

3-10-97 State Gov.  
H. 3.31-97 amends/DO Pan  
W/H-1472  
FILED MAR 3 - 1997

SENATE FILE 253  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 47.1)

(p. 25)  
Passed Senate, Date 3-6-97 (P. 171) Passed House, Date 4-10-97  
Vote: Ayes 45 Nays 0 Vote: Ayes 85 Nays 12  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the practice of veterinary medicine and  
2 providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

S.F. 253

1 Section 1. Section 169.3, Code 1997, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 3A. "Authorized veterinary entity" means  
4 any of the following:

5 a. A licensed veterinarian.

6 b. The holder of a valid temporary permit issued by the  
7 board pursuant to section 169.11.

8 c. A professional corporation incorporated as provided in  
9 section 496C.6 for the purpose of engaging in the practice of  
10 veterinary medicine or a professional limited liability  
11 company organized as provided in section 490A.1505 for the  
12 purpose of engaging in the practice of veterinary medicine.

13 NEW SUBSECTION. 4A. "Clinic" means a place where  
14 veterinary medicine is practiced.

15 Sec. 2. Section 169.3, subsection 12, Code 1997, is  
16 amended to read as follows:

17 12. "Veterinary assistant" means an assistant employed by  
18 ~~a licensed veterinarian~~ an authorized veterinary entity as an  
19 animal technician and any other assistant the board designates  
20 by rule.

21 Sec. 3. Section 169.4, unnumbered paragraph 1, Code 1997,  
22 is amended to read as follows:

23 A person ~~may~~ shall not practice veterinary medicine in the  
24 state ~~who is not~~ unless the person is a licensed veterinarian  
25 or the holder of a valid temporary permit ~~issued by the board~~  
26 as provided in section 169.11. This chapter shall not be  
27 construed to prohibit:

28 Sec. 4. Section 169.4, subsection 9, Code 1997, is amended  
29 to read as follows:

30 9. Any veterinary assistant, if the veterinary assistant  
31 is employed by a licensed veterinarian from performing an  
32 authorized veterinary entity; performs duties other than  
33 diagnosis, prescription, or surgery; is under the direct  
34 supervision of such a licensed veterinarian when assistant;  
35 and has been issued a certificate by the board subject to

1 section 169.20.

2 Sec. 5. Section 169.4A, Code 1997, is amended to read as  
3 follows:

4 169.4A PROVISION OF VETERINARY SERVICES.

5 A person, including a corporation, limited liability  
6 company, or partnership, established on or after July 1, 1994,  
7 ~~other-than-either-a-professional-corporation-organized-under~~  
8 ~~chapter-496E-or-a-veterinarian-licensed-under-this-chapter~~ but  
9 prior to the effective date of this Act, shall not ~~provide~~  
10 ~~veterinary-medical-services~~, own a veterinary clinic, or  
11 practice veterinary medicine in this state, except as  
12 otherwise provided in this chapter of the 1997 Iowa Code.  
13 However, this section shall not ~~prohibit~~ apply to a person  
14 ~~from-owning~~ who is one of the following:

15 1. A professional corporation organized under chapter 496C  
16 or a veterinarian licensed under this chapter who established  
17 a veterinary clinic prior to the effective date of this Act.

18 2. A person who, prior to the effective date of this Act,  
19 acquired an interest in real property or a building where a  
20 clinic is located, if veterinary medical services or a  
21 practice is conducted by the clinic by a professional  
22 corporation or a veterinarian licensed under this chapter.

23 Sec. 6. NEW SECTION. 169.4B AUTHORIZED PROVIDERS OF  
24 VETERINARY SERVICES.

25 On and after the effective date of this Act, a person,  
26 other than an authorized veterinary entity, shall not do any  
27 of the following:

28 1. Establish, own, purchase, lease, or otherwise acquire a  
29 legal or equitable interest in a clinic. However, this  
30 subsection shall not apply to any of the following:

31 a. A person owning, purchasing, leasing, or otherwise  
32 acquiring a legal or equitable interest in real property or a  
33 building where a clinic is located, if the practice of  
34 veterinary medicine is conducted by a licensed veterinarian or  
35 the holder of a temporary permit issued by the board pursuant

1 to section 169.11.

