

House Bill 956 (AS PASSED HOUSE AND SENATE)

By: Representatives Pirkle of the 155th, McCall of the 33rd, and Jasperse of the 11th

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 1 of Title 4 of the Official Code of Georgia Annotated, relating to general
 2 provisions relative to animals, so as to provide for consultation with a licensed and accredited
 3 Category II veterinarian employed by the Department of Agriculture or other agency of the
 4 state whose primary practice and responsibilities are food animal veterinary medicine prior
 5 to the filing of criminal charges for cruelty to animals in certain instances; to provide for a
 6 definition; to amend Article 4 of Chapter 12 of Title 24 of the Official Code of Georgia
 7 Annotated, relating to medical and other confidential information, so as to provide an
 8 exception for confidentiality of certain medical information of animals within a veterinarian's
 9 care; to amend Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to
 10 veterinarians and veterinary technicians, so as to change certain provisions relating to
 11 definitions relative to such chapter; to change certain provisions relating to exemptions from
 12 licensing and registration requirements; to change certain provisions relating to veterinary
 13 technicians; to provide for legislative purpose; to authorize the practice of veterinary
 14 technology by veterinary technicians under certain circumstances; to change certain
 15 provisions relating to application for license as a licensed veterinary technician, and
 16 responsibility of the State Board of Veterinary Medicine; to change certain provisions
 17 relating to scheduling and administration of examinations, reexamination, and reactivation;
 18 to change certain provisions relating to supervision required and prohibited activities of
 19 technicians; to change certain provisions relating to posting notice of use of veterinary
 20 technicians, proper identification, limitation on number of technicians supervised and
 21 employed, and exceptions; to change certain provisions relating to veterinarian responsibility
 22 for veterinary technician's violations of duties; to authorize the practice of veterinary
 23 technology by veterinary assistants under certain circumstances; to provide for supervision
 24 and utilization of veterinary assistants; to provide for posting notice of use of veterinary
 25 assistants and proper identification; to provide for authority to enact rules and regulations;
 26 to amend Article 4 of Chapter 12 of Title 24 of the Official Code of Georgia Annotated,
 27 relating to medical and other confidential information, so as to provide an exception for
 28 confidentiality of certain medical information of animals within a veterinarian's care; to
 29 amend Article 11 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating

30 to military, emergency management, and veterans affairs generally, so as to revise a
31 cross-reference; to repeal conflicting laws; and for other purposes.

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

33 **SECTION 1.**

34 Chapter 1 of Title 4 of the Official Code of Georgia Annotated, relating to general provisions
35 relative to animals, is amended by adding a new Code section to read as follows:

36 "4-1-7.

37 Prior to the filing of criminal charges for a violation under Code Section 16-12-4 with
38 regard to conduct involving animal husbandry of food animals, a law enforcement officer
39 shall consult with a licensed and accredited Category II veterinarian employed by the
40 department or other agency of the State of Georgia whose primary practice and
41 responsibilities are food animal veterinary medicine to confirm whether or not such
42 conduct is in accordance with customary and standard practice. For purposes of this Code
43 section, the term 'food animal' means any animal that is raised for the production of an
44 edible product intended for consumption by humans or is itself intended for consumption
45 by humans. Such term shall include, but is not limited to, eggs, beef or dairy cattle, swine,
46 sheep, goats, poultry, nonornamental fish, and any other animal designated by such
47 veterinarian as a food animal."

48 **SECTION 2.**

49 Article 4 of Chapter 12 of Title 24 of the Official Code of Georgia Annotated, relating to
50 medical and other confidential information, is amended by revising Code Section 24-12-31,
51 relating to confidential nature of veterinarian records, as follows:

52 "24-12-31.

53 (a) No veterinarian licensed under Chapter 50 of Title 43 shall be required to disclose any
54 information concerning the veterinarian's care of an animal except on written authorization
55 or other waiver by the veterinarian's client or on appropriate court order or subpoena. Any
56 veterinarian releasing information under written authorization or other waiver by the client
57 or under court order or subpoena shall not be liable to the client or any other person. The
58 confidentiality provided by this Code section shall be waived to the extent that the
59 veterinarian's client places the veterinarian's care and treatment of the animal or the nature
60 and extent of injuries to the animal at issue in any judicial proceeding. As used in this
61 Code section, the term 'client' means the owner of the animal; or, if the owner of the animal
62 is unknown, ~~client means~~ the person who presents the animal to the veterinarian for care
63 and treatment.

64 (b) Notwithstanding the provisions of subsection (a) of this Code section, a veterinarian
 65 shall disclose the rabies vaccination history of any animal within such veterinarian's care
 66 within 24 hours of receipt of a written request by the physician of any person bitten by such
 67 animal."

68 **SECTION 3.**

69 Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to veterinarians
 70 and veterinary technicians, is amended by revising said chapter to read as follows:

71 "CHAPTER 50

72 ARTICLE 1

73 43-50-1.

74 This chapter shall be known and may be cited as the 'Georgia Veterinary Practice Act.'

75 43-50-2.

76 ~~This chapter is enacted as an exercise of the powers of the state to promote the public~~
 77 ~~health, safety, and welfare by safeguarding the people of this state against incompetent,~~
 78 ~~dishonest, or unprincipled practitioners of veterinary medicine or veterinary technology.~~

79 It is the purpose of this chapter to promote, preserve, and protect the public health, safety,
 80 and welfare of the people of this state by and through the effective control and regulation
 81 of persons who are licensed veterinarians and licensed veterinary technicians in this state;
 82 to provide a uniform state-wide regulatory scheme to be enforced by the board through the
 83 Georgia Veterinary Practice Act; and to provide the board with oversight of the persons
 84 practicing veterinary medicine within this state.

85 43-50-3.

86 As used in this chapter, the term:

87 (1) 'Accredited college or school of veterinary medicine' means any veterinary college
 88 or school or division of a university or college that offers the degree of Doctor of
 89 Veterinary Medicine or its equivalent and that conforms to the standards required for
 90 accreditation by the American Veterinary Medical Association Council on Education or
 91 its successor organization.

92 (2) ~~'Animal' means any animal other than man and includes fowl, birds, fish, and reptiles;~~
 93 ~~wild or domestic, living or dead.~~

94 (3) ~~'AVMA accredited~~ 'Accredited program in veterinary technology' means any
 95 postsecondary educational program of two or more academic years that has fulfilled the

96 essential criteria established by the Committee on Veterinary Technician Education and
 97 Activities and approved by the American Veterinary Medical Association or its successor
 98 organization.

99 (3) 'Animal' means any animal other than human and includes fowl, birds, fish, and
 100 reptiles, wild or domestic, living or dead.

101 (4) 'Animal patient' means an animal or group of animals examined or treated by a
 102 licensed veterinarian.

103 (5) 'Animal shelter' means a public or private humane society, animal shelter, society for
 104 the prevention of cruelty to animals, animal protection or control agency, rescue group,
 105 or other similar organization, that provides shelter and care for homeless animals.

106 (6) 'Approved program of continuing education' means an educational program approved
 107 by the board or offered by an approved provider of continuing education.

108 (7) 'Approved provider of continuing education' means any individual, university, or
 109 college, or other entity that has met the requirements of the board to provide educational
 110 courses that are designed to assure continued competence in the practice of veterinary
 111 medicine or veterinary technology.

112 ~~(4)(8)~~ 'Board' means the State Board of Veterinary Medicine.

113 ~~(5) 'Direct supervision' means that the licensed veterinarian is on the premises and is~~
 114 ~~quickly and easily available and that the animal patient has been examined by a licensed~~
 115 ~~veterinarian at such time as acceptable veterinary medical practice requires, consistent~~
 116 ~~with the particular delegated animal health care task.~~

117 (9) 'Client' means a person who has engaged the service of a licensed veterinarian for the
 118 care of an animal within their scope of control as an owner or caretaker of such animal.

119 (10) 'Complementary, alternative, and integrative therapies' means a heterogeneous
 120 group of preventive, diagnostic, and therapeutic philosophies and practices that include,
 121 but are not limited to, veterinary acupuncture, acuthery, and acupressure; veterinary
 122 homeopathy; veterinary manual or manipulative therapy; veterinary nutraceutical therapy;
 123 and veterinary phytotherapy.

124 (11) 'Consultation' means the act of a licensed veterinarian receiving advice in person,
 125 telephonically, electronically, or by any other method of communication from a
 126 veterinarian licensed in this or any other state or other person whose expertise, in the
 127 opinion of the licensed veterinarian, may benefit an animal patient.

128 (12) 'Continuing education' means training which is designed to assure continued
 129 competence in the practice of veterinary medicine or veterinary technology.

130 (13) 'Direct supervision' means oversight by a licensed veterinarian located on the same
 131 premises where an animal is being treated, who is quickly and easily available.

132 ~~(6)~~(14) 'ECFVG certificate or its substantial equivalent' means a certificate issued by the
 133 American Veterinary Medical Association Educational Commission for Foreign
 134 Veterinary Graduates or its successor organization indicating the holder has demonstrated
 135 knowledge and skill equivalent to that possessed by a graduate of an accredited college
 136 of veterinary medicine.

137 (15) 'Extralabel use' means the actual use or intended use of a drug in an animal in a
 138 manner that is not in accordance with the approved labeling. This includes, but is not
 139 limited to, use in species not listed in the labeling; use for indications, disease, or other
 140 conditions not listed in the labeling; use at dosage levels, frequencies, or routes of
 141 administration other than those stated in the labeling; and deviation from the labeled
 142 withdrawal time based on such different uses.

