

House Study Bill 139 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SEXTON)

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. "*Animal*" means any nonhuman primate, dog, cat, rabbit,
4 rodent, fish, reptile, and livestock, or other vertebrate or
5 nonvertebrate life forms form, living or dead, ~~except domestic~~
6 ~~poultry~~.

7 Sec. 2. Section 169.3, Code 2023, is amended by adding the
8 following new subsections:

9 NEW SUBSECTION. 4A. "*Diagnosis*" means the act or process
10 of identifying or determining the health status, including
11 the diagnosis of pregnancy, sterility, or infertility, of an
12 animal through manual or laboratory examination and the opinion
13 derived from that examination.

14 NEW SUBSECTION. 7A. "*Livestock*" means an animal belonging
15 to the bovine, caprine, equine, ovine, or porcine species; farm
16 deer as defined in section 170.1; ostriches, rheas, or emus; or
17 turkeys, chickens, domestic geese or ducks, or other domestic
18 fowl.

19 NEW SUBSECTION. 10A. a. "*Surgery*" means the branch of
20 veterinary science conducted under elective or emergency
21 circumstances, that treats diseases, injuries, and deformities
22 by manual or operative methods including but not limited to
23 abdominal, cosmetic, dental, reconstructive, ophthalmic,
24 orthopedic, vascular, thoracic, and obstetric procedures.

25 b. "*Surgery*" does not include an accepted livestock
26 management practice.

27 Sec. 3. Section 169.3, subsection 10, Code 2023, is amended
28 by striking the subsection and inserting in lieu thereof the
29 following:

30 10. "*Practice of veterinary medicine*" means any of the
31 following:

32 a. Representing oneself as engaged in the practice of
33 veterinary medicine.

34 b. Using words, letters, or titles in connection with,
35 or under circumstances that may induce another person to

1 believe that the person using them is engaged in, the practice
2 of veterinary medicine, veterinary surgery, or veterinary
3 dentistry.

4 c. Accepting compensation for providing veterinary medical
5 services to an animal patient by doing any of the following:

6 (1) Providing a diagnosis, treatment, or correction, or
7 providing for the prevention, of a disease, defect, injury,
8 deformity, pain, or condition of an animal.

9 (2) Prescribing, dispensing, administering, or ordering
10 the administration of a drug, including a medicine or a
11 biologic; prescribing or attaching a medical appliance; or
12 providing an application or treatment of whatever nature for
13 the prevention, cure, or relief of a disease, ailment, defect,
14 injury, deformity, pain, or other condition of an animal.

15 (3) Performing any of the following:

16 (a) A surgical operation in which an animal is diagnosed or
17 receives treatment.

18 (b) Complementary or alternative therapy in which an animal
19 receives treatment.

20 (4) Doing any of the following:

21 (a) Certifying the health, fitness, or soundness of an
22 animal.

23 (b) Performing any procedure for the diagnosis of
24 pregnancy, sterility, or infertility on an animal.

25 d. "*Practice of veterinary medicine*" does not include any of
26 the following:

27 (1) Providing authorized veterinary medical services to an
28 animal patient by veterinary auxiliary personnel, if performing
29 a delegated task when acting under a level of supervision by a
30 supervising veterinarian under subchapter II.

31 (2) Practicing animal massage therapy.

32 (a) As used in this subparagraph, "*animal massage therapy*"
33 means a method of treating the body of any animal for remedial
34 or hygienic purposes through techniques that include rubbing,
35 stroking, or kneading the body of the animal.

1 (b) "Animal massage therapy" may be applied with or without
2 the aid of a massage device that mimics the actions possible
3 using human hands.

4 (c) "Animal massage therapy" does not include making
5 a diagnosis; prescribing a drug, including a medicine or
6 biologic; performing surgery; performing chiropractic care; or
7 performing acupuncture.

8 Sec. 4. Section 169.3, subsection 12, Code 2023, is amended
9 by striking the subsection.

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

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

16 Sec. 6. Section 169.4, subsections 2 and 10, Code 2023, are
17 amended to read as follows:

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

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

1 of a licensed veterinarian or the supervision of a supervising
2 veterinarian as provided in subchapter II.

