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SENATE FILE 358

By COMMITTEE ON AGRICULTURE

Passed Senate, Date 4-22-77 (p. 1237) Passed House, Date _____

Vote: Ayes 46 Nays 0 Vote: Ayes _____ Nays _____

Approved _____ June 29, 1978

*Referred to reconsideration of 1237 provided 5/5
Repassed Senate 5-5-77 (p. 1361)
+3-0*

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. 358

SENATE FILE 358

S-3411

1 Amend Senate File 358 as follows:
2 1. Page 3, line 7, by inserting after the words
3 "gratuitous assistance" the words " with regard to the
4 treatment of animals".

S-3411 FILED. adopted 4/28
APRIL 22, 1977 (p. 1236)

BY ELIZABETH R. MILLER
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BASS VAN GILST

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, and other vertebrate or
17 nonvertebrate life forms, living or dead, except domestic
18 poultry.

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

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

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

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

1 c. To use any title, words, abbreviation, or letters in
2 a manner or under circumstances which induce the belief that
3 the person using them is qualified to do any act described
4 in paragraph a of subsection three (3) of this section.

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

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

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

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

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

24 9. "Person" means natural person.

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

28 11. "Accepted livestock management practice" includes
29 but is not limited to: dehorning, castration, docking,
30 vaccination, pregnancy testing, clipping swine needle teeth,
31 ear notching, drawing of blood, relief of bloat, draining
32 of abscesses, branding, and other surgical acts of no greater
33 magnitude; artificial insemination, collecting of semen,
34 implanting of growth hormones, feeding commercial feed defined
35 in section one hundred ninety-eight point three (198.3) of

1 the Code, or administration or prescription of drugs performed
2 by the owner or contract-feeder thereof of livestock, his
3 or her bona fide employee, or anyone rendering gratuitous
4 assistance with respect to such livestock. Nothing contained
5 herein shall be construed to permit any person except those
6 persons enumerated in this subsection, to provide purportedly
7 gratuitous assistance other than advisory assistance, in
8 return for the purchase of goods or services.

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

13 Sec. 4. NEW SECTION. LICENSE REQUIREMENT AND EXCEPTIONS.

14 A person may not practice veterinary medicine in the state
15 who is not a licensed veterinarian or the holder of a valid
16 temporary permit issued by the board. This chapter shall
17 not be construed to prohibit:

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

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

32 3. A veterinarian currently licensed in another state
33 from consulting with a licensed veterinarian in this state.

34 4. Any manufacturer, wholesaler, or retailer from advis-
35 ing with respect to or selling in the ordinary course of trade

1 or business, drugs, feeds, including, but not limited to
2 customer-formula feeds as defined in section one hundred
3 ninety-eight point three (198.3) of the Code, appliances,
4 and other products used in the prevention or treatment of
5 animal diseases.

6 5. The owner of an animal or the owner's bona fide em-
7 ployees from caring for and treating the animal in the
8 possession of such owner except where the ownership of the
9 animal was transferred solely for the purpose of circumventing
10 this Act.

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

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

23 8. Any person from engaging in bona fide scientific re-
24 search which reasonably requires experimentation involving
25 animals.

26 9. Any veterinary lay assistant employed by a licensed
27 veterinarian from performing duties other than diagnosis,
28 prescription, or surgery under the direct supervision of such
29 veterinarian which assistant has been issued a certificate
30 by the secretary of agriculture after a proper showing of
31 competency.

32 10. A graduate of a foreign college of veterinary medi-
33 cine who is in the process of obtaining an ECFVG certificate
34 for performing duties or actions under the direction or
35 supervision of a licensed veterinarian.

1 11. Any person from advising with respect to or perform-
2 ing accepted livestock management practices.

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

5 13. Any person from performing post-mortem examinations
6 on swine or cattle.

7 14. Any person from collecting or evaluating semen from
8 livestock.

9 Sec. 5. NEW SECTION. CONTINUING EDUCATION. To retain
10 a license to practice veterinary medicine, a veterinarian
11 shall annually successfully undertake a program of continuing
12 veterinary education. The board shall establish rules
13 governing continuing veterinary education, which shall in-
14 clude the number of annual contract hours required, the type
15 of continuing education for which credit will be given,
16 allocation of credit, provision for exceptions under ex-
17 traordinary circumstances and such other provisions as will
18 give effect to this section.

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

20 1. For the purpose of administering examinations to
21 applicants for license to practice veterinary medicine and
22 performing such other duties, functions and responsibili-
23 ties as are outlined in this Act, the governor shall appoint,
24 subject to the approval of two-thirds of the members of the
25 senate, a board of five individuals, three of whom shall be
26 licensed veterinarians and two of whom shall not be licensed
27 veterinarians, but shall be knowledgeable in the area of
28 animal husbandry and who shall represent the general public.
29 The representatives of the general public shall not prepare,
30 grade or otherwise administer examinations to applicants for
31 license to practice veterinary medicine. Such board shall
32 be known as the Iowa board of veterinary medicine. Each
33 licensed veterinarian shall be actively engaged in veterinary
34 medicine and shall have been so engaged for a period of five
35 years immediately preceding appointment, the last two of which

1 shall have been in Iowa. A member of the board shall not
2 be employed by any wholesale or jobbing house dealing in
3 supplies, equipment or instruments used or useful in the
4 practice of veterinary medicine. The person designated as
5 the state veterinarian shall serve as secretary of the board.

6 Professional associations or societies composed of li-
7 censed veterinarians may recommend the names of potential
8 board members to the governor, but the governor shall not
9 be bound by the recommendations.

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

17 3. Any vacancy in the membership of the board caused by
18 death, resignation, removal, or otherwise, shall be filled
19 for the period of the unexpired term in the same manner as
20 original appointments.

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

31 5. The department of agriculture shall furnish the board
32 with all articles and supplies required for the public use
33 and necessary to enable the board to perform the duties imposed
34 upon it by law. Such articles and supplies shall be obtained
35 by the department in the same manner in which the regular

1 supplies for the department are obtained, and the department
2 shall assess the costs to the board for such articles and
3 supplies. The board shall also reimburse the department for
4 direct and indirect administrative costs incurred in issuing
5 and renewing the licenses.

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

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

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

28 At the end of each fiscal year, the president and secre-
29 tary shall submit to the governor a report on the transactions
30 of the board, including an account of monies received and
31 disbursed.

32 8. The board shall set the fees by rule for a license
33 to practice veterinary medicine issued upon the basis of the
34 examination. It shall also set the fees by rule for a license
35 granted on the basis of reciprocity, a renewal of a license

1 to practice veterinary medicine, a certified statement that
2 a licensee is licensed to practice in this state, and an
3 issuance of a duplicate license when the original is lost
4 or destroyed. The fee shall be based upon the administra-
5 tive costs of sustaining the board and shall include, but
6 shall not be limited to, the following:

7 a. Per diem, expenses, and travel of board members.

8 b. Costs to the department of agriculture for admin-
9 istration of this Act.

10 9. The board may, subject to approval and review by the
11 secretary of agriculture:

12 a. Examine and determine the qualifications and fitness
13 of applicants for a license to practice veterinary medicine
14 in the state.

