

As Introduced

126th General Assembly
Regular Session
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H. B. No. 458

Representatives Core, Webster, McGregor, J., Fessler, Setzer, Reinhard,
Seitz, Hartnett, Reidelbach, Aslanides

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A B I L L

To amend sections 4741.01, 4741.02, 4741.03, 4741.09, 1
4741.11, 4741.12, 4741.14, 4741.16, 4741.17, 2
4741.171, 4741.19, 4741.20, 4741.21, 4741.22, 3
4741.221, 4741.24, 4741.26, and 4741.31, to enact 4
new section 4741.13 and section 4741.04, and to 5
repeal sections 4741.13, 4741.27, and 4741.28 of 6
the Revised Code to revise the veterinary practice 7
law. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4741.01, 4741.02, 4741.03, 4741.09, 9
4741.11, 4741.12, 4741.14, 4741.16, 4741.17, 4741.171, 4741.19, 10
4741.20, 4741.21, 4741.22, 4741.221, 4741.24, 4741.26, and 4741.31 11
be amended and new section 4741.13 and section 4741.04 of the 12
Revised Code be enacted to read as follows: 13

Sec. 4741.01. As used in this chapter: 14

(A) "Animal" means any animal other than ~~man~~ a human being 15
and includes fowl, birds, fish, and reptiles, wild or domestic, 16
living or dead. 17

(B) The "practice of veterinary medicine" means the practice 18
of any person who performs any of the following actions: 19

(1) ~~For hire, fee, compensation, or reward promised, offered, expected, received, or accepted, either directly or indirectly, diagnoses, prognoses, Diagnoses, prevents, or treats, administers any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal;~~ 20
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~~(2) Administers to, prescribes for, operates on, manipulates or performs any medical or surgical technique on any animal that has any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition;~~ 25
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~~(3) Prescribes, applies, or dispenses any drug, medicine, biologic, anesthetic, or other therapeutic or diagnostic substance, or applies any apparatus or appliance for any disease, illness, pain, deformity, defect, injury, wound, or other physical, mental, or dental condition of any animal, or for the prevention of or to test for the presence of any disease of any animal, or who holds himself out as being able or legally authorized to act in such manner, or who holds himself out as being a veterinarian involved in environmental health, public health, food hygiene, preventive medicine, space medicine, or other special areas, or who engages in the practice of embryo transfer;~~ 29
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~~(2) Practices dentistry or surgery on any animal;~~ 41

~~(3)(4) Uses complementary, alternative, and integrative therapies on animals;~~ 42
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~~(5) Renders professional advice or recommendation by any means, including telephonic or other electronic communication with regard to any activity described in division (B)(1) to (4) of this section;~~ 44
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~~(6) Represents himself the person's self, directly or indirectly, publicly or privately, as engaged in the practice of veterinary medicine as defined having the ability and willingness~~ 48
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to perform an act described in divisions (B)(1) ~~and (2)~~ to (4) of 51
this section; 52

~~(4)~~(7) Uses any words, letters, abbreviations, or titles in 53
such connection and under such circumstances as to induce the 54
belief that the person using them is engaged in the practice of 55
veterinary medicine. 56

(C) "Specialist" means a ~~person~~ licensed veterinarian who is 57
certified by a veterinary specialty board of a professional 58
veterinary association recognized by rule of the state veterinary 59
medical licensing board. 60

(D) "~~Direct Veterinary~~ supervision" means instruction and 61
directions ~~requiring the physical presence of~~ by a licensed 62
veterinarian on the premises or, ~~if the veterinarian is absent~~ 63
~~from the premises, the~~ by a licensed veterinarian who is readily 64
available for contact with a registered veterinary technician or 65
any other to communicate with a person requiring supervision by 66
the veterinarian by telephone or wireless communication. 67

(E) "Veterinary student ~~extern~~" means a student enrolled in a 68
college of veterinary medicine or a veterinary technology college 69
approved by the board and who is ~~employed by~~ working with a 70
licensed veterinarian. 71

(F) "Registered veterinary technician" means a person who ~~has~~ 72
~~received a degree in animal health~~ is a graduate of a veterinary 73
~~technology from a school~~ college approved by the state veterinary 74
medical licensing board ~~or a school recognized by the American~~ 75
~~veterinary medical association, and who is employed by and under~~ 76
~~the direct supervision of a licensed veterinarian, has~~ 77
successfully passed an examination approved by the board, and 78
maintains registration eligibility status in accordance with rules 79
adopted by the board. 80

(G) "Veterinary Animal aide" means a person who is employed 81

by a licensed veterinarian and supervised by a licensed 82
veterinarian or a registered veterinary technician to perform 83
duties such as record keeping, animal restraint, and such other 84
duties that the board, by rule, establishes. In adopting the 85
rules, the board shall include rules regarding the degree of 86
supervision required for each duty. The rules shall be consistent 87
with generally accepted standards of veterinary medical practice. 88

(H) "Advertising" means any manner, method, means, or 89
activity by which a practicing veterinarian, ~~his~~ a practicing 90
veterinarian's partners, or associates, or any information in 91
reference to veterinary science, is made known to the public 92
through any use of motion pictures, newspapers, magazines, books, 93
radio, television announcements, or any other manner, method, 94
means, or activity which commercially publicizes the professional 95
image of the veterinarian. 96

(I) "Embryo transfer" means the removal of an embryo ovum 97
from the reproductive tract of an animal and its transfer to the 98
reproductive tract of another animal for the purpose of gestation 99
and birth. 100

(J) "~~Consultant~~ Veterinary consultant" means a veterinarian 101
who is not licensed in this state and who provides advice and 102
counsel to a requesting veterinarian licensed in this state in 103
regard to the treatment, diagnosis, or health care of an animal or 104
animals in a specific case. 105

(K) "Direct veterinary supervision" means a licensed 106
veterinarian is in the immediate area and within audible range, 107
visual range, or both, of a patient and the person administering 108
to the patient. 109

(L) "Allied medical support" means a licensed dentist, 110
physician, chiropractor, or physical therapist who is in good 111
standing as determined under Chapter 4715., 4731., 4734., or 4755. 112

of the Revised Code, as applicable.

