide employee, or anyone rendering

1 a gratuitous assistance with respect to such livestock.  
2 Nothing contained herein shall be construed to permit any  
3 person from purportedly providing gratuitous assistance in  
4 return for the purchase of goods or services.

5 12. "Owner" means any person, association, partnership,  
6 corporation, or other legal entity in whom is vested the  
7 ownership, dominion over, or title to an animal, including  
8 one who is obligated by law to care for such animal.

9 Sec. 4. NEW SECTION. LICENSE REQUIREMENT AND EXCEPTIONS.  
10 A person may not practice veterinary medicine in the state  
11 who is not a licensed veterinarian or the holder of a valid  
12 temporary permit issued by the board. This chapter shall  
13 not be construed to prohibit:

14 1. An employee of the federal, state, or local govern-  
15 ment from performing official duties.

16 2. A person who is a veterinary student in an accredited  
17 or approved college of veterinary medicine from performing  
18 duties or actions assigned by instructors, or working under  
19 the direct supervision of a licensed veterinarian. The  
20 secretary of agriculture shall issue to any veterinary medi-  
21 cine student who attends an accredited veterinary medicine  
22 college or school and who has been certified as being com-  
23 petent by an instructor of such college or school to per-  
24 form veterinary duties, under the direction of an instructor  
25 of veterinary medicine or under the direct supervision of  
26 a licensed veterinarian, a certificate authorizing the  
27 veterinary medicine student to perform such functions.

28 3. A veterinarian currently licensed in another state  
29 from consulting with a licensed veterinarian in this state.

30 4. Any manufacturer, wholesaler, or retailer from advis-  
31 ing with respect to labeled uses or selling in the ordinary  
32 course of trade or business, drugs, feeds, including, but  
33 not limited to customer-formula feeds as defined in section  
34 one hundred ninety-eight point three (198.3) of the Code,  
35 appliances, and other products used in the prevention or

1 treatment of animal diseases.

2 5. The owner of an animal or the owner's bona fide em-  
3 ployees from caring for and treating the animal belonging  
4 to such owner except where the ownership of the animal was  
5 transferred primarily for purpose of circumventing this Act.

6 6. A member of the faculty of an accredited college of  
7 veterinary medicine from performing functions in the class-  
8 rooms or continuing education. However, those faculty mem-  
9 bers who have professional responsibility to the owner must  
10 be licensed. A temporary permit may be granted for a period  
11 not to exceed two years to interns or residents who are on  
12 the staff of the college of veterinary medicine of Iowa state  
13 university science and technology. Such permit shall be re-  
14 newable annually upon the application of the dean of the  
15 college of veterinary medicine.

16 7. Any person from manufacturing, selling, offering for  
17 sale, or applying any pesticide, insecticide, or herbicide.

18 8. Any person from engaging in bona fide scientific re-  
19 search which reasonably requires experimentation involving  
20 animals.

21 9. Any veterinary lay assistant employed by a licensed  
22 veterinarian from performing duties other than diagnosis,  
23 prescription, or surgery under the direct supervision of such  
24 veterinarian which assistant has been issued a certificate  
25 by the secretary of agriculture after a proper showing of  
26 competency.

27 10. A graduate of a foreign college of veterinary medi-  
28 cine who is in the process of obtaining an ECFVG certificate  
29 performing duties or actions under the direction or supervi-  
30 sion of a licensed veterinarian.

31 11. Any person from advising with respect to or perform-  
32 ing accepted animal management practices.

33 12. Any person from engaging in the full-time study of  
34 the improvement of the quality of livestock.

35 13. Any person from performing post-mortem examinations

1 on poultry, swine or cattle.

2 14. Any person from collecting semen from livestock.

3 Sec. 5. NEW SECTION. CONTINUING EDUCATION. To retain  
4 a license to practice veterinary medicine, a veterinarian  
5 must satisfactorily maintain professional competence. To  
6 maintain professional competence, a veterinarian must an-  
7 nually successfully undertake a program of continuing  
8 veterinary education. The board shall establish rules  
9 governing continuing veterinary education, which shall in-  
10 clude the number of annual contract hours required, the type  
11 of continuing education for which credit will be given,  
12 allocation of credit, provision for exceptions under ex-  
13 traordinary circumstances and such other provisions as will  
14 give effect to this section.

