

**House File 434 - Introduced**

HOUSE FILE 434

BY SORENSEN

**A BILL FOR**

1 An Act providing for veterinary medicine, including the  
2 care of animals under the supervision of a licensed  
3 veterinarian, providing penalties, and including effective  
4 date provisions.

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

1 Section 1. Section 169.4, subsection 9, Code 2023, is  
2 amended to read as follows:

3 9. ~~Any veterinary assistant~~ Auxiliary veterinary personnel  
4 employed by a licensed veterinarian from ~~performing duties~~  
5 ~~other than diagnosis, prescription, or surgery under the~~  
6 ~~direct supervision of such veterinarian which assistant has~~  
7 ~~been issued a certificate by the board subject to section~~  
8 ~~169.20~~ performing tasks associated with providing authorized  
9 veterinary medical services to an animal patient under  
10 subchapter II.

11 Sec. 2. Section 169.5, subsection 7, paragraph i, Code 2023,  
12 is amended by striking the paragraph and inserting in lieu  
13 thereof the following:

14 *i.* Adopt, amend, or repeal rules relating to the standards  
15 of conduct for, testing of, and revocation or suspension of  
16 certificates and licenses issued to auxiliary veterinary  
17 personnel. However, a certificate or license issued to  
18 auxiliary veterinary personnel shall not be suspended or  
19 revoked by less than a two-thirds vote of the entire board in a  
20 proceeding conducted in compliance with section 17A.12.

21 Sec. 3. Section 169.20, subsection 1, Code 2023, is amended  
22 to read as follows:

23 1. A licensed veterinarian may employ one or more certified  
24 veterinary assistants ~~for any purpose other than diagnosis,~~  
25 ~~prescription or surgery.~~ A certified  
26 veterinary assistant shall only provide authorized veterinary  
27 medical services to an animal patient within limits prescribed  
28 by rules adopted by the board. A certified veterinary  
29 assistant shall not make a diagnosis or prescribe a drug.  
30 A certified veterinary assistant must act under the direct  
31 supervision of a licensed veterinarian.

32 Sec. 4. NEW SECTION. 169.31 Subchapter definitions.

33 As used in this subchapter, unless the context otherwise  
34 requires:

35 1. "*Animal patient*" means an animal provided authorized

1 veterinary medical services, including diagnosis and treatment.

2 2. a. *"Authorized veterinary medical services"* means  
3 diagnosing and treating animal disease, illness, or injury  
4 subject to restrictions provided in this subchapter.

5 b. *"Authorized veterinary medical services"* does not include  
6 performing any of the following:

7 (1) Prescribing or administering a drug or class of drugs,  
8 to the extent prohibited by rules adopted by the board.

9 (2) Structurally altering an animal's body by incision or by  
10 removing or destroying bone or tissue.

11 3. *"Auxiliary veterinary personnel"* means a certified  
12 veterinary assistant, certified veterinary technician, or  
13 licensed veterinary technician.

14 4. *"Certified veterinary assistant"* means an individual who  
15 has been issued a certification pursuant to section 169.35.

16 5. *"Certified veterinary technician"* means an individual who  
17 has been issued a certificate of registration as provided in  
18 section 169.32.

19 6. *"Licensed veterinary technician"* means a veterinary  
20 technician who has been issued a license as provided in section  
21 169.32.

22 Sec. 5. NEW SECTION. 169.32 **Veterinary technicians —**  
23 **qualifications.**

24 1. The board shall issue a certificate of registration to a  
25 veterinary technician who meets the requirements of the board,  
26 which may include one or more of the following:

27 a. Completing a two-year program approved by the American  
28 veterinarian medical association committee on accreditation of  
29 training for veterinary technicians.

30 b. Receiving a passing score on the veterinary technician  
31 national exam or a comparable exam approved by the board.

32 c. Passing an examination for certification as provided in  
33 section 169.5.

34 d. Assisting a licensed veterinarian for a minimum number  
35 of hours as established by rule adopted by the board. This

1 requirement may be used as a substitute for a requirement  
2 described in paragraphs "a" through "c".

3 2. a. The board shall issue a license to a certified  
4 veterinary technician who completed a program concentrating  
5 on advanced aspects of the diagnosis and treatment of animal  
6 disease, illness, and injury.

7 b. The program must be approved by any of the following:

8 (1) The American veterinarian medical association committee  
9 on accreditation of training for veterinary technicians.

10 (2) The board according to criteria established by rules  
11 adopted by the board. The program must include at least three  
12 semesters of a curriculum equal to at least thirty credit  
13 hours.

14 c. The board may require the certified veterinary technician  
15 to pass an examination for licensure as provided in section  
16 169.5.