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(M) "Veterinary-client-patient-relationship" means a relationship that meets the requirements of section 4741.04 of the Revised Code.

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(N) "Abandonment" means a client has left an animal in the care of a veterinarian, and the client has not contacted or communicated with the veterinarian to reclaim that animal.

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(O) "Licensed veterinarian" means a person licensed by the board to practice veterinary medicine.

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(P) "Client" means the patient's owner, owner's agent, or other person responsible for the patient.

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(Q) "Veterinary technology" means the science and art of providing professional support to veterinarians.

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(R) "Patient" means an animal that is examined or treated by a licensed veterinarian.

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Sec. 4741.02. There shall be a state veterinary medical licensing board consisting of seven members, who have been legal residents of this state for not less than five years, appointed by the governor with the advice and consent of the senate, as follows: five members who have been licensed to practice veterinary medicine in this state for not less than five consecutive years prior to their appointment; one member who is a registered veterinary technician registered pursuant to this chapter for not less than five consecutive years prior to appointment; and one member who is a representative of the public. Terms of office are for ~~five~~ three years, commencing on the first day of January and ending on the thirty-first day of December, ~~except that the initial terms of office of the registered veterinary technician and the public member commence on January 1, 1992, with the registered veterinary technician's initial term of~~

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~~office ending on December 31, 1994, and the public member's~~ 143
~~initial term of office ending on December 31, 1996.~~ Each member 144
shall hold office from the date of the member's appointment until 145
the end of the term for which the member was appointed. Any member 146
appointed to fill a vacancy occurring prior to the expiration of 147
the term for which the predecessor was appointed shall hold office 148
for the remainder of such term. Any member shall continue in 149
office subsequent to the expiration date of the member's term 150
until a successor takes office, or until a period of sixty days 151
has elapsed, whichever occurs first. No person who has been 152
appointed a member of the board shall be appointed to serve a 153
~~second term~~ more than three, three-year terms unless a period of 154
~~five~~ three years has elapsed since the termination of the member's 155
~~first~~ third term, provided that ~~members initially appointed for~~ 156
~~less than a five year term and persons~~ a person appointed to fill 157
an unexpired term may be appointed for ~~one~~ three full ~~term~~ terms 158
of ~~five~~ three years each immediately following such ~~terms~~ term and 159
that the total length of the member's service does not exceed ten 160
years. 161

No member of the board shall be the owner of any interest in, 162
or be employed by any wholesale or jobbing house dealing in 163
supplies, equipment, or instruments used or useful in the practice 164
of veterinary medicine. Neither the public member nor the 165
registered veterinary technician member shall have any vested 166
financial interest in the practice of veterinary medicine. For 167
purposes of this section employment as a veterinary technician for 168
a veterinarian does not constitute a vested financial interest in 169
the practice of veterinary medicine. 170

The governor may remove any member of the board for 171
malfeasance, misfeasance, or nonfeasance after a hearing as 172
provided in Chapter 119. of the Revised Code or if the license of 173
a veterinary member is not renewed or has been revoked or 174

suspended on any ground set forth in section 3123.47 or 4741.22 of
the Revised Code or if the registration of the registered
veterinary technician member is revoked or suspended or is not
renewed under section 3123.47 or 4741.19 of the Revised Code.

Each member of the board shall receive an amount fixed
pursuant to division (J) of section 124.15 of the Revised Code for
each day, or portion thereof, the member is actually engaged in
the discharge of official duties, in addition to the member's
necessary expenses.

Sec. 4741.03. (A) The state veterinary medical licensing
board shall meet at least once in each calendar year and may hold
additional meetings as often as it considers necessary to conduct
the business of the board. The president of the board may call
special meetings, and the executive ~~secretary~~ director shall call
special meetings upon the written request of three members of the
board. The board shall organize by electing a president and
vice-president from its veterinarian members and such other
officers as the board prescribes by rule. Each officer shall serve
for a term specified by board rule or until a successor is elected
and qualified. A quorum of the board consists of four members of
which at least three are members who are veterinarians. The
concurrence of four members is necessary for the board to take any
action.

(B) The board may appoint a person, not one of its members,
to serve as its executive ~~secretary~~ director. The executive
~~secretary~~ director is in the unclassified service and serves at
the pleasure of the board. The executive ~~secretary~~ director shall
serve as the board's secretary-treasurer ex officio. The board may
employ additional employees for professional, technical, clerical,
and special work as it considers necessary. The executive
~~secretary~~ director shall give a surety bond to the state in the

sum the board requires, conditioned upon the faithful performance 206
of the executive ~~secretary's~~ director's duties. The board shall 207
pay the cost of the bond. The executive ~~secretary~~ director shall 208
keep a complete accounting of all funds received and of all 209
vouchers presented by the board to the director of budget and 210
management for the disbursement of funds. The president or 211
executive ~~secretary~~ director shall approve all vouchers of the 212
board. All money received by the board shall be credited to the 213
occupational licensing and regulatory fund. 214

(C) In addition to any other duty required under this 215
chapter, the board shall do all of the following: 216

(1) Prescribe a seal; 217

(2) ~~Hold at least one~~ Accept and review applications for 218
admission to an examination during each calendar year for 219
applicants for a license. The in accordance with section 4741.09 220
of the Revised Code and review the results of examinations taken 221
by applicants in accordance with rules adopted by the board shall 222
provide public notice of the time and place for the examination. 223
~~The examination for applicants for a license to practice~~ 224
~~veterinary medicine shall be either written or oral, or both, as~~ 225
~~determined by the board, and may include a practical~~ 226
~~demonstration. The examination may include all subjects relevant~~ 227
~~to veterinary medicine the board determines appropriate, including~~ 228
~~public health and jurisprudence.~~ 229

(3) Keep a record of all of its meetings and proceedings; 230

(4) Maintain a register that records all applicants for a 231
certificate of license or a temporary permit, all persons who have 232
been denied a license or permit, all persons who have been granted 233
or reissued a license or permit, and all persons whose license or 234
permit has been revoked or suspended. The register shall also 235
include a record of persons licensed prior to October 17, 1975. 236