15 Sec. 6. NEW SECTION. BOARD OF VETERINARY MEDICINE.

16 1. For the purpose of administering examinations to  
17 applicants for license to practice veterinary medicine and  
18 performing such other duties, functions and responsibili-  
19 ties as are outlined in this Act, the governor shall appoint,  
20 subject to the approval of two-thirds of the members of the  
21 senate, a board of five individuals, three of whom shall be  
22 licensed veterinarians and two of whom shall not be licensed  
23 veterinarians and who shall represent the general public.  
24 The representatives of the general public shall not prepare,  
25 grade or otherwise administer examinations to applicants for  
26 license to practice veterinary medicine. Such board shall  
27 be known as the Iowa board of veterinary medicine. Each  
28 licensed veterinarian shall be actively engaged in veterinary  
29 medicine and shall have been so engaged for a period of five  
30 years immediately preceding appointment, the last two of which  
31 shall have been in Iowa. A member of the board shall not  
32 be employed by any wholesale or jobbing house dealing in  
33 supplies, equipment or instruments used or useful in the  
34 practice of veterinary medicine. The person designated as  
35 the state veterinarian shall serve as secretary of the board.

1 Professional associations or societies composed of li-  
2 censed veterinarians may recommend the names of potential  
3 board members to the governor, but the governor shall not  
4 be bound by the recommendations.

5 2. The members of the board shall be appointed for a term  
6 of three years except that the terms of the members of the  
7 initial board shall be rotated in such a manner that at least  
8 one member shall retire each year and a successor appointed.  
9 The term of each member shall commence on July first following  
10 appointment. Members shall serve no more than three terms  
11 or nine years total, whichever is less.

12 3. Any vacancy in the membership of the board caused by  
13 death, resignation, removal, or otherwise, shall be filled  
14 for the period of the unexpired term in the same manner as  
15 original appointments.

16 4. Members of the board shall, in addition to necessary  
17 traveling and other expenses, set their own per diem  
18 compensation at a rate not exceeding sixty dollars per day  
19 for each day actually engaged in the discharge of their du-  
20 ties including, but not limited to, compensation for the time  
21 spent traveling to and from the place of conducting the ex-  
22 amination and for a reasonable number of days for the prepara-  
23 tion of examination and the reading of papers, in addition  
24 to the time actually spent in conducting examinations, within  
25 the limits of funds appropriated to the board.

26 5. The department of agriculture shall furnish the board  
27 with all articles and supplies required for the public use  
28 and necessary to enable the board to perform the duties imposed  
29 upon it by law. Such articles and supplies shall be obtained  
30 by the department in the same manner in which the regular  
31 supplies for the department are obtained, and the department  
32 shall assess the costs to the board for such articles and  
33 supplies. The board shall also reimburse the department for  
34 direct and indirect administrative costs incurred in issuing  
35 and renewing the licenses.

1 6. The board shall meet at least once each year as deter-  
2 mined by the board. Other necessary meetings may be called  
3 by the president of the board by giving proper notice. Ex-  
4 cept as provided, a majority of the board constitutes a quorum.  
5 Meetings shall be open and public except that the board may  
6 meet in closed session to prepare, approve, administer, or  
7 grade examinations, or to deliberate the qualifications of  
8 an applicant for license or the disposition of a proceeding  
9 to discipline a licensed veterinarian.

10 7. At its annual meeting, the board shall organize by  
11 electing a president and such other officers as may be nec-  
12 essary. Officers of the board serve for terms of one year  
13 and until a successor is elected, without limitation on the  
14 number of terms an officer may serve. The president shall  
15 serve as chairperson of board meetings.

16 The duties of the secretary shall include carrying on the  
17 correspondence of the board, keeping permanent accounts and  
18 records of all receipts and disbursements by the board and  
19 of all board proceedings, including the disposition of all  
20 applications for license, and keeping a register of all persons  
21 currently licensed by the board. All board records shall  
22 be open to public inspection during regular office hours.

23 At the end of each fiscal year, the president and secre-  
24 tary shall submit to the governor a report on the transactions  
25 of the board, including an account of monies received and  
26 disbursed.

