

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 883

AN ACT

To repeal sections 340.200, 340.208, 340.210, 340.212, 340.216, 340.218, 340.220, 340.222, 340.226, 340.228, 340.230, 340.232, 340.234, 340.238, 340.258, 340.264, 340.296, 340.298, 340.300, 340.302, 340.304, 340.306, 340.310, 340.312, 340.314, 340.318, 340.320, 340.322, 340.326, 340.328, 340.330, 340.337, 340.341, 340.343, 340.347, 340.390, and 340.393, RSMo, and to enact in lieu thereof forty new sections relating to the licensing of certain veterinary professionals.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 340.200, 340.208, 340.210, 340.212, 340.216, 340.218, 340.220, 340.222, 340.226, 340.228, 340.230, 340.232, 340.234, 340.238, 340.258, 340.264, 340.296, 340.298, 340.300, 340.302, 340.304, 340.306, 340.310, 340.312, 340.314, 340.318, 340.320, 340.322, 340.326, 340.328, 340.330, 340.337, 340.341, 340.343, 340.347, 340.390, and 340.393, RSMo, are repealed and forty new sections enacted in lieu thereof, to be known as sections 340.200, 340.208, 340.210, 340.212, 340.216, 340.218, 340.220, 340.222, 340.226, 340.228, 340.230, 340.232, 340.234, 340.238, 340.249, 340.251, 340.258, 340.264, 340.295, 340.296, 340.298, 340.300, 340.302, 340.304, 340.306, 340.310, 340.312, 340.314, 340.318, 340.320, 340.322, 340.326, 340.328, 340.330, 340.337, 340.341, 340.343, 340.347, 340.390, and 340.393, to read as follows:

340.200. When used in sections 340.200 to 340.330, the following terms mean:

(1) "AAVSB", the American Association of Veterinary State Boards;

(2) "Accredited school of veterinary medicine", any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and is accredited by the [American Veterinary Medical Association (AVMA)] Council on Education of the AVMA;

(3) "Accredited program in veterinary technology", any postsecondary educational program that offers a degree in veterinary technology or its equivalent and is accredited by the Committee on Veterinary Technician Education and Activities of the AVMA;

(4) "Advanced reproduction technologies", processes by which more offspring of bovine animals can be propagated to help multiply the success of breeding and marketing programs; these technologies include, but are not limited to, in vitro fertilization and bovine embryo transfer;

(5) "Allied professionals", health care professionals who hold licenses issued by a Missouri state regulatory board, in areas of traditional human medicine. Allied professionals support, enhance, or extend the services provided by veterinary care providers. Allied professionals work under the immediate supervision of a licensed veterinarian, unless otherwise determined by board rule, or excluded by subdivision (10) of subsection 1 of section 340.216;

**[(2)]** (6) "Animal", any wild, exotic or domestic, living or dead animal or mammal other than man, including birds, fish and reptiles;

**[(3)]** (7) "Animal chiropractic", the examination and treatment of an animal through vertebral subluxation complex or spinal, joint, or musculoskeletal manipulation by an animal chiropractic practitioner. The term "animal chiropractic" shall not be construed to require supervision by a licensed veterinarian to practice or to allow the

diagnosing of an animal; the performing of surgery; the dispensing, prescribing, or administering of medications, drugs, or biologics; or the performance of any other type of veterinary medicine when performed by an individual licensed by the state board of chiropractic examiners;

[(4)] (8) "Animal chiropractic practitioner":

(a) A licensed veterinarian; or

(b) An individual who is licensed by the state board of chiropractic examiners to engage in the practice of chiropractic, as defined in section 331.010; who is certified by the AVCA, IVCA, or other equivalent certifying body; who has graduated from a certification course in animal chiropractic with not less than two hundred ten hours of instruction; and whose practice of animal chiropractic shall be regulated by the state board of chiropractic examiners under chapter 331;

[(5)] (9) "Applicant", an individual who files an application to be licensed to practice veterinary medicine or to be registered as a veterinary technician;

[(6)] (10) "Appointed member of the board", regularly appointed members of the Missouri veterinary medical board, not including the state veterinarian who serves on the board ex officio;

[(7)] (11) "AVCA", the American Veterinary Chiropractic Association or its successor organization;

(12) "AVMA", the American Veterinary Medical Association;

[(8)] (13) "Board", the Missouri veterinary medical board;

(14) "Bovine embryo transfer" or "ET", a process of administering specific hormonal treatment to a donor animal to cause multiple follicles to ovulate, breeding the donor using artificial insemination, and non-surgically collecting

the embryos from the donor's uterus to transfer into a recipient bovine female, or freezing the embryo to be implanted at a later date and includes the administration of lidocaine by caudal epidural on the donor and recipient animals;

(15) "Bovine reproductive professional", an individual who is not a registered veterinary technician or technologist or licensed veterinarian but holds at least a master of science in animal sciences or other equivalent degree with coursework in reproductive physiology;

(16) "Certified veterinary assistant", an unregistered assistant who, in order to expand his or her knowledge and skills, completed additional training with the Certified Veterinary Assistant Program of the Missouri Veterinary Medical Association;

**[(9)]** (17) "Consulting veterinarian", a veterinarian licensed in another state, country or territory who gives advice or demonstrates techniques to a licensed Missouri veterinarian or group of licensed Missouri veterinarians. The licensed veterinarian receiving the consultation maintains the veterinarian-client-patient relationship;

**[(10)]** (18) "ECFVG certificate", a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates or its successor. The certificate **[must]** shall indicate that the holder of the certificate has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited school of veterinary medicine with a doctor of veterinary medicine degree or its equivalent;

**[(11)]** (19) "Emergency", when an animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain life or where death is

imminent and action is necessary to relieve pain or suffering;

[(12)] (20) "Faculty member", full professors, assistant professors, associate professors, clinical instructors and residents but does not include interns or adjunct appointments;

[(13)] (21) "Foreign veterinary graduate", any person, including foreign nationals and American citizens, who has received a professional veterinary medical degree from an AVMA listed veterinary college located outside the boundaries of the United States, its territories or Canada, that is not accredited by the AVMA;

(22) "In vitro fertilization" or "IVF", a process of harvesting unfertilized oocytes directly from the ovaries of a donor animal by needle aspiration, fertilizing the retrieved oocytes, and transferring the resultant fertilized embryos seven days post fertilization into a recipient bovine female, or frozen to be implanted at a later date and includes the administration of lidocaine by caudal epidural on the donor and recipient animals;

[(14)] (23) "IVCA", the International Veterinary Chiropractic Association or its successor organization;

[(15)] (24) "License", any permit, approval, registration or certificate issued or renewed by the board;

[(16)] (25) "Licensed veterinarian", an individual who is validly and currently licensed to practice veterinary medicine in Missouri as determined by the board in accordance with the requirements and provisions of sections 340.200 to 340.330;

(26) "Locum tenes", a licensed veterinarian who provides professional services at one of this state's institutions of higher learning on a temporary basis as provided by section 340.249;

[(17)] (27) "Minimum standards", standards as set by board rule and which establish the minimum requirements for the practice of veterinary medicine in the state of Missouri as are consistent with the intent and purpose of sections 340.200 to 340.330;