(5) Maintain a register, in such form as the board determines	237
by rule, of all colleges and universities that teach veterinary	238
medicine and <u>veterinary technology</u> that are approved by the board;	239
(6) Enforce this chapter, and for that purpose, make	240
investigations relative as provided in section 4741.26 of the	241
Revised Code;	242
(7) Issue licenses and permits to persons who meet the	243
qualifications set forth in this chapter;	244
(8) Approve colleges and universities which meet the board's	245
requirements for veterinary medicine and associated fields of	246
study and withdraw or deny, after an adjudication conducted in	247
accordance with Chapter 119. of the Revised Code, approval from	248
colleges and universities which fail to meet those requirements;	249
(9) Adopt rules, in accordance with Chapter 119. of the	250
Revised Code, which are necessary for its government and for the	251
administration and enforcement of this chapter.	252
(D) The board may do all of the following:	253
(1) Subpoena witnesses and require their attendance and	254
testimony, and require the production by witnesses of books,	255
papers, public records, animal patient records, and other	256
documentary evidence and examine them, in relation to any matter	257
that the board has authority to investigate, inquire into, or	258
hear. Except for any officer or employee of the state or any	259
political subdivision of the state, the treasurer of state shall	260
pay all witnesses in any proceeding before the board, upon	261
certification from the board, witness fees in the same amount as	262
provided in section 2335.06 of the Revised Code.	263
(2) Examine and inspect books, papers, public records, animal	264
patient records, and other documentary evidence at the location	265
where the books, papers, records, and other evidence are normally	266

stored or maintained.

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(E) All registers, books, and records kept by the board are
the property of the board and are open for public examination and
inspection at all reasonable times in accordance with section
149.43 of the Revised Code. The registers, books, and records are
prima-facie evidence of the matters contained in them.

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Sec. 4741.04. A veterinary-client-patient relationship serves
as the basis for interaction between veterinarians, their clients,
and their patients. A veterinary-client-patient relationship
exists when all of the following conditions have been met:

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(A) A veterinarian assumes responsibility for making clinical
judgments regarding the health of a patient and the need for
medical treatment, medical services, or both for the patient, and
the client has agreed to follow the veterinarian's instructions
regarding the patient.

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(B) The veterinarian has sufficient knowledge of the patient
to initiate at least a general or preliminary diagnosis of the
medical condition of the patient. In order to demonstrate that the
veterinarian has sufficient knowledge, the veterinarian shall have
seen the patient recently and also shall be acquainted personally
with the keeping and care of the patient either by examining the
patient or by making medically appropriate and timely visits to
the premises where the patient is kept.

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(C) The veterinarian is readily available for a follow-up
evaluation, or has arranged for emergency coverage, in the event
the patient suffers adverse reactions to the treatment regimen or
the treatment regimen fails.

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Sec. 4741.09. (A) A person desiring to take ~~an~~ a nationally
recognized examination approved by the state veterinary medical
licensing board in accordance with the rules adopted by the board

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for a license to practice veterinary medicine shall deliver to the 297
executive ~~secretary~~ director of the ~~state veterinary medical~~ 298
~~licensing board, at least forty five days prior to the date of the~~ 299
~~examination,~~ a written application for admission to the 300
examination, ~~together with a current photograph, satisfactory~~ 301
~~proof that the~~ that meets the requirements that the board 302
establishes by rule. An applicant ~~is~~ shall be more than eighteen 303
years of age, ~~is~~ be of good moral character, and ~~has~~ have 304
graduated from a veterinary college or school approved by the 305
board, ~~verified by a certified photostatic copy of the applicant's~~ 306
~~college record, including dates in attendance, courses completed,~~ 307
~~grades received, and diplomas issued, and such other reasonable~~ 308
~~information as the board requires.~~ 309

(B) A student who has completed or is enrolled in good 310
academic standing in the fourth academic year or in the final 311
clinical year at a veterinary college approved by the board may 312
apply to the executive ~~secretary~~ director to take ~~the national~~ 313
~~board examination or the clinical competency examination, or both,~~ 314
a nationally recognized examination the board approves in rule and 315
any other examination the board requires by rule for a license to 316
practice veterinary medicine. ~~A student who has completed or is~~ 317
~~enrolled in good academic standing in the second half of the third~~ 318
~~academic year at a veterinary college approved by the board may~~ 319
~~apply to the executive secretary to take the national board~~ 320
~~portion of the examination for a license to practice veterinary~~ 321
~~medicine.~~ In addition to the information required to be submitted 322
under division (A) of this section, the applicant shall submit a 323
letter from the dean or ~~his~~ the dean's designee of the veterinary 324
college ~~that~~ in which the applicant is a student in good academic 325
standing and that meets the requirements of this division. 326

(C) If the board finds that the applicant possesses the 327
qualifications necessary for admission, meets the requirements of 328

this chapter, the rules of the board, and is not in violation of 329
this chapter or any other applicable provision of the Revised Code 330
which would preclude acceptance by the board, the board shall 331
admit the applicant to the examination. 332

Sec. 4741.11. Whenever an applicant for a license to practice 333
veterinary medicine passes the examination specified in ~~division~~ 334
~~(C)(2)~~ of section ~~4741.03~~ 4741.09 of the Revised Code, and has 335
graduated from a veterinary college approved by the state 336
veterinary medical licensing board or accredited by the American 337
veterinary medical association or has been issued a certificate on 338
or after May 1, 1987, by the education commission for foreign 339
veterinary graduates of the American veterinary medical 340
association, and is not in violation of this chapter, the board 341
shall issue a certificate of license to that effect, signed by the 342
members and bearing the seal of the board. The certificate shall 343
show that the successful applicant has qualified under the laws of 344
this state and the requirements of the board and that the 345
applicant is duly licensed and qualified to practice veterinary 346
medicine. 347

Upon request, the board shall furnish to an applicant for a 348
license who fails to pass the examination a written report showing 349
reasons for ~~his~~ the applicant's failure in the examination. 350

