

House File 640 - Introduced

HOUSE FILE 640
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 139)

(COMPANION TO LSB 1917SV BY
COMMITTEE ON AGRICULTURE)

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 169.3, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. a. "Animal" means any nonhuman primate, dog, cat,
4 rabbit, rodent, fish, reptile, and livestock as defined in
5 section 717.1, or other vertebrate or nonvertebrate life forms
6 form, living or dead, except domestic poultry.

7 b. "Livestock" includes a group of livestock such as a herd
8 or flock.

9 Sec. 2. Section 169.3, Code 2023, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 3A. a. "Animal massage" means a method
12 of treating the body of an animal for relaxation or hygienic
13 purposes through techniques, with or without the aid of a
14 massage device, that include rubbing, stroking, or kneading the
15 body of the animal.

16 b. "Animal massage" does not include acupuncture,
17 chiropractic care, diagnosis, diagnostic treatment,
18 prescription, or surgery.

19 Sec. 3. Section 169.3, subsection 10, Code 2023, is amended
20 to read as follows:

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

23 a. (1) To diagnose, treat, correct, change, relieve or
24 prevent, for a fee, any animal disease, deformity, defect,
25 injury or other physical or mental conditions or cosmetic
26 surgery; including the prescription or administration of any
27 drug, medicine, biologic, apparatus, application, anesthetic,
28 or other therapeutic or diagnostic substance or technique, for
29 a fee; or to evaluate or correct sterility or infertility, for
30 a fee; or to render, advise or recommend with regard to any of
31 the above for a fee.

32 b. (2) To represent, directly or indirectly, publicly or
33 privately, an ability or willingness to do an act described in
34 ~~paragraph "a"~~ subparagraph (1).

35 c. (3) To use any title, words, abbreviation, or letters in

1 a manner or under circumstances which induce the belief that
2 the person using them is qualified to do any act described in
3 ~~paragraph "a"~~ subparagraph (1).

4 (4) The performance or use of complementary, alternative,
5 or integrative therapies including veterinary acupuncture,
6 acupuncture, acupressure, manipulative therapy based on
7 techniques practiced in osteopathy and chiropractic medicine,
8 or other similar therapies as specified by rule adopted by the
9 board.

10 b. "Practice of veterinary medicine" does not include
11 providing authorized veterinary medical services to an animal
12 patient by veterinary auxiliary personnel when performing
13 a delegated task under the supervision of a supervising
14 veterinarian as provided in subchapter II.

15 Sec. 4. Section 169.3, subsection 12, Code 2023, is amended
16 by striking the subsection.

17 Sec. 5. Section 169.4, unnumbered paragraph 1, Code 2023,
18 is amended to read as follows:

19 A person ~~may~~ shall not practice veterinary medicine in the
20 state who is not a licensed veterinarian or the holder of a
21 valid temporary permit issued by the board. **This chapter** shall
22 not be construed to prohibit any of the following:

23 Sec. 6. Section 169.4, subsections 2, 9, and 10, Code 2023,
24 are amended to read as follows:

25 2. A person who is a veterinary student in an accredited
26 or approved college of veterinary medicine from performing
27 duties or actions assigned by ~~instructors~~ an instructor of the
28 college, or working acting under the ~~direct~~ supervision of a
29 ~~licensed~~ supervising veterinarian as provided in subchapter II.
30 The board shall issue to ~~any~~ a veterinary medicine student who
31 attends an accredited veterinary medicine college or school
32 and who has been certified as being competent by an instructor
33 of such college or school to perform veterinary duties under
34 the direction of an instructor of veterinary medicine or under
35 the ~~direct~~ supervision of a ~~licensed~~ supervising veterinarian,

1 a certificate authorizing the veterinary medicine student to
2 perform such functions.

3 9. Any veterinary ~~assistant employed by a licensed~~
4 ~~veterinarian from performing duties other than diagnosis,~~
5 ~~prescription, or surgery~~ auxiliary personnel when performing
6 delegated tasks under the ~~direct~~ supervision of such a
7 supervising veterinarian ~~which assistant has been issued a~~
8 ~~certificate by the board subject to [section 169.20](#) as provided~~
9 in subchapter II.