15 b. Issue, renew, deny, suspend, or revoke licenses and
16 temporary permits to practice veterinary medicine in the state
17 or place licensees on probation or otherwise discipline
18 licensed veterinarians consistent with the provisions of this
19 Act and the rules adopted under this Act.

20 c. Establish and publish annually a schedule of fees for
21 licensing and registration of veterinarians. The fee schedule
22 shall be based on the board's anticipated financial
23 requirements for the year.

24 d. Conduct investigations for the purpose of discovering
25 violations of this Act or grounds for disciplining licensed
26 veterinarians.

27 e. Hold hearings on all matters properly brought before
28 the board and administer oaths, receive evidence, make the
29 necessary determinations, and enter orders consistent with
30 the findings. The board may require by subpoena the attendance
31 and testimony of witnesses and the production of papers,
32 records, or other documentary evidence and commission
33 depositions. An administrative hearing officer may be
34 appointed pursuant to subsection three (3) of section seventeen
35 A point eleven (17A.11) of the Code to perform those functions

1 which properly repose in an administrative hearing officer.

2 f. Employ full-time or part-time personnel, professional,
3 clerical, or special, as are necessary to effectuate the
4 provisions of this Act.

5 g. Appoint from its own membership one or more members
6 to act as representatives of the board at any meeting within
7 or without the state where such representation is deemed de-
8 sirable.

9 h. Through the offices of the secretary of agriculture
10 and the attorney general, bring proceedings in the courts
11 for the enforcement of this Act or any regulations made
12 pursuant to this Act.

13 i. Adopt, amend, or repeal all rules necessary for its
14 government and all regulations necessary to carry into effect
15 the provision of this Act, including the establishment and
16 publication of standards of professional conduct for the prac-
17 tice of veterinary medicine.

18 The powers enumerated above are granted for the purpose
19 of enabling the board to effectively supervise the practice
20 of veterinary medicine and are to be construed liberally to
21 accomplish this objective.

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

- 25 1. Criminal history or prior misconduct of the applicant.
- 26 2. Information relating to the contents of the examination.
- 27 3. Information relating to the examination results other
28 than final score except for information about the results
29 of an examination which is given to the person who took the
30 examination.

31 A member of the board who willfully communicates or seeks
32 to communicate such information, and any person who willfully
33 requests, obtains, or seeks to obtain such information, is
34 guilty of a simple misdemeanor for each separate offense.

35 Sec. 8. NEW SECTION. STATUS OF PERSONS PREVIOUSLY LI-

1 CENSED. Any person holding a valid license to practice
2 veterinary medicine in this state on the effective date of
3 this Act shall be recognized as a licensed veterinarian and
4 shall be entitled to retain this status as long as licensee
5 complies with the provisions of this Act.

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

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

30 Every license to practice veterinary medicine shall be
31 in the form of a certificate under the seal of the depart-
32 ment of agriculture and signed by the secretary of agricul-
33 ture. The number of the book and page containing the entry
34 of the license in the office of the department of agriculture
35 shall be noted on the face of the license.

1 Every individual licensed under this Act shall keep the
2 license displayed in the place at which an office is
3 maintained.

4 The name, location, number of years of practice of the
5 person to whom a license is issued, the number of the
6 certificate, and the date of registration thereof shall be
7 entered in a book kept in the office of the department of
8 agriculture, to be known as the "registry book", and the same
9 shall be open to public inspection.

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

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

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

34 After each examination, the secretary shall notify each
35 examinee of the examination result, and the board shall issue

1 licenses to the individuals successfully completing the ex-
2 amination. The secretary shall record the new licenses and
3 issue a certificate of registration to the new licensees.
4 Any individual failing an examination shall be admitted to
5 any subsequent examination on payment of the application fee.

6 In all written examinations the identity of the individual
7 taking the same shall not be disclosed upon the examination
8 papers in such a way as to enable the members of the examin-
9 ing board to know by whom written until after the papers have
10 been passed upon.

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

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

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

1 or license.

2 When the requirements for a license in any state with which
3 this state has a reciprocal agreement are no longer equal
4 to those existing in this state, then such agreement shall
5 be terminated and licenses issued in such state shall not
6 be recognized as a basis for granting a license in this state
7 until a new agreement has been negotiated. The fact of such
8 change shall be determined by the board and certified to the
9 department of agriculture.

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

13 1. To a qualified applicant for license pending examination
14 and the temporary permit shall expire the day after the notice
15 of results of the first examination given after the permit
16 is issued. The temporary permit holder should keep the
17 secretary continually advised of his or her current address.

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

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

33 Any person who shall practice veterinary medicine after
34 license expiration is practicing in violation of this Act.
35 However, a person may renew an expired license within five

1 years of the date of its expiration by making written
2 application for renewal and paying the current renewal fee
3 plus all delinquent renewal fees. After five years have
4 elapsed since the date of expiration, a license may not be
5 renewed, and the holder must make application for a new license
6 and take the license examination.

7 The board may by rule waive the payment of the registration
8 renewal fee of a licensed veterinarian during the period when
9 the veterinarian is on active duty with any branch of the
10 armed services of the United States.

11 Any licensee who is desirous of changing residence to
12 another state or territory shall, upon application to the
13 department of agriculture and payment of the legal fee, receive
14 a certified statement that the licensee is a duly licensed
15 practitioner in this state.

16 Sec. 14. NEW SECTION. DISCIPLINE OF LICENSEES. A license
17 to practice under this Act may be revoked or suspended or
18 the licensee may be otherwise disciplined by the secretary
19 of agriculture, or the board of veterinary medicine with the
20 approval of the secretary of agriculture when the licensee
21 is found guilty of any of the following acts or offenses:

22 1. The employment of fraud, misrepresentation, or deception
23 in obtaining a license or in the subsequent practice of the
24 profession.

25 2. A determination of insanity.

26 3. Chronic inebriety or habitual use of controlled
27 substances or illegal distribution of same.

28 4. The use of advertising or solicitation which is false,
29 misleading, or is otherwise deemed unprofessional under
30 regulations adopted by the board.

31 5. Conviction or cash compromise of a felony or other
32 public offense involving moral turpitude.

33 6. Incompetence, negligence, or other malpractice in the
34 practice of veterinary medicine.

35 7. Having professional association with or employing any

1 person unlawfully practicing veterinary medicine.

2 8. Fraud or dishonesty in the application or reporting
3 of any test for disease in animals.

4 9. Failure to keep veterinary premises and equipment in
5 a clean and sanitary condition.

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

8 11. Dishonesty or negligence in the inspection of
9 foodstuffs or the issuance of health or inspection
10 certificates.

11 12. Cruelty to animals.

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

15 14. Unprofessional conduct as defined in regulations
16 adopted by the board.

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

29 A hearing shall be held no sooner than twenty days after
30 written notice to a licensed veterinarian of a complaint under
31 section fourteen (14) of this Act or, in the case of a person
32 whose application for license is denied, no sooner than ten
33 days after receipt by the board of a written request for a
34 hearing. Notice of the time and place of the hearing, along
35 with a copy of the complaint filed, shall be served on a

1 licensee in the same manner required by the Iowa rules of
2 civil procedure.