3 Sec. 7. Section 169.4, subsection 9, Code 2023, is amended
4 by striking the subsection.

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

7 *i.* Adopt, amend, or repeal rules relating to the
8 qualifications, standards of conduct for, and disciplinary
9 action of veterinary auxiliary personnel providing authorized
10 veterinary medical services to an animal patient under
11 subchapter II. The rules may provide for the testing of
12 veterinary technicians, and the revocation or suspension of
13 certificates issued to veterinary assistants technicians.

14 However, a certificate of registration shall not be suspended
15 or revoked by less than a two-thirds vote of the entire board
16 in a proceeding conducted in compliance with [section 17A.12](#).

17 Sec. 9. Section 169.19, Code 2023, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 2A. A supervising veterinarian who
20 knowingly acts in violation of subchapter II by wrongfully
21 utilizing veterinary auxiliary personnel when providing
22 authorized veterinary medical services to an animal patient is
23 guilty of a fraudulent practice as defined in section 714.8.

24 Sec. 10. NEW SECTION. 169.31 **Subchapter definitions.**

25 1. *“Accredited or approved veterinary technology program”*
26 means a program in veterinary technology that is accredited by
27 the American veterinary medical association and an accrediting
28 agency that has been approved by the United States department
29 of education or its successor.

30 2. *“Direct supervision”* means a level of supervision by
31 a supervising veterinarian that occurs when the supervising
32 veterinarian is readily available and on the premises where an
33 animal patient is being provided authorized veterinary medical
34 services by veterinary auxiliary personnel.

35 3. *“Immediate supervision”* means a level of supervision by

1 a supervising veterinarian that occurs when the supervising
2 veterinarian is in the immediate area, and within audible and
3 visual range, of an animal patient and veterinary auxiliary
4 personnel providing the animal patient with authorized
5 veterinary medical services.

6 4. "*Indirect supervision*" means a level of supervision by
7 a supervising veterinarian, other than direct supervision or
8 immediate supervision, that occurs when all of the following
9 apply:

10 a. The supervising veterinarian is present within the
11 veterinarian's usual practice area.

12 b. The supervising veterinarian has given written protocols
13 or real-time oral instructions to veterinary auxiliary
14 personnel for the treatment of an animal for which a licensed
15 veterinarian and animal patient relationship exists.

16 c. The supervising veterinarian is readily available by
17 telephone or other means of immediate communication with the
18 veterinary auxiliary personnel providing the animal patient
19 with authorized veterinary medical services.

20 5. "*Level of supervision*" means direct supervision,
21 immediate supervision, or indirect supervision.

22 6. "*Registered veterinary technician*" means a veterinary
23 technician who has been issued a valid certificate of
24 registration by the board pursuant to section 169.34.

25 7. "*Supervising veterinarian*" means a licensed veterinarian
26 who assumes responsibility for supervising authorized
27 veterinary medical services provided to an animal patient
28 by veterinary auxiliary personnel acting under a level of
29 supervision by the licensed veterinarian.

30 8. a. "*Veterinary assistant*" means an individual employed
31 to work in veterinary practice who performs tasks at the
32 direction of a licensed veterinarian.

33 b. "*Veterinary assistant*" does not include a person who is a
34 licensed veterinarian or a veterinary technician, veterinary
35 student, or graduate from a foreign college of veterinary

1 medicine.

2 9. "*Veterinary auxiliary personnel*" means a registered
3 veterinary technician, a veterinary technician who is not
4 registered, a veterinary assistant, a veterinary student, or a
5 graduate of a foreign college of veterinary medicine subject to
6 the provisions of this subchapter.

7 10. "*Veterinary student*" means an individual currently
8 admitted and in good academic standing in an accredited or
9 approved college of veterinary medicine.

10 11. "*Veterinary technician*" means an individual who has
11 graduated from an accredited or approved veterinary technology
12 program.

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

14 1. A licensed veterinarian may provide veterinary medical
15 services to an animal patient by acting as a supervising
16 veterinarian exercising a level of supervision as provided in
17 this subchapter and rules adopted by the board pursuant to this
18 subchapter.

19 2. A licensed veterinarian shall not act as a supervising
20 veterinarian until the licensed veterinarian examines the
21 animal patient pursuant to acceptable practices established by
22 rules adopted by the board.