2 b. An accredited or approved college of veterinary  
3 medicine.

4 2. Exercise influence or control or attempt to exercise  
5 influence or control over the professional judgment, skill, or  
6 responsibility of a licensed veterinarian or holder of a valid  
7 temporary permit issued by the board pursuant to this chapter.

8 Sec. 7. NEW SECTION. 169.4C RECORDS.

9 A person who practices veterinary medicine shall maintain  
10 records of animals on which the person practiced veterinary  
11 medicine as provided by rules which shall be adopted by the  
12 board. The records shall contain information prescribed by  
13 the board. The records shall at a minimum identify the clinic  
14 where veterinary medicine is being practiced, any individual  
15 who provides care under this chapter, and information  
16 regarding the type of care provided. The records may be  
17 maintained by a clinic on behalf of individuals employed by  
18 the clinic.

19 Sec. 8. Section 169.5, subsection 9, is amended by adding  
20 the following new paragraph and relettering subsequent  
21 paragraphs:

22 NEW PARAGRAPH. i. Refer any matter regarding a violation  
23 of this chapter as provided in section 169.19 to the attorney  
24 general or the county attorney in the county where the  
25 violation occurred for prosecution.

26 Sec. 9. Section 169.19, subsection 1, Code 1997, is  
27 amended to read as follows:

28 1. a. Any person who practices veterinary medicine  
29 without a currently valid license or temporary permit as  
30 provided in this chapter is guilty of a fraudulent practice.  
31 Each act of such unlawful practice shall constitute a distinct  
32 and separate offense.

33 b. Any person who violates section 169.4A or 169.4B is  
34 guilty of a serious misdemeanor.

35 Sec. 10. Section 169.20, unnumbered paragraph 1, Code

1 1997, is amended to read as follows:

2 ~~A-veterinarian~~ An authorized veterinary entity may employ  
3 certified veterinary assistants for any purpose other than  
4 diagnosis, prescription, or surgery. Veterinary assistants  
5 must act under the direct supervision of a licensed  
6 veterinarian.

7

#### EXPLANATION

8 This bill amends Code chapter 169 which regulates  
9 veterinary practices. Specifically, the bill prohibits a  
10 person other than an authorized veterinary entity from  
11 establishing, owning, or acquiring a legal or equitable  
12 interest in a veterinary clinic after the effective date of  
13 the bill. Less stringent restrictions in current law would  
14 continue to apply to persons who established clinics as  
15 professional corporations prior to the effective date of the  
16 bill. The bill amends the provision to enhance readability.  
17 The bill provides that an authorized veterinary entity  
18 includes a person who currently holds a valid license or  
19 temporary permit under the chapter. An authorized entity also  
20 includes a professional corporation or a professional limited  
21 liability company. The prohibition does not apply to a person  
22 owning or acquiring an interest in real property or a building  
23 where a clinic is located, if the practice of veterinary  
24 medicine is conducted by a licensed veterinarian or temporary  
25 permitholder. It also does not apply to a college of  
26 veterinary medicine. The bill prohibits a person from  
27 exercising influence or control over the professional  
28 judgment, skill, or responsibility of a licensed veterinarian.  
29 The bill requires that persons practicing veterinary medicine  
30 maintain records relating to the veterinary practice. The  
31 prohibition against the establishment of clinics does not  
32 apply to persons who established clinics prior to the  
33 effective date of the bill. A person who violates the bill's  
34 provisions is guilty of a serious misdemeanor.

35

## SENATE FILE 253

H-1472

1 Amend Senate File 253, as passed by the Senate, as  
2 follows:

3 1. Page 1, lines 13 and 14, by striking the words  
4 "place where veterinary medicine is practiced" and  
5 inserting the following: "business engaged in the  
6 practice of veterinary medicine".

7 2. Page 1, by inserting before line 15 the  
8 following:

9 "Sec. \_\_\_\_ . Section 169.3, subsection 10,  
10 unnumbered paragraph 1, Code 1997, is amended to read  
11 as follows:

12 "Practice of veterinary medicine" or "veterinary  
13 medical services" means any of the following:"

14 3. Page 2, by striking lines 4 through 22 and  
15 inserting the following:

16 "169.4A PROVISION OF VETERINARY SERVICES.