3 The applicant or licensee shall have the right to be heard
4 in person and by counsel, the right to have subpoenaed the
5 attendance of witnesses in his or her behalf, and the right
6 to cross-examine witnesses appearing against the applicant
7 or licensee. Strict rules of evidence shall not apply. The
8 board shall either use mechanical means or employ a certified
9 shorthand reporter to perpetuate the testimony and shall
10 preserve a full record of the proceedings. A transcript of
11 the record may be purchased by any person interested in such
12 hearing on payment to the board of the cost of preparing the
13 transcript.

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

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

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

31 Sec. 17. NEW SECTION. REINSTATEMENT. Any person whose
32 license is suspended or revoked may at the discretion of the
33 board, be relicensed or reinstated at any time without an
34 examination by majority vote of the board on written
35 application made to the board showing cause justifying

1 relicensing or reinstatement.

2 Sec. 18. NEW SECTION. FORGERIES. Any person who shall
3 file or attempt to file with the department of agriculture
4 or board of veterinary medicine any false or forged diploma
5 or certificate or affidavit of identification or qualification
6 is guilty of a fraudulent practice.

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

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

15 1. Any person who practices veterinary medicine without
16 a currently valid license or temporary permit is guilty of
17 a fraudulent practice. Each act of such unlawful practice
18 shall constitute a distinct and separate offense.

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

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

35 4. The successful maintenance of an action based on any

1 one of the remedies set forth in this section shall in no
2 way prejudice the prosecution of an action based on any other
3 remedy set forth in this section.

4 5. The department of agriculture shall cooperate with
5 the board of veterinary medicine in the enforcement of the
6 provisions of this Act.

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

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

11 EXPLANATION

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

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SENATE FILE 358

S-3419

1 Amend Senate File 358 as follows:
2 1. Page 8, by striking lines 15 through 19 and
3 inserting in lieu thereof the following:
4 "b. Issue, renew, or deny issuance or renewal
5 of licenses and temporary permits to practice veterinary
6 medicine in this state."
7 2. Page 14, by striking lines 16 through 21 and
8 inserting in lieu thereof the following:
9 "Sec. 14. NEW SECTION. DICIPLINE OF LICENSEES.
10 A license or temporary permit issued under this chapter
11 may be revoked or suspended or the licensee or permittee
12 may be otherwise disciplined by the board upon a two-
13 thirds vote of the entire board, with the secretary of
14 agriculture sitting as a voting board member for this
15 purpose only. Such an action may be taken when the
16 licensee is found guilty of any of the following acts
17 or offenses:".

S-3419 FILED - *Adopted 4/28*
APRIL 25, 1977 (*p. 1237*)

BY DALE TIEDEN

SENATE FILE 358

S-3463

1 Amend Senate File 358 as follows:
2 1. Page 10, line 26, by striking the word
3 "require" and inserting in lieu thereof the word
4 "request".
5 2. Page 14, line 31, by striking the words "or
6 cash compromise".
7 3. Page 17, lines 12 and 13, by striking the words
8 "criminal fraud" and inserting in lieu thereof the
9 words "a fraudulent practice".

S-3463 FILED - *Adopted 5/5 (1341)* BY PHILIP B. HILL
APRIL 28, 1977

SENATE FILE 358

S-3460

1 Amend Senate File 358, page 5, line 14, by
2 striking the word "contract" and inserting in
3 lieu thereof the word "contact".

S-3460 FILED & ADOPTED (*p. 1237*) BY EARL M. WILLITS
APRIL 28, 1977

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, and other vertebrate or
17 nonvertebrate life forms, living or dead, except domestic
18 poultry.

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

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

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

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

1 c. To use any title, words, abbreviation, or letters in
2 a manner or under circumstances which induce the belief that
3 the person using them is qualified to do any act described
4 in paragraph a of subsection three (3) of this section.

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

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

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

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

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

24 9. "Person" means natural person.

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

28 11. "Accepted livestock management practice" includes
29 but is not limited to: denorning, castration, docking,
30 vaccination, pregnancy testing, clipping swine needle teeth,
31 ear notching, drawing of blood, relief of bloat, draining
32 of abscesses, branding, and other surgical acts of no greater
33 magnitude; artificial insemination, collecting of semen,
34 implanting of growth hormones, feeding commercial feed defined
35 in section one hundred ninety-eight point three (198.3) of

1 the Code, or administration or prescription of drugs performed
2 by the owner or contract-feeder thereof of livestock, his
3 or her bona fide employee, or anyone rendering gratuitous
4 assistance with respect to such livestock. Nothing contained
5 herein shall be construed to permit any person except those
6 persons enumerated in this subsection, to provide purportedly
7 gratuitous assistance with regard to the treatment of animals
8 other than advisory assistance, in return for the purchase
9 of goods or services.

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

14 Sec. 4. NEW SECTION. LICENSE REQUIREMENT AND EXCEPTIONS.

15 A person may not practice veterinary medicine in the state
16 who is not a licensed veterinarian or the holder of a valid
17 temporary permit issued by the board. This chapter shall
18 not be construed to prohibit:

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

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

33 3. A veterinarian currently licensed in another state
34 from consulting with a licensed veterinarian in this state.

35 4. Any manufacturer, wholesaler, or retailer from advis-

1 ing with respect to or selling in the ordinary course of trade
2 or business, drugs, feeds, including, but not limited to
3 customer-formula feeds as defined in section one hundred
4 ninety-eight point three (198.3) of the Code, appliances,
5 and other products used in the prevention or treatment of
6 animal diseases.

7 5. The owner of an animal or the owner's bona fide em-
8 ployees from caring for and treating the animal in the
9 possession of such owner except where the ownership of the
10 animal was transferred solely for the purpose of circumventing
11 this Act.

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

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

24 8. Any person from engaging in bona fide scientific re-
25 search which reasonably requires experimentation involving
26 animals.

27 9. Any veterinary lay assistant employed by a licensed
28 veterinarian from performing duties other than diagnosis,
29 prescription, or surgery under the direct supervision of such
30 veterinarian which assistant has been issued a certificate
31 by the secretary of agriculture after a proper showing of
32 competency.

33 10. A graduate of a foreign college of veterinary medi-
34 cine who is in the process of obtaining an ECFVG certificate
35 for performing duties or actions under the direction or

1 supervision of a licensed veterinarian.

2 11. Any person from advising with respect to or perform-
3 ing accepted livestock management practices.

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

6 13. Any person from performing post-mortem examinations
7 on swine or cattle.

8 14. Any person from collecting or evaluating semen from
9 livestock.

10 Sec. 5. NEW SECTION. CONTINUING EDUCATION. To retain
11 a license to practice veterinary medicine, a veterinarian
12 shall annually successfully undertake a program of continuing
13 veterinary education. The board shall establish rules
14 governing continuing veterinary education, which shall in-
15 clude the number of annual contact hours required, the type
16 of continuing education for which credit will be given,
17 allocation of credit, provision for exceptions under ex-
18 traordinary circumstances and such other provisions as will
19 give effect to this section.