23 3. A supervising veterinarian shall determine the
24 applicable level of supervision required for veterinary
25 auxiliary personnel within the limits provided in this
26 subchapter and rules adopted by the board pursuant to this
27 subchapter. Based on that determination, the supervising
28 veterinarian shall decide the specific tasks to be delegated
29 to the veterinary auxiliary personnel within the limits of the
30 applicable level of supervision, subject to any applicable
31 rules adopted by the board, as provided in this subchapter.
32 The supervising veterinarian's decision must be based on
33 factors such as the veterinary auxiliary personnel's training,
34 experience, and skill. The supervising veterinarian is solely
35 responsible for both the determination and decision.

1 Sec. 12. NEW SECTION. 169.33 **Veterinary auxiliary personnel**
2 **— employment.**

3 A licensed veterinarian may employ any number of veterinary
4 auxiliary personnel who may be delegated tasks associated with
5 providing authorized veterinary medical services to an animal
6 patient within the limits provided in this subchapter and rules
7 adopted by the board pursuant to this subchapter.

8 Sec. 13. NEW SECTION. 169.34 **Veterinary technician —**
9 **certificate of registration.**

10 1. The board shall issue a certificate of registration to a
11 veterinary technician if all of the following apply:

12 a. The veterinary technician has received a passing score on
13 a national veterinary technician examination approved by the
14 board.

15 b. The veterinary technician has submitted a complete
16 application to the board that is approved by the board subject
17 to all of the following:

18 (1) The application must be in a form prescribed by the
19 board.

20 (2) To be complete, the application must include all of the
21 following:

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

23 (b) A registration fee in an amount established by the
24 board.

25 (c) Proof as required by the board that the applicant meets
26 the requirements of a veterinary technician.

27 2. The board may issue an endorsed certificate of
28 registration to a veterinary technician if the veterinary
29 technician holds a valid registration, certificate, license, or
30 other authorization issued by a jurisdiction recognized by the
31 board, and all of the following apply:

32 a. The veterinary technician has been actively employed as a
33 veterinary technician in a jurisdiction recognized by the board
34 under section 169.35 for at least two thousand hours during the
35 five years preceding the filing of the application with the

1 board.

2 *b.* The veterinary technician has not previously failed and
3 not subsequently passed a veterinarian technician certification
4 examination.

5 *c.* The veterinary technician is not subject to an
6 investigation or disciplinary action which may result or has
7 resulted in the suspension or revocation of a registration,
8 certificate, license, or other authorization issued by a
9 jurisdiction recognized by the board.

10 *d.* The veterinary technician has submitted a complete
11 application to the board that is approved by the board.

12 (1) The application must be in a form prescribed by the
13 board.

14 (2) To be complete, the application must include all of the
15 following:

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

17 (b) A registration fee in an amount established by the
18 board.

19 3. A certificate of registration issued to a veterinary
20 technician under this section does not expire.

21 4. A veterinary technician is subject to investigation and
22 disciplinary action taken by the board pursuant to section
23 272C.3. However, the board shall utilize the procedures set
24 forth in section 169.14.

25 Sec. 14. NEW SECTION. **169.35 Credentials of veterinary**
26 **technicians.**

27 1. The board shall recognize credentials of veterinary
28 technicians issued by another state, a United States territory,
29 and a province of Canada. The board may recognize credentials
30 of veterinary technicians issued by other jurisdictions.

31 2. *a.* A person shall not use any recognized title,
32 abbreviation, or sign to indicate that such person is a
33 registered veterinary technician unless that person is an
34 individual who has been issued a certificate of registration
35 pursuant to section 169.34.

1 *b.* A person who violates paragraph "a" commits a simple
2 misdemeanor.

3 Sec. 15. NEW SECTION. 169.36 **Veterinary technician — scope**
4 **of authority.**

5 1. A veterinary technician shall only perform tasks
6 associated with providing authorized veterinary medical
7 services to an animal patient under the level of supervision
8 determined by the board according to rules adopted by the
9 board under this subchapter. The board may determine a lower
10 level of supervision is required for registered veterinary
11 technicians. The board shall adopt rules designating types
12 of tasks that a veterinary technician may perform under a
13 determined level of supervision.

14 2. A veterinary technician shall not do any of the
15 following:

16 *a.* Treat floating teeth.