17 A person, including a corporation, limited  
18 liability company, or partnership, established on or  
19 after July 1, 1994, but prior to the effective date of  
20 this Act, other than either a professional corporation  
21 organized under chapter 496C or a veterinarian  
22 licensed under this chapter, shall not provide  
23 veterinary medical services, own a veterinary clinic  
24 or practice in this state, except as otherwise  
25 provided in this chapter. However, this section shall  
26 not prohibit a person from owning an interest in real  
27 property or a building where a clinic is located, if  
28 veterinary medical services or a practice is conducted  
29 by the clinic by a professional corporation or a  
30 veterinarian licensed under this chapter."

31 4. Page 2, line 28, by striking the word "own"  
32 and inserting the following: "expand".

33 5. Page 2, line 28, by striking the word  
34 "lease,".

35 6. Page 3, by inserting after line 3 the  
36 following:

37 " \_\_\_\_ . Relocating a clinic or expanding the size of  
38 an existing clinic on the same premises. However,  
39 this paragraph shall not allow the person to increase  
40 the number of clinics or the number of premises where  
41 clinics are located."

42 7. Page 3, line 16, by striking the word "may"  
43 and inserting the following: "shall".

44 8. Page 3, line 18, by inserting after the word  
45 "clinic" the following: ", as provided in rules which  
46 shall be adopted by the board pursuant to chapter  
47 17A".

48 9. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT  
MARTIN of Scott, Chairperson

1472 FILED MARCH 31, 1997

*Adopted 4-10-97*  
*(p.1170)*

SENATE FILE 253

H-1662

1 Amend Senate File 253, as passed by the Senate, as  
2 follows:

3 1. Page 3, by inserting after line 25 the  
4 following:

5 "Sec. \_\_\_\_ . Section 169.5, Code 1997, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 10. A person who owns a clinic,  
8 but who, on or after the effective date of this Act,  
9 is prohibited from establishing, purchasing, or  
10 acquiring a legal or equitable interest in a clinic as  
11 provided in section 169.4B, shall be subject to the  
12 same standards of conduct, as provided in this chapter  
13 and rules adopted by the board, as apply to a licensed  
14 veterinarian, unless the board determines that a  
15 standard of conduct is inapplicable. The board may  
16 issue, renew, or deny the issuance or renewal of a  
17 certificate, adopt, amend, or repeal rules relating to  
18 the standards of conduct; and take disciplinary action  
19 against the person, including suspension or revocation  
20 of a certificate which shall be in accord with section  
21 169.14."

22 2. By renumbering as necessary.

By SCHRADER of Marion

H-1662 FILED APRIL 9, 1997

*Adopted*

4-10-97

(P.1170)

## SENATE FILE 253

H-1676

1 Amend Senate File 253, as passed by the Senate, as  
2 follows:  
3 1. Page 3, by inserting after line 3 the  
4 following:  
5 "\_\_\_\_. An animal shelter or pound as defined in  
6 section 162.2, if the animal shelter or pound engages  
7 a licensed veterinarian or the holder of a temporary  
8 permit issued by the board pursuant to section 169.11,  
9 in order to practice veterinary medicine at the animal  
10 shelter or pound."

By HOLMES of Scott

H-1676 FILED APRIL 10, 1997

*Order 4/10/97 (P. 1170)*

## SENATE FILE 253

H-1683

1 Amend the amendment, H-1472, to Senate File 253, as  
2 passed by the Senate, as follows:  
3 1. Page 1, by inserting after line 41 the  
4 following:  
5 "\_\_\_\_. An animal shelter or pound as defined in  
6 section 162.2, if the animal shelter or pound engages  
7 a licensed veterinarian or the holder of a temporary  
8 permit issued by the board pursuant to section 169.11,  
9 in order to practice veterinary medicine at the animal  
10 shelter or pound."  
11 2. By renumbering as necessary.