(28) "PAVE certificate", a certificate issued by the Program for the Assessment of Veterinary Education Equivalence operated by the AAVSB documenting that a graduate of an international nonaccredited veterinary program has demonstrated knowledge and skill equivalent to that possessed by a graduate of an college of veterinary medicine accredited by the Council on Education of the AVMA with a doctor of veterinary medicine degree or its equivalent in order to take the North American Veterinary Licensing Examination and to be eligible to apply for licensure;

[(18)] (29) "Person", any individual, firm, partnership, association, joint venture, cooperative or corporation or any other group or combination acting in concert; whether or not acting as principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative or as the successor in interest, assigning agent, factor, servant, employee, director, officer or any other representative of such person;

[(19)] (30) "Practice of veterinary medicine", to represent directly, indirectly, publicly or privately an ability and willingness to do any act described in subdivision [(32)] (45) of this section;

[(20)] (31) "Provisional license", a license issued to a person while that person is engaged in a veterinary candidacy program;

[(21)] (32) "Registered veterinary technician or technologist", a person who is formally trained for the

specific purpose of assisting a licensed veterinarian with technical services under the appropriate level of supervision as is consistent with the particular delegated animal health care task;

[(22)] (33) "Supervision":

(a) ["Immediate supervision", the licensed veterinarian is in the immediate area and within audible and visual range of the animal patient and the person treating the patient;

(b)] "Direct supervision", the licensed veterinarian is on the premises where the animal is being treated and is quickly and easily available and the animal has been examined by a licensed veterinarian at such times as acceptable veterinary medical practice requires consistent with the particular delegated animal health care task;

(b) "Immediate supervision", the licensed veterinarian is in the immediate area and within audible and visual range of the animal patient and the person treating the patient;

(c) "Indirect supervision", the licensed veterinarian need not be on the premises but has given either written or oral instructions for the treatment of the animal patient or treatment protocol has been established and the animal has been examined by a licensed veterinarian at such times as acceptable veterinary medical practice requires consistent with the particular delegated health care task; provided that the patient is not in a surgical plane of anesthesia and the licensed veterinarian is available for consultation on at least a daily basis;

[(23)] (34) "Supervisor", a Missouri licensed veterinarian employing or utilizing the services of a registered veterinary technician or technologist, veterinary intern, veterinary resident, temporary provisional licensee, veterinary medical student, unregistered assistant or any

other individual working under that veterinarian's supervision;

(35) "Teleadvice", providing remote health information, opinion, or guidance that is not specific to a patient's health, illness, or injury. This general advice is not intended to diagnose, prognose, or treat a patient's physical or mental illness or injury. A VCPR is not required;

(36) "Telehealth", all uses of technology to deliver health information, education, guidance, or care remotely;

[(24)] (37) "Temporary license", any temporary permission to practice veterinary medicine issued by the board pursuant to section 340.248;

[(25)] (38) "Unregistered assistant", any individual who is not a registered veterinary technician or technologist or licensed veterinarian and is employed by a licensed veterinarian. The term "unregistered assistant" shall include, but shall not be limited to, a certified veterinary assistant;

[(26)] (39) "Veterinarian", "doctor of veterinary medicine", "DVM", "VMD", or equivalent title, a person who has received a [doctor's] doctorate degree in veterinary medicine from an accredited school of veterinary medicine or holds [a] an ECFVG certificate issued by the AVMA or holds a PAVE certificate issued by the AAVSB;

[(27)] (40) "Veterinarian-client-patient relationship" or "VCPR", is established when the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment, and the client, owner or owner's agent has agreed to follow the instructions of the veterinarian. There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical

condition of the animal. Veterinarian-client-patient relationship means that the veterinarian [has recently seen and] is personally acquainted with the keeping and care of the animal by virtue of an in-patient examination or by medically appropriate and timely visits to the premises where the animal is kept[. The practicing veterinarian is readily available for follow-up care in case of adverse reactions or failure of the prescribed course of therapy] and has provided an emergency care plan. The veterinarian-client-patient relationship may be extended or is transferable to a veterinarian practicing under the same Missouri facility permit after the veterinarian reviews the patient's medical history and assumes responsibility for any medical treatment decisions;

[(28)] (41) "Veterinary candidacy program", a program by which a person who has received a doctor of veterinary medicine or equivalent degree from an accredited school of veterinary medicine can obtain the practical experience required for licensing in Missouri pursuant to sections 340.200 to 340.330;

(42) "Veterinary candidate", a person who has received a doctor of veterinary medicine or equivalent degree from an accredited school or college of veterinary medicine and who is working under the supervision of a board-approved licensed veterinarian;

[(29)] (43) "Veterinary facility", any place or unit from which the practice of veterinary medicine is conducted, including but not limited to the following:

(a) ["Veterinary or animal hospital or clinic", a facility that meets or exceeds all physical requirements and minimum standards as established by board rule for veterinary facilities; provides quality examination, diagnostic and health maintenance services for medical and

surgical treatment of animals and is equipped to provide housing and nursing care for animals during illness or convalescence;

(b) "Specialty practice or clinic", a facility that provides complete specialty service by a licensed veterinarian who has advanced training in a specialty and is a diplomate of an approved specialty board. A specialty practice or clinic shall meet all minimum standards which are applicable to a specialty as established by board rule;

(c) "Central hospital", a facility that meets all requirements of a veterinary or animal hospital or clinic as defined in paragraph [(a)] (g) of this subdivision and other requirements as established by board rule, and which provides specialized care, including but not limited to twenty-four-hour nursing care and specialty consultation on permanent or on-call basis. A central hospital shall be utilized primarily on referral from area veterinary hospitals or clinics;

[(d) "Satellite, outpatient or mobile small animal clinic", a supportive facility owned by or associated with and has ready access to a full-service veterinary hospital or clinic or a central hospital providing all mandatory services and meeting all physical requirements and minimum standards as established by sections 340.200 to 340.330 or by board rule;

(e) "Large animal mobile clinic", a facility that provides examination, diagnostic and preventive medicine and minor surgical services for large animals not requiring confinement or hospitalization;

(f) (b) "Emergency clinic", a facility established to receive patients and to treat illnesses and injuries of an emergency nature;

(c) "Large animal mobile clinic", a facility that provides examination, diagnostic and preventive medicine and minor surgical services for large animals not requiring confinement or hospitalization;

(d) "Limited practice", a practice limited to a specific service or services within veterinary medicine. The board will determine the required standards appropriate for each limited practice;

(e) "Satellite, outpatient or mobile small animal clinic", a supportive facility owned by or associated with and has ready access to a full-service veterinary hospital or clinic or a central hospital providing all mandatory services and meeting all physical requirements and minimum standards as established by sections 340.200 to 340.330 or by board rule;

(f) "Specialty practice or clinic", a facility that provides complete specialty service by a licensed veterinarian who has advanced training in a specialty and is a diplomate of an approved specialty board. A specialty practice or clinic shall meet all minimum standards which are applicable to a specialty as established by board rule;

(g) "Veterinary or animal hospital or clinic", a facility that meets or exceeds all physical requirements and minimum standards as established by board rule for veterinary facilities; provides quality examination, diagnostic and health maintenance services for medical and surgical treatment of animals and is equipped to provide housing and nursing care for animals during illness or convalescence;

[(30) "Veterinary candidate", a person who has received a doctor of veterinary medicine or equivalent degree from an accredited school or college of veterinary

medicine and who is working under the supervision of a board-approved licensed veterinarian;