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

21 1. For the purpose of administering examinations to
22 applicants for license to practice veterinary medicine and
23 performing such other duties, functions and responsibili-
24 ties as are outlined in this Act, the governor shall appoint,
25 subject to the approval of two-thirds of the members of the
26 senate, a board of five individuals, three of whom shall be
27 licensed veterinarians and two of whom shall not be licensed
28 veterinarians, but shall be knowledgeable in the area of
29 animal husbandry and who shall represent the general public.
30 The representatives of the general public shall not prepare,
31 grade or otherwise administer examinations to applicants for
32 license to practice veterinary medicine. Such board shall
33 be known as the Iowa board of veterinary medicine. Each
34 licensed veterinarian shall be actively engaged in veterinary
35 medicine and shall have been so engaged for a period of five

1 years immediately preceding appointment, the last two of which
2 shall have been in Iowa. A member of the board shall not
3 be employed by any wholesale or jobbing house dealing in
4 supplies, equipment or instruments used or useful in the
5 practice of veterinary medicine. The person designated as
6 the state veterinarian shall serve as secretary of the board.

7 Professional associations or societies composed of li-
8 censed veterinarians may recommend the names of potential
9 board members to the governor, but the governor shall not
10 be bound by the recommendations.

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

18 3. Any vacancy in the membership of the board caused by
19 death, resignation, removal, or otherwise, shall be filled
20 for the period of the unexpired term in the same manner as
21 original appointments.

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

32 5. The department of agriculture shall furnish the board
33 with all articles and supplies required for the public use
34 and necessary to enable the board to perform the duties imposed
35 upon it by law. Such articles and supplies shall be obtained

1 by the department in the same manner in which the regular
2 supplies for the department are obtained, and the department
3 shall assess the costs to the board for such articles and
4 supplies. The board shall also reimburse the department for
5 direct and indirect administrative costs incurred in issuing
6 and renewing the licenses.

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

16 7. At its annual meeting, the board shall organize by
17 electing a president and such other officers as may be nec-
18 essary. Officers of the board serve for terms of one year
19 and until a successor is elected, without limitation on the
20 number of terms an officer may serve. The president shall
21 serve as chairperson of board meetings.

22 The duties of the secretary shall include carrying on the
23 correspondence of the board, keeping permanent accounts and
24 records of all receipts and disbursements by the board and
25 of all board proceedings, including the disposition of all
26 applications for license, and keeping a register of all persons
27 currently licensed by the board. All board records shall
28 be open to public inspection during regular office hours.

29 At the end of each fiscal year, the president and secre-
30 tary shall submit to the governor a report on the transactions
31 of the board, including an account of monies received and
32 disbursed.

33 8. The board shall set the fees by rule for a license
34 to practice veterinary medicine issued upon the basis of the
35 examination. It shall also set the fees by rule for a license

1 granted on the basis of reciprocity, a renewal of a license
2 to practice veterinary medicine, a certified statement that
3 a licensee is licensed to practice in this state, and an
4 issuance of a duplicate license when the original is lost
5 or destroyed. The fee shall be based upon the administra-
6 tive costs of sustaining the board and shall include, but
7 shall not be limited to, the following:

8 a. Per diem, expenses, and travel of board members.

9 b. Costs to the department of agriculture for admin-
10 istration of this Act.

11 9. The board may, subject to approval and review by the
12 secretary of agriculture:

13 a. Examine and determine the qualifications and fitness
14 of applicants for a license to practice veterinary medicine
15 in the state.

16 b. Issue, renew, or deny issuance or renewal of licenses
17 and temporary permits to practice veterinary medicine in this
18 state.

19 c. Establish and publish annually a schedule of fees for
20 licensing and registration of veterinarians. The fee schedule
21 shall be based on the board's anticipated financial
22 requirements for the year.

23 d. Conduct investigations for the purpose of discovering
24 violations of this Act or grounds for disciplining licensed
25 veterinarians.

26 e. Hold hearings on all matters properly brought before
27 the board and administer oaths, receive evidence, make the
28 necessary determinations, and enter orders consistent with
29 the findings. The board may require by subpoena the attendance
30 and testimony of witnesses and the production of papers,
31 records, or other documentary evidence and commission
32 depositions. An administrative hearing officer may be
33 appointed pursuant to subsection three (3) of section seventeen
34 A point eleven (17A.11) of the Code to perform those functions
35 which properly repose in an administrative hearing officer.

1. Deploy full-time or part-time personnel, professional, clerical, or special, as are necessary to effectuate the provisions of this Act.

g. Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

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

11. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of this Act, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

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

Sec. 7. NEW SECTION. DISCLOSURE OF CONFIDENTIAL INFORMATION. A member of the board shall not disclose information relating to the following:

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

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

Sec. 8. NEW SECTION. STATUS OF PERSONS PREVIOUSLY LICENSSED. Any person holding a valid license to practice

1 veterinary medicine in this state on the effective date of
2 this Act shall be recognized as a licensed veterinarian and
3 shall be entitled to retain this status as long as licensee
4 complies with the provisions of this Act.

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

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

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

35 Every individual licensed under this Act shall keep the

1 license displayed in the place at which an office is
2 maintained.

3 The name, location, number of years of practice of the
4 person to whom a license is issued, the number of the
5 certificate, and the date of registration thereof shall be
6 entered in a book kept in the office of the department of
7 agriculture, to be known as the "registry book", and the same
8 shall be open to public inspection.

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

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

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

33 After each examination, the secretary shall notify each
34 examinee of the examination result, and the board shall issue
35 licenses to the individuals successfully completing the ex-

1 amination. The secretary shall record the new licenses and
2 issue a certificate of registration to the new licensees.
3 Any individual failing an examination shall be admitted to
4 any subsequent examination on payment of the application fee.

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

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

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

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

1 When the requirements for a license in any state with which
2 this state has a reciprocal agreement are no longer equal
3 to those existing in this state, then such agreement shall
4 be terminated and licenses issued in such state shall not
5 be recognized as a basis for granting a license in this state
6 until a new agreement has been negotiated. The fact of such
7 change shall be determined by the board and certified to the
8 department of agriculture.

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

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

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

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

32 Any person who shall practice veterinary medicine after
33 license expiration is practicing in violation of this Act.
34 However, a person may renew an expired license within five
35 years of the date of its expiration by making written

1 application for renewal and paying the current renewal fee
2 plus all delinquent renewal fees. After five years have
3 elapsed since the date of expiration, a license may not be
4 renewed, and the holder must make application for a new license
5 and take the license examination.

6 The board may by rule waive the payment of the registration
7 renewal fee of a licensed veterinarian during the period when
8 the veterinarian is on active duty with any branch of the
9 armed services of the United States.

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

15 Sec. 14. NEW SECTION. DISCIPLINE OF LICENSEES. A license
16 or temporary permit issued under this chapter may be revoked
17 or suspended or the licensee or permittee may be otherwise
18 disciplined by the board upon a two-thirds vote of the entire
19 board, with the secretary of agriculture sitting as a voting
20 board member for this purpose only. Such an action may be
21 taken when the licensee is found guilty of any of the following
22 acts or offenses:

23 1. The employment of fraud, misrepresentation, or deception
24 in obtaining a license or in the subsequent practice of the
25 profession.