By HOLMES of Scott

H-1683 FILED APRIL 10, 1997

*Adopted**4-10-97**(P. 1170)*

HOUSE AMENDMENT TO  
SENATE FILE 253

S-3465

1 Amend Senate File 253, as passed by the Senate, as  
2 follows:

3 1. Page 1, lines 13 and 14, by striking the words  
4 "place where veterinary medicine is practiced" and  
5 inserting the following: "business engaged in the  
6 practice of veterinary medicine".

7 2. Page 1, by inserting before line 15 the  
8 following:

9 "Sec. \_\_\_\_ . Section 169.3, subsection 10,  
10 unnumbered paragraph 1, Code 1997, is amended to read  
11 as follows:

12 "Practice of veterinary medicine" or "veterinary  
13 medical services" means any of the following:"

14 3. Page 2, by striking lines 4 through 22 and  
15 inserting the following:

16 "169.4A PROVISION OF VETERINARY SERVICES.

17 A person, including a corporation, limited  
18 liability company, or partnership, established on or  
19 after July 1, 1994, but prior to the effective date of  
20 this Act, other than either a professional corporation  
21 organized under chapter 496C or a veterinarian  
22 licensed under this chapter, shall not provide  
23 veterinary medical services, own a veterinary clinic,  
24 or practice in this state, except as otherwise  
25 provided in this chapter. However, this section shall  
26 not prohibit a person from owning an interest in real  
27 property or a building where a clinic is located, if  
28 veterinary medical services or a practice is conducted  
29 by the clinic by a professional corporation or a  
30 veterinarian licensed under this chapter."

31 4. Page 2, line 28, by striking the word "own"  
32 and inserting the following: "expand".

33 5. Page 2, line 28, by striking the word  
34 "lease,".

35 6. Page 3, by inserting after line 3 the  
36 following:

37 "\_\_\_\_ . Relocating a clinic or expanding the size of  
38 an existing clinic on the same premises. However,  
39 this paragraph shall not allow the person to increase  
40 the number of clinics or the number of premises where  
41 clinics are located.

42 \_\_\_\_ . An animal shelter or pound as defined in  
43 section 162.2, if the animal shelter or pound engages  
44 a licensed veterinarian or the holder of a temporary  
45 permit issued by the board pursuant to section 169.11,  
46 in order to practice veterinary medicine at the animal  
47 shelter or pound."

48 7. Page 3, line 16, by striking the word "may"  
49 and inserting the following: "shall".

50 8. Page 3, line 18, by inserting after the word

-3465

-1-

S-3465

Page 2

1 "clinic" the following: ", as provided in rules which  
2 shall be adopted by the board pursuant to chapter  
3 17A".

4 9. Page 3, by inserting after line 25 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 169.5, Code 1997, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 10. A person who owns a clinic,  
9 but who, on or after the effective date of this Act,  
10 is prohibited from establishing, purchasing, or  
11 acquiring a legal or equitable interest in a clinic as  
12 provided in section 169.4B, shall be subject to the  
13 same standards of conduct, as provided in this chapter  
14 and rules adopted by the board, as apply to a licensed  
15 veterinarian, unless the board determines that a  
16 standard of conduct is inapplicable. The board may  
17 issue, renew, or deny the issuance or renewal of a  
18 certificate, adopt, amend, or repeal rules relating to  
19 the standards of conduct; and take disciplinary action  
20 against the person, including suspension or revocation  
21 of a certificate which shall be in accord with section  
22 169.14."

23 10. By renumbering, relettering, or redesignating  
24 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3465 FILED APRIL 10, 1997

S-5807

1 Amend the House amendment, S-3465, to Senate File  
2 253, as passed by the Senate, as follows:

3 1. By striking page 1, line 3 through page 2,  
4 line 22, and inserting the following:

5 "\_\_\_\_. Page 1, by inserting after line 14 the  
6 following:

7 "Sec. \_\_\_\_ . Section 169.3, subsection 10,  
8 unnumbered paragraph 1, Code 1997, is amended to read  
9 as follows:

10 "Practice of veterinary medicine" or "veterinary  
11 medical services" means any of the following:"

12 \_\_\_\_ . By striking page 1, line 28, through page 3,  
13 line 7, and inserting the following:

14 "Sec. \_\_\_\_ . NEW SECTION. 169.4B CERTIFICATION OF  
15 CLINIC OPERATORS.