27 8. The board shall set the fees by rule for a license  
28 to practice veterinary medicine issued upon the basis of the  
29 examination. It shall also set the fees by rule for licenses  
30 granted on the basis of reciprocity, the fee for renewal of  
31 a license to practice veterinary medicine, the fee for a  
32 certified statement that a licensee is licensed to practice  
33 in this state, and the fee for an issuance of a duplicate  
34 license when the original is lost or destroyed. The fee shall  
35 be based upon the administrative costs of sustaining the board

- 1 and shall include, but shall not be limited to, the following:
- 2 a. Per diem, expenses, and travel of board members.
- 3 b. Costs to the department of agriculture for admin-  
4 istration of this Act.
- 5 9. The board may, subject to approval and review by the  
6 secretary of agriculture:
- 7 a. Examine and determine the qualifications and fitness  
8 of applicants for a license to practice veterinary medicine  
9 in the state.
- 10 b. Issue, renew, deny, suspend, or revoke licenses and  
11 temporary permits to practice veterinary medicine in the state  
12 or place licensees on probation or otherwise discipline  
13 licensed veterinarians consistent with the provisions of this  
14 Act and the rules adopted under this Act.
- 15 c. Establish and publish annually a schedule of fees for  
16 licensing and registration of veterinarians. The fee schedule  
17 shall be based on the board's anticipated financial  
18 requirements for the year.
- 19 d. Conduct investigations for the purpose of discovering  
20 violations of this Act or grounds for disciplining licensed  
21 veterinarians.
- 22 e. Hold hearings on all matters properly brought before  
23 the board and administer oaths, receive evidence, make the  
24 necessary determinations, and enter orders consistent with  
25 the findings. The board may require by subpoena the attendance  
26 and testimony of witnesses and the production of papers,  
27 records, or other documentary evidence and commission  
28 depositions. An administrative hearing officer may be  
29 appointed pursuant to subsection three (3) of section seventeen  
30 A point eleven (17A.11) of the Code to perform those functions  
31 which properly repose in an administrative hearing officer.
- 32 f. Employ full-time or part-time personnel, professional,  
33 clerical, or special, as are necessary to effectuate the  
34 provisions of this Act.
- 35 g. Appoint from its own membership one or more members

1 to act as representatives of the board at any meeting within  
2 or without the state where such representation is deemed de-  
3 sirable.

4 h. Through the offices of the secretary of agriculture  
5 and the attorney general, bring proceedings in the courts  
6 for the enforcement of this Act or any regulations made  
7 pursuant to this Act.

8 i. Adopt, amend, or repeal all rules necessary for its  
9 government and all regulations necessary to carry into effect  
10 the provision of this Act, including the establishment and  
11 publication of standards of professional conduct for the prac-  
12 tice of veterinary medicine.

13 The powers enumerated above are granted for the purpose  
14 of enabling the board to effectively supervise the practice  
15 of veterinary medicine and are to be construed liberally to  
16 accomplish this objective.

17 Sec. 7. NEW SECTION. DISCLOSURE OF CONFIDENTIAL INFOR-  
18 MATION. A member of the board shall not disclose information  
19 relating to the following:

- 20 1. Criminal history or prior misconduct of the applicant.
- 21 2. Information relating to the contents of the examination.
- 22 3. Information relating to the examination results other  
23 than final score except for information about the results  
24 of an examination which is given to the person who took the  
25 examination.

26 A member of the board who willfully communicates or seeks  
27 to communicate such information, and any person who willfully  
28 requests, obtains, or seeks to obtain such information, is  
29 guilty of a simple misdemeanor for each separate offense.

30 Sec. 8. NEW SECTION. STATUS OF PERSONS PREVIOUSLY LI-  
31 CENSED. Any person holding a valid license to practice  
32 veterinary medicine in this state on the effective date of  
33 this Act shall be recognized as a licensed veterinarian and  
34 shall be entitled to retain this status as long as licensee  
35 complies with the provisions of this Act.

1     Sec. 9. NEW SECTION. QUALIFICATIONS. Any person desir-  
2     ing a license to practice veterinary medicine in this state  
3     shall make written application to the board on a form approved  
4     by the board. The application shall show that the applicant  
5     is a graduate of an accredited or approved college of  
6     veterinary medicine or the holder of an ECFVG certificate.  
7     The application shall also show that the applicant is a person  
8     of good moral character, and such other information and proof  
9     as the board may require by rule. The application shall be  
10    accompanied by a fee in the amount established and published  
11    by the board.

12    If the board determines that the applicant possesses the  
13    proper qualifications, it shall admit the applicant to the  
14    next examination, or if the applicant is eligible for license  
15    without examination under section eleven (11) of this Act,  
16    the board may grant a license to the applicant. If an  
17    applicant is found not qualified to take the examination or  
18    for a license without examination, the secretary of the board  
19    shall immediately notify the applicant in writing of such  
20    finding and the grounds therefor. An applicant found  
21    unqualified may require a hearing on the question of his or  
22    her qualification under the procedure set forth in section  
23    fifteen (15) of this Act. Any applicant who is found not  
24    qualified shall be allowed the return of the application fee.