26 2. A determination of insanity.

27 3. Chronic inebriety or habitual use of controlled
28 substances or illegal distribution of same.

29 4. The use of advertising or solicitation which is false,
30 misleading, or is otherwise deemed unprofessional under
31 regulations adopted by the board.

* 32 5. Conviction of a felony or other public offense involving
33 moral turpitude.

34 6. Incompetence, negligence, or other malpractice in the
35 practice of veterinary medicine.

1 7. Having professional association with or employing any
2 person unlawfully practicing veterinary medicine.

3 8. Fraud or dishonesty in the application or reporting
4 of any test for disease in animals.

5 9. Failure to keep veterinary premises and equipment in
6 a clean and sanitary condition.

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

9 11. Dishonesty or negligence in the inspection of
10 foodstuffs or the issuance of health or inspection
11 certificates.

12 12. Cruelty to animals.

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

16 14. Unprofessional conduct as defined in regulations
17 adopted by the board.

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

30 A hearing shall be held no sooner than twenty days after
31 written notice to a licensed veterinarian of a complaint under
32 section fourteen (14) of this Act or, in the case of a person
33 whose application for license is denied, no sooner than ten
34 days after receipt by the board of a written request for a
35 hearing. Notice of the time and place of the hearing, along

1 with a copy of the complaint filed, shall be served on a
2 licensee in the same manner required by the Iowa rules of
3 civil procedure.

4 The applicant or licensee shall have the right to be heard
5 in person and by counsel, the right to have subpoenaed the
6 attendance of witnesses in his or her behalf, and the right
7 to cross-examine witnesses appearing against the applicant
8 or licensee. Strict rules of evidence shall not apply. The
9 board shall either use mechanical means or employ a certified
10 shorthand reporter to perpetuate the testimony and shall
11 preserve a full record of the proceedings. A transcript of
12 the record may be purchased by any person interested in such
13 hearing on payment to the board of the cost of preparing the
14 transcript.

15 The board shall notify the applicant or licensee of its
16 decision in writing within ten days after the conclusion of
17 the hearing. The secretary in all cases of suspension or
18 revocation shall enter the fact on the register. Any
19 individual whose license is suspended or revoked shall be
20 deemed an unlicensed person for purposes of this Act.

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

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

32 Sec. 17. NEW SECTION. REINSTATEMENT. Any person whose
33 license is suspended or revoked may at the discretion of the
34 board, be relicensed or reinstated at any time without an
35 examination by majority vote of the board on written

1 application made to the board showing cause justifying
2 relicensing or reinstatement.

3 Sec. 18. NEW SECTION. FORGERIES. Any person who shall
4 file or attempt to file with the department of agriculture
5 or board of veterinary medicine any false or forged diploma
6 or certificate or affidavit of identification or qualification
7 is guilty of a fraudulent practice.

8 Sec. 19. NEW SECTION. FRAUD. Any person who shall present
9 to the department of agriculture or board of veterinary
10 medicine a diploma or certificate of which he or she is not
11 the rightful owner, for the purpose of procuring a license,
12 or who shall falsely impersonate anyone to whom a license
13 has been granted by said department, is guilty of a fraud-
14 ulent practice.

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

16 1. Any person who practices veterinary medicine without
17 a currently valid license or temporary permit is guilty of
18 a fraudulent practice. Each act of such unlawful practice
19 shall constitute a distinct and separate offense.

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

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

SENATE FILE 358

H-5313

- 1 Amend Senate File 358, as passed and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 2, line 6, by striking the word "a" and
- 4 inserting in lieu thereof the words "an accredited
- 5 or approved".
- 6 2. Page 2, line 24, by inserting after the words
- 7 "natural person" the words "or individual".
- 8 3. Page 6, line 26, by striking the words ", but
- 9 not limited to,".
- 10 4. Page 10, lines 11 and 12, by striking the words
- 11 "that the applicant is a person of good moral
- 12 character, and".
- 13 5. Page 12, line 13, by inserting after the word
- 14 "may" the words "by rule".
- 15 6. Page 12, line 27, by striking the word "an"
- 16 and inserting in lieu thereof the words "a written".
- 17 7. Page 14, line 26, by inserting after the word
- 18 "of" the word "legal".
- 19 8. Page 14, by striking lines 27 and 28 and
- 20 inserting in lieu thereof the following:
- 21 "3. Illegal use or distribution of controlled
- 22 substances in the practice of veterinary medicine."
- 23 9. Page 14, by striking lines 32 and 33 and
- 24 inserting in lieu thereof the following:
- 25 "5. Conviction of a felony."
- 26 10. Page 15, line 3, by striking the word
- 27 "dishonesty" and inserting in lieu thereof the words
- 28 "willful or wanton negligence".
- 29 11. Page 15, line 9, by striking the words
- 30 "Dishonesty or negligence" and inserting in lieu
- 31 thereof the words "False or negligent reporting".
- 32 12. Page 15, line 12, by striking the word
- 33 "Cruelty" and inserting in lieu thereof the words
- 34 "Conviction of cruelty".

H-5313 FILED *Adopted* BY BYERLY of Polk
FEBRUARY 15, 1978 *5/8 (A. 2312)*

SENATE FILE 358

H-5333

- 1 Amend Senate File 358, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 2, lines 15 and 16, by striking the
- 4 words "the American veterinary medical association"
- 5 and inserting in lieu thereof the words "the board".
- 6 2. Page 4, lines 28 and 29, by striking the
- 7 words "other than diagnosis, prescription, or
- 8 surgery".
- 9 3. Page 11, line 10, by inserting after the
- 10 word "notified" the words "within thirty days".

H-5333 FILED *Adopted* BY MONROE of Des Moines
FEBRUARY 16, 1978 *B. W. L.*
5/8 (A. 2313)

SENATE FILE 358

H-5270

1 Amend Senate File 358, as passed by the Senate
2 and reprinted, as follows:

3 1. Page 5, line 9, by inserting after the word
4 "livestock" the words "or poultry, or artificial
5 insemination of livestock and poultry".

6 2. Page 5, by inserting after line 9 the
7 following:

8 "15. Any person from castrating, dehorning or
9 branding."

10 3. Page 5, by striking lines 10 through 19.

11 4. Page 18, line 11, by striking the numerals
12 "1978" and inserting in lieu thereof the numerals
13 "1979".

H-5270 FILED *Adopted* BY COMMITTEE ON AGRICULTURE
FEBRUARY 9, 1978 *amended by* SCHEELHAASE of Woodbury, Chair
6340 5/5 (p. 221)

SENATE FILE 358

H-5290

1 Amend the amendment H-5270 to Senate File 358 as
2 follows:

3 1. Page 1, line 9, by inserting after the word
4 "branding" the words "notwithstanding section one
5 hundred eighty-seven point fourteen (187.14), Code
6 1977 Supplement".