10 10. A graduate of a foreign college of veterinary medicine,
11 who has or is in the process of obtaining an ECFVG certificate
12 ~~for,~~ when performing duties or actions delegated tasks
13 under the ~~direction or~~ supervision of a licensed supervising
14 veterinarian as provided in subchapter II.

15 Sec. 7. Section 169.4, Code 2023, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 16. A person performing animal massage.

18 Sec. 8. Section 169.5, subsection 7, paragraph i, Code 2023,
19 is amended to read as follows:

20 *i.* Adopt, amend, or repeal rules relating to the
21 qualifications, standards of conduct for, the supervision of
22 tasks delegated to veterinary auxiliary personnel by a licensed
23 veterinarian, and disciplinary action of veterinary auxiliary
24 personnel for whom the board has issued a certificate or
25 permit. The rules may provide for the testing of individuals
26 who will apply to receive a certificate as a registered
27 veterinary technician, and the revocation or suspension of
28 ~~certificates~~ a certificate issued to a veterinary assistants
29 technician. ~~However, a certificate shall not be suspended or~~
30 ~~revoked by less than a two-thirds vote of the entire board in a~~
31 ~~proceeding conducted in compliance with [section 17A.12.](#)~~

32 Sec. 9. Section 169.5, subsection 7, Code 2023, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. *k.* Adopt, amend, or repeal rules requiring
35 a veterinarian to have a valid veterinarian-client-patient

1 relationship, except in the case of an emergency, before
2 practicing veterinary medicine on an animal, including by
3 acting as a supervising veterinarian.

4 Sec. 10. NEW SECTION. 169.31 Subchapter definitions.

5 As used in this subchapter:

6 1. *"Accredited or approved veterinary technology program"*
7 means a program in veterinary technology that is accredited by
8 the American veterinary medical association and an accrediting
9 agency that has been approved by the United States department
10 of education or its successor.

11 2. *"Direct supervision"* means supervision by a supervising
12 veterinarian that occurs when the supervising veterinarian is
13 readily available and on the premises where an animal patient
14 is being provided authorized veterinary medical services by
15 veterinary auxiliary personnel.

16 3. *"Immediate supervision"* means supervision by a
17 supervising veterinarian that occurs when the supervising
18 veterinarian is in the immediate area, and within audible and
19 visual range, of an animal patient and veterinary auxiliary
20 personnel providing the animal patient with authorized
21 veterinary medical services.

22 4. *"Indirect supervision"* means supervision by a supervising
23 veterinarian, other than direct supervision or immediate
24 supervision, that occurs when all of the following apply:

25 a. The supervising veterinarian has given written protocols
26 or real-time oral instructions to veterinary auxiliary
27 personnel for the treatment of an animal patient for which a
28 veterinarian-client-patient relationship exists.

29 b. The supervising veterinarian is readily available by
30 telephone or other means of immediate communication with the
31 veterinary auxiliary personnel providing the animal patient
32 with authorized veterinary medical services.

33 5. *"Registered veterinary technician"* means an individual
34 who has graduated from an accredited or approved veterinary
35 technology program and who has been issued a valid certificate

1 of registration by the board pursuant to section 169.34.

2 6. "*Supervising veterinarian*" means a licensed veterinarian
3 who assumes responsibility for supervising veterinary auxiliary
4 personnel providing authorized veterinary medical services
5 to an animal patient under immediate supervision, direct
6 supervision, or indirect supervision.

7 7. a. "*Veterinary assistant*" means an individual employed
8 to work in veterinary practice who performs tasks under the
9 supervision of a supervising veterinarian.

10 b. "*Veterinary assistant*" does not include a person who is a
11 licensed veterinarian or a registered veterinary technician,
12 veterinary student, veterinary technician student, or graduate
13 from a foreign college of veterinary medicine who is not a
14 licensed veterinarian or the holder of a valid temporary permit
15 issued by the board.