25    Every license to practice veterinary medicine shall be  
26    in the form of a certificate under the seal of the depart-  
27    ment of agriculture and signed by the secretary of agricul-  
28    ture. The number of the book and page containing the entry  
29    of the license in the office of the department of agriculture  
30    shall be noted on the face of the license.

31    Every individual licensed under this Act shall keep the  
32    license displayed in the place at which an office is  
33    maintained.

34.   The name, location, number of years of practice of the  
35    person to whom a license is issued, the number of the

1 certificate, and the date of registration thereof shall be  
2 entered in a book kept in the office of the department of  
3 agriculture, to be known as the "registry book", and the same  
4 shall be open to public inspection.

5 When any person licensed to practice under this Act changes  
6 residence, the department of agriculture shall be notified  
7 and such change shall be noted in the registry book.

8 Sec. 10. NEW SECTION. EXAMINATIONS. The board shall  
9 hold at least one examination during each year and may hold  
10 such additional examinations as it deems necessary. The sec-  
11 retary shall give public notice of the time and place for  
12 each examination at least ninety days in advance of the date  
13 set for the examination. A person desiring to take an  
14 examination shall make application at least thirty days before  
15 the date of the examination.

16 The preparation, administration, and grading of examina-  
17 tions shall be governed by rules prescribed by the board.  
18 Examinations shall be designed to test the examinee's knowledge  
19 of and proficiency in the subjects and techniques commonly  
20 taught in veterinary schools. To pass the examination, the  
21 examinee must demonstrate scientific and practice knowledge  
22 sufficient to establish competency to practice veterinary  
23 medicine in the judgment of the board. All examinees shall  
24 be tested by a written examination, supplemented by such oral  
25 interviews and practical demonstrations as the board may deem  
26 necessary. The board may adopt and use the examination pro-  
27 pared by the national board of veterinary examiners as a part  
28 of the examination given to examinees.

29 After each examination, the secretary shall notify each  
30 examinee of the examination result, and the board shall issue  
31 licenses to the individuals successfully completing the ex-  
32 amination. The secretary shall record the new licenses and  
33 issue a certificate of registration to the new licensees.  
34 Any individual failing an examination shall be admitted to  
35 any subsequent examination on payment of the application fee.

1 In all written examinations the identity of the individual  
2 taking the same shall not be disclosed upon the examination  
3 papers in such a way as to enable the members of the examin-  
4 ing board to know by whom written until after the papers have  
5 been passed upon.

6 Sec. 11. NEW SECTION. LICENSE WITHOUT EXAMINATION. For  
7 the purpose of recognizing licenses to practice veterinary  
8 medicine which have been issued in other states, the department  
9 of agriculture, upon recommendation of the board, may establish  
10 reciprocal relations with the duly constituted and proper  
11 authorities of such other states.

12 When the laws of such other states or the rules of such  
13 authorities place any requirement or disability upon a person  
14 licensed under this Act or on any person holding a degree  
15 in veterinary medicine from the state university of science  
16 and technology of this state which affects the rights of the  
17 persons to be licensed or to practice in the other states,  
18 then the same requirement or disability shall be placed upon  
19 any person licensed in the other state or holding a diploma  
20 from any veterinary college situated therein, when applying  
21 for a license to practice in this state.

22 After reciprocal relations are entered into, the department  
23 may, in lieu of an examination, issue a license to practice  
24 veterinary medicine on the basis of a certificate of  
25 registration or license issued by the duly constituted and  
26 proper authorities of another state with which such reciprocal  
27 relations exist, if such certificate of registration or license  
28 has been issued by such other state on requirements  
29 substantially equivalent to those required in this state at  
30 the time of the issuance of such certificate of registration  
31 or license.

32 When the requirements for a license in any state with which  
33 this state has a reciprocal agreement are no longer equal  
34 to those existing in this state, then such agreement shall  
35 be terminated and licenses issued in such state shall not

1 be recognized as a basis for granting a license in this state  
2 until a new agreement has been negotiated. The fact of such  
3 change shall be determined by the board and certified to the  
4 department of agriculture.