Sec. 4741.12. The state veterinary medical licensing board 351
may issue a license to practice veterinary medicine without the 352
examination ~~specified in division (C)(2) of~~ required pursuant to 353
section ~~4741.03~~ 4741.11 of the Revised Code to an applicant from 354
another state, territory, country, or the District of Columbia who 355
furnishes satisfactory proof to the board that ~~he~~ the applicant 356
meets all of the following criteria: 357

(A) ~~He~~ The applicant is a graduate of a veterinary college 358

accredited by the American veterinary medical association or holds 359
a certificate issued, on or after May 1, 1987, by the education 360
commission for foreign veterinary graduates of the American 361
veterinary medical association or issued by any other nationally 362
recognized certification program the board approves by rule. 363

(B) ~~He~~ The applicant holds a license, which is not under 364
suspension, revocation, or other disciplinary action, issued by an 365
agency similar to this board of another state, territory, country, 366
or the District of Columbia, having requirements equivalent to 367
those of this state, provided the laws of such state, territory, 368
country, or district accord equal rights to the holder of a 369
license to practice in this state who removes to such state, 370
territory, country, or district. 371

(C) ~~He~~ The applicant is of good moral character, as 372
determined by the board. 373

(D) ~~He~~ The applicant is not under investigation for an act 374
which would constitute a violation of this chapter that would 375
require the revocation of or refusal to renew a license. 376

(E) ~~He~~ The applicant has a thorough knowledge of the laws and 377
rules governing the practice of veterinary medicine in this state, 378
as determined by the board. 379

Sec. 4741.13. The state veterinary medical licensing board 380
may issue a limited license to practice veterinary medicine to an 381
individual whose sole professional capacity is with a veterinary 382
academic institution or veterinary technology institution 383
recognized by the board in accordance with rules the board adopts 384
or with a government diagnostic laboratory. A person holding a 385
limited license is authorized to engage in the practice of 386
veterinary medicine only to the extent necessary to fulfill the 387
person's employment or educational obligations as an instructor, 388
researcher, diagnostician, intern, resident in a veterinary 389

specialty, or graduate student. 390

The board may issue a limited license to an applicant who 391
submits a completed application on a form prescribed by the board, 392
pays the fee prescribed in section 4741.17 of the Revised Code, 393
and meets the criteria established by the board. 394

Sec. 4741.14. ~~(A)~~ The state veterinary medical licensing 395
board may issue, without the examination ~~specified in division~~ 396
~~(C)(2) of~~ required pursuant to section 4741.03 4741.11 of the 397
Revised Code, a temporary permit to practice veterinary medicine 398
to ~~either of the following:~~ 399

~~(1) An applicant for admission to the examination, provided~~ 400
~~the applicant meets all conditions and requirements of section~~ 401
~~4741.09 of the Revised Code;~~ 402

~~(2) A~~ a veterinarian holding a license which is not revoked, 403
suspended, expired, or under any restrictions and is otherwise in 404
good standing from another state, territory, or the District of 405
Columbia, provided that a veterinarian who holds a current license 406
in this state applies for the temporary permit for the 407
veterinarian. 408

~~(B) A temporary permit issued pursuant to division (A)(1) of~~ 409
~~this section expires on the day following the announcement of the~~ 410
~~grades of the first examination given after the temporary permit~~ 411
~~is issued. No applicant shall receive a second temporary permit~~ 412
~~under division (A)(1) of this section after he has failed the~~ 413
~~examination.~~ 414

~~(C)~~ A temporary permit issued pursuant to ~~division (A)(2) of~~ 415
this section only authorizes the permit holder to act as a 416
veterinary consultant or to provide veterinary medical services in 417
this state for a specific animal or animals. Under all 418
circumstances, when using the services of a veterinary consultant, 419

the responsibility for the patient remains with the licensed 420
veterinarian who is consulting with the veterinary consultant. The 421
board shall determine by rule the specific purposes for which it 422
may issue a temporary permit and the duration of the permit, not 423
to exceed six months, under rules it adopts pursuant to Chapter 424
119. of the Revised Code. No more than two temporary permits may 425
be issued pursuant to ~~division (A)(2)~~ of this section to any one 426
applicant. Any subsequent applications shall be made pursuant to 427
section 4741.12 of the Revised Code. 428

Sec. 4741.16. (A) A license or limited license to practice 429
veterinary medicine issued by the state veterinary medical 430
licensing board pursuant to sections 4741.11 to 4741.13 of the 431
Revised Code expires biennially on the first day of March in 432
even-numbered years, and may be renewed in accordance with the 433
standard renewal procedures contained in Chapter 4745. of the 434
Revised Code upon payment of the required renewal fee and 435
fulfillment of the continuing education requirements contained in 436
division (B) of this section unless otherwise provided by law. The 437
board shall issue a duplicate certificate to any holder upon 438
request and upon due proof of loss of the original. 439

(B) As a condition precedent to each renewal of a license or 440
limited license, a licensed veterinarian shall demonstrate, to the 441
satisfaction of the board, that ~~he~~ the licensed veterinarian has 442
completed thirty hours of continuing education during the two 443
years immediately preceding renewal of ~~his~~ the licensed 444
veterinarian's license or limited license that meets the 445
requirements established by rule of the board as to form and 446
content. 447

(C) The board may waive the requirement of division (B) of 448
this section if the licensee submits an affidavit evidencing that 449
the licensee was prevented from attending an approved educational 450

program during a year because of the occurrence of an unusual and
prolonged emergency, provided the licensee otherwise complies with
such requirements as the board determines.

(D) Educational program requirements not completed during the
biennial license period, due to a waiver granted by the board
under division (C) of this section, are cumulative on the
requirements for the succeeding biennial license period.

(E) Any license or limited license which is not renewed at
the end of the biennium becomes an inactive license or limited
license. A licensee may reactivate an inactive license or limited
license upon application to the board. The board shall prescribe
continuing education and other requirements as it considers
necessary to reactivate a license or limited license. Any license
or limited license which has been inactive for more than four
years expires if the licensee has not applied for reactivation of
the license or limited license. Upon expiration, a license or
limited license becomes void.