143 (16) 'Food animal' means any animal that is raised for the production of an edible
 144 product intended for consumption by humans or is itself intended for consumption. Such
 145 term shall include, but is not limited to, eggs, cattle, beef or dairy, swine, sheep, goats,
 146 poultry, nonornamental fish, and any other animal designated by the veterinarian as a
 147 food animal.

148 ~~(7)~~(17) 'Immediate supervision' means ~~the oversight by a licensed veterinarian is located~~
 149 ~~in the immediate area and within~~ audible and visual range of the animal patient and the
 150 person treating the animal patient.

151 ~~(8)~~(18) 'Indirect supervision' means ~~the oversight by a licensed veterinarian is not~~
 152 ~~required to be on the premises but when such licensed veterinarian has given either~~
 153 ~~written or oral instructions for the treatment of the animal patient and the animal has been~~
 154 ~~examined by a licensed veterinarian at such times as acceptable veterinary medical~~
 155 ~~practice requires, consistent with the particular delegated health care task and is readily~~
 156 ~~available by telephone or other forms of immediate communication.~~
 157 available by telephone or other forms of immediate communication.

157 (19) 'Informed consent' means the veterinarian has presented treatment options, and
 158 made reasonable efforts to inform the client, verbally or in writing, of the diagnostic and
 159 treatment options, risk assessment, and prognosis, which are appropriate and probable for
 160 the case in the veterinarian's judgment following the standard of care, which the
 161 veterinarian agrees to provide and the client consents to have performed.

162 ~~(9)~~(20) 'Licensed veterinarian' means a person who is validly and currently licensed to
 163 practice veterinary medicine in this state.

164 (21) 'Livestock' means farm animals, animals that produce tangible personal property for
 165 sale, or animals that are processed, manufactured, or converted into articles of tangible
 166 personal property for sale or consumption. The term does not include living animals that
 167 are commonly regarded as domestic pets or companion animals.

168 (22) 'Mobile veterinary clinic' means a mobile unit in which veterinary services are
 169 provided to an animal that is treated inside the mobile unit. The term does not include
 170 the use of a motor vehicle by a veterinarian to travel to treat the client's animal or the use
 171 of a motor vehicle for animal ambulatory practice.

172 (23) 'PAVE certificate or its substantial equivalent' means a certificate issued by the
 173 American Association of Veterinary State Boards or its successor organization indicating
 174 the holder has demonstrated knowledge and skill equivalent to that possessed by a
 175 graduate of an accredited college of veterinary medicine.

176 ~~(10)~~(24) 'Person' means any individual, firm, partnership, limited liability company,
 177 association, joint venture, cooperative, and corporation or any other group or combination
 178 acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or
 179 as any other kind of legal or personal representative, or as the successor in interest,
 180 assignee, agent, factor, servant, employee, member, director, officer, or any other
 181 representative of such person.

182 ~~(11)~~(25) 'Practice veterinary medicine' or 'practice of veterinary medicine' means:

183 (A) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity,
 184 defect, injury, or other physical or mental conditions, including the ~~prescription~~
 185 prescribing, administration, or dispensing of any prescription drug, medicine, biologic,
 186 apparatus, application, anesthetic, or other therapeutic or diagnostic substance or
 187 technique on, for, or to any animal, including, but not limited to, the use of
 188 complementary, alternative, and integrative therapies, acupuncture, animal dentistry,
 189 manual or mechanical adjustment procedures, physical therapy, rehabilitation, surgery,
 190 diagnostic veterinary pathology, any manual, mechanical, biological, or chemical
 191 procedure used for pregnancy testing or for correcting sterility or infertility, or to render
 192 advice or recommendations with regard to any of the above; but not including such
 193 administration or dispensing pursuant to prescription or direction of a licensed
 194 veterinarian;

195 (B)(i) To apply or use any instrument or device on any portion of an animal's tooth,
 196 gum, or any related tissue for the prevention, cure, or relief of any wound, fracture,
 197 injury, disease, or other condition of an animal's tooth, gum, or related tissue.

198 (ii) To engage in preventive dental procedures on animals, including, but not limited
 199 to, the removal of calculus, soft deposits, plaque, or stains or the smoothing, filing,
 200 or polishing of tooth surfaces.

201 (iii) Nothing in this subparagraph shall prohibit any person from utilizing cotton
 202 swabs, gauze, dental floss, dentifrice, toothbrushes, or similar items to clean an
 203 animal's teeth;

- 204 (C) To represent, directly or indirectly, publicly or privately, an ability and willingness
 205 to do any act described in subparagraphs (A) and (B) of this paragraph;
- 206 (D) To use any title, words, abbreviation, or letters in a manner or under circumstances
 207 which induce the belief that the person using them is legally authorized or qualified to
 208 perform an act included in this paragraph. Such use shall be evidence of the intention
 209 to represent oneself as engaged in the practice of veterinary medicine;
- 210 (E) To apply principles of environmental sanitation, food inspection, environmental
 211 pollution control, zoonotic disease control, and disaster medicine in the promotion and
 212 protection of public health as it specifically relates to animals. This subparagraph shall
 213 apply only to licensed veterinarians and not to other qualified ~~individuals~~ persons;
- 214 (F) To collect blood or other samples for the purpose of diagnosing diseases or related
 215 conditions. This subparagraph shall not apply to unlicensed professionals employed by
 216 or under contract with the United States Department of Agriculture or the Georgia
 217 Department of Agriculture who are engaged in their official duties; or
- 218 (G) To administer a rabies vaccination to any animal that the state requires to be
 219 vaccinated.

220 (26) 'Practice veterinary technology' or 'veterinary technology' means:

- 221 (A) To perform animal patient care or other services that require a technical
 222 understanding of veterinary medicine by a licensed veterinary technician on the basis
 223 of written or oral instruction of a licensed veterinarian, excluding diagnosing,
 224 prognosing, performing surgery, prescribing, or dispensing;
- 225 (B) To represent, directly or indirectly, publicly or privately, an ability and willingness
 226 to engage in any act described in subparagraph (A) of this paragraph; or
- 227 (C) To use any title, words, abbreviation, or letters, while engaged in the practice of
 228 licensed veterinary technology, in a manner or under circumstances that induce the
 229 belief that the person using them is qualified to engage in an act included in
 230 subparagraph (A) of this paragraph.

231 ~~(12)~~(27) 'Prescription drug' includes any medicine, medication, or pharmaceutical or
 232 biological product whose manufacturer's label must, pursuant to federal or state law, have
 233 the following statement printed on its packaging: 'Federal law restricts this drug to use
 234 by or on the order of a licensed veterinarian'; or any over-the-counter product that is used
 235 in a manner different from the label directions and that by definition requires a valid
 236 veterinarian-client-patient relationship for ~~prescription~~ prescribing or dispensing.

237 ~~(13) Reserved.~~

238 ~~(14)~~(28) 'Veterinarian' means a person who has received a doctorate degree in veterinary
 239 medicine from a college or school of veterinary medicine.

240 ~~(15)~~(29) 'Veterinarian-client-patient relationship' means that:

241 (A) The licensed veterinarian has assumed the responsibility for making medical
 242 judgments regarding the health of the animal and the need for medical treatment, and
 243 the client (~~owner or caretaker~~) ~~has agreed to follow the instruction of~~ has given
 244 informed consent for services provided by the licensed veterinarian;

245 (B) There is sufficient knowledge of the animal by the licensed veterinarian to initiate
 246 at least a general or preliminary diagnosis of the medical condition of the animal. This
 247 means that the licensed veterinarian has recently seen and is personally acquainted with
 248 the keeping and care of the animal by the virtue of examination of the animal or by
 249 medically appropriate and timely visits to the premises where the animal is kept or by
 250 medically appropriate and timely visits by the licensed veterinarian to premises within
 251 an operation or production system where the animal or groups of animals are kept; ~~and~~

252 (C) A licensed veterinarian is readily available for follow up ~~in the case of adverse~~
 253 ~~reactions or failure of the regimen of therapy~~ care or consultation or has arranged for:

254 (i) Veterinary emergency coverage; and

255 (ii) Continuing care and treatment by another licensed veterinarian, including
 256 providing a copy of associated records during normal business hours; and

257 (D) The licensed veterinarian develops and maintains appropriate medical records.

258 ~~(15.1)~~(30) 'Veterinary assistant' means a person who ~~engages~~ has been delegated by a
 259 licensed veterinarian to engage in certain aspects of the practice of veterinary technology
 260 but is not ~~registered~~ licensed by the board for such purpose.

261 ~~(16)~~(31) 'Veterinary facility' means any premises owned or operated by a veterinarian
 262 or his or her employer where the practice of veterinary medicine occurs, including but not
 263 limited to veterinary hospitals, clinics, or mobile clinics; provided, however, that such
 264 term does not include a client's private property where a licensed veterinarian treats the
 265 client's animals.

266 ~~(32)~~(A) 'Veterinary feed directive' means a written statement issued by a licensed
 267 veterinarian in the course of the veterinarian's professional practice that orders the use
 268 of a VFD drug or combination VFD drug in or on animal feed. This written statement
 269 authorizes the client to obtain and use animal feed bearing or containing a VFD drug
 270 or combination VFD drug to treat such animals only in accordance with the conditions
 271 for use approved, conditionally approved, or indexed by the United States Food and
 272 Drug Administration.

