

**As Introduced**

**130th General Assembly  
Regular Session  
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**S. B. No. 217**

**Senator Kearney**

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**A B I L L**

To amend sections 4741.01, 4741.03, and 4741.26 of  
the Revised Code to require the State Veterinary  
Medical Licensing Board to inspect the place of  
business of a person that is licensed, registered,  
or permitted under the Veterinarians Law and to  
establish requirements and procedures for those  
inspections.

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

**Section 1.** That sections 4741.01, 4741.03, and 4741.26 of the  
Revised Code be amended to read as follows:

**Sec. 4741.01.** As used in this chapter:

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

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

(1) Diagnoses, prevents, or treats any disease, illness,  
pain, deformity, defect, injury, or other physical, mental, or  
dental condition of any animal;

(2) Administers to or performs any medical or surgical

technique on any animal that has any disease, illness, pain, 20  
deformity, defect, injury, or other physical, mental, or dental 21  
condition or performs a surgical procedure on any animal; 22

(3) Prescribes, applies, or dispenses any drug, medicine, 23  
biologic, anesthetic, or other therapeutic or diagnostic 24  
substance, or applies any apparatus for any disease, illness, 25  
pain, deformity, defect, injury, or other physical, mental, or 26  
dental condition of any animal; 27

(4) Uses complementary, alternative, and integrative 28  
therapies on animals; 29

(5) Renders professional advice or recommendation by any 30  
means, including telephonic or other electronic communication with 31  
regard to any activity described in divisions (B)(1) to (4) of 32  
this section; 33

(6) Represents the person's self, directly or indirectly, 34  
publicly or privately, as having the ability and willingness to 35  
perform an act described in divisions (B)(1) to (4) of this 36  
section; 37

(7) Uses any words, letters, abbreviations, or titles in such 38  
connection and under such circumstances as to induce the belief 39  
that the person using them is engaged in the practice of 40  
veterinary medicine. 41

(C) "Specialist" means a licensed veterinarian who is 42  
certified by a veterinary specialty board of a professional 43  
veterinary association recognized by rule of the state veterinary 44  
medical licensing board. 45

(D) "Veterinary supervision" means instruction and directions 46  
by a licensed veterinarian on the premises or by a licensed 47  
veterinarian who is readily available to communicate with a person 48  
requiring supervision. 49

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

(F) "Registered veterinary technician" means a person who is a graduate of a veterinary technology college approved by the state veterinary medical licensing board, has successfully passed an examination approved by the board, and maintains registration eligibility status in accordance with rules adopted by the board.

(G) "Animal aide" means a person who is employed by a licensed veterinarian and supervised by a licensed veterinarian or a registered veterinary technician to perform duties such as record keeping, animal restraint, and such other duties that the board, by rule, establishes. In adopting the rules, the board shall include rules regarding the degree of supervision required for each duty. The rules shall be consistent with generally accepted standards of veterinary medical practice.

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

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

(J) "Veterinary consultant" means a veterinarian who is not licensed in this state and who provides advice and counsel to a

requesting veterinarian licensed in this state in regard to the 81  
treatment, diagnosis, or health care of an animal or animals in a 82  
specific case. 83

(K) "Direct veterinary supervision" means a licensed 84  
veterinarian is in the immediate area and within audible range, 85  
visual range, or both, of a patient and the person administering 86  
to the patient. 87

(L) "Allied medical support" means a licensed dentist, 88  
physician, chiropractor, or physical therapist who is in good 89  
standing as determined under Chapter 4715., 4731., 4734., or 4755. 90  
of the Revised Code, as applicable. 91

(M) "Veterinary-client-patient-relationship" means a 92  
relationship that meets the requirements of section 4741.04 of the 93  
Revised Code. 94

(N) "Licensed veterinarian" means a person licensed by the 95  
board to practice veterinary medicine. 96

(O) "Client" means the patient's owner, owner's agent, or 97  
other person responsible for the patient. 98

(P) "Veterinary technology" means the science and art of 99  
providing professional support to veterinarians. 100

(Q) "Patient" means an animal that is examined or treated by 101  
a licensed veterinarian. 102