[(31)] (44) "Veterinary intern" or "veterinary resident", a person who has received a doctor of veterinary medicine or equivalent degree from an accredited school or college of veterinary medicine and who is participating in additional clinical training in veterinary medicine [to prepare for AVMA-recognized certification or specialization];

[(32)] (45) "Veterinary medicine", the science of diagnosing, treating, changing, alleviating, rectifying, curing or preventing any animal disease, deformity, defect, injury or other physical or mental condition, including, but not limited to, the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthesia or other therapeutic or diagnostic substance or technique on any animal, including, but not limited to, acupuncture, dentistry, animal psychology, animal chiropractic, theriogenology, surgery, both general and cosmetic surgery, any manual, mechanical, biological or chemical procedure for testing for pregnancy or for correcting sterility or infertility or to render service or recommendations with regard to any of the procedures in this subdivision;

[(33)] (46) "Veterinary student preceptee", a person who is pursuing a veterinary degree in an accredited school of veterinary medicine which has a preceptor program and who has completed the academic requirements of such program;

(47) "Veterinary technician specialist", a veterinary technician or veterinary technologist who has completed a formal process of education, training experience, and testing through a specialty academy approved by the Committee on Veterinary Technician Specialties of the National Association of Veterinary Technicians in America;

(48) "Veterinary technologist", a graduate of an accredited program in veterinary technology that grants a baccalaureate degree;

(49) "Veterinary telemedicine", the practice of veterinary medicine through the use of telecommunications technology that allows a Missouri licensed veterinarian with a properly established VCPR to evaluate, diagnose, and treat a specific patient or group of patients virtually.

340.208. Each member of the board shall receive as compensation an amount set by the board not to exceed **[fifty]** one hundred dollars for each day devoted to the affairs of the board and shall be entitled to reimbursement of expenses necessarily incurred in the discharge of official duties.

340.210. 1. The board shall adopt and have a common seal bearing the name "Missouri Veterinary Medical Board".

2. The powers of the board are granted to enable the board to effectively supervise the practice of veterinary medicine and to carry out the intent and provisions of sections 340.200 to 340.330, and, therefore, are to be construed liberally in order to accomplish such objectives.

3. Including, but not limited to, the board shall have the power to:

(1) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in this state;

(2) Conduct investigations of complaints or other investigations as deemed necessary by the board for the purpose of discovering violations of sections 340.200 to 340.330 or grounds for disciplining any person licensed or regulated under sections 340.200 to 340.330, or any person engaging in the unlicensed practice of veterinary medicine,

and to contract for, or appoint persons or committees, to assist in such investigations;

(3) Issue, renew, deny, suspend, revoke, or place on probation any license, certificate, authority or permit to practice or assist in the practice of veterinary medicine in this state, or to otherwise discipline or assess civil monetary penalties or order restitution, or other actions consistent with the provisions of sections 340.200 to 340.330 and the rules adopted thereunder;

[(3) Conduct investigations of complaints or other investigations as deemed necessary by the board for the purpose of discovering violations of sections 340.200 to 340.330 or grounds for disciplining any person licensed or regulated under sections 340.200 to 340.330, and to contract for or appoint persons or committees to assist in such investigations;]

(4) Hold hearings, issue subpoenas and take testimony bearing on the records of applicants for licensing or licensees who may be under consideration by the board for discipline and to issue final orders of the board on such matters that come before the board;

(5) Issue permits to and, upon complaint by any person, inspect any veterinary facility utilized by any practicing veterinarian or from which the practice of veterinary medicine is conducted. [Such inspection shall not include any vehicle used in the practice of veterinary medicine, unless the board has received a complaint regarding such vehicle, then the board may inspect the vehicle.] Such inspection shall be made by the board, a board member or other authorized representatives as appointed by the board. The results of the inspection shall be reported to the board, on forms prescribed by the board, the purpose of which shall be to ensure compliance with the

provisions of sections 340.200 to 340.330 or board rules promulgated thereunder for such facilities or for seeking disciplinary action in all instances where the board has reason to believe there are or may be violations of such provisions or rules;

(6) Provide registration for veterinary technicians or veterinary technologists, temporary licensees and provisional licensees and to adopt rules concerning the training, supervision and service limits, and continuing education of such persons while employed or acting under the supervision of licensed veterinarians and to have exclusive jurisdiction in determining the eligibility and qualification requirements and in granting or refusing to grant any registration, certificate or license for any such person or to discipline any person so registered or licensed under the provisions of sections 340.200 to 340.330 or by board rule;

(7) Fix by board rule minimum standards for, but not limited to, the practice of veterinary medicine, medical records, emergency services, radiological services, dispensed drug labeling, nursing care, veterinary facilities, sanitation and sterilization, veterinarian-client-patient relationships, and continuing education;

(8) Employ full- or part-time personnel, including an executive director, professional, clerical or special personnel as necessary to effectuate the provisions of sections 340.200 to 340.330 and to rent or purchase any necessary space, equipment and supplies within available appropriations;

(9) Establish fees necessary to administer the provisions of sections 340.200 to 340.330;

(10) Authorize the chairman or vice chairman to sign complaints or referrals for proceedings before the

administrative hearing commission or in a court of competent jurisdiction as necessary for the enforcement of sections 340.200 to 340.330;

(11) Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state when such representation is deemed desirable;

(12) Establish standing or ad hoc committees from its membership or other licensees under chapter 340 to facilitate its work effectively, fulfill its duties and to exercise its powers. Such committees **[must]** shall consist of at least two board members to transact business. Any business or action of the committee shall have no effect until and unless the business or action is ratified by a majority vote of the full board;

(13) Adopt, amend or repeal all rules necessary to carry into effect the provisions of sections 340.200 to 340.330, including, but not limited to, the establishment and publication of rules of professional conduct for the practice of veterinary medicine and such rules as it deems necessary to supervise the practice of veterinary medicine. Such rules **[must]** shall be published and made available upon request to persons licensed or registered under sections 340.200 to 340.330 at no cost and distributed at no cost to all applicants for licensing or registration under sections 340.200 to 340.330. Any proposed rulemaking, revision or amendment thereto, shall be accomplished in accordance with the requirements and provisions of chapter 536;

(14) Assist the attorney general and any state and local law enforcement in any proper action to oust from practice unlawful practitioners or remove from practice licensed or registered persons in violation of any provision of sections 340.200 to 340.330 or board rule and assist with

any prosecution for criminal violations of sections 340.200 to 340.330; and

(15) Enter into contracts with any entity, public or private, for the purpose of having examinations prepared, graded, evaluated, proctored, or for any other examination service deemed desirable or necessary by the board.

4. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

340.212. 1. The board shall cause the executive director to prepare and maintain a written record of all board proceedings whether or not such proceedings are formal, informal, open or closed to the public. All records so prepared and maintained and other documents or reports incorporated therein shall be open to the public except where specifically required or allowed to be closed to the public pursuant to chapter 610.

2. Other provisions of section 324.001 to the contrary notwithstanding, the board shall publish a list of the names and addresses of all persons who hold licenses under the provisions of sections 340.200 to 340.330, and shall publish a list of all persons whose licenses have been suspended, revoked, surrendered, restricted, denied, withheld, or otherwise disciplined, whether voluntarily or not. The board shall [mail] provide a copy of such list to any person, agency or professional association upon request [and] with payment of a fee as necessary for photocopying and postage as established by board rule. The board may forward such lists at no charge and upon its own motion for the purpose of voluntary interstate exchange of information or to other administrative or law enforcement agencies

acting within the scope of their statutory authority, whether the same be interstate or intrastate.