273 (B) As used in this paragraph, the term:

274 (i) 'Combination VFD' means a combination new animal drug, as defined in
 275 Section 514.4(c)(1)(i) of the Federal Food, Drug, and Cosmetic Act, intended for use
 276 in or on animal feed which is limited by an approved application filed under
 277 Section 512(b) of the Federal Food, Drug, and Cosmetic Act, a conditionally

278 approved application filed under Section 571 of the Federal Food, Drug, and
 279 Cosmetic Act, or an index listing under Section 572 of the Federal Food, Drug, and
 280 Cosmetic Act to use under the professional supervision of a licensed veterinarian, and
 281 at least one of the new animal drugs in the combination is a VFD drug. Use of animal
 282 feed bearing or containing a combination VFD drug must be authorized by a lawful
 283 veterinary feed directive.

284 (ii) 'VFD drug' means a drug intended for use in or on animal feed which is limited
 285 by an approved application filed pursuant to Section 512(b) of the Federal Food,
 286 Drug, and Cosmetic Act, a conditionally approved application filed pursuant to
 287 Section 571 of the Federal Food, Drug, and Cosmetic Act, or an index listing under
 288 Section 572 of the Federal Food, Drug, and Cosmetic Act, to use under the
 289 professional supervision of a licensed veterinarian. Use of animal feed bearing or
 290 containing a VFD drug must be authorized by a lawful veterinary feed directive.

291 ~~(17) 'Veterinary medicine' includes veterinary surgery, obstetrics, dentistry, and all other~~
 292 ~~branches or specialties of veterinary medicine.~~

293 ~~(18)~~(33) 'Veterinary technician' means a licensed person who engages in the practice of
 294 veterinary technology and on the basis of his or her qualifications is validly and currently
 295 registered licensed by the board for such purpose.

296 ~~(19)~~(34) 'Veterinary technology' means the science and art of providing certain aspects
 297 of professional medical care and treatment for animals and the practice of veterinary
 298 medicine as may be delegated and supervised by a licensed veterinarian and performed
 299 by a person who is not a licensed veterinarian.

300 ARTICLE 2

301 43-50-20.

302 (a) There shall be a State Board of Veterinary Medicine, the members of which shall be
 303 appointed by the Governor with the approval of the Secretary of State and confirmation by
 304 the Senate. The board shall consist of six members, each appointed for a term of five years
 305 or until his or her successor is appointed. Five members of the board shall be duly licensed
 306 veterinarians actually engaged in active practice for at least five years prior to appointment.
 307 The sixth member shall be appointed from the public at large and shall in no way be
 308 connected with the practice of veterinary medicine. Those members of the State Board of
 309 Veterinary Medicine serving on July 1, 2003, shall continue to serve as members of the
 310 board until the expiration of the term for which they were appointed. Thereafter,
 311 successors to such board members shall be appointed in accordance with this Code section.
 312 A majority of the board shall constitute a quorum.

313 (b) Vacancies due to death, resignation, removal, or otherwise shall be filled for the
 314 remainder of the unexpired term in the same manner as regular appointments. No person
 315 shall serve two consecutive five-year terms, but a person appointed for a term of less than
 316 five years may succeed himself or herself.

317 ~~(c) No person may serve on the board who is, or was during the two years preceding his~~
 318 ~~or her appointment, a member of the faculty, trustees, or advisory board of a veterinary~~
 319 ~~school.~~

320 ~~(d)~~(c) Each member of the board shall be reimbursed as provided for in subsection (f) of
 321 Code Section 43-1-2.

322 ~~(e)~~(d) Any member of the board may be removed by the Governor after a hearing by the
 323 board determines cause for removal.

324 ~~(f)~~(e) The board shall meet at least once each year at the time fixed by the board. Other
 325 necessary meetings may be called by the president of the board by giving such notice as
 326 shall be established by the board. Meetings shall be open and public except that the board
 327 may meet in closed session ~~to prepare, approve, administer, or grade examinations or to~~
 328 ~~deliberate the qualifications of an applicant for license or the disposition of a proceeding~~
 329 ~~to discipline a licensed veterinarian as set forth in Code Section 50-14-3.~~

330 ~~(g)~~(f) At its annual meeting, the board shall organize by electing a president and such other
 331 officers as may be required by the board. Officers of the board serve for terms of one year
 332 and until a successor is elected, without limitation on the number of terms an officer may
 333 serve. The president shall chair the board meetings.

334 43-50-21.

335 (a) The board shall have the power to:

336 (1) Examine and determine the qualifications and fitness of applicants for licenses ~~or~~
 337 ~~registrations~~ to practice veterinary medicine and veterinary technology in this state;

338 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses ~~or registrations~~ to
 339 practice veterinary medicine or veterinary technology in this state or otherwise discipline
 340 licensed veterinarians and ~~registered~~ licensed veterinary technicians; and to issue, renew,
 341 deny, suspend, or revoke veterinary faculty licenses, consistent with this chapter and the
 342 rules and regulations adopted under this chapter;

343 (3) Conduct investigations for the purpose of discovering violations of this chapter or
 344 grounds for disciplining persons licensed ~~or registered~~ under this chapter;

345 (4) Inspect veterinary premises and equipment, including mobile veterinary clinics, at
 346 any time in accordance with protocols established by rule of the board;

347 ~~(4)~~(5) Hold hearings on all matters properly brought before the board; and, in connection
 348 therewith, to administer oaths, receive evidence, make the necessary determinations, and

349 enter orders consistent with the findings. The board may designate one or more of its
 350 members to serve as its hearing officer;

351 ~~(5)~~(6) Appoint from its own membership one member to act as a representative of the
 352 board at any meeting within or outside the state where such representative is deemed
 353 desirable;

354 ~~(6)~~(7) Bring proceedings in the courts for the enforcement of this chapter or any
 355 regulations made pursuant to this chapter; ~~and~~

356 ~~(7)~~(8) Adopt, amend, or repeal all rules necessary for its government and all regulations
 357 necessary to carry this chapter into effect, including without limitation the establishment
 358 and print or electronic publication of standards of professional conduct for the practice
 359 of veterinary medicine and veterinary technology; and

360 (9) Establish and publish annually a schedule of fees for licensing.

361 (b) The powers enumerated in subsection (a) of this Code section are granted for the
 362 purpose of enabling the board to supervise effectively the practice of veterinary medicine
 363 and veterinary technology and are to be construed liberally to accomplish ~~this objective~~
 364 these objectives.

365 ARTICLE 3

366 Part 1

367 43-50-30.

368 (a) No person may practice veterinary medicine in this state who is not a licensed
 369 veterinarian or the holder of a valid temporary license issued by the division director
 370 pursuant to this article.

371 (b) A licensed veterinarian may practice veterinary medicine as an employee of a
 372 corporation, partnership, or other business organization, ~~provided the articles of~~
 373 ~~incorporation, partnership, or business organization documents clearly state that the~~
 374 licensed veterinarian is not subject to the direction of anyone not licensed to practice
 375 veterinary medicine in Georgia in making veterinary medical decisions or judgments.

376 43-50-31.

377 (a) Any person desiring a license to practice veterinary medicine in this state shall make
 378 application to the board. The application shall include evidence, satisfactory to the board,
 379 that:

380 (1) The applicant has attained the age of 18;

381 (2) The applicant is of good moral character;

382 (3) The applicant is a graduate of an accredited college or a school of veterinary
 383 medicine accredited by the American Veterinary Medical Association Council on
 384 Education or possesses an ECFVG or PAVE certificate or its substantial equivalent;

385 (4) The applicant has passed a board approved examination; provided, however, that the
 386 board may provide by rule or regulation for a waiver of any part of such examination for
 387 veterinarians who are licensed as such by another state and who are in good standing
 388 therewith; and

389 (5) The applicant meets such other qualifications or provides such other information as
 390 the board may require by rule.

391 (b) The application shall be accompanied by a fee in the amount established by the board.

392 (c) The division director shall record the new licenses and issue ~~a certificate of registration~~
 393 to the new licensees.

394 (d) If an applicant is found not qualified for licensure, the board shall notify the applicant
 395 in writing of such finding and the grounds therefor. Such applicant may request a hearing
 396 before the board on the questions of his or her qualifications.

397 ~~43-50-32.~~

398 ~~(a) The board shall hold at least one license examination during each year and may hold~~
 399 ~~such additional license examinations as are necessary.~~

400 ~~(b) After each examination, the division director shall notify each examinee of the result~~
 401 ~~of his or her examination. If an applicant fails a license examination, the applicant may~~
 402 ~~take a subsequent examination upon payment of the registration and examination fees. No~~
 403 ~~person may take the examination more than three times without review and approval by the~~
 404 ~~board. Approval may be provided under such circumstances as the board deems~~
 405 ~~appropriate.~~

406 ~~43-50-33.~~

407 ~~Any person holding a valid license to practice veterinary medicine in this state on July 1,~~
 408 ~~2003, shall be recognized as a licensed veterinarian and shall be entitled to retain this status~~
 409 ~~so long as he or she complies with this article, including biennial renewal of the license.~~

410 Part 2

411 ~~43-50-40.~~

412 (a) All licenses ~~and registrations~~ under this article shall be renewable biennially.