(F) Division (E) of this section does not apply to any
veterinarian who serves solely in a professional capacity with any
federal, state, or local government agency or with any branch of
the armed forces of the United States.

Sec. 4741.17. (A) Applicants or registrants shall pay to the
state veterinary medical licensing board:

(1) For an initial veterinary license based on examination or
for an initial limited license, on or after the first day of March
in an even-numbered year, three hundred seventy-five dollars, and
on or after the first day of March in an odd-numbered year, two
hundred fifty dollars;

(2) For a veterinary license by reciprocity issued on or
after the first day of March in an even-numbered year, four

hundred twenty-five dollars, and on or after the first day of
March in an odd-numbered year, three hundred dollars;

(3) For a veterinary temporary permit, one hundred dollars;

(4) For a duplicate license, thirty-five dollars;

(5) For the veterinary license or limited license biennial
renewal fee, where the application is postmarked no later than the
first day of March, one hundred fifty-five dollars; where the
application is postmarked after the first day of March, but no
later than the first day of April, two hundred twenty-five
dollars; and where the application is postmarked after the first
day of April, four hundred fifty dollars;

(6) For an initial registered veterinary technician
registration fee on or after the first day of March in an
odd-numbered year, thirty-five dollars, and on or after the first
day of March in an even-numbered year, twenty-five dollars;

(7) For the biennial renewal registration fee of a registered
veterinary technician, where the application is postmarked no
later than the first day of March, thirty-five dollars; where the
application is postmarked after the first day of March, but no
later than the first day of April, forty-five dollars; and where
the application is postmarked after the first day of April, sixty
dollars;

(8) For a specialist certificate, fifty dollars. The
certificate is not subject to renewal.

(9) For the reinstatement of a suspended license, or for
reinstatement of a license that has lapsed more than one year, an
additional fee of seventy-five dollars;

(10) For examinations offered by the board, a fee, which
shall be established by the board, in an amount adequate to cover
the expense of procuring, administering, and scoring examinations.

(B) ~~The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.~~ 511
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~~(C)~~ For the purposes of divisions (A)(5) and (7) of this section, a date stamp of the office of the board may serve in lieu of a postmark. 515
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Sec. 4741.171. Any licensed veterinarian who desires to temporarily or permanently retire from practice and who has given the state veterinary medical licensing board notice in writing to that effect may be certified by the board as being retired, provided ~~his~~ the licensed veterinarian's license is in good standing. The board may by rule waive the payment of the registration fee of a licensed veterinarian or registered veterinary technician during the period when ~~he~~ the licensed veterinarian or registered veterinary technician is on active duty in connection with any branch of the armed forces of the United States. 518
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Each veterinarian licensed by the board, whether a resident or not, shall notify, in writing, the ~~secretary~~ executive director of the board of any change in ~~his~~ the licensed veterinarian's office address or employment within ninety days after the change has taken place. 529
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Sec. 4741.19. (A) Unless exempted under this chapter, no person shall practice veterinary medicine, or any of its branches, without a license or limited license issued by the state veterinary medical licensing board pursuant to sections 4741.11 to 4741.13 of the Revised Code, a temporary permit issued pursuant to section 4741.14 of the Revised Code, or a registration certificate issued pursuant to division (C) of this section, or with an 534
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inactive, expired, suspended, terminated, or revoked license, 541
temporary permit, or registration. 542

(B) No veterinary student ~~extern~~ shall: 543

(1) Perform or assist surgery unless under ~~the~~ direct 544
veterinary supervision ~~of a licensed veterinarian~~ and unless the 545
~~extern student~~ has had the minimum education and experience 546
prescribed by rule of the board; 547

(2) Engage in any other work related to the practice of 548
veterinary medicine unless under ~~the direct~~ veterinary supervision 549
~~of a licensed veterinarian~~; 550

(3) Participate in the operation of a branch office, clinic, 551
or allied establishment unless a licensed veterinarian is present 552
on the establishment premises. 553

(C) No person shall act as a registered veterinary technician 554
unless the person is registered with the board on a biennial basis 555
and pays the biennial registration fee. A registered veterinary 556
technician registration expires biennially on the first day of 557
March in the odd-numbered years and may be renewed in accordance 558
with the standard renewal procedures contained in Chapter 4745. of 559
the Revised Code upon payment of the biennial registration fee and 560
fulfillment of ten continuing education hours during the two years 561
immediately preceding renewal for registration. Each registered 562
veterinary technician shall notify in writing the ~~secretary~~ 563
executive director of the board of any change in the registered 564
veterinary technician's office address or employment within ninety 565
days after the change has taken place. 566

(1) A registered veterinary technician operating under ~~the~~ 567
veterinary supervision ~~of a licensed veterinarian~~ may perform the 568
following duties: 569

~~(1)~~(a) Prepare or supervise the preparation of patients, 570
instruments, equipment, and medications for surgery; 571

(2) Induce and monitor general anesthesia according to medically recognized and appropriate methods;	572 573
(3)(b) Collect or supervise the collection of specimens and perform laboratory procedures as required by the supervising veterinarian;	574 575 576
(4)(c) Apply wound dressings, casts, or splints as required by the supervising veterinarian;	577 578
(5)(d) Assist a veterinarian in immunologic, diagnostic, medical, and surgical procedures;	579 580
(6)(e) Suture skin incisions;	581
(7) Dental prophylaxis;	582
(8)(f) Administer or supervise the administration of topical, oral, or parenteral medication under the direction of the supervising veterinarian;	583 584 585
(9)(g) Other ancillary veterinary technician functions that are performed pursuant to the order and control and under the full responsibility of a licensed veterinarian.	586 587 588
<u>(h) Any additional duties as established by the board in rule.</u>	589 590
<u>(2) A registered veterinary technician operating under direct veterinary supervision may perform all of the following:</u>	591 592
<u>(a) Induce and monitor general anesthesia according to medically recognized and appropriate methods;</u>	593 594
<u>(b) Dental prophylaxis, periodontal care, and extraction not involving sectioning of teeth or resection of bone or both of these;</u>	595 596 597
<u>(c) Equine dental procedures, including the floating of molars, premolars, and canine teeth; removal of deciduous teeth; and the extraction of first premolars or wolf teeth.</u>	598 599 600

The degree of supervision by a licensed veterinarian over the functions performed by the registered veterinary technician shall be consistent with the standards of generally accepted veterinary medical practices.