3. Other provisions of section 324.001 to the contrary notwithstanding, the board shall prepare and make available to the public a report upon the final disciplinary actions taken by the board or denial of licensure. Such report shall set forth findings of fact, grounds for such denial or discipline, names of board members who were present, and any resulting order or directive of the board; the same to apply whether or not discipline or denial is voluntarily agreed to by the licensee or applicant. Whenever a person possessing a license voluntarily enters chemical or alcohol treatment and monitoring programs for purposes of rehabilitation by informal agreement with the board, the action shall not be reported with any other actions taken or agreed to between the board and the licensee or applicant.

4. Where the board does not recommend disciplinary action, a report stating that no action is recommended shall be prepared and forwarded to the complaining party and the licensee or applicant.

5. Members of the board or employees of the board shall be immune from any suit predicated on the publication of information, reports or lists required by this section.

340.216. 1. It is unlawful for any person not licensed as a veterinarian under the provisions of sections 340.200 to 340.330 to practice veterinary medicine or to do any act which requires knowledge of veterinary medicine for valuable consideration, or for any person not so licensed to hold himself or herself out to the public as a practitioner of veterinary medicine by advertisement, the use of any title or abbreviation with the person's name, or otherwise; except that nothing in sections 340.200 to 340.330 shall be construed as prohibiting:

(1) Any person from gratuitously providing emergency treatment, aid or assistance to animals where a licensed veterinarian is not available within a reasonable length of time if the person does not represent himself or herself to be a veterinarian or use any title or degree appertaining to the practice thereof;

(2) Acts of a person who is a student in good standing in a school or college of veterinary medicine or while working as a student preceptee, in performing duties or functions assigned by the student's instructors, or while working under the appropriate level of supervision of a licensed veterinarian as is consistent with the particular delegated animal health care task as established by board rule, and acts performed by a student in a school or college of veterinary medicine recognized by the board and performed as part of the education and training curriculum of the school under the supervision of the faculty. The unsupervised or unauthorized practice of veterinary medicine, even though on the premises of a school or college of veterinary medicine, is prohibited;

(3) Personnel employed by the United States Department of Agriculture or the Missouri department of agriculture from engaging in animal disease, parasite control or eradication programs, or other functions specifically required and authorized to be performed by unlicensed federal or state officials under any lawful act or statute, except that this exemption shall not apply to such persons not actively engaged in performing or fulfilling their official duties and responsibilities;

(4) Any merchant or manufacturer from selling drugs, medicine, appliances or other products used in the prevention or treatment of animal diseases if such drug, medicine, appliance or other product is not marked by the

appropriate federal label. Such merchants or manufacturers shall not, either directly or indirectly, attempt to diagnose a symptom or disease in order to advise treatment, use of drugs, medicine, appliances or other products;

(5) The owner of any animal or animals and the owner's full-time employees from caring for and treating any animals belonging to such owner, with or without the advice and consultation of a licensed veterinarian, provided that the ownership of the animal or animals is not transferred, or employment changed, to avoid the provisions of sections 340.200 to 340.330; however, only a licensed veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance, except as otherwise provided for by board rule;

(6) Any person qualified as a bovine reproductive professional, acting under indirect supervision of a licensed veterinarian, while performing advanced reproductive technologies on bovine animals;

(7) Any graduate of any accredited school of veterinary medicine while engaged in a veterinary candidacy program or foreign graduate from a nonaccredited school or college of veterinary medicine while engaged in a veterinary candidacy program or clinical evaluation program, and while under the appropriate level of supervision of a licensed veterinarian performing acts which are consistent with the particular delegated animal health care task;

[(7)] (8) State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof from conducting experiments and scientific research on animals in the development of pharmaceuticals, biologicals,

serums, or methods of treatment, or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine;

~~[(8)]~~ (9) Any veterinary technician or technologist, duly registered by, and in good standing with, the board from administering medication, appliances or other products for the treatment of animals while under the appropriate level of supervision as is consistent with the delegated animal health care task;

~~[(9)]~~ (10) A consulting veterinarian while working in a consulting capacity in Missouri while under the immediate supervision of a veterinarian licensed and in good standing under sections 340.200 to 340.330; ~~and~~

~~[(10)]~~ (11) Any animal chiropractic practitioner from engaging in the practice of animal chiropractic if the animal chiropractic practitioner has received a referral of the animal from a licensed veterinarian with a current veterinarian-client-patient relationship, as defined in section 340.200. The referring veterinarian may limit the number of visits or length of treatment at the time of referral or after consultation with the animal chiropractic practitioner; and

(12) A person from lecturing or giving instructions or demonstrations at a school of veterinary medicine or in connection with a continuing education course or seminar for veterinarians.

2. Nothing in sections 340.200 to 340.330 shall be construed as limiting the board's authority to provide other exemptions or exceptions to the requirements of licensing as the board may find necessary or appropriate under its rulemaking authority.

340.218. The use of any title, words, abbreviations, letters or symbol in a manner or under circumstances which induce the reasonable belief that the person using them is qualified to do any act described in subdivision [(32)] (45) of section 340.200 is prima facie evidence of the intention to represent such person as engaged in the practice of veterinary medicine under sections 340.200 to 340.330.

340.220. It is considered the practice of veterinary medicine to use any invasive procedure to remove any embryo or oocyte from an animal for the purpose of transplanting such embryo or resultant embryo from harvested oocyte into another female animal or for the purpose of cryopreserving such embryo, or to implant such embryo into an animal. It is not considered the practice of veterinary medicine for:

(1) A person or that person's full-time employees to remove an embryo from the person's own animal for the purpose of transplanting or cryopreserving such embryo or to implant an embryo into the person's own animal; however, ownership of the animal shall not be transferred or the employment of any person changed for the purpose of circumventing sections 340.200 to 340.330; or

(2) A bovine reproductive professional trained in advanced reproductive technologies to remove an embryo or oocyte from a bovine animal for the purpose of transplanting such embryo into another female bovine animal or for the purpose of cryopreserving such embryo, or to implant such embryo into a bovine animal while under indirect supervision of a licensed veterinarian.

340.222. 1. A supervisor, as defined in subdivision [(23)] (34) of section 340.200, is individually and separately responsible and liable for the performance of the acts delegated to and the omissions of the registered veterinary technician or technologist, veterinary medical

candidate, temporary licensee, veterinary medical preceptee, bovine reproductive professional, certified veterinary assistant, unregistered assistant or any other individual working under his or her supervision.

2. Nothing in this section shall be construed to relieve registered veterinary technicians or technologists, veterinary medical candidates, provisional licensees, temporary licensees, veterinary medical preceptees, bovine reproductive professionals, certified veterinary assistants, or unregistered assistants of any responsibility or liability for any of their own acts or omissions.

340.226. 1. A licensed veterinarian may practice veterinary medicine as an employee of a corporation, partnership or other business organization only so long as the articles of incorporation, partnership agreement or business organization documents clearly state that the licensed veterinarian is not subject to the direction of anyone not licensed to practice veterinary medicine in Missouri in making veterinary medical decisions or judgments. The methods and practice of veterinary medicine may not be compelled or restricted by a governing body of a political subdivision not specified in sections 340.200 to 340.330.