413 (b) Any person who shall practice veterinary medicine or veterinary technology after the
 414 expiration of his or her license ~~or registration~~ and willfully or by neglect fail to renew such

415 license ~~or registration~~ shall be practicing in violation of this article, provided that any
 416 person may renew an expired license ~~or registration~~ within the period established by the
 417 division director in accordance with Code Section 43-1-4 by making application for
 418 renewal and paying the applicable fees. After the time period ~~established by the division~~
 419 ~~director~~ has elapsed, such license ~~or registration~~ may be reinstated in accordance with the
 420 rules of the board.

421 (c) The board may, by rule, waive the continuing education requirements and the payment
 422 of the renewal fee of a licensed veterinarian or ~~registered~~ licensed veterinary technician
 423 during the period when he or she is on active duty with any branch of the armed forces of
 424 the United States, ~~not to exceed the longer of three years or the duration of a national~~
 425 ~~emergency~~.

426 (d)(1) The board shall establish ~~a program of~~ continuing professional veterinary medical
 427 education requirements for the renewal of veterinary licenses. Notwithstanding any other
 428 provision of this article, no license to practice veterinary medicine or veterinary
 429 technology shall be renewed by the board or the division director until the ~~licensed~~
 430 ~~veterinarian~~ licensee submits to the board satisfactory proof of his or her participation,
 431 during the biennium preceding his or her application for renewal, in approved programs
 432 of continuing education, as defined in this Code section. The amount of continuing
 433 veterinary medical education required of ~~licensed veterinarians~~ licensees per biennium
 434 by the board under this paragraph shall not be less than 30 hours for veterinarians and not
 435 be less than ten hours for veterinary technicians and shall be established by board rule.

436 (2) Continuing professional veterinary medical education shall consist of educational
 437 programs providing training pertinent to the practice of veterinary medicine and
 438 veterinary technology and approved by the board under this Code section. The board
 439 may approve educational programs for persons practicing veterinary medicine or
 440 veterinary technology in this state on a reasonable nondiscriminatory fee basis and may
 441 contract with institutions of higher learning, professional organizations, or qualified
 442 ~~individuals~~ persons for the provision of approved programs. In addition to such
 443 programs, the board may allow the continuing education requirement to be fulfilled by
 444 the completion of approved distance learning courses, with the number of hours being
 445 established by board rule.

446 (3) The board may, consistent with the requirements of this Code section, promulgate
 447 rules and regulations to implement and administer this Code section, including the
 448 establishment of a committee to prescribe standards; and approve and contract for
 449 educational programs, ~~and set the required minimum number of hours per year~~.

450 (e) The board shall provide by regulation for an inactive status license ~~or registration~~ for
 451 those ~~individuals~~ persons who elect to apply for such status. Persons who are granted

452 inactive status shall not engage in the practice of veterinary medicine or veterinary
 453 technology and shall be exempt from the requirements of continuing veterinary medical
 454 education during such inactivity.

455 43-50-41.

456 (a) The board is authorized to refuse to grant a license ~~or registration~~ to an applicant, to
 457 suspend or revoke the license ~~or registration~~ of a person licensed ~~or registered~~ by the board,
 458 or to discipline a person licensed ~~or registered~~ under this chapter or any antecedent law,
 459 upon a finding by a majority of the entire board that the licensee, ~~registrant~~, or applicant
 460 has:

461 (1) Failed to demonstrate the qualifications or standards for a license ~~or registration~~
 462 contained in this chapter or in the rules and regulations issued by the board, pursuant to
 463 specific statutory authority. It shall be incumbent upon the applicant to demonstrate to
 464 the satisfaction of the board that he or she meets all the requirements for the issuance of
 465 a license ~~or registration~~, and, if the board is not satisfied as to the applicant's
 466 qualifications, it may deny a license ~~or registration~~ without a prior hearing; provided,
 467 however, that the applicant shall be allowed to appear before the board if he or she so
 468 desires;

469 (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the
 470 practice of veterinary medicine or veterinary technology on any document connected
 471 therewith; ~~or~~ practiced fraud or deceit or intentionally made any false statement in
 472 obtaining a license ~~or registration~~ to practice veterinary medicine or veterinary
 473 technology; or made a false statement or deceptive biennial renewal with the board;

474 (3) Been convicted of any felony or of any crime involving moral turpitude in the courts
 475 of this state or any other state, territory, or country or in the courts of the United States.
 476 As used in this paragraph, the term 'felony' shall include any offense which, if committed
 477 in this state, would be deemed a felony without regard to its designation elsewhere. As
 478 used in this paragraph, the term 'conviction' shall include a finding or verdict of guilty or
 479 a plea of guilty, regardless of whether an appeal of the conviction has been sought;

480 (4) Been arrested, charged, and sentenced for the commission of any felony, or any crime
 481 involving moral turpitude, where:

482 (A) A plea of nolo contendere was entered to the charge;

483 (B) First offender treatment without adjudication of guilt pursuant to the charge was
 484 granted; or

485 (C) An adjudication or sentence was otherwise withheld or not entered on the charge.

486 The plea of nolo contendere or the order entered pursuant to the provisions of Article 3
 487 of Chapter 8 of Title 42 or other first offender treatment shall be conclusive evidence of
 488 arrest and sentencing for such crime;

489 (5) Had his or her license to practice veterinary medicine or ~~registration to practice~~
 490 veterinary technology revoked, suspended, or annulled by any lawful licensing veterinary
 491 medical authority other than the board; ~~or~~ had other disciplinary action taken against him
 492 or her by any lawful licensing or registering veterinary medical authority other than the
 493 board; ~~or~~ was denied a license ~~or registration~~ by any lawful licensing veterinary medical
 494 authority other than the board, pursuant to disciplinary proceedings; or was refused the
 495 renewal of a license ~~or registration~~ by any lawful licensing veterinary medical authority
 496 other than the board, pursuant to disciplinary proceedings;

497 (6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct
 498 or practice harmful to the public, which ~~conduct or practice~~ materially affects the fitness
 499 of the licensee, ~~registrant~~, or applicant to practice veterinary medicine or veterinary
 500 technology, or is of a nature likely to jeopardize the interest of the public, and which
 501 ~~conduct or practice~~ need not have resulted in actual injury or be directly related to the
 502 practice of veterinary medicine or veterinary technology but shows that the licensee;
 503 ~~registrant~~, or applicant has committed any act or omission which is indicative of bad
 504 moral character or untrustworthiness. Unprofessional conduct shall also include any
 505 departure from, or the failure to conform to, the minimal standards of acceptable and
 506 prevailing veterinary medical practice or veterinary technology practice. Unprofessional
 507 conduct shall also include, but not be limited to, the ~~following~~: failure to keep veterinary
 508 facility premises and equipment in a clean and sanitary condition; dishonesty or gross
 509 negligence in the inspection of foodstuffs or the issuance of health or inspection
 510 certificates; or cruelty to animals;

511 (7) Knowingly performed any act which in any way aids, assists, procures, advises, or
 512 encourages any unlicensed ~~or unregistered~~ person or any licensee ~~or registrant~~ whose
 513 license ~~or registration~~ has been suspended or revoked by the board to practice veterinary
 514 medicine or veterinary technology or to practice outside the scope of any disciplinary
 515 limitation placed upon the licensee ~~or registrant~~ by the board;

516 (8) Violated a statute, law, or any rule or regulation of this state, any other state, the
 517 board, the United States, or any other lawful authority (without regard to whether the
 518 violation is criminally punishable), which ~~statute, law, rule, or regulation~~ relates to or in
 519 part regulates the practice of veterinary medicine or veterinary technology, when the
 520 licensee, ~~registrant~~, or applicant knows or should know that such action violates such
 521 statute, law, rule, or regulation; or violated the lawful order of the board previously
 522 entered by the board in a disciplinary hearing, consent decree, or license reinstatement;

523 (9) Been adjudged mentally incompetent by a court of competent jurisdiction within or
524 without this state. Any such adjudication shall automatically suspend the license ~~or~~
525 ~~registration~~ of any such person and shall prevent the reissuance or renewal of any license
526 ~~or registration~~ so suspended for as long as the adjudication of incompetence is in effect;

527 (10) Displayed an inability to practice veterinary medicine or veterinary technology with
528 reasonable skill and safety to animal patients or has become unable to practice veterinary
529 medicine or veterinary technology with reasonable skill and safety to animal patients by
530 reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of
531 material, ~~or~~; as a result of any mental or physical condition; ~~;~~ or by reason of displaying
532 habitual intoxication, addiction to, or recurrent personal misuse of alcohol, drugs,
533 narcotics, chemicals, or any other type of similar substances. In enforcing this paragraph,
534 the board may, upon reasonable grounds, require a licensee, ~~registrant~~, or applicant to
535 submit to a mental or physical examination by physicians designated by the board. The
536 results of such examination shall be admissible in any hearing before the board,
537 notwithstanding any claim of privilege under a contrary rule of law or statute. Every
538 person who shall accept the privilege of practicing veterinary medicine or veterinary
539 technology in this state or who shall file an application for a license ~~or registration~~ to
540 practice veterinary medicine or veterinary technology in this state shall be deemed to
541 have given that person's consent to submit to such mental or physical examination and
542 to have waived all objections to the admissibility of the results in any hearing before the
543 board upon the grounds that the same constitutes a privileged communication. If a
544 licensee, ~~registrant~~, or applicant fails to submit to such an examination when properly
545 directed to do so by the board, unless such failure is due to circumstances beyond his or
546 her control, the board may enter a final order upon proper notice, hearing, and proof of
547 such refusal. Any licensee, ~~registrant~~, or applicant who is prohibited from practicing
548 veterinary medicine or veterinary technology under this paragraph shall at reasonable
549 intervals be afforded an opportunity to demonstrate to the board that such person can
550 resume or begin the practice of veterinary medicine or veterinary technology with
551 reasonable skill and safety to animal patients;