5 Sec. 12. NEW SECTION. TEMPORARY PERMIT. The board may  
6 issue without examination a temporary permit to practice  
7 veterinary medicine in this state:

8 1. To a qualified applicant for license pending examination  
9 and the temporary permit shall expire the day after the notice  
10 of results of the first examination given after the permit  
11 is issued. The temporary permit holder should keep the  
12 secretary continually advised of his or her current address.

13 2. To a nonresident veterinarian validly licensed in  
14 another state, territory, or district of the United States  
15 or a foreign country who pays the fee established and published  
16 by the board. Such temporary permit shall be issued for a  
17 period of no more than one hundred eighty days and no more  
18 than one permit shall be issued to a person during each  
19 calendar year.

20 Sec. 13. NEW SECTION. LICENSE RENEWAL. All licenses  
21 shall expire annually on June thirtieth but may be renewed  
22 by registration with the board and payment of the registration  
23 renewal fee established and published by the board. On or  
24 before June first of each year, the secretary shall mail a  
25 notice to each licensed veterinarian that the license will  
26 expire on June thirtieth and shall provide the licensee with  
27 a form for registration.

28 Any person who shall practice veterinary medicine after  
29 license expiration is practicing in violation of this Act.  
30 However, a person may renew an expired license within five  
31 years of the date of its expiration by making written  
32 application for renewal and paying the current renewal fee  
33 plus all delinquent renewal fees. After five years have  
34 elapsed since the date of expiration, a license may not be  
35 renewed, and the holder must make application for a new license

1 and take the license examination.

2 The board may by rule waive the payment of the registration  
3 renewal fee of a licensed veterinarian during the period when  
4 the veterinarian is on active duty with any branch of the  
5 armed services of the United States.

6 Any licensee who is desirous of changing residence to  
7 another state or territory shall, upon application to the  
8 department of agriculture and payment of the legal fee, receive  
9 a certified statement that the licensee is a duly licensed  
10 practitioner in this state.

11 Sec. 14. NEW SECTION. DISCIPLINE OF LICENSEES. A license  
12 to practice under this Act may be revoked or suspended or  
13 the licensee may be otherwise disciplined by the secretary  
14 of agriculture and the board of veterinary medicine when the  
15 licensee is found guilty of any of the following acts or  
16 offenses:

17 1. The employment of fraud, misrepresentation, or deception  
18 in obtaining a license or in the subsequent practice of the  
19 profession.

20 2. A determination of insanity.

21 3. Chronic inebriety or habitual use of controlled  
22 substances or illegal distribution of same.

23 4. The use of advertising or solicitation which is false,  
24 misleading, or is otherwise deemed unprofessional under  
25 regulations adopted by the board.

26 5. Conviction or cash compromise of a felony or other  
27 public offense involving moral turpitude.

28 6. Incompetence, negligence, or other malpractice in the  
29 practice of veterinary medicine.

30 7. Having professional association with or employing any  
31 person unlawfully practicing veterinary medicine.

32 8. Fraud or dishonesty in the application or reporting  
33 of any test for disease in animals.

34 9. Failure to keep veterinary premises and equipment in  
35 a clean and sanitary condition.

1 10. Failure to report, as required by law, or making false  
2 report of, any contagious or infectious disease.

3 11. Dishonesty or negligence in the inspection of  
4 foodstuffs or the issuance of health or inspection  
5 certificates.

6 12. Cruelty to animals.

7 13. Revocation of a license to practice veterinary medicine  
8 by another state, territory, or district of the United States  
9 on grounds other than nonpayment of registration fee.

10 14. Unprofessional conduct as defined in regulations  
11 adopted by the board.

12 Sec. 15. NEW SECTION. HEARING PROCEDURE. The attorney  
13 general may, on his or her own motion or when directed by  
14 the department of agriculture issue a petition against any  
15 licensee to whom has been granted a license to practice  
16 veterinary medicine. The attorney general shall prosecute  
17 said action before the secretary of agriculture and the board  
18 of veterinary medicine. At said hearing the secretary of  
19 agriculture shall act as chairperson. An administrative  
20 hearing officer may be appointed pursuant to subsection three  
21 (3) of section seventeen A point eleven (17A.11) of the Code  
22 of Iowa to perform those functions which properly repose in  
23 an administrative hearing officer.