(D) A veterinarian licensed to practice in this state shall not ~~hold oneself out~~ present the person's self as or state a claim that the person is a specialist unless the veterinarian has previously met the requirements ~~of~~ for certification by a specialty organization recognized by the American board of veterinary ~~medical association~~ specialties for a specialty or such other requirements set by rule of the board and has paid the fee required by division (A)(8) of section 4741.17 of the Revised Code.

(E) Notwithstanding division (A) of this section, any animal owner or the owner's designee may engage in the practice of embryo transfer on the owner's animal if a licensed veterinarian directly supervises the owner or the owner's designee and the means used to perform the embryo transfer are nonsurgical.

(F) Allied medical support may assist a licensed veterinarian to the extent to which the law that governs the individual providing the support permits, if all of the following apply:

(1) A valid veterinary-client-patient-relationship exists.

(2) The individual acts under direct veterinary supervision.

(3) The allied medical support individual receives informed, written, client consent.

(4) The veterinarian maintains responsibility for the patient and keeps the patient's medical records.

The board may inspect the facilities of an allied medical support individual in connection with an investigation based on a complaint received in accordance with section 4741.26 of the

Revised Code involving that individual.

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Sec. 4741.20. This chapter does not apply to:

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(A) A person who administers to animals, the title to which is vested in ~~himself~~ the person's self, except when the title is so vested for the purpose of circumventing the provisions of this chapter. No person shall vest title of an animal in ~~himself~~ the person's self for the purposes of circumventing this chapter.

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(B) A person who is a regular student in a legally chartered college of veterinary medicine or a veterinary technology college while in the performance of those duties and actions assigned by ~~his~~ the person's instructors;

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(C) A person who is a member of the armed forces of the United States or an employee of the United States department of agriculture, the United States public health service, or other federal agency, or the Ohio department of agriculture except a licensed veterinarian, and who, while so commissioned or employed, performs official duties;

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(D) A person who advises with respect to or performs acts which the state veterinary medical licensing board by rule has prescribed as accepted management practices in connection with livestock production;

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(E) A person who conducts routine vaccinations, pullorum testing, and typhoid testing of poultry and other poultry disease control activity under supervision of a national poultry improvement plan as administered by an official state agency or the United States department of agriculture;

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(F) A physician licensed to practice medicine in this state, or ~~his~~ the assistant of such a licensed physician, while engaged in medical research;

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(G) ~~A member of the faculty of an American veterinary medical~~

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~~association accredited college of veterinary medicine, provided 661
that such member is a veterinarian and only is practicing in 662
conjunction with teaching duties at the school or college or in 663
its main teaching hospital; 664~~

~~(H) A person who is supervised by a licensed veterinarian and 665
who is engaged in bona fide medical biomedical research which 666
requires the application of the principles of a veterinary 667
practice; 668~~

~~(H) A veterinary consultant when consulting with a licensed 669
veterinarian, on the condition that the service performed by the 670
veterinary consultant is limited to the consultation and under all 671
circumstances, the responsibility for the patient remains with the 672
licensed veterinarian who is receiving the consultation; 673~~

~~(I) A person who offers gratuitous services in the case of an 674
emergency. 675~~

Sec. 4741.21. No licensed veterinarian or any person under 676
~~his~~ a licensed veterinarian's control or employ shall do any 677
advertising which: 678

(A) Is false or misleads any person to act to ~~his~~ the 679
person's detriment in the care or treatment of any animal; 680

(B) Is done with a purpose to deceive or defraud, or tends to 681
deceive or defraud, any person; 682

(C) ~~Promotes or tends to promote~~ Directly promotes the 683
business of a veterinarian through second-or third-party 684
solicitation ~~which is contrary to good public policy as determined 685
by rule of the board;~~ 686

(D) Violates the rules set forth by the state veterinary 687
medical licensing board ~~in compliance with division (C)(9) of 688
section 4741.03 of the Revised Code.~~ 689

Sec. 4741.22. The state veterinary medical licensing board 690
may refuse to issue or renew a license, limited license, 691
registration, or temporary permit to or of any applicant who, and 692
may issue a reprimand to, suspend or revoke the license, limited 693
license, registration, or the temporary permit of, or impose a 694
civil penalty pursuant to this section upon any person ~~licensed~~ 695
holding a license, limited license, or temporary permit to 696
practice veterinary medicine or any person registered as a 697
registered veterinary technician who: 698

(A) In the conduct of the person's practice does not conform 699
to the rules of the board or the standards of the profession 700
governing proper, humane, sanitary, and hygienic methods to be 701
used in the care and treatment of animals; 702

(B) Uses fraud, misrepresentation, or deception in ~~completing~~ 703
the any application or examination conducted by the board for 704
licensure, or any other documentation created in the course of 705
practicing veterinary medicine; 706

(C) Is found to be physically or psychologically addicted to 707
alcohol or an illegal or controlled substance, as defined in 708
section 3719.01 of the Revised Code, to such a degree as to render 709
the person unfit to practice veterinary medicine; 710

(D) Directly or indirectly employs or lends the person's 711
services to a solicitor for the purpose of obtaining patients; 712

(E) Obtains a fee on the assurance that an incurable disease 713
can be cured; 714

(F) Advertises in a manner that violates section 4741.21 of 715
the Revised Code; 716

(G) ~~Has professional association with or lends the person's~~ 717
~~name to any unlicensed person, association, or organization for~~ 718
~~the purpose of obtaining patients;~~ 719