16 8. "*Veterinary auxiliary personnel*" means a veterinary
17 assistant, registered veterinary technician, veterinary
18 student, veterinary technician student, or graduate of a
19 foreign college of veterinary medicine who is not a licensed
20 veterinarian or the holder of a valid temporary permit issued
21 by the board.

22 9. "*Veterinary student*" means an individual currently
23 admitted to and in good academic standing with an accredited or
24 approved college of veterinary medicine.

25 10. "*Veterinary technician student*" means an individual
26 currently admitted to and in good academic standing with an
27 accredited or approved veterinary technology program.

28 Sec. 11. NEW SECTION. 169.32 **Supervising veterinarian.**

29 1. A licensed veterinarian may provide veterinary medical
30 services to an animal patient by acting as a supervising
31 veterinarian as provided in this subchapter and rules adopted
32 by the board.

33 2. A supervising veterinarian shall determine the
34 supervision required for tasks delegated to veterinary
35 auxiliary personnel within the limits provided in this

1 subchapter and rules adopted by the board. The decision
2 must be based on factors such as the veterinary auxiliary
3 personnel's training, experience, and skill. The supervising
4 veterinarian is responsible for providing the required
5 supervision and delegating tasks to veterinary auxiliary
6 personnel. The supervising veterinarian shall not delegate
7 veterinary medical services of diagnosis, prescription, or
8 surgery to any veterinary assistant, veterinary technician
9 student, or registered veterinary technician.

10 3. The board shall adopt rules providing for when a licensed
11 veterinarian must exercise immediate supervision, direct
12 supervision, or indirect supervision for each category of
13 auxiliary veterinary personnel providing authorized veterinary
14 medical services to an animal patient. Nothing in this
15 subchapter or the rules adopted by the board shall prohibit the
16 supervising veterinarian from providing more supervision than
17 required when the veterinary auxiliary personnel's training,
18 experience, and skill indicate more supervision is necessary.

19 Sec. 12. NEW SECTION. 169.33 **Veterinary auxiliary personnel**
20 **— employment.**

21 1. *a.* A licensed veterinarian may employ any number of
22 veterinary auxiliary personnel who may be delegated tasks
23 associated with providing authorized veterinary medical
24 services to an animal patient within the limits provided in
25 this subchapter and rules adopted by the board pursuant to this
26 subchapter.

27 *b.* A person may employ any number of veterinary auxiliary
28 personnel to provide authorized veterinary medical services
29 to animals that are owned or cared for by the person if a
30 supervising veterinarian who practices at the same place of
31 business as the veterinary auxiliary personnel supervises the
32 veterinary auxiliary personnel within the limits provided in
33 this subchapter and rules adopted by the board pursuant to this
34 subchapter.

35 2. Veterinary auxiliary personnel shall only receive

1 compensation for authorized veterinary medical services from
2 their employer as provided in this section except for those
3 services provided in accordance with section 169.4.

4 Sec. 13. NEW SECTION. 169.34 **Registered veterinary**
5 **technician — certificate of registration.**

6 1. The board shall issue a certificate of registration to an
7 individual if all of the following apply:

8 a. The individual has graduated from an accredited or
9 approved veterinary technology program.

10 b. The individual has received a passing score on a national
11 veterinary technician examination approved by the board.

12 c. The individual has submitted a complete application to
13 the board that is approved by the board.

14 (1) The application must be in a form prescribed by the
15 board.

16 (2) To be complete, the application must include all of the
17 following:

18 (a) Information and material required by the board.

19 (b) A registration fee in an amount established by the
20 board.

21 d. The individual meets other criteria or qualifications
22 as specified by rule adopted by the board, including but not
23 limited to a state veterinary technician examination.

24 e. The board may grant a waiver from any qualification for a
25 certificate of registration to an individual who was in active
26 duty military service or the individual's spouse in accordance
27 with section 272C.4, or to an individual who was previously
28 a veterinary medical student and who substantially meets the
29 qualifications to receive a certificate of registration.