552 (11) Failed to register with the division director as required by law. It shall be the duty
553 of every licensee ~~or registrant~~ to notify the board of any change in his or her address of
554 record with the board; provided, however, that, for a period established by the division
555 director after failure to register, a license ~~or registration~~ may be reinstated by payment of
556 a registration fee to be determined by the board by rule and by filing of a special
557 application therefor. After this period has elapsed, a license ~~or registration~~ may be
558 revoked for failure to register and for failure to pay the fee as provided by law;

559 (12) Engaged in the excessive prescribing or administering of drugs or treatment or the
 560 use of diagnostic procedures which are detrimental to the animal patient as determined
 561 by the customary practice and standards of the local community of licensees; ~~or~~
 562 knowingly prescribed controlled drug substances or any other medication without a
 563 legitimate veterinary medical purpose; or knowingly overprescribed controlled drug
 564 substances or other medication, in light of the condition of the animal patient at the time
 565 of prescription;

566 (13) Knowingly made any fraudulent, misleading, or deceptive statement in any form of
 567 advertising or made any statement in any advertisement concerning the quality of the
 568 veterinary services rendered by that licensed veterinarian or any licensed veterinarian
 569 associated with him or her, or the qualifications of said veterinarian. For purposes of this
 570 paragraph, the term 'advertising' shall include any information communicated in a manner
 571 designed to attract public attention to the practice of the licensee ~~or registrant~~;

572 (14) Used, prescribed, or sold any veterinary prescription drug or prescribed an
 573 extralabel use of any drug in the absence of a valid veterinarian-client-animal patient
 574 relationship; or

575 (15) Has had his or her ~~U.S.~~ United States Drug Enforcement Administration privileges
 576 restricted or revoked.

577 (b) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
 578 with respect to emergency action by the board and summary suspension of a license or
 579 registration are adopted and incorporated by reference into this chapter.

580 (c) For purposes of this Code section, the board may obtain, and is authorized to subpoena,
 581 upon reasonable grounds, any and all records relating to the mental or physical condition
 582 of a licensee, ~~registrant~~, or applicant, and such records shall be admissible in any hearing
 583 before the board.

584 (d) When the board finds that any person is unqualified to be granted a license ~~or~~
 585 ~~registration~~ or finds that any person should be disciplined pursuant to subsection (a) of this
 586 Code section, the board may take any one or more of the following actions:

587 (1) Refuse to grant or renew a license ~~or registration~~ to an applicant;

588 (2) Administer a public or private reprimand, but a private reprimand shall not be
 589 disclosed to anyone other than the person reprimanded;

590 (3) Suspend any license ~~or registration~~ for a definite period or for an indefinite period in
 591 connection with any condition which may be attached to the restoration of said license
 592 ~~or registration~~;

593 (4) Limit or restrict any license ~~or registration~~ as the board deems necessary for the
 594 protection of the public;

595 (5) Revoke any license ~~or registration~~; or

596 (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's;
597 ~~registrant's~~, or licensee's submission to such care, counseling, or treatment as the board
598 may direct.

599 (e) In addition to and in conjunction with the actions described in subsection (d) of this
600 Code section, the board may make a finding adverse to the licensee, ~~registrant~~, or applicant
601 but withhold imposition of judgment and penalty; or it may impose the judgment and
602 penalty but suspend enforcement thereof and place the licensee ~~or registrant~~ on probation,
603 which ~~probation~~ may be vacated upon noncompliance with such reasonable terms as the
604 board may impose.

605 (f) Initial judicial review of a final decision of the board shall be had solely in the superior
606 court of the county of domicile of the board.

607 (g) In its discretion, the board may reinstate a license ~~or registration~~ which has been
608 revoked or issue a license ~~or registration~~ which has been denied or refused, following such
609 procedures as the board may prescribe by rule; and, as a condition thereof, it may impose
610 any disciplinary or corrective method provided in this chapter.

611 (h)(1) The division director is authorized to make, or cause to be made through
612 employees or contract agents of the board, such investigations as he or she or the board
613 may deem necessary or proper for the enforcement of the provisions of this chapter. Any
614 person properly conducting an investigation on behalf of the board shall have access to
615 and may examine any writing, document, or other material relating to the fitness of any
616 licensee, ~~registrant~~, or applicant. The division director or his or her appointed
617 representative may issue subpoenas to compel such access upon a determination that
618 reasonable grounds exist for the belief that a violation of this chapter or any other law
619 relating to the practice of veterinary medicine or veterinary technology may have taken
620 place.

621 (2) The results of all investigations initiated by the board shall be reported solely to the
622 board, and the records of such investigations shall be kept for the board by the division
623 director, with the board retaining the right to have access at any time to such records. No
624 part of any such records shall be released, except to the board, for any purpose other than
625 a hearing before the board, nor shall such records be subject to subpoena; provided,
626 however, that the board shall be authorized to release such records to another
627 enforcement agency or lawful licensing authority.

628 (3) The board shall have the authority to exclude all persons during its deliberations on
629 disciplinary proceedings and to discuss any disciplinary matter in private with a licensee;
630 ~~registrant~~, or applicant and the legal counsel of that licensee, ~~registrant~~, or applicant.

631 (i) A person, firm, corporation, association, authority, or other entity shall be immune from
632 civil and criminal liability for reporting or investigating the acts or omissions of a licensee;

633 ~~registrant~~, or applicant which violate the provisions of subsection (a) of this Code section
634 or any other provision of law relating to a licensee's, ~~registrant's~~, or applicant's fitness to
635 practice as a licensed veterinarian or ~~registered~~ licensed veterinary technician or for
636 initiating or conducting proceedings against such licensee, ~~registrant~~, or applicant, if such
637 report is made or action is taken in good faith, without fraud or malice. Any person who
638 testifies or who makes a recommendation to the board in the nature of peer review, in good
639 faith, without fraud or malice, before the board in any proceeding involving the provisions
640 of subsection (a) of this Code section or any other law relating to a licensee's, ~~registrant's~~,
641 or applicant's fitness to practice as a licensed veterinarian or ~~registered~~ licensed veterinary
642 technician shall be immune from civil and criminal liability for so testifying.

643 (j) Neither a denial of a license ~~or registration~~ on grounds other than those enumerated in
644 subsection (a) of this Code section nor the issuance of a private reprimand nor the denial
645 of a license ~~or registration~~ by endorsement nor the denial of a request for reinstatement of
646 a revoked license ~~or registration~~ nor the refusal to issue a previously denied license ~~or~~
647 ~~registration~~ shall be considered to be a contested case within the meaning of Chapter 13 of
648 Title 50, the 'Georgia Administrative Procedure Act.' Notice and hearing within the
649 meaning of Chapter 13 of Title 50 shall not be required, but the applicant, ~~registrant~~, or
650 licensee shall be allowed to appear before the board if he or she so requests.

651 (k) If any licensee, ~~registrant~~, or applicant fails to appear at any hearing after reasonable
652 notice, the board may proceed to hear the evidence against such licensee, ~~registrant~~, or
653 applicant and take action as if such licensee, ~~registrant~~, or applicant had been present. A
654 notice of hearing, initial or recommended decision, or final decision of the board in a
655 disciplinary proceeding shall be served upon the licensee, ~~registrant~~, or applicant by
656 certified mail or statutory overnight delivery, return receipt requested, to the last known
657 address of record with the board. If such material is returned marked 'unclaimed' or
658 'refused' or is otherwise undeliverable and if the licensee, ~~registrant~~, or applicant cannot,
659 after diligent effort, be located, the division director shall be deemed to be the agent for
660 service for such licensee, ~~registrant~~, or applicant for purposes of this Code section, and
661 service upon the division director shall be deemed to be service upon the licensee;
662 ~~registrant~~, or applicant.

663 (l) The voluntary surrender of a license ~~or registration~~ shall have the same effect as a
664 revocation of the license ~~or registration~~, subject to reinstatement in the discretion of the
665 board.

666 (m) This Code section shall apply equally to all licensees, ~~registrants~~, or applicants
667 whether ~~individuals~~ persons, partners, or members of any other incorporated or
668 unincorporated associations, corporations, or other associations of any kind whatsoever.

669 (n) All subpoenas issued pursuant to the authority granted in this chapter shall be subject
 670 to the general rules of law with respect to distance, tender of fees and expenses, and
 671 protective orders; and any motion made with respect thereto shall be made to and passed
 672 on by a judge of the superior court of the county of residence of the person to whom the
 673 subpoena is directed.

674 (o) Any proceeding or administrative action instituted under this Code section shall be
 675 governed by the provisions of this Code section as they existed in full force and effect on
 676 the date of the commission of the act or acts constituting a violation of this Code section,
 677 except as otherwise specifically declared by the General Assembly.

678 43-50-42.