H-5290 FILED *Adopted 5/5* BY BYERLY of Polk
FEBRUARY 14, 1978 *(p. 2310)*

S-5925

1 Amend Senate File 358 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, line 6, by striking the word "a" and
4 inserting in lieu thereof the words "an accredited
5 or approved".

6 2. Page 2, lines 15 and 16, by striking the
7 words "the American veterinary medical association"
8 and inserting in lieu thereof the words "the board".

9 3. Page 2, line 24, by inserting after the words
10 "natural person" the words "or individual".

11 4. Page 5, line 9, by inserting after the word
12 "livestock" the words "or poultry, or artificial
13 insemination of livestock and poultry".

14 5. Page 5, by inserting after line 9 the
15 following:

16 "15. Any person from castrating, dehorning or
17 branding notwithstanding section one hundred eighty-
18 seven point fourteen (187.14), Code 1977 Supplement."

19 6. Page 5, by striking lines 10 through 19.

20 7. Page 6, line 26, by striking the words ", but
21 not limited to,".

22 8. Page 8, by striking lines 11 and 12 and
23 inserting in lieu thereof the following:

24 "9. Upon a two-thirds vote with the secretary
25 of agriculture sitting as a voting board member for
26 these purposes, the board may:"

27 9. Page 9, by inserting after line 11 the follow-
28 ing new lettered paragraph:

29 "NEW LETTERED PARAGRAPH. i. Adopt, amend, or
30 repeal rules relating to the standards of conduct
31 for, testing of, and revocation or suspension of
32 certificates issued to veterinary lay assistants;
33 providing that no certificate can be suspended or
34 revoked by less than two-thirds vote of the entire
35 board in a proceeding conducted in compliance with
36 section seventeen A point twelve (17A.12) of the
37 Code."

38 10. By redesignating the paragraph beginning with
39 line 12 on page 9 as paragraph "j".

40 11. Page 10, lines 11 and 12, by striking the words
41 "that the applicant is a person of good moral
42 character, and".

43 12. Page 11, line 10, by inserting after the
44 word "notified" the words "within thirty days".

45 13. Page 12, line 13, by inserting after the word
46 "may" the words "by rule".

47 14. Page 12, line 27, by striking the word "an"
48 and inserting in lieu thereof the words "a written".

49 15. Page 14, line 20, by striking the word
50 "only".

- 1 16. Page 14, line 26, by inserting after the word
- 2 "of" the word "legal".
- 3 17. Page 14, by striking lines 27 and 28 and
- 4 inserting in lieu thereof the following:
- 5 "3. Illegal use or distribution of controlled
- 6 substances in the practice of veterinary medicine."
- 7 18. Page 14, by striking lines 32 and 33 and
- 8 inserting in lieu thereof the following:
- 9 "5. Conviction of a felony."
- 10 19. Page 15, line 3, by striking the word
- 11 "dishonesty" and inserting in lieu thereof the words
- 12 "willful or wanton negligence".
- 13 20. Page 15, line 9, by striking the words
- 14 "Dishonesty or negligence" and inserting in lieu
- 15 thereof the words "False or negligent reporting".
- 16 21. Page 15, line 12, by striking the word
- 17 "Cruelty" and inserting in lieu thereof the words
- 18 "Conviction of cruelty".
- 19 22. Page 15, line 19, by inserting after the word
- 20 "motion" a comma.
- 21 23. Page 15, line 20, by inserting after the word
- 22 "agriculture" the word "shall,".
- 23 24. Page 15, line 25, by striking the words "An
- 24 administrative".
- 25 25. Page 15, by striking lines 26 through 29.
- 26 26. Page 18, line 11, by striking the numerals
- 27 "1978" and inserting in lieu thereof the numerals
- 28 "1979".

S-5925 FILED
MAY 12, 1978

RECEIVED FROM THE HOUSE

Handwritten signature/initials

SENATE FILE 358

H-6564

- 1 Amend Senate File 358 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 9, by inserting after line 11 the follow-
- 4 ing new lettered paragraph:
- 5 "NEW LETTERED PARAGRAPH. i. Adopt, amend, or
- 6 repeal rules relating to the standards of conduct
- 7 for, testing of, and revocation or suspension of
- 8 certificates issued to veterinary lay assistants;
- 9 providing that no certificate can be suspended or
- 10 revoked by less than two-thirds vote of the entire
- 11 board in a proceeding conducted in compliance with
- 12 section seventeen A point twelve (17A.12) of the
- 13 Code."
- 14 2. By redesignating the paragraph beginning with
- 15 line 12 on page 9 as paragraph "j".
- 16 3. Page 15, line 19, by inserting after the word
- 17 "motion" a comma.
- 18 4. Page 15, line 20, by inserting after the word
- 19 "agriculture" the word "shall,".
- 20 5. Page 15, line 25, by striking the words "An
- 21 administrative".
- 22 6. Page 15, by striking lines 26 through 29.

H-6564 FILED, ADOPTED BY PELLETT of Cass
MAY 8, 1978 HINKHOUSE of Cedar

SENATE FILE 358

H-6082

- 1 Amend amendment H5313 to Senate File 358, as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking line 22 and inserting
- 4 in lieu thereof the word "substances."

H-6082 FILED *Lost 5/8* BY CLARK of Cerro Gordo
APRIL 17, 1978

SENATE FILE 358

H-6083

- 1 Amend amendment H5313 to Senate File 358, as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 26 through 28 and
- 4 inserting in lieu thereof the following:
- 5 "10. Page 15, line 3 by striking the words
- 6 "or dishonesty" and inserting in lieu thereof the
- 7 words ", dishonesty, or willful negligence"."

H-6083 FILED *Lost 5/8* BY CLARK of Cerro Gordo
APRIL 17, 1978

SENATE FILE 358

H-6566

- 1 Amend Senate File 358 as amended, reprinted,
- 2 and passed by the Senate as follows:
- 3 1. Page 8, by striking lines 11 and 12 and
- 4 inserting in lieu thereof the following sentences:
- 5 "9. Upon a two-thirds vote with the secretary
- 6 of agriculture sitting as a voting board member for
- 7 these purposes, the board may:"
- 8 2. Page 14, line 20, by striking the word
- 9 "only".
- 10

H-6566 FILED *Adopted 5/12* BY BYERLY of Polk
MAY 8, 1978 SCHEELHAASE of Woodbury
HINKHOUSE of Cedar

in the practice of veterinary medicine.

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

5. Conviction of a felony.

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

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

8. Fraud or willful or wanton negligence in the application or reporting of any test for disease in animals.

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

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

11. False or negligent reporting in the inspection of foodstuffs or the issuance of health or inspection certificates.

12. Conviction of cruelty to animals.

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

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

Sec. 14. NEW SECTION. HEARING PROCEDURE. The attorney general may, on his or her own motion, or when directed by the department of agriculture shall, issue a petition against any licensee to whom has been granted a license to practice veterinary medicine. The attorney general shall prosecute said action before the secretary of agriculture and the board of veterinary medicine. At said hearing the secretary of agriculture shall act as chairperson.

