

CHAPTER 1077

VETERINARIANS

S. F. 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 specialities 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, 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 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 ECFVG 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 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 deter-

mined 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 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 ECFVG 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.

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 ex-

amination. 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 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 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 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.

Approved June 29, 1978