679 (a) ~~Pursuant to Code Section 43-1-34, the~~ The board may issue a temporary license to the
 680 following applicants who are qualified to take the veterinary license examination military
 681 spouses and transitioning service members.

682 ~~(1) An applicant licensed in another state. Such license shall have the same force and~~
 683 ~~effect as a permanent license until the time of its expiration; and~~

684 ~~(2) An applicant who is not the holder of any veterinary license. Such license shall~~
 685 ~~authorize the applicant to work under the supervision of a licensed veterinarian as~~
 686 ~~provided by the board.~~

687 (b) The temporary license shall expire on the date that permanent licenses are issued to
 688 persons who have passed the examination ~~provided for in Code Section 43-50-32, which~~
 689 examination occurred immediately following the issuance of the temporary license.

690 (c) A temporary license issued pursuant to this Code section may, in the discretion of the
 691 board, be renewed for one six-month period only; provided, however, that no temporary
 692 license shall be issued, renewed, or reissued to a person who fails to pass the examination
 693 established by the board.

694 43-50-43.

695 The board may, in its discretion, issue a veterinary faculty license to any qualified applicant
 696 associated with one of this state's institutions of higher learning and involved either in
 697 research activities within such institution or in the instructional program of either
 698 undergraduate or graduate veterinary medical students, subject to the following conditions:

699 (1) That the holder of the veterinary faculty license shall be remunerated for the practice
 700 aspects of his or her services solely from state, federal, or institutional funds and not from
 701 the animal patient-owner beneficiary of his or her practice efforts;

702 ~~(2) That the applicant will furnish the board with such proof as the board may deem~~
 703 ~~necessary to demonstrate that the applicant is a graduate of a reputable school or college~~

704 ~~of veterinary medicine; that the applicant has or will have a faculty position at an~~
 705 ~~institution which meets the requirements of paragraph (1) of this Code section, as~~
 706 ~~certified by an authorized administrative official at such institution; and that the applicant~~
 707 ~~understands and agrees that the faculty license is valid only for the practice of veterinary~~
 708 ~~medicine as a faculty member of the institution~~ That the holder of the veterinary faculty
 709 license shall practice solely at the institution of higher learning or in an educational or
 710 research program outside the institution but associated with the institution;

711 (3) That the license issued under this Code section may be revoked or suspended or the
 712 licensee may be otherwise disciplined in accordance with Code Section 43-50-41; and

713 (4) That the license issued under this Code section may be canceled by the board upon
 714 receipt of information that the holder of the veterinary faculty license has left or has
 715 otherwise been discontinued from faculty employment at an institution of higher learning
 716 of this state.

717 43-50-44.

718 This article shall not be construed to prohibit:

719 (1)(A) An employee of the federal, state, or local government or any contractual
 720 partner thereof from performing his or her duties relating to animals owned by, ~~or on~~
 721 ~~loan to, or under the control of~~ such employer or the control of stray animals; or

722 (B) Any employee of a public or private college or university from performing his or
 723 her duties relating to animals owned by or on loan to such employer;

724 (2)(A) A person who is a regular student in a veterinary school or school of veterinary
 725 technology performing duties or actions assigned by his or her instructors or working
 726 under the supervision of a licensed veterinarian;

727 (B) A member of the faculty, a resident, an intern, or a graduate student of an
 728 accredited college or school of veterinary medicine or school of veterinary technology
 729 performing his or her regular clinical or nonclinical functions or a person lecturing or
 730 giving instructions or demonstrations at an accredited college or school of veterinary
 731 medicine or school of veterinary technology in connection with a continuing education
 732 course or seminar;

733 (C) A graduate of a foreign college or school of veterinary medicine who is in the
 734 process of obtaining the ECFVG or PAVE certificate or substantial equivalent
 735 performing duties or actions under the direct supervision of a licensed veterinarian;

736 (3) Any ~~A~~ person, compensated or otherwise, from performing current acceptable
 737 livestock and food animal management practices, ~~which practices shall include~~ including,
 738 but not be limited to, castration of food animals, dehorning without the use of prescription
 739 drugs or surgical closure of wounds, hoof trimming or shoeing, docking, ear notching,

740 removing needle teeth, testing for pregnancy, implantation of over-the-counter growth
 741 implants, implantation of over-the-counter identification devices, artificial insemination,
 742 the use of federally approved over-the-counter products, veterinary approved products,
 743 branding, collecting of fluids for genetic identification and classification, semen and
 744 embryo collection and storage, and the use of ultrasound for collection of production data
 745 and similar nondiagnostic purposes;

746 (4) Any ~~A~~ person assisting with a nonsurgical fetal delivery in a food animal, provided
 747 that no fee is charged;

748 (5) The actions of a veterinarian who is currently licensed in another state, province of
 749 Canada, or a United States territory in consulting with a ~~licensee of this state~~ licensed
 750 veterinarian but who:

751 (A) Does not open an office or appoint a place to do business within this state;

752 (B) Does not print or use letterhead or business cards reflecting in-state addresses;

753 (C) Does not establish answering services or advertise the existence of a practice
 754 address within this state;

755 (D) Does not practice veterinary medicine as a consultant rendering services directly
 756 to the public without the direction of a licensed veterinarian ~~of this state~~ more than two
 757 days per calendar year; ~~and~~

758 (E) Is providing services for an organization conducting a public event lasting less than
 759 ten days that utilizes animals in need of veterinary examinations, treatments, or
 760 oversight to promote the safety and health of the public, the event, and the animal
 761 participants; provided, however, that a veterinarian licensed in another state who
 762 practices veterinary medicine on animals belonging to residents of this state by
 763 communicating directly with such owners and independent of the attending veterinary
 764 licensee is not exempt from this state's licensing requirements; and

765 (F) Does not offer through electronic means remote services within this state, except
 766 for consulting, as otherwise permitted in this chapter;

767 (6)(A) Any merchant or manufacturer selling, at his or her regular place of business,
 768 medicines, feed, appliances, or other products used in the prevention or treatment of
 769 animal diseases. This shall not be construed to authorize the sale of ~~medicines which~~
 770 ~~must be obtained by a prescription from a pharmacist~~ medication requiring a
 771 prescription from a veterinarian, but shall only include the right to sell those ~~medicines~~
 772 medications which are classified as proprietary and which are commonly known as
 773 over-the-counter medicines;

774 (B) Subparagraph (A) of this paragraph shall not be construed to authorize the sale of
 775 antimicrobial feed additives without an order from a veterinarian under the guidance
 776 of the veterinary feed directive in compliance with 21 C.F.R. 558.6;

- 777 (7)(A) The owner of an animal or the owner's ~~full-time regular~~ bona fide employee
 778 employees caring for and treating the animal belonging to such owner; ~~or~~
- 779 (B) The owner's friend or relative caring for or treating the animal belonging to such
 780 owner, provided that no fee is charged and the friend or relative does not solicit,
 781 advertise, or regularly engage in providing such care or treatment or administer or
 782 dispense prescription drugs without a valid prescription; ~~or~~
- 783 (C) The owner of an animal and any of the owner's bona fide employees caring for and
 784 treating the animal belonging to such owner, except where the ownership of the animal
 785 was transferred for purposes of circumventing the provisions of this chapter. Persons
 786 must comply with all laws, rules, and regulations relative to the use of medicines and
 787 biologics; provided, however, that such owner and any of such owner's bona fide
 788 employees caring for and treating such animal shall not practice veterinary medicine
 789 except as otherwise permitted under this Code section;
- 790 (8)(A) The owner, operator, or employee of a licensed kennel, animal rescue
 791 organization, animal shelter, or stable or of a pet-sitting service providing food, shelter,
 792 or supervision of an animal or administering prescription drugs pursuant to prescription
 793 of a licensed veterinarian or over-the-counter medicine to an animal;
- 794 (B) Any person acting under the direct or indirect supervision of a licensed veterinarian
 795 to provide care to animals that are the property of an animal shelter when at least the
 796 following three conditions are met:
- 797 (i) The person is an employee of an animal shelter or a local government who has
 798 control over the governance of the animal shelter;
- 799 (ii) The person is performing these tasks in compliance with a written protocol
 800 developed in consultation with a licensed veterinarian; and
- 801 (iii) The person has received proper training; provided, however, that such persons
 802 shall not diagnose, prescribe, dispense, or perform surgery;
- 803 (9) ~~A member of the faculty, a resident, an intern, or a graduate student of an accredited~~
 804 ~~college or school of veterinary medicine or school of veterinary technology performing~~
 805 ~~his or her regular nonclinical functions or a person lecturing or giving instructions or~~
 806 ~~demonstrations at an accredited college or school of veterinary medicine or school of~~
 807 ~~veterinary technology in connection with a continuing education course or seminar;~~
- 808 ~~(10) Any person selling or applying any pesticide, insecticide, or herbicide, as permitted~~
 809 ~~by law;~~
- 810 ~~(11)~~(10) Any person engaging in bona fide scientific research which reasonably requires
 811 experimentation involving animals conducted in accordance with federal, state, and local
 812 laws and regulations;
- 813 ~~(12) Any person performing artificial insemination;~~