(R) "Authorized agent" means a person who is currently or has 103  
previously been licensed as a veterinarian or a person who is 104  
currently or has previously been registered as a veterinary 105  
technician in this state and has been hired by the state 106  
veterinary medical board to conduct investigations and inspections 107  
under section 4741.26 of the Revised Code. 108

**Sec. 4741.03.** (A) The state veterinary medical licensing 109  
board shall meet at least once in each calendar year and may hold 110

additional meetings as often as it considers necessary to conduct 111  
the business of the board. The president of the board may call 112  
special meetings, and the executive director shall call special 113  
meetings upon the written request of three members of the board. 114  
The board shall organize by electing a president and 115  
vice-president from its veterinarian members and such other 116  
officers as the board prescribes by rule. Each officer shall serve 117  
for a term specified by board rule or until a successor is elected 118  
and qualified. A quorum of the board consists of four members of 119  
which at least three are members who are veterinarians. The 120  
concurrence of four members is necessary for the board to take any 121  
action. 122

(B) The board may appoint a person, not one of its members, 123  
to serve as its executive director. The executive director is in 124  
the unclassified service and serves at the pleasure of the board. 125  
The executive director shall serve as the board's 126  
secretary-treasurer ex officio. The board may employ additional 127  
employees for professional, technical, clerical, and special work 128  
as it considers necessary, including authorized agents. The 129  
executive director shall give a surety bond to the state in the 130  
sum the board requires, conditioned upon the faithful performance 131  
of the executive director's duties. The board shall pay the cost 132  
of the bond. The executive director shall keep a complete 133  
accounting of all funds received and of all vouchers presented by 134  
the board to the director of budget and management for the 135  
disbursement of funds. The president or executive director shall 136  
approve all vouchers of the board. All money received by the board 137  
shall be credited to the occupational licensing and regulatory 138  
fund. 139

(C) In addition to any other duty required under this 140  
chapter, the board shall do all of the following: 141

(1) Prescribe a seal; 142

(2) Accept and review applications for admission to an examination in accordance with section 4741.09 of the Revised Code and review the results of examinations taken by applicants in accordance with rules adopted by the board;	143 144 145 146
(3) Keep a record of all of its meetings and proceedings;	147
(4) Maintain a register that records all applicants for a certificate of license or a temporary permit, all persons who have been denied a license or permit, all persons who have been granted or reissued a license or permit, and all persons whose license or permit has been revoked or suspended. The register shall also include a record of persons licensed prior to October 17, 1975.	148 149 150 151 152 153
(5) Maintain a register, in such form as the board determines by rule, of all colleges and universities that teach veterinary medicine and veterinary technology that are approved by the board;	154 155 156
(6) <u>Maintain a register, in a form that the board determines by rule, of unannounced inspections and inspections resulting from a written complaint that are conducted under section 4741.26 of the Revised Code of any licensee's, permit holder's, or registrant's place of business;</u>	157 158 159 160 161
<u>(7)</u> Enforce this chapter, and for that purpose, make investigations relative as provided in section 4741.26 of the Revised Code;	162 163 164
<del>(7)</del> (8) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;	165 166
<del>(8)</del> (9) Approve colleges and universities <del>which</del> <u>that</u> meet the board's requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities <del>which</del> <u>that</u> fail to meet those requirements;	167 168 169 170 171 172