17 3. In order to be certified or licensed under this section,  
18 an individual must submit a complete application to the board  
19 that is approved by the board, subject to all of the following:

20 a. The application must be in a form prescribed by the  
21 board.

22 b. To be complete, the application must at least include all  
23 of the following:

24 (1) Information and material required by the board.

25 (2) (a) A registration fee accompanying an application to  
26 be issued a certificate of registration in an amount determined  
27 by the board.

28 (b) A license fee accompanying an application to be issued a  
29 license in an amount determined by the board.

30 (3) Proof as required by the board that the applicant meets  
31 the requirements for certification or licensure.

32 **Sec. 6. NEW SECTION. 169.33 Certified veterinary technician**  
33 **— scope of authority.**

34 1. A certified veterinary technician shall only perform a  
35 task associated with providing authorized veterinary medical

1 services to an animal patient under a level of supervision  
2 determined by the board.

3 2. The licensed veterinarian's decision to delegate a task  
4 to a certified veterinary technician in accordance with rules  
5 adopted by the board may be based on any of the following:

6 a. The certified veterinary technician's training,  
7 experience, and skill.

8 b. The extent to which the licensed veterinarian is in  
9 proximity to the animal patient or is available via remote  
10 audio and video communication to the certified veterinary  
11 technician where the animal patient is located.

12 Sec. 7. NEW SECTION. 169.34 **Licensed veterinary technician**  
13 **— scope of authority.**

14 1. A licensed veterinary technician shall only perform a  
15 task associated with providing authorized veterinary medical  
16 services to an animal patient under a level of supervision  
17 determined by a licensed veterinarian.

18 2. The licensed veterinarian's decision to delegate a task  
19 to a licensed veterinary technician may be based on any of the  
20 following:

21 a. The licensed veterinary technician's training,  
22 experience, and skill.

23 b. The extent to which the licensed veterinarian is in  
24 proximity to the animal patient or is available via remote  
25 audio and video communication with the licensed veterinary  
26 technician where the animal patient is located.

27 Sec. 8. NEW SECTION. 169.36 **Auxiliary veterinary personnel**  
28 **— recognized credentials.**

29 1. The board shall recognize credentials of auxiliary  
30 veterinary personnel issued by other jurisdictions, which shall  
31 at least include another state, a United States territory, or a  
32 province of Canada.

33 2. a. A person shall not use any recognized title,  
34 abbreviation, or sign to indicate that the person is  
35 certified as a veterinary assistant, certified as a veterinary

1 technician, or licensed as a veterinary technician, unless that  
2 person is an individual who has been issued that certificate or  
3 license by the board pursuant to this subchapter.

4 *b.* A person who violates paragraph "a" commits a simple  
5 misdemeanor.

6 Sec. 9. CODE EDITOR DIRECTIVE.

7 1. The Code editor is directed to make the following  
8 transfer:

9 Section 169.20, as amended by this Act, to section 169.35.

10 2. The Code editor shall correct internal references in the  
11 Code and in any enacted legislation as necessary due to the  
12 enactment of this section.

13 Sec. 10. ADMINISTRATIVE RULES. The board of veterinary  
14 medicine shall submit a notice of intended action to the  
15 administrative rules coordinator and the Iowa administrative  
16 code editor pursuant to section 17A.4, subsection 1, paragraph  
17 "a", not later than September 1, 2023, for the adoption of  
18 rules required to implement this Act.

19 Sec. 11. EFFECTIVE DATE. The section of this Act requiring  
20 the board of veterinary medicine to submit a notice of intended  
21 action for the adoption of rules, being deemed of immediate  
22 importance, takes effect upon enactment.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 GENERAL. This bill amends the "Iowa Veterinary Practice  
27 Act" (Code chapter 169) regulating the practice of veterinary  
28 medicine by individuals receiving a doctor of veterinary  
29 medicine degree or equivalent (a veterinarian) (Code section  
30 162.3) and licensed by the Iowa board of veterinary medicine  
31 (board) by examination or endorsement (a licensed veterinarian)  
32 (Code sections 169.4, 169.9, and 169.10). The board may  
33 issue a temporary permit to certain members of the college of  
34 veterinary medicine of Iowa state university of science and  
35 technology or persons waiting to be licensed (Code sections

1 169.4 and 169.11). Under current law, a licensed veterinarian  
2 may employ one or more veterinary assistants who must be  
3 certified by the board and may perform functions under the  
4 direct supervision of the licensed veterinarian, excluding  
5 diagnosis, prescription, or surgery. The board has also  
6 adopted rules regulating care provided to animals by veterinary  
7 technicians who are certified according to requirements, which  
8 may include graduating from a two-year American veterinary  
9 medical association-accredited school of veterinary technology  
10 or working under the direction of a licensed veterinarian, and  
11 having successfully passed an examination prescribed by the  
12 board (811 IAC ch. 8).