30 2. The board may issue an endorsed certificate of
31 registration to an individual if the individual holds a valid
32 registration, certificate, license, or other authorization
33 issued by a jurisdiction recognized by the board, and all of
34 the following apply:

35 a. The individual meets the educational, experience, or

1 testing requirements as specified by the board in rule.

2 *b.* The individual is not subject to an investigation or
3 disciplinary action which may result or has resulted in the
4 suspension or the revocation of a registration, certificate,
5 license, or other authorization issued by a jurisdiction
6 recognized by the board.

7 *c.* The individual has submitted a complete application to
8 the board that is approved by the board.

9 (1) The application must be in a form prescribed by the
10 board.

11 (2) To be complete, the application must include all of the
12 following:

13 (a) Information and material required by the board.

14 (b) A registration fee in an amount established by the
15 board.

16 *d.* The individual meets other criteria, standard, or
17 qualification as specified by rule adopted by the board.

18 *e.* The board may grant a waiver from any qualification for
19 an endorsed certificate of registration to an individual who
20 was in active duty military service or the individual's spouse
21 in accordance with section 272C.4, or to an individual who was
22 previously a veterinary medical student who substantially meets
23 the qualifications to receive a certificate of registration.

24 3. A certificate of registration issued under this
25 section does not expire. A certificate of registration for a
26 registered veterinary technician that was issued prior to July
27 1, 2024, remains valid and does not expire.

28 4. A registered veterinary technician is subject to
29 investigation and disciplinary action taken by the board
30 pursuant to section 272C.3. However, the board shall utilize
31 the procedures set forth in section 169.14. A certificate of
32 registration shall not be suspended or revoked by less than a
33 two-thirds vote of the entire board in a proceeding conducted
34 in compliance with section 17A.12.

35 Sec. 14. NEW SECTION. 169.35 Registered veterinary

1 **technician — credentials.**

2 1. A person shall not use any recognized title,
3 abbreviation, or sign to indicate that such person is a
4 registered veterinary technician unless that person is an
5 individual who has been issued a certificate of registration
6 pursuant to section 169.34.

7 2. A person who violates subsection 1 commits a simple
8 misdemeanor.

9 **Sec. 15. NEW SECTION. 169.36 Registered veterinary**
10 **technician — scope of authority.**

11 1. A registered veterinary technician shall only perform
12 tasks associated with providing authorized veterinary medical
13 services to an animal patient under the supervision of a
14 supervising veterinarian according to this section and rules
15 adopted by the board under this subchapter.

16 2. A supervising veterinarian shall decide the specific
17 tasks delegated to a registered veterinary technician and
18 provide the required supervision pursuant to section 169.32 and
19 the rules adopted by the board.

20 3. A veterinary technician shall not do any of the
21 following:

22 *a.* Perform equine floating teeth services. However, a
23 registered veterinary technician may perform such services
24 after submitting to the board all of the following:

25 (1) Proof of current certification from the international
26 association of equine dentistry or other professional equine
27 dentistry association as determined by the board.

28 (2) A written statement signed by a supervising
29 veterinarian experienced in large animal medicine that the
30 applicant will be under the direct supervision or indirect
31 supervision of the supervising veterinarian when treating
32 floating equine teeth.

33 *b.* Gingival resection.

34 **Sec. 16. NEW SECTION. 169.37 Veterinary assistant — scope**
35 **of authority.**

1 1. A veterinary assistant shall only perform tasks
2 associated with providing authorized veterinary medical
3 services to an animal patient under the direct supervision of
4 a supervising veterinarian according to rules adopted by the
5 board under this subchapter.

6 2. A supervising veterinarian shall decide the specific
7 tasks delegated to a veterinary assistant and provide the
8 required supervision pursuant to section 169.32 and rules
9 adopted by the board.

10 Sec. 17. NEW SECTION. **169.38 Veterinary technician student**
11 **— scope of authority.**

12 1. A veterinary technician student shall only perform
13 tasks associated with providing authorized veterinary medical
14 services to an animal patient under the supervision of a
15 supervising veterinarian according to rules adopted by the
16 board under this subchapter.