17 *b.* Provide for the closure of surgical wounds and
18 lacerations.

19 *c.* Perform treatments for gingival resection.

20 3. A supervising veterinarian shall decide the specific
21 tasks delegated to a veterinary technician for a determined
22 level of supervision pursuant to section 169.32.

23 4. A licensed veterinarian who employs a veterinary
24 technician shall alone owe the veterinarian technician the
25 amount required to be paid in exchange for performing the
26 delegated task.

27 Sec. 16. NEW SECTION. 169.37 **Veterinary assistant — scope**
28 **of authority.**

29 1. A veterinary assistant shall only perform tasks
30 associated with providing authorized veterinary medical
31 services to an animal patient under the direct supervision of a
32 licensed veterinarian. The board shall adopt rules designating
33 types of tasks that a veterinary assistant may perform under
34 that determined level of supervision.

35 2. A veterinary assistant shall not do any of the following:

1 *a.* Treat floating teeth.

2 *b.* Provide for the closure of surgical wounds and
3 lacerations.

4 *c.* Perform gingival resection.

5 3. A supervising veterinarian shall decide the specific
6 tasks delegated to a veterinary assistant for the determined
7 level of supervision pursuant to section 169.32.

8 Sec. 17. NEW SECTION. **169.38 Veterinary student — scope**
9 **of authority.**

10 1. A veterinary student shall only perform tasks associated
11 with providing authorized veterinary medical services to an
12 animal patient under the level of supervision determined by the
13 supervising veterinarian. The determination shall be based
14 on the number of academic years successfully completed by the
15 veterinary student.

16 2. A supervising veterinarian shall decide the specific
17 tasks delegated to a veterinary student for the determined
18 level of supervision pursuant to section 169.32.

19 Sec. 18. NEW SECTION. **169.39 Graduate from foreign college**
20 **of veterinary medicine — scope of authority.**

21 1. A graduate from a foreign college of veterinary
22 medicine shall only perform tasks associated with providing
23 authorized veterinary medical services to an animal patient
24 under the level of supervision determined by the supervising
25 veterinarian. The determination shall be based on whether the
26 graduate from a foreign college of veterinary medicine holds an
27 ECFVG certificate.

28 2. A supervising veterinarian shall decide the specific
29 tasks delegated to a graduate from a foreign college of
30 veterinary medicine for the determined level of supervision
31 pursuant to section 169.32.

32 Sec. 19. Section 714.8, Code 2023, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 22. *a.* Practicing veterinary medicine
35 without a valid license or temporary permit issued by the board

1 board may issue a temporary permit to certain members of the
2 college of veterinary medicine of Iowa state university of
3 science and technology or persons waiting to be licensed (Code
4 sections 169.4 and 169.11). The bill provides definitions
5 of terms used throughout the Code chapter and creates a
6 new subchapter authorizing certain individuals to provide
7 authorized veterinary medical services to animals in a manner
8 that would otherwise constitute the practice of veterinary
9 medicine, so long as the authorized veterinary medical services
10 are provided under the supervision of a licensed veterinarian
11 (supervising veterinarian).

12 DEFINITIONS. The bill amends the term "animal" to expressly
13 include livestock. The bill provides new definitions for
14 the terms "diagnosis" and "surgery". The bill rewrites the
15 definition of "practice of veterinary medicine" to include
16 an action taken for compensation that involves providing
17 authorized veterinary medical services to animals, including by
18 providing a diagnosis or treatment, prescribing, dispensing,
19 or administering or ordering the administration of a drug or
20 appliance, or taking an action associated with the prevention,
21 cure, or relief of disease or injury. The term does not
22 include taking an action under the direction of a supervising
23 veterinarian or practicing animal massage therapy (amended Code
24 section 169.3).

