

Senate File 288 - Introduced

SENATE FILE 288

BY KIBBIE

A BILL FOR

1 An Act providing for services related to veterinary care, and
2 providing for penalties.

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

1 Section 1. Section 169.3, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. "*Livestock pregnancy services*" means
4 all of the following:

5 a. Conducting pregnancy testing on livestock using
6 ultrasound equipment.

7 b. Providing embryo transfer services which are limited to
8 conducting any of the following:

9 (1) The nonsurgical collection of livestock embryos or
10 oocytes.

11 (2) The nonsurgical transfer or transplantation of fresh or
12 frozen livestock embryos.

13 Sec. 2. Section 169.4, Code 2011, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 16. a. A person certified by the board to
16 provide livestock pregnancy services pursuant to section 169.4B
17 from performing such services.

18 Sec. 3. NEW SECTION. 169.4B **Livestock pregnancy services**
19 **— certification.**

20 The board may certify persons to provide livestock pregnancy
21 services. The person must perform such services under the
22 direct supervision of a licensed veterinarian.

23 1. The person shall not be certified unless all of the
24 following apply:

25 a. The person is an employee of the supervising licensed
26 veterinarian.

27 b. The person is adequately covered under a liability
28 or malpractice insurance policy issued to the licensed
29 veterinarian.

30 c. The person has successfully completed a technical course
31 of instruction conducted by Iowa state university pursuant to
32 section 266.51.

33 2. A person certified by the board under this subsection is
34 not required to be certified as a veterinary assistant pursuant
35 to section 169.20.

1 Sec. 4. NEW SECTION. **169.19A Citations.**

2 The board may issue a citation against a person if the board
3 has reasonable grounds to believe that a person not licensed
4 under this chapter has engaged, or is about to engage, in an
5 act or practice which requires licensure under this chapter, or
6 otherwise violates a provision of this chapter. The board may
7 impose a civil penalty not to exceed one thousand dollars for
8 each violation of this chapter by an unlicensed person. Each
9 day of a continued violation after a citation is issued by the
10 board constitutes a separate offense, with the maximum penalty
11 not to exceed ten thousand dollars.

12 1. In determining the amount of a civil penalty, the board
13 may consider the following:

14 *a.* Whether the amount imposed will be a substantial economic
15 deterrent to the violation.

16 *b.* The circumstances leading to or resulting in the
17 violation.

18 *c.* The severity of the violation and the risk of harm to the
19 public.

20 *d.* The economic benefits gained by the violator as a result
21 of noncompliance.

22 *e.* The welfare or best interest of the public.

23 2. The board may conduct an investigation as needed to
24 determine whether probable cause exists to initiate the
25 proceedings described in this subsection. Before issuing a
26 citation under this section, the board shall provide written
27 notice and the opportunity to request a hearing on the record.
28 The hearing must be requested within thirty days of the
29 issuance of the notice and shall be conducted as provided in
30 chapter 17A. The board may, in connection with a proceeding
31 under this section, issue subpoenas to compel the attendance
32 and testimony of witnesses and the disclosure of evidence and
33 may request the attorney general to bring an action to enforce
34 the subpoena.

35 3. A person aggrieved by the imposition of a civil penalty

1 under this section may seek judicial review in accordance with
2 section 17A.19. The board shall notify the attorney general
3 of the failure to pay a civil penalty within thirty days
4 after issuance of a citation pursuant to this subsection, or
5 within ten days following final judgment in favor of the board
6 if a citation has been stayed pending appeal. The attorney
7 general may commence an action to recover the amount of the
8 penalty, including reasonable attorney fees and costs. The
9 moneys collected in civil penalties shall be deposited into the
10 general fund of the state. An action to enforce a citation
11 under this subsection may be joined with an action for an
12 injunction.

13 Sec. 5. NEW SECTION. **266.51 Livestock pregnancy services.**

14 Iowa state university shall establish and administer
15 a technical course of instruction for participants to be
16 certified in providing livestock pregnancy services pursuant to
17 section 169.4B. A participant must be instructed in conducting
18 both pregnancy testing and embryo transfer services. In order
19 to complete the course, the person must pass an examination.
20 The university shall determine the length of the course and
21 when it is to be offered, in consultation with the Iowa board
22 of veterinary medicine. The university may establish tuition
23 and fees sufficient to cover the costs of conducting the
24 course.

25 Sec. 6. ADOPTION OF ADMINISTRATIVE RULES. The Iowa board of
26 veterinary medicine shall adopt rules as required to implement
27 section 169.4B, as enacted by this Act. In adopting the rules,
28 the board shall consult with the Iowa veterinary medical
29 association.

30 EXPLANATION

31 GENERAL. This bill relates to veterinary services regulated
32 under Code chapter 169 by the Iowa board of veterinary medicine
33 (board).

34 LIVESTOCK PREGNANCY SERVICES. The bill regulates livestock
35 pregnancy services which includes conducting pregnancy

1 testing on livestock using ultrasound equipment, and providing
2 embryo transfer services which are limited to the nonsurgical
3 collection of livestock embryos or oocytes or the nonsurgical
4 transfer or transplantation of fresh or frozen livestock
5 embryos.

6 The bill requires the board to provide for the certification
7 of a person to perform livestock pregnancy services according
8 to rules that it adopts in consultation with the Iowa
9 veterinary medical association. The person must perform
10 such services under the direct supervision of a licensed
11 veterinarian. In addition, the person must be an employee
12 of the supervising licensed veterinarian; adequately covered
13 under a liability or malpractice insurance policy; and have
14 successfully completed a course of instruction from Iowa state
15 university. The university must establish and administer
16 a technical course of instruction for participants to be
17 certified.

18 ISSUANCE OF CITATIONS. The bill authorizes the board to
19 issue a citation against a person who practices veterinary
20 medicine without a license, and impose a civil penalty for a
21 violation after conducting an administrative hearing under Code
22 chapter 17A. The bill provides guidelines for the board to
23 consider when determining the amount of the civil penalty.