17 2. A supervising veterinarian shall decide the specific
18 tasks delegated to a veterinary technician student and provide
19 the required supervision pursuant to section 169.32 and rules
20 adopted by the board.

21 Sec. 18. NEW SECTION. **169.39 Veterinary student — scope**
22 **of authority.**

23 1. A veterinary student shall only perform tasks associated
24 with providing authorized veterinary medical services to
25 an animal patient under the supervision determined by the
26 supervising veterinarian.

27 2. A supervising veterinarian shall decide the specific
28 tasks delegated to a veterinary student and provide the
29 required supervision pursuant to section 169.32 and the rules
30 adopted by the board.

31 Sec. 19. NEW SECTION. **169.40 Graduate from foreign college**
32 **of veterinary medicine — scope of authority.**

33 1. A graduate from a foreign college of veterinary medicine
34 shall only perform tasks associated with providing authorized
35 veterinary medical services to an animal patient under the

1 supervision determined by the supervising veterinarian.

2 2. A supervising veterinarian shall decide the specific
3 tasks delegated to a graduate from a foreign college of
4 veterinary medicine who is not a licensed veterinarian or
5 temporary permit holder and provide the required supervision
6 pursuant to section 169.32 and the rules adopted by the board.

7 Sec. 20. Section 714.8, Code 2023, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 22. Practicing veterinary medicine without
10 a valid license or temporary permit issued by the board of
11 veterinary medicine pursuant to chapter 169, as described in
12 section 169.19.

13 Sec. 21. REPEAL. Section 169.20, Code 2023, is repealed.

14 Sec. 22. CODE EDITOR DIRECTIVES. The Code editor shall do
15 all of the following:

16 1. Create a new subchapter in chapter 169 that includes
17 sections 169.1 through 169.30.

18 2. Create a new subchapter in chapter 169 that includes
19 sections 169.31 through 169.40, as enacted in this Act.

20 3. Correct internal references in the Code and in any
21 enacted legislation as necessary due to the enactment of this
22 Act.

23 Sec. 23. ADMINISTRATIVE RULES. The board of veterinary
24 medicine shall submit a notice of intended action to the
25 administrative rules coordinator and the Iowa administrative
26 code editor pursuant to section 17A.4, subsection 1, paragraph
27 "a", not later than January 1, 2024, for the adoption of rules
28 required to implement this Act.

29 Sec. 24. EFFECTIVE DATE.

30 1. Except as provided in subsection 2, this Act takes effect
31 July 1, 2024.

32 2. The section of this Act requiring the board of veterinary
33 medicine to submit a notice of intended action for the adoption
34 of rules, being deemed of immediate importance, takes effect
35 upon enactment.

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EXPLANATION

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

GENERAL. This bill amends the "Iowa Veterinary Practice Act" (Code chapter 169) regulating the practice of veterinary medicine by individuals receiving a doctor of veterinary medicine degree or equivalent (veterinarians) (amended Code section 169.3) and licensed by the Iowa board of veterinary medicine (board) by examination or endorsement (licensed veterinarians) (Code sections 169.4, 169.9, and 169.10). The board may issue a temporary permit (permit) to certain members of the college of veterinary medicine of Iowa state university of science and technology or persons waiting to be licensed (Code sections 169.4 and 169.11). A person who practices veterinary medicine without a valid license or permit is guilty of a fraudulent practice.

The bill provides definitions of terms used throughout the Code chapter and creates a new subchapter authorizing certain individuals to provide authorized veterinary medical services to animals in a manner that would otherwise constitute the practice of veterinary medicine, so long as the authorized veterinary medical services are provided under the supervision of a licensed veterinarian (supervising veterinarian).

DEFINITIONS. The bill amends the term "animal" to expressly include livestock. The bill rewrites the definition of "practice of veterinary medicine" to include complementary, alternative, or integrative therapies such as acupuncture, acutherapy, acupressure, or manipulation. The practice of veterinary medicine does not include performing animal massage. It also does not include providing authorized veterinary medical services to an animal patient by veterinary auxiliary personnel when performing a delegated task under the supervision of a supervising veterinarian as provided in the bill.