2. The provisions of subsection 1 of this section do not apply to:

(1) A veterinarian treating his or her employer's animals;

(2) A veterinarian employed by an agency of the federal or state government or any political subdivision thereof; or

(3) A veterinarian employed by a licensed research facility.

3. The provisions of subsection 1 of this section do not apply to any partnership, employee or owner if such partnership, employment or ownership is in existence and has been in existence for a period of six months prior to August 28, 1992. Such partnership, employee or owner shall be recognized by the board and continue existing operations if such partnership, employee or owner complies with all other provisions of sections 340.200 to 340.330.

4. The provisions of subsection 1 shall apply when any partnership of record on August 28, 1992, changes because of death, dissolution, removal, admittance of new partners or by any other means or when employment or ownership is changed in any manner.

340.228. 1. Any person desiring a license to practice veterinary medicine in the state of Missouri shall make [a written] an application to the board on forms to be provided by the board. The board shall provide such forms without charge upon the applicant's request.

2. Each application shall contain a statement that is made under oath or affirmation that representations made therein are true, correct and contain no material omissions of fact to the best knowledge and belief of the person making the application and whose signature shall be subscribed thereto. Any person who knowingly submits false information, information intended to mislead the board, or omits a material fact on the application shall be subject to penalties provided for by the laws of this state for giving a false statement under oath or affirmation, in addition to any actions which the board may take pursuant to the provisions of sections 340.200 to 340.330.

3. To qualify for licensure under sections 340.200 to 340.330, the application [must] shall show that the applicant:

(1) Is a person of good moral character;

(2) Is a graduate of an accredited school of veterinary medicine or as otherwise provided in section 340.230;

(3) Has completed a veterinary candidacy program after graduation under the supervision of a veterinarian licensed and in good standing in any state, territory or district of the United States. The supervising veterinarian shall submit an affidavit to the board stating that the applicant has satisfactorily completed the veterinary candidacy program. If the applicant submits satisfactory proof that he or she has completed a student preceptor program recognized and approved by the board before graduation, the board may waive the veterinary candidacy requirement; and

(4) Has passed an examination or examinations as prescribed by board rule. The examination or examinations shall be designed to test the examinee's knowledge of, and proficiency in, subjects and techniques commonly taught in schools of veterinary medicine, the requirements of sections 340.200 to 340.330, other related statutes and administrative rules and other material as determined by the board. An examinee **[must]** shall demonstrate scientific, practical and legal knowledge sufficient to establish for the board that the examinee is competent to practice veterinary medicine. The examination or examinations will only be given in the English language. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in this section.

4. The board may require such other information and proof of a person's fitness as it deems necessary.

340.230. Graduates of nonaccredited colleges of veterinary medicine located outside the United States, its territories and Canada to qualify for licensure shall furnish proof which is satisfactory to the board that the applicant has:

(1) Earned and currently holds an 【Educational Commission of Foreign Veterinarian Graduate (ECFVG)】 ECFVG certificate 【provided】 issued by the AVMA or holds a PAVE certificate issued by the AAVSB;

(2) Completed a veterinary candidacy program; and

(3) Passed the national certifying examination or examinations with a score at least equal to the passing score required for licensure in Missouri.

340.232. 1. The application shall be accompanied by registration and examination fees as established by board rule pursuant to section 340.210. The registration fee shall not be returned if the applicant is admitted to the practice of veterinary medicine but shall be deemed to include payment of the registration fee for the remainder of the licensing period in which the applicant is admitted.

2. The examination fee shall be returned to the applicant if the board determines that the applicant is not qualified to sit for the examination. However, the examination fee shall not be returned if the board denied the application because the applicant provided false information.

3. If an applicant fails an examination, the applicant shall:

(1) Pay examination fees for each subsequent application; and

(2) Wait for some period of time as prescribed by board rule from the date of the failed examination to take the next examination【; and

(3) Prior to the fourth and final attempt at passage, present to the board a plan for passage and evidence of completion of at least thirty hours of board-approved continuing education since last sitting for the examination or in the calendar year preceding the final application].

340.234. 1. If the board determines that the applicant possesses the proper qualifications as set forth in subsection 3 of section 340.228, it shall admit the applicant to the next scheduled examination.

2. Applicants shall submit an application and the registration and examination fees as required by rule of the board.

3. The board shall establish the requirements for a passing score on the examination. In order for a previous examination score to be transferred for a current licensing period, the score must have been received within five years prior to the application. [If that passing score was not received within three attempts, the board may require the applicant to appear before the board or submit evidence that the applicant has completed at least thirty hours of board-approved continuing education. The board shall have sole discretion on whether to accept for transfer a score from another state's licensing authority.]

4. If all the other requirements of sections 340.200 to 340.330 have been met, the board shall issue licenses to the persons who successfully completed the examination. The executive director shall record the new licenses.

5. If the board determines that the applicant is eligible for licensure without examination through the reciprocity provision of section 340.238, the board may grant the applicant a license without examination.

340.238. 1. The board may issue a license to practice veterinary medicine to an applicant, without examination, if

the applicant submits proof satisfactory to the board of the following requirements for licensure by reciprocity:

(1) The applicant has been actively engaged in the profession in another state, territory, district or province of the United States or Canada for a period of at least **[five consecutive years]** one year immediately prior to making application in Missouri and provides the board with a complete listing of all locations of all previous places of practice and licensure in chronological order; and

(2) A certificate from the proper licensing authority of the other state, territory, district or province of the United States or Canada certifying that the applicant is duly licensed, that the applicant's license has never been suspended, revoked, surrendered, or placed on probation, whether voluntarily or not, and that, insofar as the records of that authority are concerned, the applicant is entitled to its endorsement**];**

**(3) The standards for admission to practice veterinary medicine of the state, territory, district or province of the United States or Canada in which the applicant is currently licensed were equal to or more stringent than the requirements for initial registration in Missouri at the time of the applicant's initial registration].**

2. Even if the applicant has submitted proof of the qualifications in subsection 1 of this section, the board may by rule require any applicant under this section to take any examination, oral or written, or practical examination if such examination is required for an applicant seeking licensure by examination pursuant to the provisions of sections 340.200 to 340.330.

3. **[The board may negotiate reciprocal compacts with licensing boards of other states, territories, districts or**

provinces of the United States or Canada for admission to the practice of veterinary medicine.

4. To determine the admission standards of other states, territories, districts or provinces of the United States or Canada, the executive director shall gather information as directed by the board pertaining to such standards. The board may contract with persons to assist the board in obtaining and evaluating such information and material.

5.] The board may issue a license upon payment of a fee for licensure by reciprocity, if the applicant meets the requirements of this section and other provisions of sections 340.200 to 340.330.

[6.] 4. If the board determines that an applicant is not qualified to be licensed under this section, the executive director shall immediately notify the applicant in writing. The notification shall include specific findings of the board as to the applicant's failure to qualify under this section, that the applicant may request a hearing before the board on the question of the applicant's qualifications, that the applicant may otherwise be considered for licensure after examination as provided in section 340.240 and of the applicant's right pursuant to section 621.120 to file a complaint with the administrative hearing commission.