13 AUXILIARY VETERINARY PERSONNEL — QUALIFICATIONS. The bill  
14 recognizes three types of auxiliary veterinary personnel:  
15 the two current personnel, a certified veterinary assistant  
16 and a certified veterinary technician; and new personnel,  
17 referred to as a licensed veterinary technician. The bill  
18 provides that auxiliary veterinary personnel must meet  
19 qualification requirements set forth in rules adopted by the  
20 board. The board may require that a certified veterinary  
21 technician have completed an accredited or approved veterinary  
22 technology program, received a passing score on a national  
23 veterinary technician examination, passed a board-administered  
24 examination, or assisted a licensed veterinarian for a minimum  
25 number of hours. In order to be licensed as a veterinary  
26 technician, a certified veterinary technician must have  
27 completed a program concentrating on advanced aspects of the  
28 diagnosis and treatment of animal disease, illness, and injury  
29 (e.g., master of veterinary clinical care). The board may  
30 require that the certified veterinary technician also pass an  
31 exam for licensure administered by the board (amended Code  
32 section 169.5 and new Code section 169.32).

33 AUXILIARY VETERINARY PERSONNEL — SCOPE OF AUTHORITY.  
34 Auxiliary veterinary personnel may perform authorized  
35 veterinary medical services associated with the practice of

1 veterinary medicine, excluding prescribing or administering  
 2 a drug or class of drugs, if prohibited by rules adopted by  
 3 the board, and structurally altering an animal's body by  
 4 incision or by removing or destroying bone or tissue (new  
 5 Code section 169.31). Each type of auxiliary veterinary  
 6 personnel is subject to its own level of supervision which  
 7 includes associated tasks that may be delegated by a licensed  
 8 veterinarian. For a certified veterinary technician, the level  
 9 is determined by a licensed veterinarian acting within rules  
 10 adopted by the board (new Code section 169.33), and for a  
 11 licensed veterinary technician, the level is determined solely  
 12 by the licensed veterinarian (new Code section 169.34). In  
 13 both cases, when delegating a task to a certified or licensed  
 14 veterinary technician, a licensed veterinarian may take into  
 15 account the training, experience, and skill of the certified  
 16 or licensed veterinary technician; and the extent to which the  
 17 licensed veterinarian is in proximity to the animal patient  
 18 or has remote access to the certified or licensed veterinary  
 19 technician where the animal patient is located (new Code  
 20 sections 169.33 and 169.34). A certified veterinary assistant  
 21 can only provide authorized veterinary services within the  
 22 limits prescribed by the board. A certified veterinary  
 23 assistant is prohibited from making a diagnosis or prescribing  
 24 a drug and must act under the direct supervision of a licensed  
 25 veterinarian (amended Code section 169.20 transferred to Code  
 26 section 169.35).

27       AUXILIARY VETERINARY PERSONNEL — RECOGNIZED CREDENTIALS.  
 28 The board must recognize credentials of auxiliary veterinary  
 29 personnel issued by other jurisdictions. The bill also  
 30 provides that a person who is not a certified veterinary  
 31 assistant, certified veterinary technician, or licensed  
 32 veterinary technician commits a simple misdemeanor by  
 33 wrongfully claiming to hold such a credential.

34       UNAUTHORIZED PRACTICE OF VETERINARY MEDICINE. A person  
 35 who acts in violation of requirements governing veterinary



1 medicine may be guilty of a fraudulent practice. This includes  
2 practicing veterinary medicine without a valid license or  
3 temporary permit (Code sections 169.4, 169.11, and 714.8).

4 ADMINISTRATIVE RULES. The bill requires the board to begin  
5 the process of adopting rules required to implement the bill's  
6 provisions by September 1, 2023. These provisions take effect  
7 upon enactment.

8 PENALTIES. A simple misdemeanor is punishable by  
9 confinement for no more than 30 days and a fine of at least \$105  
10 but not more than \$855. The penalties for fraudulent practice  
11 range from a simple misdemeanor to a class "C" felony depending  
12 upon the amount of money or value of the property involved. A  
13 serious misdemeanor is punishable by confinement for no more  
14 than one year and a fine of at least \$430 but not more than  
15 \$2,560. An aggravated misdemeanor is punishable by confinement  
16 for no more than two years and a fine of at least \$855 but  
17 not more than \$8,540. A class "D" felony is punishable by  
18 confinement for no more than five years and a fine of at least  
19 \$1,025 but not more than \$10,245. A class "C" felony is  
20 punishable by confinement for no more than 10 years and a fine  
21 of at least \$1,370 but not more than \$13,660 (Code sections  
22 714.8 to 714.14).