SUPERVISION BY LICENSED VETERINARIAN — VETERINARY AUXILIARY

1 PERSONNEL. The bill provides that a licensed veterinarian
2 may act as a supervising veterinarian directing certain
3 individuals in performing delegated tasks under different
4 levels of supervision. Such an individual is classified as a
5 veterinary auxiliary personnel and includes (1) a registered
6 veterinary technician who has graduated from an accredited or
7 approved veterinary technology program, received a passing
8 score on a national veterinarian technician examination,
9 and is issued a certificate of registration by the board;
10 (2) a veterinary technician student attending an accredited
11 or approved technology program; (3) a veterinary assistant
12 subject to qualifications established by the board; (4) a
13 veterinary student attending an accredited or approved college
14 of veterinary medicine; and (5) a graduate of a foreign college
15 of veterinary medicine. The bill provides procedures to become
16 certified as a registered veterinary technician, including
17 application requirements and the payment of an application fee
18 established by the board. The bill authorizes the board to
19 waive qualification requirements under certain conditions. It
20 provides that a registration recognized prior to July 1, 2024,
21 remains in effect. It also provides that a person who falsely
22 uses a credential of a registered veterinary technician commits
23 a simple misdemeanor. The levels of supervision allowing
24 a supervising veterinarian to delegate tasks to veterinary
25 auxiliary personnel include: (1) direct supervision in which
26 the supervising veterinarian is on the premises where the
27 animal patient is being cared for, (2) immediate supervision
28 in which a supervising veterinarian is in the immediate area
29 of the animal patient, and (3) indirect supervision in which a
30 supervising veterinarian has given protocols or instructions
31 to the veterinary auxiliary personnel and is available by
32 telephone or other means of immediate communication.

33 SUPERVISION BY LICENSED VETERINARIAN — DUTY. The board
34 is required to adopt rules providing for when a licensed
35 veterinarian must exercise direct supervision, immediate

1 supervision, or indirect supervision for each category of
2 auxiliary veterinary personnel providing authorized veterinary
3 medical services to an animal patient. The supervising
4 veterinarian may provide more supervision than required by the
5 board. Auxiliary personnel cannot be delegated a task relating
6 to making a diagnosis, issuing a prescription, or performing
7 surgery. A registered veterinary technician may in certain
8 circumstances perform equine floating teeth services but cannot
9 provide gingival resection. Veterinary auxiliary personnel may
10 be employed by a person if a supervising veterinarian practices
11 at the same place of business.

12 UNAUTHORIZED PRACTICE OF VETERINARY MEDICINE. The bill
13 amends provisions describing a fraudulent practice by providing
14 that a person who practices veterinary medicine without a
15 valid license or valid permit issued by the board commits a
16 fraudulent practice.

17 ADMINISTRATIVE RULES. The bill requires the board to begin
18 the process of adopting rules required to implement the bill's
19 provisions by January 1, 2024. These provisions take effect
20 upon enactment.

21 PENALTIES. A simple misdemeanor is punishable by
22 confinement for no more than 30 days and a fine of at least \$105
23 but not more than \$855. The penalties for fraudulent practice
24 range from a simple misdemeanor to a class "C" felony depending
25 upon the amount of money or value of the property involved. A
26 serious misdemeanor is punishable by confinement for no more
27 than one year and a fine of at least \$430 but not more than
28 \$2,560. An aggravated misdemeanor is punishable by confinement
29 for no more than two years and a fine of at least \$855 but
30 not more than \$8,540. A class "D" felony is punishable by
31 confinement for no more than five years and a fine of at least
32 \$1,025 but not more than \$10,245. A class "C" felony is
33 punishable by confinement for no more than 10 years and a fine
34 of at least \$1,370 but not more than \$13,660 (Code sections
35 714.8 to 714.14).

H.F. 640

1 EFFECTIVE DATE. Other than the provision requiring the
2 adoption of rules by the board, the bill takes effect July 1,
3 2024.