25 SUPERVISION BY LICENSED VETERINARIAN — VETERINARY AUXILIARY
26 PERSONNEL. The bill provides that a licensed veterinarian
27 may act as a supervising veterinarian directing certain
28 individuals in performing delegated tasks under different
29 levels of supervision. Such an individual is classified as a
30 veterinary auxiliary personnel and includes (1) a veterinary
31 technician who has graduated from an accredited or approved
32 veterinary technology program, (2) a veterinary assistant who
33 has not graduated from that program, (3) a veterinary student
34 attending a college of veterinary medicine, and (4) a graduate
35 of a foreign college of veterinary medicine. The levels of

1 supervision allowing a supervising veterinarian to delegate
2 tasks to veterinary auxiliary personnel include: (1) direct
3 supervision in which the supervising veterinarian is on the
4 premises where the animal patient is being cared for, (2)
5 immediate supervision in which a supervising veterinarian is
6 in the immediate area of the animal patient, and (3) indirect
7 supervision in which a supervising veterinarian is available by
8 telephone or other means of immediate communication.

9 SUPERVISION BY LICENSED VETERINARIAN — DUTY. A licensed
10 veterinarian cannot act as a supervising veterinarian until
11 examining the animal patient. A supervising veterinarian must
12 decide the applicable level of supervision subject to the
13 requirements in the bill and the tasks that may be delegated to
14 the veterinary auxiliary personnel which may be based on the
15 level of supervision required and the training, experience, and
16 skill of the veterinary auxiliary personnel (new Code section
17 169.32).

18 VETERINARY AUXILIARY PERSONNEL — CERTIFICATION OF
19 VETERINARY TECHNICIAN. The bill provides for the board's
20 certification of veterinary technicians as registered
21 veterinary technicians. An application may be based on
22 either: (1) passing a national exam (veterinary technician
23 national examination or "VTNE") or (2) by endorsement when the
24 applicant veterinary technician has been actively employed as a
25 veterinarian technician in another jurisdiction for at least
26 2,000 hours during the prior five years. In each case, the
27 application must be completed as required by the board and
28 include a fee for an amount established by the board (new Code
29 section 169.34). The bill provides that a person who is not
30 registered commits a simple misdemeanor by wrongfully claiming
31 to hold such a credential.

32 VETERINARY AUXILIARY PERSONNEL — SCOPE OF AUTHORITY. Each
33 type of veterinary auxiliary personnel is subject to its own
34 level of supervision which includes associated tasks that
35 may be delegated. For a veterinary technician, the level is

1 established by rules adopted by the board which also provides
2 for associated tasks that may be delegated. For a veterinary
3 assistant, the level is restricted to direct supervision and
4 the board by rule provides for associated tasks that may be
5 delegated. For a veterinary student, the level of supervision
6 and the associated tasks that may be delegated are determined
7 by the supervising veterinarian based on the number of academic
8 years that the student has successfully completed. For a
9 graduate from a foreign college of veterinary medicine, the
10 level of supervision and associated tasks that may be delegated
11 are also determined by the supervising veterinarian based on
12 whether the graduate holds a current certificate issued by the
13 American veterinary medical association educational commission
14 for foreign veterinary graduates (ECFVG).

15 ADMINISTRATIVE RULES. The bill requires the board to begin
16 the process of adopting rules required to implement the bill's
17 provisions by September 1, 2023. These provisions take effect
18 upon enactment.

19 PROHIBITIONS. A person who acts in violation of
20 requirements governing veterinary medicine may be guilty of
21 a fraudulent practice. This includes practicing veterinary
22 medicine without a valid license or temporary permit (Code
23 sections 169.4, 169.11, and 714.8). The bill provides that it
24 also includes a supervising veterinarian who knowingly wrongly
25 utilizes veterinary auxiliary personnel to provide medical care
26 to an animal (amended Code sections 169.19 and 714.8).

27 PENALTIES. A simple misdemeanor is punishable by
28 confinement for no more than 30 days and a fine of at least \$105
29 but not more than \$855. The penalties for fraudulent practice
30 range from a simple misdemeanor to a class "C" felony depending
31 upon the amount of money or value of the property involved. A
32 serious misdemeanor is punishable by confinement for no more
33 than one year and a fine of at least \$430 but not more than
34 \$2,560. An aggravated misdemeanor is punishable by confinement
35 for no more than two years and a fine of at least \$855 but

H.F. _____

1 not more than \$8,540. A class "D" felony is punishable by
2 confinement for no more than five years and a fine of at least
3 \$1,025 but not more than \$10,245. A class "C" felony is
4 punishable by confinement for no more than 10 years and a fine
5 of at least \$1,370 but not more than \$13,660 (Code sections
6 714.8 to 714.14).