16 1. A person who operates a clinic, including the  
17 owner of a clinic, shall not provide veterinary  
18 medical services at the clinic, or employ or contract  
19 with a licensed veterinarian or the holder of a valid  
20 temporary permit as provided in section 169.4, to  
21 provide veterinary medical services, unless the person  
22 is one of the following:

23 a. An authorized veterinary entity.

24 b. A state agency or political subdivision.

25 c. An animal shelter or pound as defined in  
26 section 162.2.

27 d. A person who is certified as a clinic operator  
28 pursuant to this section.

29 2. A clinic shall not be used to provide  
30 veterinary medical services unless the veterinary  
31 medical services are provided by a licensed  
32 veterinarian or holder of a temporary permit.

33 3. A person required to be certified under this  
34 section must apply for certification with the board  
35 according to procedures required by the board. A  
36 certification shall be renewed periodically as  
37 required by the board, but not less than once every  
38 three years.

39 4. A person required to be certified under this  
40 section shall comply with standards of conduct  
41 established by the board for the operation of a  
42 clinic, as provided in this chapter and rules adopted  
43 by the board. A certificate issued under this section  
44 is not a license or a temporary permit.

45 5. The board shall do all of the following:

46 a. Issue, renew, or deny the issuance or renewal  
47 of a clinic operator's certificate according to  
48 procedures established by the board.

49 b. Adopt, amend, or rescind rules necessary to  
50 administer this section in accordance with chapter

S-5807

S-5807

Page 2

1 17A.

2 3. a. The board may take disciplinary action  
3 against a person required to be certified as a clinic  
4 operator under this section, if it determines that the  
5 person has done any of the following.

6 (1) Violated this section, including rules adopted  
7 by the board under this section.

8 (2) Committed an act or offense prohibited in  
9 section 169.13.

10 b. A disciplinary action taken against a person  
11 required to be certified as a clinic operator shall  
12 comply with the requirements of section 169.14."

13 \_\_\_\_\_. Page 3, by striking lines 5 through 11 and  
14 inserting the following:

15 "A person who provides veterinary medical services,  
16 including an authorized veterinary entity or a clinic,  
17 shall maintain records regarding the care provided to  
18 animals as provided by rules which shall be adopted by  
19 the".

20 \_\_\_\_\_. Page 3, line 16, by striking the word "may"  
21 and inserting the following: "shall".

22 \_\_\_\_\_. Page 3, line 18, by inserting after the word  
23 "clinic." the following: "The records shall be  
24 maintained for at least five years from the date that  
25 the person last provided veterinary medical services."

26 \_\_\_\_\_. By striking page 3, line 19, through page 3,  
27 line 34, and inserting the following:

28 "Sec. \_\_\_\_\_. Section 169.19, subsections 1 through  
29 3, Code 1997, are amended to read as follows:

30 1. a. Any A person who practices does any of the  
31 following is guilty of a fraudulent practice:

32 (1) Practices veterinary medicine without a  
33 currently valid license or temporary permit is-guilty  
34 of-a-fraudulent-practice.

35 (2) Operates a clinic without a clinic operator's  
36 certificate as provided in section 169.4B.

37 d. Each act of-such-unlawful-practice-shall  
38 constitute prohibited in this subsection constitutes a  
39 distinct and separate offense.

40 2. A person who shall-practice does any of the  
41 following shall not receive compensation for providing  
42 veterinary medical services:

43 a. Practices veterinary medicine without a  
44 currently valid license or temporary permit shall-not  
45 receive-compensation-for-services-so-rendered.

46 b. Owls or operates a clinic without being licensed  
47 a valid clinic operator's certificate as provided in  
48 section 169.4B.