- 814 ~~(13) An employee of a licensed veterinarian administering prescribed care to an animal~~
 815 ~~under the appropriate supervision of the veterinarian;~~
- 816 ~~(14) A graduate of a foreign college or school of veterinary medicine who is in the~~
 817 ~~process of obtaining the ECFVG certificate or its substantial equivalent performing duties~~
 818 ~~or actions under the direct supervision of a licensed veterinarian;~~
- 819 (11) Any licensed veterinary technician, veterinary technologist, or other employee of
 820 a licensed veterinarian from performing lawful duties under the direction and supervision
 821 of such veterinarian who shall be responsible for the performance of the employee;
- 822 ~~(15)~~(12) The owner of an animal, the owner's employee, or a member of a nationally
 823 recognized organization that acknowledges ~~individuals~~ persons performing embryo
 824 transfer or artificial breeding and ~~which organization~~ that is approved by the board from:
 825 (A) The nonsurgical removal of an embryo from an animal for the purpose of
 826 transplanting such embryo into another female animal, cryopreserving such embryo, or
 827 implanting such embryo in an animal, provided that the use of prescription medications
 828 in such animals is maintained under the direction of a licensed veterinarian with a valid
 829 veterinarian-client-patient relationship; or
 830 (B) The testing and evaluation of semen;
- 831 ~~(16)~~(13) Any other licensed or registered health care provider utilizing his or her special
 832 skills, or any person whose expertise, in the opinion of the veterinarian licensed in this
 833 state, would benefit the animal, so long as the treatment of the animal is under the
 834 direction of a licensed veterinarian with a valid veterinary-client-animal patient
 835 relationship;
- 836 ~~(17)~~(14) A person performing soft tissue animal massage or other forms of soft tissue
 837 animal manipulation;
- 838 ~~(18)~~(15) A person performing aquaculture or raniculture management practices;
- 839 ~~(19)~~(16) A person implanting electronic identification devices in small companion
 840 animals;
- 841 ~~(20)~~(17) An employee or contractual partner of a zoological park or aquarium accredited
 842 by the American Zoo and Aquarium Association or other substantially equivalent
 843 nationally recognized accrediting agency as determined by the board from performing his
 844 or her duties that are approved by a licensed veterinarian and relate to animals owned by
 845 or on loan to such zoological park or aquarium; ~~or~~
- 846 ~~(21)~~(18) Any person lawfully engaged in the art or profession of farriery for the care of
 847 hooves and feet of equines and livestock;
- 848 (19) Any veterinarian licensed by a state and serving as a volunteer health practitioner
 849 as such term is defined in Code Section 38-3-161 from providing service after a state of

850 emergency has been declared pursuant to Code Section 38-3-51 or other applicable law
 851 or laws; or
 852 (20) Any veterinarian licensed by a state from practicing veterinary medicine in a
 853 temporary capacity at one of this state's institutions of higher learning. Such veterinarian
 854 shall be paid for his or her services solely from state, federal, or institutional funds. Such
 855 veterinarian shall practice solely at the institution of higher learning, or in an educational
 856 or research program outside the institution associated with the institution, for no more
 857 than six months in order to qualify for practice under this Code section. Any violation
 858 of state or federal laws, rules, or regulations by such veterinarian shall be reported to the
 859 applicable licensing board by the institution of higher learning.

860 43-50-45.

861 ~~(a) Any person who practices veterinary medicine without a valid license in violation of~~
 862 ~~this article shall be guilty of the misdemeanor offense of practicing veterinary medicine~~
 863 ~~without a license and, upon conviction thereof, shall be punished as provided in this Code~~
 864 ~~section, provided that each act of such unlawful practice shall constitute a distinct and~~
 865 ~~separate offense. It shall be unlawful for any person to practice veterinary medicine without~~
 866 ~~a valid license or for any person to use the designation veterinarian, licensed veterinarian,~~
 867 ~~or any other designation indicating licensure status, including abbreviations, or hold~~
 868 ~~themselves out as a veterinarian unless duly licensed as such.~~

869 (b) It shall be unlawful for any person to use the designation licensed veterinary
 870 technician, licensed veterinary technologist, or any other designation indicating licensure
 871 status, including abbreviations, or hold themselves out as a licensed veterinary technician
 872 or licensed veterinary technologist unless duly licensed as such.

873 (c) Any person who violates subsection (a) or (b) of this Code section shall be guilty of a
 874 misdemeanor and, upon conviction thereof, shall be punished as provided in this Code
 875 section, provided that each act of an unlawful practice shall constitute a distinct and
 876 separate offense.

877 ~~(b)~~(d) Upon being convicted a first time under this Code section, such person shall be
 878 punished by a fine of not more than \$500.00 for each offense. Upon being convicted a
 879 second or subsequent time under this Code section, such person shall be punished by a fine
 880 of not more than \$1,000.00 for each offense, imprisonment for not more than 12 months,
 881 or both such fine and imprisonment.

882 ~~(c)~~(e) The board or any citizen of this state may bring an action to enjoin any person from
 883 practicing veterinary medicine without a valid license. If ~~the~~ a court finds that the person
 884 is violating, or is threatening to violate, this article, it shall enter an injunction restraining
 885 him or her from such unlawful acts.

886 ~~(d)~~(f) The successful maintenance of an action based on any one of the remedies set forth
 887 in this Code section shall in no way prejudice the prosecution of an action based on any
 888 other of the remedies.

889 Part 3

890 43-50-50.

891 It is the purpose of this part to encourage more effective utilization of the skills of licensed
 892 veterinarians by enabling them to delegate certain veterinary health care tasks to licensed
 893 veterinary technicians where such delegation is consistent with the animal patient's health
 894 and welfare.

895 43-50-51.

896 (a) Subject to the provisions of this Code section, the practice of veterinary technology by
 897 a licensed veterinary technician shall not be a violation of subsection (a) of Code Section
 898 43-50-30 or subsection (a) of Code Section 43-50-45.

899 (b) No licensed veterinary technician shall make a diagnosis or prognosis, prescribe
 900 treatment, perform surgery, or prescribe medication for any animal.

901 43-50-52.

902 (a)(1) Any person desiring to work as a licensed veterinary technician in this state shall
 903 apply to the board for a ~~certificate of registration or~~ license as a veterinary technician.
 904 All such applications shall be made on forms provided by the board and shall be
 905 accompanied by such fee as may be required by the board.

906 (2) The application shall include evidence, satisfactory to the board, that:

907 (A) The applicant has attained the age of 18;

908 (B) The applicant is of good moral character;

909 (C)(i) The applicant is a graduate of a college or technical school course of study in
 910 veterinary technology from an institution accredited by the American Veterinary
 911 Medical Association Council on Education, including without limitation instruction
 912 in the operation of life sustaining oxygen equipment, and has successfully passed an
 913 examination required by the board; or

914 (ii) The applicant has successfully completed a college course of study in the care
 915 and treatment of animals from an institution having a curriculum approved by the
 916 board, including without limitation instruction in the operation of life sustaining
 917 oxygen equipment, and has successfully passed an examination required by the board;
 918 and

919 (D) The applicant meets such other qualifications or provides such other information
920 as the board may require by rule or regulation.

921 (b) Until July 1, 2009, any person who during the period from July 1, 1993, through
922 June 30, 2008, acquired a minimum of five years' experience assisting a licensed
923 veterinarian may, with a signed affidavit from his or her supervising veterinarian attesting
924 to his or her level of on-the-job training, be allowed to take the examination approved by
925 the board. Upon receiving a passing grade on such examination, the board may issue a
926 certificate of registration. The board shall provide a list of appropriate study materials to
927 candidates.

928 (c) Until January 1, 2005, any person who at any time prior to July 1, 2003, was certified
929 as a licensed veterinary technician in this state shall be entitled to renew such registration
930 without examination and without meeting any requirements of subparagraph (a)(2)(C) of
931 this Code section.

932 (d) The board may issue a ~~certificate of registration~~ license to an applicant if the applicant
933 is currently registered in another state having standards for admission substantially the
934 same as this state and such standards were in effect at the time the applicant was first
935 admitted to practice in the other state.

936 (e) The board shall be responsible for ~~registering~~ licensing any person who wishes to
937 practice as a licensed veterinary technician in this state and in accordance with this part
938 shall govern such practice by board rule or regulation as the board deems appropriate and
939 necessary for the protection of the public health, safety, and general welfare.

940 43-50-53.

941 (a) The board shall approve an examination to measure the competence of the applicant
942 to engage in the practice as a licensed veterinary technician and shall set by rule or
943 regulation the score needed to pass any such examination.

944 (b) If an applicant fails an examination, the applicant may take a subsequent examination
945 upon payment of ~~the registration and~~ license examination fees. ~~No person may take the~~
946 ~~examination more than three times without review and approval by the board under such~~
947 ~~circumstances as the board deems appropriate.~~

948 (c) Any licensed veterinary technician in this state whose ~~certificate of registration~~ license
949 has been on inactive status for at least five consecutive years and who desires to reactivate
950 such ~~registration~~ license shall be required to take continuing education, pay all fees, and
951 meet all other requirements and board rules or regulations ~~for registration~~ as a licensed
952 veterinary technician.

953 43-50-54.