(H) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;	720 721 722
(I) <u>(H)</u> Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;	723 724 725
(J) <u>(I)</u> Is convicted of <u>or pleads guilty to</u> any felony or crime involving moral turpitude <u>illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;</u>	726 727 728 729 730 731
(K) <u>(J)</u> Is convicted of any violation of section 959.13 of the Revised Code;	732 733
(L) Is convicted of a felony drug abuse offense, as defined in section 2925.01 of the Revised Code;	734 735
(M) <u>(K)</u> Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;	736 737
(N) <u>(L)</u> Fails to report promptly to the proper official any known reportable disease;	738 739
(O) <u>(M)</u> Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;	740 741
(P) <u>(N)</u> Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in section 5122.301 <u>Chapter 2111.</u> of the Revised Code, and has not been restored to legal capacity for that purpose;	742 743 744 745
(Q) <u>(O)</u> Permits a person who is not a licensed veterinarian, a veterinary student extern , or a registered veterinary technician to engage in work or perform duties in violation of this chapter;	746 747 748
(R) <u>(P)</u> Is guilty of gross incompetence <u>or gross negligence;</u>	749

~~(S)~~(Q) Has had a license to practice veterinary medicine or a 750
license, registration, or certificate to engage in activities as a 751
registered veterinary technician revoked, suspended, or acted 752
against by disciplinary action by an agency similar to this board 753
of another state, territory, or country or the District of 754
Columbia; 755

~~(T)~~(R) Is or has practiced with a revoked, suspended, 756
inactive, expired, or terminated license or registration; 757

~~(U)~~(S) Represents self as a specialist unless certified as a 758
specialist by the board; 759

~~(V)~~(T) In the person's capacity as a veterinarian or 760
registered veterinary technician makes or files a report, health 761
certificate, vaccination certificate, or other document that the 762
person knows is false or negligently or intentionally fails to 763
file a report or record required by any applicable state or 764
federal law; 765

~~(W)~~(U) Fails to use reasonable care in the administration of 766
drugs, ~~as defined in section 4729.01 of the Revised Code,~~ or 767
acceptable scientific methods in the selection of those drugs or 768
other modalities for treatment of a disease or in conduct of 769
surgery; 770

~~(X)~~(V) Makes available a dangerous drug, as defined in 771
section 4729.01 of the Revised Code, to any person other than for 772
the specific treatment of an animal patient; 773

~~(Y)~~(W) Refuses to permit a board investigator or the board's 774
designee to inspect the person's business premises during regular 775
business hours, except as provided in division (A) of section 776
4741.26 of the Revised Code; 777

~~(Z)~~(X) Violates any order of the board or fails to comply 778
with a subpoena of the board; 779

~~(AA)~~(Y) Fails to maintain medical records as required by rule 780
of the board; 781

(Z) Engages in cruelty to animals; 782

(AA) Uses, prescribes, or sells any veterinary prescription 783
drug or biologic, or prescribes any extra-label use of any 784
over-the-counter drug or dangerous drug in the absence of a valid 785
veterinary-client-patient relationship. 786

Before the board may revoke, deny, refuse to renew, or 787
suspend a license, registration, or temporary permit or otherwise 788
discipline the holder of a license, registration, or temporary 789
permit, the executive ~~secretary~~ director shall file written 790
charges with the board. The board shall conduct a hearing on the 791
charges as provided in Chapter 119. of the Revised Code. 792

If the board, after a hearing conducted pursuant to Chapter 793
119. of the Revised Code, revokes, refuses to renew, or suspends a 794
license, registration, or temporary permit ~~or otherwise~~ 795
~~disciplines the holder of a license, registration, or temporary~~ 796
~~permit~~ for a violation of this section, section 4741.23 ~~or~~ 797
~~4741.28~~, division (C) or (D) of section 4741.19, or division (B), 798
(C), or (D) of section 4741.21 of the Revised Code, the board may 799
impose a civil penalty upon the holder of the license, permit, or 800
registration of not less than fifty one hundred dollars or more 801
than ~~two hundred fifty dollars for a first offense and not less~~ 802
~~than two hundred fifty dollars or more than~~ one thousand dollars 803
~~for each subsequent offense~~. In addition to the civil penalty and 804
any other penalties imposed pursuant to this chapter, the board 805
may assess any holder of a license, permit, or registration the 806
costs of the hearing conducted under this section if the board 807
determines that the holder has violated any provision for which 808
the board may impose a civil penalty under this section. 809

Sec. 4741.221. (A) The state veterinary medical licensing board may, prior to or after a hearing conducted under section 4741.22 of the Revised Code, and in lieu of taking or in addition to any action it may take under that section, refer any veterinarian or registered veterinarian technician:

(1) Who suffers from alcohol or substance abuse, to the Ohio veterinary medical association special assistance committee, the Ohio physicians health program, or an advocacy group approved by the board, for support and assistance in the coordination of the treatment of that veterinarian or technician;

(2) Who has violated any provision of this chapter for any offense for which the board normally would not seek the revocation or suspension of the person's license or registration, to the Ohio veterinary medical association special committee on peer review.

(B) To implement this section, the board shall adopt rules, in accordance with Chapter 119. of the Revised Code, ~~which cover the method of referral and the manner by which the board may recall the referral and a requirement that the committee supply the veterinarian or technician and the board with progress reports on the support and assistance in the coordination of the treatment.~~

Sec. 4741.24. (A) Except as provided in division (B) of this section, any person whose license, registration, or temporary permit is suspended or revoked may, at the discretion of the state veterinary medical licensing board, be relicensed or reregistered to practice at any time without an examination, on application made to the board. The application for reinstatement shall be in writing, in a form prescribed by the board, signed by the applicant, and shall be delivered to the executive ~~secretary~~ director of the board.

(B) Any person whose license, registration, or temporary permit has been revoked for a violation of section 4741.18, 4741.22, or 4741.23 or division (A), (C), or (D) of section 4741.19, division (A) of section 4741.20, or division (B) or (D) of section 4741.21 of the Revised Code, shall be permanently barred from practicing veterinary medicine or holding a license to practice veterinary medicine or holding a registration as a registered veterinary technician in this state for a subsequent violation of any of such provisions. The board shall, by certified mail, notify all other state veterinary licensing boards of permanent revocation actions.

(C) Any person whose license or temporary permit to practice veterinary medicine is suspended or revoked is an unlicensed person.