49 3. The county attorney of the county in which any  
50 violation of this chapter occurs shall conduct the

S-5807

S-5807

Page 3

1 necessary prosecution for such violation.  
2 Notwithstanding this provision, the board of  
3 veterinary medicine or any citizen of this state may  
4 bring an action to enjoin any person from providing  
5 veterinary medical services, including practicing  
6 veterinary medicine, without a currently valid  
7 license, or temporary permit, or clinic operator's  
8 certificate. The action brought to restrain a person  
9 from engaging-in-the-practice-of providing veterinary  
10 medicine-without-possessing-a-license medical services  
11 as provided in this subsection, shall be brought in  
12 the name of the state of Iowa. If the court finds  
13 that the individual is violating or threatening to  
14 violate this chapter it shall enter an injunction  
15 restraining the individual from such unlawful acts."  
16 2. By renumbering as necessary.

By STEWART IVERSON, Jr.

S-5807 FILED APRIL 21, 1998

McLaren, Chair  
Drake  
Rife  
Fink  
Delaney

SSB 47.1  
State Government  
Succeeded By  
SENATE FILE SF/HF 253  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON LIND)

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

A BILL FOR

1 An Act relating to the practice of veterinary medicine and  
2 providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 169.3, Code 1997, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 3A. "Authorized veterinary entity" means  
4 any of the following:

5 a. A licensed veterinarian.

6 b. The holder of a valid temporary permit issued by the  
7 board pursuant to section 169.11.

8 c. A professional corporation incorporated as provided in  
9 section 496C.6 for the purpose of engaging in the practice of  
10 veterinary medicine or a professional limited liability  
11 company organized as provided in section 490A.1505 for the  
12 purpose of engaging in the practice of veterinary medicine.

13 NEW SUBSECTION. 4A. "Clinic" means a place where  
14 veterinary medicine is practiced.

15 Sec. 2. Section 169.3, subsection 12, Code 1997, is  
16 amended to read as follows:

17 12. "Veterinary assistant" means an assistant employed by  
18 ~~a licensed veterinarian~~ an authorized veterinary entity as an  
19 animal technician and any other assistant the board designates  
20 by rule.

21 Sec. 3. Section 169.4, unnumbered paragraph 1, Code 1997,  
22 is amended to read as follows:

23 A person ~~may~~ shall not practice veterinary medicine in the  
24 state ~~who is not~~ unless the person is a licensed veterinarian  
25 or the holder of a valid temporary permit ~~issued by the board~~  
26 as provided in section 169.11. This chapter shall not be  
27 construed to prohibit:

28 Sec. 4. Section 169.4, subsection 9, Code 1997, is amended  
29 to read as follows:

30 9. Any veterinary assistant, if the veterinary assistant  
31 is employed by a licensed veterinarian from performing an  
32 authorized veterinary entity; performs duties other than  
33 diagnosis, prescription, or surgery; is under the direct  
34 supervision of such a licensed veterinarian which assistant;  
35 and has been issued a certificate by the board subject to

1 section 169.20.

2 Sec. 5. Section 169.4A, Code 1997, is amended to read as  
3 follows:

4 169.4A PROVISION OF VETERINARY SERVICES.

5 A person, including a corporation, limited liability  
6 company, or partnership, established on or after July 1, 1994,  
7 ~~other-than-either-a-professional-corporation-organized-under~~  
8 ~~chapter-496C-or-a-veterinarian-licensed-under-this-chapter~~ but  
9 prior to the effective date of this Act, shall not provide  
10 ~~veterinary-medical-services~~, own a veterinary clinic, or  
11 practice veterinary medicine in this state, except as  
12 otherwise provided in this chapter of the 1997 Iowa Code.  
13 However, this section shall not ~~prohibit~~ apply to a person  
14 ~~from-owning~~ who is one of the following:

15 1. A professional corporation organized under chapter 496C  
16 or a veterinarian licensed under this chapter who established  
17 a veterinary clinic prior to the effective date of this Act.

18 2. A person who, prior to the effective date of this Act,  
19 acquired an interest in real property or a building where a  
20 clinic is located, if veterinary medical services or a  
21 practice is conducted by the clinic by a professional  
22 corporation or a veterinarian licensed under this chapter.