340.249. A veterinarian licensed by a state and in good standing is eligible to apply to the board for a temporary locum tenens license. The locum tenens licensee shall be remunerated for the practice aspects of his or her services solely from state, federal, or institutional funds and not from the patient-owner beneficiary of his or her practice efforts. The locum tenens licensee shall practice solely at the institution of higher learning, or in an

educational or research program outside the institution associated with the institution, for no more than six weeks per temporary locum tenens license period.

340.251. 1. A veterinarian or veterinary technician who is currently licensed in good standing in another state, during a state of emergency or natural disaster declared by the governor or a duly designated state official, may apply for a temporary emergency license to practice in Missouri under the conditions or constraints provided in subsections 2 to 10 of this section.

2. Veterinary services, including veterinarians and veterinary technicians, shall be requested through the incident command structure and under the supervision of the incident commander or his or her designee.

3. The applicant shall complete an application for temporary emergency license with the board.

4. There shall be no application fee for a temporary emergency license.

5. The applicant shall be currently licensed in good standing in one of the other states in the United States to be eligible.

6. The applicant may not have been subject to any disciplinary action by his or her state's veterinary medical board within the preceding five years. This requirement does not exclude a veterinarian or veterinary technician who has been licensed for less than five years from eligibility.

7. A temporary emergency license shall be valid for sixty days, or until the state of emergency is lifted, whichever occurs first. If the state of emergency extends beyond sixty days, the applicant may request renewal.

8. The recipient of a temporary emergency license shall be subject to all the same rules and regulations as a fully licensed veterinarian or veterinary technician.

9. All services provided by the licensee shall be only those necessary to protect the health and welfare of the animals being sheltered, as determined by the incident command.

10. All services provided by the licensee shall be on a volunteer basis only. The licensee, or anyone affiliated with the licensee, shall be prohibited from collecting any fees or monetary compensation from animal owners for care given.

340.258. 1. Every license issued under the provisions of sections 340.200 to 340.330 shall expire annually or as otherwise established by board rule but may be renewed by the licensee upon application to the board for renewal and payment of renewal fees, subject to the provisions of this section or by board rule. The board shall not renew any license unless the licensee provides satisfactory evidence that he or she has complied with the board's minimum requirements for continuing education.

2. At least thirty days prior to the expiration date, the executive director shall send a notice of renewal and an application for renewal to each licensee of record. [The notice and application shall be mailed to the licensee's last known business address. Neither the failure to mail nor the failure to receive the notice and application shall relieve any licensee of the duty to make application for renewal or to pay the necessary renewal fee. The failure to mail or to receive the notice and application will not exempt the licensee from the penalties provided by sections 340.200 to 340.330 for failure to promptly renew such license.]

3. The applicant shall disclose on the application for renewal:

- (1) Applicant's full name;

- (2) Applicant's business and residence addresses;
- (3) Date and number of applicant's license;
- (4) Any disciplinary actions taken against the applicant by any state, territory or district of the United States, or federal agency;
- (5) Any felony criminal convictions;
- (6) **[Any]** Continuing **[educational]** education credits in compliance with board rule; and
- (7) Any other information deemed necessary by the board to assess the applicant's fitness for license renewal.

4. The application shall be made under oath or affirmation and subject to penalties provided for making a false statement under oath or affirmation.

Such penalties are in addition to and not in lieu of any penalty or other discipline provided for in sections 340.200 to 340.330.

5. If a licensee fails to submit an application and fees within thirty days of expiration of his or her license, the executive director shall notify the licensee that the application and fees have not been received and that the licensee's failure to respond within ten days will result in his or her license being declared noncurrent. The notification required by this subsection shall be by certified mail, return receipt requested, to the licensee's last known business and residence addresses. If the application and fees are not received within ten days after the return receipt is received, the licensee's license shall be declared noncurrent. The executive director shall give notice to the licensee by certified mail, return receipt requested, at the licensee's last known business and residence addresses that his or her license has been declared noncurrent and that the licensee shall not practice

veterinary medicine until he or she applies for reinstatement and pays the required fees.

340.264. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to sections 340.200 to 340.330 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may file a complaint with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 340.200 to 340.330 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, [or] alcoholic beverage, or any other substance to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 340.200 to 340.330;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, territory, district of the United States, or the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under sections 340.200 to 340.330 or for any offense for which an essential element is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 340.200 to 340.330 or in obtaining permission to take any examination given or required pursuant to sections 340.200 to 340.330;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by sections 340.200 to 340.330, including, but not limited to:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(b) Willfully and continually [overcharging for services or overtreating patients or] charging for services which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records, or charging for services [which were not consented to by] without implied or documented consent of the owner of the patient or the owner's agent;

(c) Willfully or continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Attempting, directly or indirectly, by intimidation, coercion or deception to obtain or retain a patient or discourage the owner from seeking a second opinion or consultation;

(e) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, registration or licensure to perform such responsibilities;

(f) Misrepresenting that any disease or ailment can be cured by a method, procedure, treatment, medicine or device;

(g) Performing or prescribing medical services which have been declared by board rule to be of no medical value;

(h) Final disciplinary action by any professional veterinary medical association or society or licensed hospital or clinic or medical staff of such hospital or clinic in this state or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, surrender, or restriction of a license or staff or hospital or clinic privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was related to unprofessional conduct, professional incompetence, malpractice or any other violation of sections 340.200 to 340.330;

(i) Dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination or establishment of a veterinarian-client-patient relationship, or for other medically accepted therapeutic or experimental or investigative purposes, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease; or the dispensing, prescribing, administering or distribution of any drug, controlled substance or other treatment by anyone other than a properly licensed veterinarian, unless such person is a properly registered veterinary technician or technologist, unregistered assistant, or the patient's owner and then to be limited to administration of drugs or other treatment under the supervision, control or explicit instructions of a licensed veterinarian;

(j) Terminating the medical care of a patient without adequate notice to the owner or without **[making]** recommending other arrangements for the continued care of the patient;

(k) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent, or failing to comply with any other law relating to medical records; except, radiographs prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;

(l) Failure of any applicant or licensee to cooperate with the board during any investigation, if such investigation does not concern the applicant or licensee;

(m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(n) Failure to timely pay license or registration renewal fees as specified in sections 340.200 to 340.330;

(o) Violating a probation agreement with the board or any other licensing authority of this state, another state or territory of the United States, or a federal agency;

(p) Violating any informal consent agreement for discipline entered into by an applicant or licensee with the board or any other licensing authority of this state, another state or territory of the United States, or a federal agency;

(q) Failing to inform the board of any change in business or residential address as required by sections 340.200 to 340.330 or administrative rule;

(r) Advertising by an applicant or licensee which is false or misleading, or which violates any rules of the

board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other veterinarian;

(5) Any conduct or practice which is or might be harmful or dangerous to the health of a patient;

(6) Incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by sections 340.200 to 340.330. For purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by members of the profession;

(7) Violation of, or attempting to violate, directly or indirectly, or assisting, or enabling any person to violate, any provisions of sections 340.200 to 340.330, or any lawful rule or regulation adopted pursuant to sections 340.200 to 340.330;

(8) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his certificate of registration or authority, permit, license or diploma from any school;

(9) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of, or applicant for, a license or registration or other right to practice any profession regulated by sections 340.200 to 340.330 or by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to:

(a) Denial of licensure or registration;

(b) Surrender of the license or registration;