<u>+9)(10) Establish a list of practices and procedures to be</u>	173
<u>examined during inspections conducted under section 4741.26 of the</u>	174
<u>Revised Code, including standards of hygiene, protocols for</u>	175
<u>procedures, record keeping, maintenance of equipment, and training</u>	176
<u>on the use of equipment;</u>	177
<u>(11) Establish criteria for dismissing a complaint under</u>	178
<u>section 4741.26 of the Revised Code;</u>	179
<u>(12) Establish the pay scale for authorized agents;</u>	180
<u>(13) Adopt rules, in accordance with Chapter 119. of the</u>	181
Revised Code, <del>which</del> <u>that</u> are necessary for its government and for	182
the administration and enforcement of this chapter.	183
(D) The board may do <del>all</del> <u>both</u> of the following:	184
(1) Subpoena witnesses and require their attendance and	185
testimony, and require the production by witnesses of books,	186
papers, public records, animal patient records, and other	187
documentary evidence and examine them, in relation to any matter	188
that the board has authority to investigate, inquire into, or	189
hear. Except for any officer or employee of the state or any	190
political subdivision of the state, the treasurer of state shall	191
pay all witnesses in any proceeding before the board, upon	192
certification from the board, witness fees and mileage in the	193
amount provided for under section 119.094 of the Revised Code.	194
(2) Examine and inspect books, papers, public records, animal	195
patient records, and other documentary evidence at the location	196
where the books, papers, records, and other evidence are normally	197
stored or maintained.	198
(E) All registers, books, and records kept by the board are	199
the property of the board and are open for public examination and	200
inspection at all reasonable times in accordance with section	201
149.43 of the Revised Code. The registers, books, and records are	202
prima-facie evidence of the matters contained in them.	203

Sec. 4741.26. (A)(1) The state veterinary medical licensing 204  
board shall enforce this chapter and for that purpose shall make 205  
investigations relative thereto. ~~Except as provided in this~~ 206  
~~division, in making any inspection pursuant to this chapter, the~~ 207  
~~board may enter and inspect, upon written notice of not less than~~ 208  
~~five days and during normal business hours, any licensee's, permit~~ 209  
~~holder's, or registrant's place of business. If The board may~~ 210  
~~enter and shall conduct random, unannounced inspections of twenty~~ 211  
~~per cent of all licensees', permit holders', and registrants'~~ 212  
~~places of business in this state each year. Each such place of~~ 213  
~~business shall be inspected at least once every five years. The~~ 214  
~~licensee, permit holder, or registrant shall pay a fee of two~~ 215  
~~hundred dollars for the inspection.~~ 216

(2) If the board has knowledge or notice, pursuant to a 217  
written complaint or any other written knowledge or notice by any 218  
person as verified by the signature of that person, of a violation 219  
of section 4741.18, 4741.19, or 4741.23 of the Revised Code, it 220  
shall investigate ~~and, upon probable cause appearing,~~ An 221  
authorized agent shall meet in person with the complainant to 222  
collect information regarding the complaint. The agent shall 223  
deliver the information to the board for consideration. The board 224  
shall do one of the following regarding the complaint: 225

(a) If the board determines that there is not probable cause 226  
for the complaint, the board shall dismiss the complaint in 227  
accordance with rules adopted under section 4741.03 of the Revised 228  
Code and notify the complainant of the decision together with an 229  
explanation of why the complaint was dismissed. 230

(b) If the board determines that there is probable cause for 231  
the complaint, the board shall direct the executive director to 232  
file a complaint and institute the prosecution of the offender. ~~In~~ 233

In conducting any investigation for a suspected violation of 234



this chapter, the board or its authorized agent does not have to 235  
provide any prior written notice to the licensee, permit holder, 236  
or registrant as long as the board provides a written 237  
authorization for the investigation and the board or its 238  
authorized agent provides the licensee, permit holder, or 239  
registrant with a copy of the authorization at the time of the 240  
investigation. When requested by the executive director, the 241  
prosecuting attorney of a county or the village solicitor or city 242  
director of law of a municipal corporation, wherein the violation 243  
occurs shall take charge of and conduct the prosecution. The 244  
attorney general or the attorney general's designated assistant 245  
shall act as legal adviser to the board and shall render such 246  
legal assistance as may be necessary. 247

(B) In addition to any other remedy the board may have 248  
pursuant to law, if the board determines that any person is 249  
practicing veterinary medicine without a license issued pursuant 250  
to this chapter or is otherwise in violation of this chapter, the 251  
board may, through its executive director, apply to a court having 252  
jurisdiction in the county in which the offense occurred, for an 253  
injunction or restraining order to enjoin or restrain the person 254  
from further violations of this chapter. The attorney general 255  
shall serve as the board's legal agent in the action. 256

**Section 2.** That existing sections 4741.01, 4741.03, and 257  
4741.26 of the Revised Code are hereby repealed. 258