23 Sec. 6. NEW SECTION. 169.4B AUTHORIZED PROVIDERS OF  
24 VETERINARY SERVICES.

25 On and after the effective date of this Act, a person,  
26 other than an authorized veterinary entity, shall not do any  
27 of the following:

28 1. Establish, own, purchase, lease, or otherwise acquire a  
29 legal or equitable interest in a clinic. However, this  
30 subsection shall not apply to any of the following:

31 a. A person owning, purchasing, leasing, or otherwise  
32 acquiring a legal or equitable interest in real property or a  
33 building where a clinic is located, if the practice of  
34 veterinary medicine is conducted by a licensed veterinarian or  
35 the holder of a temporary permit issued by the board pursuant

1 to section 169.11.

2 b. An accredited or approved college of veterinary  
3 medicine.

4 2. Exercise influence or control or attempt to exercise  
5 influence or control over the professional judgment, skill, or  
6 responsibility of a licensed veterinarian or holder of a valid  
7 temporary permit issued by the board pursuant to this chapter.

8 Sec. 7. NEW SECTION. 169.4C RECORDS.

9 A person who practices veterinary medicine shall maintain  
10 records of animals on which the person practiced veterinary  
11 medicine as provided by rules which shall be adopted by the  
12 board. The records shall contain information prescribed by  
13 the board. The records shall at a minimum identify the clinic  
14 where veterinary medicine is being practiced, any individual  
15 who provides care under this chapter, and information  
16 regarding the type of care provided. The records may be  
17 maintained by a clinic on behalf of individuals employed by  
18 the clinic.

19 Sec. 8. Section 169.5, subsection 9, is amended by adding  
20 the following new paragraph and relettering subsequent  
21 paragraphs:

22 NEW PARAGRAPH. i. Refer any matter regarding a violation  
23 of this chapter as provided in section 169.19 to the attorney  
24 general or the county attorney in the county where the  
25 violation occurred for prosecution.

26 Sec. 9. Section 169.19, subsection 1, Code 1997, is  
27 amended to read as follows:

28 1. a. Any person who practices veterinary medicine  
29 without a currently valid license or temporary permit as  
30 provided in this chapter is guilty of a fraudulent practice.  
31 Each act of such unlawful practice shall constitute a distinct  
32 and separate offense.

33 b. Any person who violates section 169.4A or 169.4B is  
34 guilty of a serious misdemeanor.

35 Sec. 10. Section 169.20, unnumbered paragraph 1, Code

1 1997, is amended to read as follows:

2 ~~A-veterinarian~~ An authorized veterinary entity may employ  
3 certified veterinary assistants for any purpose other than  
4 diagnosis, prescription, or surgery. Veterinary assistants  
5 must act under the direct supervision of a licensed  
6 veterinarian.

7 EXPLANATION

8 This bill amends Code chapter 169 which regulates  
9 veterinary practices. Specifically, the bill prohibits a  
10 person other than an authorized veterinary entity from  
11 establishing, owning, or acquiring a legal or equitable  
12 interest in a veterinary clinic after the effective date of  
13 the bill. Less stringent restrictions in current law would  
14 continue to apply to persons who established clinics as  
15 professional corporations prior to the effective date of the  
16 bill. The bill amends the provision to enhance readability.  
17 The bill provides that an authorized veterinary entity  
18 includes a person who currently holds a valid license or  
19 temporary permit under the chapter. An authorized entity also  
20 includes a professional corporation or a professional limited  
21 liability company. The prohibition does not apply to a person  
22 owning or acquiring an interest in real property or a building  
23 where a clinic is located, if the practice of veterinary  
24 medicine is conducted by a licensed veterinarian or temporary  
25 permit holder. It also does not apply to a college of  
26 veterinary medicine. The bill prohibits a person from  
27 exercising influence or control over the professional  
28 judgment, skill, or responsibility of a licensed veterinarian.  
29 The bill requires that persons practicing veterinary medicine  
30 maintain records relating to the veterinary practice. The  
31 prohibition against the establishment of clinics does not  
32 apply to persons who established clinics prior to the  
33 effective date of the bill. A person who violates the bill's  
34 provisions is guilty of a serious misdemeanor.

35