(c) Allowing the license or registration to expire or lapse; or

(d) Discontinuing or limiting the practice of veterinary medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, insurance company, court, agency of the state or federal government, or employer;

(10) Being adjudged incapacitated or disabled by a court of competent jurisdiction;

(11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 340.200 to 340.330 who is not licensed or registered and currently eligible to practice under sections 340.200 to 340.330, or knowingly performing any act which aids, assists, procures, advises, or encourages any person to practice veterinary medicine who is not licensed or registered and currently eligible to practice under sections 340.200 to 340.330;

(12) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(13) Failure to obtain, renew or display a valid certificate, license, permit or notice if required;

(14) Violation of the drug laws or rules and regulations of this state, any other state, territory, or the federal government;

(15) Knowingly or recklessly making or causing to be made, or aiding or abetting in the making of a false statement or documentation in connection with the birth, death, or health of any animal, executed in connection with the practice of his or her profession or failure to file such statements or documents with the proper officials of

the federal or state government as provided by law or any rule promulgated under sections 340.200 to 340.330;

(16) Soliciting patronage in person or by agents, under his or her own name or under the name of another, actual or pretended, in such a manner as to confuse, deceive or mislead the public as to the need or appropriateness of animal health care or services or the qualifications of an individual person or persons to diagnose, render, or perform such animal health care services;

(17) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;

(18) Maintaining an unsanitary office or facility, or performing professional services under unsanitary conditions with due consideration given to the place where the services are rendered;

(19) Practicing or offering to practice any profession or service regulated by sections 340.200 to 340.330 independent of the supervision and direction of a person licensed under sections 340.200 to 340.330 as a veterinarian in good standing by any candidate for registration or person registered to practice as a veterinary technician or engaged as an unregistered assistant to a veterinarian;

(20) Treating or attempting to treat ailments or health conditions of animals other than as authorized under sections 340.200 to 340.330 or board rule by any candidate for registration or person registered to practice as a veterinary technician or engaged as an unregistered assistant to a licensed veterinarian;

(21) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by a licensed physician;

(22) Any revocation, suspension, surrender, limitation or restriction of any controlled substance authority, whether agreed to voluntarily or not;

(23) Being unable to practice as a veterinarian or veterinary technician with reasonable skill and safety to patients because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition;

(24) Violation of any professional trust or confidence;

(25) Failing to obtain or renew any facility permit or to maintain mandatory requirements or minimum standards for any such facility as required by sections 340.200 to 340.330 or board rule.

3. If the board files a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 621. If the administrative hearing commission finds that grounds provided in this section are met, the board may either singly or in combination:

(1) Warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend such license, certificate or permit for a period not to exceed three years;

(3) Restrict or limit the license, certificate or permit for an indefinite period of time;

(4) Revoke such license, certificate or permit;

(5) Administer a public or private reprimand;

(6) Deny the application for a license;

(7) Permanently withhold issuance of a license or certificate;

(8) Require the applicant or licensee to submit to the care, counseling or treatment of physicians designated by the board at the expense of the person to be examined;

(9) Require the person to attend such continuing educational courses and pass such examinations as the board may direct.

340.295. 1. A person holding a doctorate from an accredited college or university with emphasis on animal reproductive physiology, or a master of science degree from an accredited college or university with emphasis on animal reproductive physiology, and who holds membership in a nationally recognized organization that acknowledges persons performing a bovine embryo transfer or in vitro fertilization, such as the American Embryo Transfer Association, may provide advanced reproductive technologies to bovine animals under indirect supervision of a licensed veterinarian.

2. A person with the educational attainment identified in subsection 1 of this section, who is not a member of a nationally recognized organization that acknowledges persons performing a bovine embryo transfer or in vitro fertilization, may qualify as a bovine reproductive professional by examination and, upon successful certification examination under subsection 3 of this section, may provide advanced reproductive technologies to bovine animals under indirect supervision of a licensed veterinarian.

3. (1) There is established a committee, appointed and overseen by the board, to be known as the "Certification Examination Committee" to be comprised of three members, as follows: a veterinarian designated by the dean of University of Missouri College of Veterinary Medicine; an animal scientist with a doctorate with an emphasis on animal

reproductive physiology designated by the dean of the University of Missouri College of Agriculture, Food and Natural Resources; and a member jointly selected by the other two members. A term of appointment of each member shall be for four years and shall not exceed two terms.

(2) The certification examination and continuing education of bovine reproductive professionals under this section shall be approved by the committee under this subsection, including, but not limited to, proof of at least eight hours of continuing education from courses and study approved by the committee shall be required for annual certification renewal as a bovine reproduction professional.

340.296. The Missouri veterinary medical board shall be responsible for registering any person who wishes to practice as a registered veterinary technician or technologist in this state and shall limit, restrict, supervise and define such practice by board rule as the board deems appropriate and necessary for the protection of the public health, safety and general welfare.

340.298. All provisions of sections 340.200 to 340.296 shall be applicable to licensed veterinarians and registered veterinary technicians or technologists, except as otherwise specifically provided for in sections 340.298 to 340.330. Whenever the term **["veterinarian" or]** "veterinary practice" is used in sections 340.200 to 340.300, it shall **[mean]** include registered veterinary technician or technologist or the practice of a registered veterinary technician or technologist.

340.300. 1. Any person desiring to be registered as a veterinary technician or technologist in the state of Missouri shall submit a written application to the board. Such application shall be on forms furnished by the board without charge.

2. Each application shall contain a statement that is made under oath or affirmation that representations made therein are true, correct and contain no material omissions of fact to the best knowledge and belief of the person making the application and whose signature shall be subscribed thereto. Any person who knowingly submits false information, information intended to mislead the board, or omits a material fact on the application shall be subject to penalties provided for by the laws of this state for giving a false statement under oath or affirmation; such penalty is in addition to and not in lieu of any action which the board takes pursuant to the provisions of sections 340.200 to 340.330.

3. To qualify to be registered as a veterinary technician or technologist pursuant to this section, the application [must] shall show that the applicant:

- (1) Is at least eighteen years of age;
- (2) Is of good moral character;

(3) Has successfully completed a college level course of study in veterinary technology in a school having a curriculum approved by the board or a college level course in the care and treatment of animals which is accredited by the AVMA; and

(4) Has passed an examination or examinations as prescribed by board rule. The examination or examinations shall be designed to test the examinee's knowledge of, proficiency in, subjects and techniques commonly taught in schools providing a curriculum in veterinary technology, familiarity with the requirements of sections 340.200 to 340.330, related statutes and board rules, and other material as determined by the board. An examinee [must] shall demonstrate scientific, practical and legal knowledge sufficient to establish to the board that the applicant is

competent to practice as a veterinary technician or technologist. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subdivisions (1), (2) and (3) of this subsection.

4. The board may require additional information and proof of a person's fitness and qualifications by board rule.

340.302. 1. The applicant for registration as a veterinary technician or technologist shall submit with the application the registration and examination fees as established by board rule pursuant to section 340.210. The registration fee shall not be returned if the applicant is registered as a veterinary technician or technologist but shall be deemed to include payment of the registration fee for the remainder of the registration period in which the applicant is admitted.

2. If the applicant has complied with the requirements of subsection 2 of section 340.312, the examination fee shall be returned to the applicant if the board determines that the applicant is not qualified to sit for the examination. The examination fee shall not be returned if the board denied the application because the applicant provided false information in the application.