A hearing shall be held no sooner than twenty days after written notice to a licensed veterinarian of a complaint under section thirteen (13) of this Act or, in the case of a person

whose application for license is denied, no sooner than ten days after receipt by the board of a written request for a hearing. Notice of the time and place of the hearing, along with a copy of the complaint filed, shall be served on a licensee in the same manner required by the Iowa rules of civil procedure.

The applicant or licensee shall have the right to be heard in person and by counsel, the right to have subpoenaed the attendance of witnesses in his or her behalf, and the right to cross-examine witnesses appearing against the applicant or licensee. Strict rules of evidence shall not apply. The board shall either use mechanical means or employ a certified shorthand reporter to perpetuate the testimony and shall preserve a full record of the proceedings. A transcript of the record may be purchased by any person interested in such hearing on payment to the board of the cost of preparing the transcript.

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

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

Sec. 15. NEW SECTION. APPEAL. Any party aggrieved by a decision of the board may appeal the matter to the district court within thirty days after receipt of notice of the board's final determination. Appeals shall be taken by filing the action with the court and serving upon the secretary of the board written notice of the appeal, stating the grounds thereof. The attorney general shall represent the board and the secretary of agriculture in any such court proceedings.

Sec. 16. NEW SECTION. REINSTATEMENT. Any person whose

practice veterinary medicine on the basis of a certificate of registration or license issued by the duly constituted and proper authorities of another state with which such reciprocal relations exist, if such certificate of registration or license has been issued by such other state on requirements substantially equivalent to those required in this state at the time of the issuance of such certificate of registration or license.

When the requirements for a license in any state with which this state has a reciprocal agreement are no longer equal to those existing in this state, then such agreement shall be terminated and licenses issued in such state shall not be recognized as a basis for granting a license in this state until a new agreement has been negotiated. The fact of such change shall be determined by the board and certified to the department of agriculture.

Sec. 11. NEW SECTION. TEMPORARY PERMIT. The board may issue without examination a temporary permit to practice veterinary medicine in this state:

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

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

Sec. 12. NEW SECTION. LICENSE RENEWAL. All licenses shall expire annually on June thirtieth but may be renewed by registration with the board and payment of the registration renewal fee established and published by the board. On or

before June first of each year, the secretary shall mail a notice to each licensed veterinarian that the license will expire on June thirtieth and shall provide the licensee with a form for registration.

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

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

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

Sec. 13. NEW SECTION. DISCIPLINE OF LICENSEES. A license or temporary permit issued under this chapter may be revoked or suspended or the licensee or permittee may be otherwise disciplined by the board upon a two-thirds vote of the entire board, with the secretary of agriculture sitting as a voting board member for this purpose. Such an action may be taken when the licensee is found guilty of any of the following acts or offenses:

1. The employment of fraud, misrepresentation, or deception in obtaining a license or in the subsequent practice of the profession.
2. A determination of legal insanity.
3. Illegal use or distribution of controlled substances

Every license to practice veterinary medicine shall be in the form of a certificate under the seal of the department of agriculture and signed by the secretary of agriculture. The number of the book and page containing the entry of the license in the office of the department of agriculture shall be noted on the face of the license.

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

The name, location, number of years of practice of the person to whom a license is issued, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department of agriculture, to be known as the "registry book", and the same shall be open to public inspection.

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

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

The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to establish competency to practice veterinary medicine in the judgment of the board. All examinees shall

be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the national board of veterinary examiners as a part of the examination given to examinees.

After each examination, the secretary shall notify each examinee of the examination result, and the board shall issue licenses to the individuals successfully completing the examination. The secretary shall record the new licenses and issue a certificate of registration to the new licensees. Any individual failing an examination shall be admitted to any subsequent examination on payment of the application fee.

In all written examinations the identity of the individual taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon.

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

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

After reciprocal relations are entered into, the department may, in lieu of a written examination, issue a license to

which properly repose in an administrative hearing officer.

f. Employ full-time or part-time personnel, professional, clerical, or special, as are necessary to effectuate the provisions of this Act.

g. Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

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

i. Adopt, amend, or repeal rules relating to the standards of conduct for, testing of, and revocation or suspension of certificates issued to veterinary lay assistants; providing that no certificate can be suspended or revoked by less than two-thirds vote of the entire board in a proceeding conducted in compliance with section seventeen A point twelve (17A.12) of the Code.

j. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of this Act, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

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

Sec. 6. NEW SECTION. DISCLOSURE OF CONFIDENTIAL INFORMATION. A member of the board shall not disclose information relating to the following:

1. Criminal history or prior misconduct of the applicant.
2. Information relating to the contents of the examination.
3. Information relating to the examination results other than final score except for information about the results

of an examination which is given to the person who took the examination.

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

Sec. 7. NEW SECTION. STATUS OF PERSONS PREVIOUSLY LICENSED. Any person holding a valid license to practice veterinary medicine in this state on the effective date of this Act shall be recognized as a licensed veterinarian and shall be entitled to retain this status as long as licensee complies with the provisions of this Act.

Sec. 8. NEW SECTION. QUALIFICATIONS. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on a form approved by the board. The application shall show that the applicant is a graduate of an accredited or approved college of veterinary medicine or the holder of an RCPVG certificate. The application shall also show such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for license without examination under section ten (10) of this Act, the board may grant a license to the applicant. If an applicant is found not qualified to take the examination or for a license without examination, the secretary of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of his or her qualification under the procedure set forth in section fourteen (14) of this Act. Any applicant who is found not qualified shall be allowed the return of the application fee.

by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.

6. The board shall meet at least once each year as determined by the board. Other necessary meetings may be called by the president of the board by giving proper notice. Except as provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

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

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

At the end of each fiscal year, the president and secretary shall submit to the governor a report on the transactions of the board, including an account of moneys received and disbursed.

8. The board shall set the fees by rule for a license to practice veterinary medicine issued upon the basis of the examination. It shall also set the fees by rule for a license

granted on the basis of reciprocity, a renewal of a license to practice veterinary medicine, a certified statement that a licensee is licensed to practice in this state, and an issuance of a duplicate license when the original is lost or destroyed. The fee shall be based upon the administrative costs of sustaining the board and shall include, but shall not be limited to, the following:

- a. Per diem, expenses, and travel of board members.
 - b. Costs to the department of agriculture for administration of this Act.
9. Upon a two-thirds vote with the secretary of agriculture sitting as a voting board member for these purposes, the board may:
- a. Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.
 - b. Issue, renew, or deny issuance or renewal of licenses and temporary permits to practice veterinary medicine in this state.
 - c. Establish and publish annually a schedule of fees for licensing and registration of veterinarians. The fee schedule shall be based on the board's anticipated financial requirements for the year.
 - d. Conduct investigations for the purpose of discovering violations of this Act or grounds for disciplining licensed veterinarians.
 - e. Hold hearings on all matters properly brought before the board and administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. An administrative hearing officer may be appointed pursuant to subsection three (3) of section seventeen A point eleven (17A.11) of the Code to perform those functions

veterinarian which assistant has been issued a certificate by the secretary of agriculture after a proper showing of competency.