954 (a) Any licensed veterinary technician must at all times be under the supervision of a
955 licensed veterinarian whenever practicing veterinary technology in this state. The level of
956 supervision shall be consistent with the delegated animal health care task. Subject to the
957 provisions of subsection (b) of Code Section 43-50-51, a licensed veterinarian may in his
958 or her discretion delegate any animal health care task to a licensed veterinary technician;
959 provided, however, that the board may establish by rules or regulations, in such general or
960 specific terms as it deems necessary and appropriate for purposes of this part, the level of
961 supervision, whether direct supervision, immediate supervision, or indirect supervision,
962 that is required by the licensed veterinarian for any delegated animal health care task to be
963 performed by a licensed veterinary technician. Such rules or regulations may require lower
964 levels of supervision for licensed veterinary technicians as compared to veterinary
965 assistants performing the same or similar animal health care tasks.

966 (b) Specifically and without limitation, the board may take disciplinary action against a
967 licensed veterinary technician if the technician:

968 (1) Solicits animal patients from a licensed veterinarian;

969 (2) Solicits or receives any form of compensation from any person for veterinary services
970 rendered other than from the licensed veterinarian or corporation under whom the
971 licensed veterinary technician is employed;

972 (3) Willfully or negligently divulges a professional confidence or discusses a licensed
973 veterinarian's diagnosis or treatment without the express permission of the licensed
974 veterinarian; or

975 (4) Demonstrates a manifest incapability or incompetence to perform as a licensed
976 veterinary technician.

977 (c) A licensed veterinary technician shall not be utilized in any manner which would be
978 in violation of this article.

979 (d) A licensed veterinary technician shall not be utilized to perform the duties of a
980 pharmacist licensed under Chapter 4 of Title 26.

981 43-50-55.

982 (a) Any licensed veterinarian, animal clinic, or animal hospital using licensed veterinary
983 technicians shall post a notice to that effect in a prominent place.

984 (b) A licensed veterinary technician must clearly identify himself or herself as such in
985 order to ensure that he or she is not mistaken by the public as a licensed veterinarian. This
986 may be accomplished, for example, by the wearing of an appropriate name tag. Any time
987 the licensed veterinary technician's name appears in a professional setting, his or her status
988 must be shown as 'licensed' veterinary technician.'

989 ~~(c)(1) No licensed veterinarian shall have more than four licensed veterinary technicians~~
 990 ~~on duty under his or her supervision at any one time.~~

991 ~~(2) No licensed veterinarian shall practice veterinary medicine at a veterinary facility~~
 992 ~~when the number of licensed veterinary technicians employed at such veterinary facility~~
 993 ~~exceeds the number of licensed veterinarians regularly engaged in the practice of~~
 994 ~~veterinary medicine at such veterinary facility by a ratio of more than 2:1.~~

995 ~~(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply to any~~
 996 ~~licensed veterinarian engaged in a specialty practice if he or she is certified for such~~
 997 ~~specialty practice by a college approved for such purpose by the American Veterinary~~
 998 ~~Medical Association or its successor organization; provided, however, that no such~~
 999 ~~licensed veterinarian shall engage in such specialty practice at a veterinary facility when~~
 1000 ~~the number of licensed veterinary technicians employed at such veterinary facility~~
 1001 ~~exceeds the number of licensed veterinarians regularly engaged in a specialty practice of~~
 1002 ~~veterinary medicine at such veterinary facility by a ratio of more than 5:1.~~

1003 43-50-56.

1004 A veterinarian who utilizes a licensed veterinary technician shall be responsible for any
 1005 violation of any limitations which are placed on the duties of a licensed veterinary
 1006 technician.

1007 ARTICLE 3A

1008 43-50-60.

1009 It is the purpose of this article to encourage more effective utilization of the skills of
 1010 licensed veterinarians by enabling them to delegate certain veterinary health care tasks to
 1011 veterinary assistants where such delegation is consistent with the animal patient's health
 1012 and welfare.

1013 43-50-61.

1014 (a) Subject to the provisions of this Code section, the practice of veterinary technology by
 1015 a veterinary assistant shall not be a violation of subsection (a) of Code Section 43-50-30
 1016 or subsection (a) of Code Section 43-50-45.

1017 (b) No veterinary assistant shall make a diagnosis or prognosis, prescribe treatment,
 1018 perform surgery, prescribe medication, perform a nonemergency intubation, induce
 1019 anesthesia, perform central venous catheterization, or perform arterial catheterization and
 1020 arterial collection for any animal.

1021 43-50-62.

1022 (a) Any veterinary assistant must at all times be under the supervision of a licensed
 1023 veterinarian whenever practicing veterinary technology in this state. The level of
 1024 supervision shall be consistent with the delegated animal health care task. Subject to the
 1025 provisions of subsection (b) of Code Section 43-50-61, a licensed veterinarian may in his
 1026 or her discretion delegate any animal health care task to a veterinary assistant; provided,
 1027 however, that the board may establish by rules or regulations, in such general or specific
 1028 terms as it deems necessary and appropriate for purposes of this article, the level of
 1029 supervision, whether direct supervision, immediate supervision, or indirect supervision,
 1030 that is required by the licensed veterinarian for any delegated animal health care task to be
 1031 performed by a veterinary assistant. Such rules or regulations may require higher levels
 1032 of supervision for veterinary assistants as compared to licensed veterinary technicians
 1033 performing the same or similar animal health care tasks.

1034 (b) A veterinary assistant shall not be utilized in any manner which would be in violation
 1035 of this article.

1036 (c) A veterinary assistant shall not be utilized to perform the duties of a pharmacist
 1037 licensed under Chapter 4 of Title 26.

1038 43-50-63.

1039 (a) Any licensed veterinarian, animal clinic, or animal hospital using veterinary assistants
 1040 shall post a notice to that effect in a prominent place.

1041 (b) A veterinary assistant must clearly identify himself or herself as such in order to ensure
 1042 that he or she is not mistaken by the public as a licensed veterinarian or licensed veterinary
 1043 technician. This may be accomplished, for example, by the wearing of an appropriate
 1044 name tag. Any time the veterinary assistant's name appears in a professional setting, his
 1045 or her status must be shown as 'veterinary assistant.'

1046 43-50-64.

1047 A veterinarian who utilizes a veterinary assistant shall be responsible for any violation of
 1048 any limitations which are placed on the duties of a veterinary assistant.

1049 ARTICLE 4

1050 43-50-80.

1051 Any person who gratuitously and in good faith administers emergency treatment to a sick
 1052 or injured animal at the scene of an accident or emergency shall not be in violation of this
 1053 chapter and shall not be liable to the owner of such animal in any civil action for damages;

1054 provided, however, that this Code section shall not provide immunity for acts of gross
1055 negligence.

1056 **ARTICLE 5**

1057 43-50-90.

1058 (a) The board shall work cooperatively with licensed veterinarians to establish standards
1059 for veterinary facilities and equipment and shall promulgate rules for same.

1060 (b) The board shall have the authority to establish a method to monitor veterinary
1061 facilities, conduct investigations and hold proceedings related to alleged violations, and
1062 take necessary enforcement action against the license of a veterinarian or licensed
1063 veterinary technicians for violations of rules promulgated under subsection (a) of this Code
1064 section.

1065 43-50-91.

1066 This article shall not apply to any facility owned by the federal, state, or any local
1067 government, a public or private college or university, or a zoological park or aquarium that
1068 is accredited by the American Zoo and Aquarium Association or other substantially
1069 equivalent nationally recognized accrediting agency as determined by the board.

1070 **ARTICLE 6**

1071 43-50-110.

1072 The board shall have all of the duties, powers, and authority specifically granted by or
1073 necessary for the enforcement of this chapter. The board shall adopt such rules and
1074 regulations as are reasonable and necessary to implement and effectuate this chapter."

1075 **SECTION 4.**

1076 Article 4 of Chapter 12 of Title 24 of the Official Code of Georgia Annotated, relating to
1077 medical and other confidential information, is amended by revising Code Section 24-12-31,
1078 relating to confidential nature of veterinarian records, as follows:

1079 "24-12-31.

1080 (a) No veterinarian licensed under Chapter 50 of Title 43 shall be required to disclose any
1081 information concerning the veterinarian's care of an animal except on written authorization
1082 or other waiver by the veterinarian's client or on appropriate court order or subpoena. Any
1083 veterinarian releasing information under written authorization or other waiver by the client
1084 or under court order or subpoena shall not be liable to the client or any other person. The

1085 confidentiality provided by this Code section shall be waived to the extent that the
1086 veterinarian's client places the veterinarian's care and treatment of the animal or the nature
1087 and extent of injuries to the animal at issue in any judicial proceeding. As used in this
1088 Code section, the term 'client' means the owner of the animal; or, if the owner of the animal
1089 is unknown, ~~client means~~ the person who presents the animal to the veterinarian for care
1090 and treatment.

1091 (b) Notwithstanding the provisions of subsection (a) of this Code section, a veterinarian
1092 shall disclose the rabies vaccination history of any animal within such veterinarian's care
1093 within 24 hours of receipt of a written request by the physician of any person bitten by such
1094 animal."

1095 **SECTION 5.**

1096 Article 11 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
1097 military, emergency management, and veterans affairs generally, is amended in Code Section
1098 38-3-161, relating to definitions, by revising paragraph (7) as follows:

1099 "(7) 'Health facility' means a hospital or other health facility licensed under Chapter 7 of
1100 Title 31, a veterinary facility as defined in ~~paragraph (16)~~ of Code Section 43-50-3, or
1101 any other similar entity licensed under the laws of another state to provide health services
1102 or veterinary services."

1103 **SECTION 6.**

1104 All laws and parts of laws in conflict with this Act are repealed.