Sec. 4741.26. (A) The state veterinary medical licensing board shall enforce this chapter and for that purpose shall make investigations relative thereto. Except as provided in this division, in making any inspection pursuant to this chapter, the board may enter and inspect, upon written notice of not less than five days and during normal business hours, any licensee's, permit holder's, or registrant's place of business. If the board has knowledge or notice, pursuant to a written complaint or any other written knowledge or notice by any person as verified by the signature of that person, of a violation of section 4741.18, 4741.19, or 4741.23 of the Revised Code, it shall investigate and, upon probable cause appearing, shall direct the executive ~~secretary~~ director to file a complaint and institute the prosecution of the offender. In conducting any investigation for a suspected violation of this chapter, the board or its authorized agent does not have to provide any prior written notice to the licensee, permit holder, or registrant as long as the board

provides a written authorization for the investigation and the 871
board or its authorized agent provides the licensee, permit 872
holder, or registrant with a copy of the authorization at the time 873
of the investigation. When requested by the executive ~~secretary~~ 874
director, the prosecuting attorney of a county or the village 875
solicitor or city director of law of a municipal corporation, 876
wherein the violation occurs shall take charge of and conduct the 877
prosecution. The attorney general or ~~his~~ the attorney general's 878
designated assistant shall act as legal adviser to the board and 879
shall render such legal assistance as may be necessary. 880

(B) In addition to any other remedy the board may have 881
pursuant to law, if the board determines that any person is 882
practicing veterinary medicine without a license issued pursuant 883
to this chapter or is otherwise in violation of this chapter, the 884
board may, through its executive ~~secretary~~ director, apply to a 885
court having jurisdiction in the county in which the offense 886
occurred, for an injunction or restraining order to enjoin or 887
restrain the person from further violations of this chapter. The 888
attorney general shall serve as the board's legal agent in the 889
action. 890

Sec. 4741.31. The state veterinary medical licensing board 891
shall adopt rules in accordance with Chapter 119. of the Revised 892
Code establishing standards for approving and designating 893
physicians and facilities as treatment providers for veterinarians 894
with substance abuse problems and shall approve and designate 895
treatment providers in accordance with the rules. The rules shall 896
include standards for both inpatient and outpatient treatment. The 897
rules shall provide that to be approved, a treatment provider must 898
be capable of making an initial examination to determine the type 899
of treatment required for a veterinarian with substance abuse 900
problems. Subject to the rules, the board shall review and approve 901
treatment providers on a regular basis and may, at its discretion, 902

withdraw or deny approval. 903

An approved treatment provider shall: 904

(A) Report to the board the name of any veterinarian 905
suffering or showing evidence of suffering impairment by reason of 906
alcohol or drug addiction as described in division (C) of section 907
4741.22 of the Revised Code who fails to comply within one week 908
with a referral for examination; 909

(B) Report to the board the name of any impaired veterinarian 910
who fails to enter treatment within forty-eight hours following 911
the provider's determination that the veterinarian needs 912
treatment; 913

(C) Require every veterinarian who enters treatment to agree 914
to a treatment contract establishing the terms of treatment and 915
aftercare, including any required supervision or restrictions of 916
practice during treatment or aftercare; 917

(D) Require a veterinarian to suspend practice on entering 918
any required inpatient treatment; 919

(E) Report to the board any failure by an impaired 920
veterinarian to comply with the terms of the treatment contract 921
during inpatient or outpatient treatment or aftercare; 922

(F) Report to the board the resumption of practice of any 923
impaired veterinarian before the treatment provider has made a 924
clear determination that the veterinarian is capable of practicing 925
according to acceptable and prevailing standards of care; 926

(G) Require a veterinarian who resumes practice after 927
completion of treatment to comply with an aftercare contract that 928
meets the requirements of rules adopted by the board for approval 929
of treatment providers; 930

(H) Report to the board any veterinarian who suffers a 931
relapse at any time during or following aftercare. 932

Any veterinarian who enters into treatment by an approved 933
treatment provider shall be deemed to have waived any 934
confidentiality requirements that would otherwise prevent the 935
treatment provider from making reports required under this 936
section. 937

In the absence of fraud or bad faith, no professional 938
association of veterinarians licensed under this chapter that 939
sponsors a committee or program to provide peer assistance to 940
veterinarians with substance abuse problems, no representative or 941
agent of such a committee or program, and no member of the state 942
veterinary medical licensing board shall be liable to any person 943
for damages in a civil action by reason of actions taken to refer 944
a veterinarian to a treatment provider designated by the board or 945
actions or omissions of the provider in treating a veterinarian. 946

In the absence of fraud or bad faith, no person who reports 947
to the board a veterinarian with a suspected substance abuse 948
problem shall be liable to any person for damages in a civil 949
action as a result of the report. 950

Section 2. That existing sections 4741.01, 4741.02, 4741.03, 951
4741.09, 4741.11, 4741.12, 4741.14, 4741.16, 4741.17, 4741.171, 952
4741.19, 4741.20, 4741.21, 4741.22, 4741.221, 4741.24, 4741.26, 953
and 4741.31 and sections 4741.13, 4741.27, and 4741.28 of the 954
Revised Code are hereby repealed. 955

Section 3. Notwithstanding section 4741.02 of the Revised 956
Code as amended by this act, terms of office of members serving on 957
the State Veterinary Medical Licensing Board on the effective date 958
of this act shall remain five years. If a current Board member has 959
served for ten years or more at the time the member's term 960
expires, that member is ineligible for reappointment. If a current 961
Board member has not served ten years or more at the time the 962
member's term expires, that member may be reappointed in 963

accordance with section 4741.02 of the Revised Code as amended by 964
this act. However, once that member's total term of service equals 965
ten years or more, that member is ineligible for reappointment. 966
Any vacancies created by current Board members shall be filled in 967
accordance with section 4741.02 of the Revised Code as amended by 968
this act. 969

As used in this section, "current Board member" means a 970
member of the State Veterinary Medical Licensing Board who is a 971
Board member on the effective date of this act. 972