10. A graduate of a foreign college of veterinary medicine who is in the process of obtaining an RCFVG certificate for performing duties or actions under the direction or supervision of a licensed veterinarian.

11. Any person from advising with respect to or performing accepted livestock management practices.

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

13. Any person from performing post-mortem examinations on swine or cattle.

14. Any person from collecting or evaluating semen from livestock or poultry, or artificial insemination of livestock and poultry.

15. Any person from castrating, dehorning or branding notwithstanding section one hundred eighty-seven point fourteen (187.14), Code 1977 Supplement.

Sec. 5. NEW SECTION. BOARD OF VETERINARY MEDICINE.

1. For the purpose of administering examinations to applicants for license to practice veterinary medicine and performing such other duties, functions and responsibilities as are outlined in this Act, the governor shall appoint, subject to the approval of two-thirds of the members of the senate, a board of five individuals, three of whom shall be licensed veterinarians and two of whom shall not be licensed veterinarians, but shall be knowledgeable in the area of animal husbandry and who shall represent the general public. The representatives of the general public shall not prepare, grade or otherwise administer examinations to applicants for license to practice veterinary medicine. Such board shall be known as the Iowa board of veterinary medicine. Each licensed veterinarian shall be actively engaged in veterinary medicine and shall have been so engaged for a period of five

years immediately preceding appointment, the last two of which shall have been in Iowa. A member of the board shall not be employed by any wholesale or jobbing house dealing in supplies, equipment or instruments used or useful in the practice of veterinary medicine. The person designated as the state veterinarian shall serve as secretary of the board.

Professional associations or societies composed of licensed veterinarians may recommend the names of potential board members to the governor, but the governor shall not be bound by the recommendations.

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

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

4. Members of the board shall, in addition to necessary traveling and other expenses, set their own per diem compensation at a rate not exceeding forty dollars per day for each day actually engaged in the discharge of their duties including compensation for the time spent traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.

5. The department of agriculture shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained

vaccination, pregnancy testing, clipping swine needle teeth, ear notching, drawing of blood, relief of bloat, draining of abscesses, branding, and other surgical acts of no greater magnitude; artificial insemination, collecting of semen, implanting of growth hormones, feeding commercial feed defined in section one hundred ninety-eight point three (198.3) of the Code, or administration or prescription of drugs performed by the owner or contract-feeder thereof of livestock, his or her bona fide employee, or anyone rendering gratuitous assistance with respect to such livestock. Nothing contained herein shall be construed to permit any person except those persons enumerated in this subsection, to provide purportedly gratuitous assistance with regard to the treatment of animals other than advisory assistance, in return for the purchase of goods or services.

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

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

1. An employee of the federal, state, or local government from performing official duties.
2. A person who is a veterinary student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by instructors, or working under the direct supervision of a licensed veterinarian. The secretary of agriculture shall issue to any veterinary medicine student who attends an accredited veterinary medicine college or school and who has been certified as being competent by an instructor of such college or school to perform veterinary duties under the direction of an instructor

of veterinary medicine or under the direct supervision of a licensed veterinarian, a certificate authorizing the veterinary medicine student to perform such functions.

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

4. Any manufacturer, wholesaler, or retailer from advising with respect to or selling in the ordinary course of trade or business, drugs, feeds, including, but not limited to customer-formula feeds as defined in section one hundred ninety-eight point three (198.3) of the Code, appliances, and other products used in the prevention or treatment of animal diseases.

5. The owner of an animal or the owner's bona fide employees from caring for and treating the animal in the possession of such owner except where the ownership of the animal was transferred solely for the purpose of circumventing this Act.

6. A member of the faculty of an accredited college of veterinary medicine from performing functions in the classrooms or continuing education. However, those faculty members who have professional responsibility to the owner must be licensed. A temporary permit may be granted for a period not to exceed two years to interns or residents who are on the staff of the college of veterinary medicine of Iowa state university of science and technology. Such permit shall be renewable annually upon the application of the dean of the college of veterinary medicine.

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

8. Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals.

9. Any veterinary lay assistant employed by a licensed veterinarian from performing duties other than diagnosis, prescription, or surgery under the direct supervision of such

SENATE FILE 358

AN ACT

RELATING TO THE LICENSING AND PRACTICING OF VETERINARIANS.

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

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

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

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

1. "Animal" means any nonhuman primate, dog, cat, rabbit, rodent, fish, reptile, and other vertebrate or nonvertebrate life forms, living or dead, except domestic poultry.

2. "Veterinary medicine" includes veterinary surgery, veterinary obstetrics, veterinary dentistry, and all other branches or specialties of veterinary medicine.

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

a. To diagnose, treat, correct, change, relieve or prevent, for a fee, any animal disease, deformity, defect, injury or other physical or mental conditions or cosmetic surgery; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or

other therapeutic or diagnostic substance or technique, for a fee; or to evaluate or correct sterility or infertility, for a fee; or to render, advise or recommend with regard to any of the above for a fee.

b. To represent, directly or indirectly, publicly or privately, an ability or willingness to do an act described in paragraph a of subsection three (3) of this section.

c. To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph a of subsection three (3) of this section.

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

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

6. "Accredited or approved college of veterinary medicine" means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation or approval by the board.

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

8. "ECFVG certificate" means a current certificate issued by the American veterinary medical association educational commission for foreign veterinary graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine.

9. "Person" means natural person or individual.

10. "Fee" means monetary compensation given for a service consisting primarily of an act or acts described in paragraph a of subsection three (3) of this section.

11. "Accepted livestock management practice" includes but is not limited to: dehorning, castration, docking,

license is suspended or revoked may at the discretion of the board, be relicensed or reinstated at any time without an examination by majority vote of the board on written application made to the board showing cause justifying relicensing or reinstatement.

Sec. 17. NEW SECTION. FORGERIES. Any person who shall file or attempt to file with the department of agriculture or board of veterinary medicine any false or forged diploma or certificate or affidavit of identification or qualification is guilty of a fraudulent practice.

Sec. 18. NEW SECTION. FRAUD. Any person who shall present to the department of agriculture or board of veterinary medicine a diploma or certificate of which he or she is not the rightful owner, for the purpose of procuring a license, or who shall falsely impersonate anyone to whom a license has been granted by said department, is guilty of a fraudulent practice.

Sec. 19. NEW SECTION. ENFORCEMENT--PENALTIES.

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

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

3. The county attorney of the county in which any violation of this Act occurs shall conduct the necessary prosecution for such violation. Notwithstanding this provision, the board of veterinary medicine or the secretary of agriculture, or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. The action brought to restrain a person from engaging in the practice of veterinary medicine without possessing a license shall be brought in the name of the state of Iowa. If the court finds that the

individual is violating or threatening to violate this Act, it shall enter an injunction restraining the individual from such unlawful acts.

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

5. The department of agriculture shall cooperate with the board of veterinary medicine in the enforcement of the provisions of this Act.

Sec. 20. Chapter one hundred sixty-nine (169), Code 1977, is repealed and the provisions of this Act substituted in lieu thereof.

Sec. 21. This Act is effective January 1, 1979.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 358, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved Jan 29, 1978

ROBERT D. RAY
Governor