24 A hearing shall be held no sooner than twenty days after  
25 written notice to a licensed veterinarian of a complaint under  
26 section fourteen (14) of this Act or, in the case of a person  
27 whose application for license is denied, no sooner than ten  
28 days after receipt by the board of a written request for a  
29 hearing. Notice of the time and place of the hearing, along  
30 with a copy of the complaint filed, shall be served on a  
31 licensee in the same manner required by the Iowa rules of  
32 civil procedure.

33 The applicant or licensee shall have the right to be heard  
34 in person and by counsel, the right to have subpoenaed the  
35 attendance of witnesses in his or her behalf, and the right

1 to cross-examine witnesses appearing against the applicant  
2 or licensee. Strict rules of evidence shall not apply. The  
3 board shall either use mechanical means or employ a certified  
4 shorthand reporter to perpetuate the testimony and shall  
5 preserve a full record of the proceedings. A transcript of  
6 the record may be purchased by any person interested in such  
7 hearing on payment to the board of the cost of preparing the  
8 transcript.

9 The board shall notify the applicant or licensee of its  
10 decision in writing within ten days after the conclusion of  
11 the hearing. The secretary in all cases of suspension or  
12 revocation shall enter the fact on the register. Any  
13 individual whose license is suspended or revoked shall be  
14 deemed an unlicensed person for purposes of this Act.

15 The fees and expenses allowed witnesses and officers shall  
16 be paid by the board and shall be the same as prescribed by  
17 law in civil cases in the courts of this state.

18 Sec. 16. NEW SECTION. APPEAL. Any party aggrieved by  
19 a decision of the board may appeal the matter to the district  
20 court within thirty days after receipt of notice of the board's  
21 final determination. Appeals shall be taken by filing the  
22 action with the court and serving upon the secretary of the  
23 board written notice of the appeal, stating the grounds  
24 thereof. The attorney general shall represent the board and  
25 the secretary of agriculture in any such court proceedings.

26 Sec. 17. NEW SECTION. REINSTATEMENT. Any person whose  
27 license is suspended or revoked may at the discretion of the  
28 board, be relicensed or reinstated at any time without an  
29 examination by majority vote of the board on written  
30 application made to the board showing cause justifying  
31 relicensing or reinstatement.

32 Sec. 18. NEW SECTION. FORGERIES. Any person who shall  
33 file or attempt to file with the department of agriculture  
34 or board of veterinary medicine any false or forged diploma  
35 or certificate or affidavit of identification or qualification

1 is guilty of a fraudulent practice.

2 Sec. 19. NEW SECTION. FRAUD. Any person who shall present  
3 to the department of agriculture or board of veterinary  
4 medicine a diploma or certificate of which he or she is not  
5 the rightful owner, for the purpose of procuring a license,  
6 or who shall falsely impersonate anyone to whom a license  
7 has been granted by said department, is guilty of criminal  
8 fraud.

9 Sec. 20. NEW SECTION. ENFORCEMENT--PENALTIES.

10 1. Any person who practices veterinary medicine without  
11 a currently valid license or temporary permit is guilty of  
12 a fraudulent practice. Each act of such unlawful practice  
13 shall constitute a distinct and separate offense.

14 2. A person who shall practice veterinary medicine without  
15 a currently valid license or temporary permit shall not receive  
16 any compensation for services so rendered.

17 3. The county attorney of the county in which any violation  
18 of this Act occurs shall conduct the necessary prosecution  
19 for such violation. Notwithstanding this provision, the board  
20 of veterinary medicine or the secretary of agriculture, or  
21 any citizen of this state may bring an action to enjoin any  
22 person from practicing veterinary medicine without a currently  
23 valid license or temporary permit. The action brought to  
24 restrain a person from engaging in the practice of veterinary  
25 medicine without possessing a license shall be brought in  
26 the name of the state of Iowa. If the court finds that the  
27 individual is violating or threatening to violate this Act,  
28 it shall enter an injunction restraining the individual from  
29 such unlawful acts.

30 4. The successful maintenance of an action based on any  
31 one of the remedies set forth in this section shall in no  
32 way prejudice the prosecution of an action based on any other  
33 remedy set forth in this section.

34 5. The department of agriculture shall cooperate with  
35 the board of veterinary medicine in the enforcement of the

1 provisions of this Act.

2     Sec. 21. Chapter one hundred sixty-nine (169), Code 1977,  
3 is repealed and the provisions of this Act substituted in  
4 lieu thereof.

5     Sec. 22. This Act is effective January 1, 1978.

6                                   EXPLANATION

7     This bill repeals the existing veterinary licensing law  
8 and replaces it with the provisions of this bill.

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