3. If an applicant fails an examination, the applicant shall:

(1) Pay examination fees for each subsequent application; and

(2) Wait **[for some period of time]** as prescribed by board rule from the date of the failed examination to take the next examination**;** and

**(3) Prior to the fourth and final attempt at passage, present to the board, for approval, a plan for passage and**

evidence of completion of at least ten hours of board-approved continuing education taken since the last examination since last sitting for the examination or in the calendar year preceding the final application].

340.304. 1. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next scheduled examination.

2. If the board determines that an applicant is not qualified to sit for the examination, the executive director shall notify the applicant [in writing]. The notification shall include specific findings of the board as to the applicant's failure to qualify, inform the applicant that he or she may request a hearing before the board on the question of the applicant's qualifications and inform the applicant of his or her right, pursuant to section 621.120, to file a complaint with the administrative hearing commission.

3. No person shall be refused registration as a veterinary technician or technologist in the state of Missouri because of race, creed, sex, color or national origin.

340.306. 1. The board may issue a certificate of registration to an applicant, without examination, if the applicant submits proof, satisfactory to the board, that the applicant:

(1) Is currently registered in another state, territory, district or province of the United States or Canada [having standards for admission substantially the same as the standards in Missouri, and that the standards were in effect at the time the applicant was first admitted to practice in the other state, territory, district or province of the United States or Canada]; and

(2) Has been employed and supervised by a licensed veterinarian for a period of at least [five consecutive years] one year immediately preceding the applicant's application to practice as a registered veterinary technician or technologist in Missouri.

2. If the applicant has not been licensed in another state, territory, district, or province of the United States or Canada for [five consecutive years] the immediate past twelve months, the board may determine that the applicant is eligible for licensure by grade score transfer. For a previous examination score to be transferred for a current licensing period, the score [must] shall be received within the five-year period immediately preceding the application. [If such passing score is not received within three attempts, the board may require the applicant to appear before the board and/or submit evidence that the applicant has completed continuing education.]

340.310. The board shall [send a letter, signed by the board chairperson or vice chairperson, to] notify all successful examinees for registration as a veterinary technician or technologist; however, the board shall not send a certificate of registration until the applicant has submitted proof of employment and supervision by a licensed veterinarian. Upon receipt of such proof, the executive director shall issue the certificate of registration.

340.312. 1. If the technician or technologist leaves the employment or supervision of the licensed veterinarian and is not employed by or supervised by another licensed veterinarian within [thirty] ninety days of the termination of his or her employment, the technician's or technologist's certificate shall be placed on inactive status. It is the responsibility of the technician or technologist to inform the executive director within [thirty] ninety days of

termination of his or her employment. It is grounds for revocation of the technician's or technologist's certificate or license if he or she fails to notify the executive director of such termination or engages in the clinical practice of veterinary medicine.

2. Any registered veterinary technician or technologist in the state of Missouri whose certificate has been on inactive status will be required to complete the required continuing education credits in accordance with rules of the board, pay all fees and meet all other requirements of sections 340.200 to 340.330 and board rules for registration as a veterinary technician or technologist.

340.314. 1. The certificates issued to registered veterinary technicians or technologists pursuant to sections 340.300 to 340.330 shall expire as established by board rule but may be renewed upon application to the board for renewal and payment of renewal fees.

2. At least sixty days prior to the expiration date, the executive director shall send a notice of renewal and an application for renewal to each certificate holder of record. The notice of renewal and the renewal application shall be **[mailed]** sent to the certificate holder's last known **[business or residence address]** record of contact, in accordance with board rules. Failure to **[mail or to]** receive the notice and application does not relieve any certificate holder of the duty to apply for renewal or to pay the necessary renewal fee, nor will it exempt the certificate holder from the penalties provided by sections 340.200 to 340.330 for failure to promptly renew the certificate.

340.318. If a certificate holder fails to submit an application and fees within thirty days of expiration of the certificate, the executive director shall notify the

certificate holder that the application and fees have not been received and that the certificate holder's failure to respond within ten days will result in his or her certificate being declared noncurrent. The notification shall be sent by certified mail, return receipt requested, to the certificate holder's last known business and residence addresses. If the application and fee is not received within ten days after the return receipt is received, the certificate shall be declared noncurrent and the executive director shall notify the certificate holder of such declaration by certified mail, return receipt requested, at the certificate holder's last known business and residence addresses that his or her certification has been declared noncurrent and that the certificate holder shall not practice as a registered veterinary technician or technologist until he or she applies for reinstatement and pays the required fees.

340.320. 1. Any person who practices as a registered veterinary technician or technologist after his or her certificate has been revoked pursuant to section 340.318 is in violation of sections 340.200 to 340.330 and subject to criminal prosecution as provided for under sections 340.200 to 340.330. Such criminal penalty shall be in addition to and not in lieu of any penalty or other discipline provided for under sections 340.200 to 340.330.

2. If a person is otherwise eligible to renew his or her certificate, such person may renew an expired certificate within two years of the date of expiration by submitting an application for renewal, payment of the renewal fee, payment of delinquent renewal fees and payment of a penalty fee as established by the board. A certificate may not be renewed if two years have lapsed since the date the certificate expired. Such holder of an expired

certificate [must] shall make application for a new certificate.

340.322. If the registered veterinary technician or technologist is not employed and supervised by a licensed veterinarian at the time for renewal, the certificate will be placed on inactive status until the technician or technologist finds proper employment. If the technician or technologist submits satisfactory proof that he or she has obtained employment under the supervision of a licensed veterinarian, the board shall issue a new certificate to the technician or technologist if the technician or technologist meets all other requirements and qualifications for renewal.

340.326. Any person registered as a veterinary technician or technologist and while practicing as a registered veterinary technician or technologist in this state [must] shall at all times be under the supervision of a licensed veterinarian or a veterinarian exempt from licensing under sections 340.200 to 340.330. The level of supervision shall be consistent with the delegated animal health care task. The board shall by rule establish, in general or specific terms as it deems necessary, the animal health care tasks that registered veterinary technicians or technologists may provide and the level of supervision that is required by the licensed veterinarian for any delegated health care task.

340.328. Any veterinary technician or technologist duly registered pursuant to sections 340.200 to 340.330 who gratuitously and in good faith gives emergency treatment to a sick or injured animal at the scene of an accident or emergency shall not be in violation of sections 340.200 to 340.330 and shall not be liable in any civil action for damages to the owner of such animal. This section is not

intended to provide immunity for acts which constitute gross negligence.

340.330. The provisions and causes of actions as set forth under section 340.264 are applicable to registered veterinary technicians or technologists and bovine reproductive professionals in all respects. The board may, also, take disciplinary action against a registered veterinary technician or technologist or a bovine reproductive professional if the registered veterinary technician or technologist or the bovine reproductive professional:

(1) Solicits patients from any licensed veterinarian;

(2) Solicits or receives any form of compensation from any person for patient care services rendered under their scope of practice as a registered veterinary technician or technologist or as a bovine reproductive professional other than from the veterinarian under whom the registered veterinary technician or technologist or the bovine reproductive professional is employed;

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

(4) Demonstrates a manifest incapability or incompetence to perform as a registered veterinary technician or technologist or as a bovine reproductive professional.

340.337. As used in sections 340.335 to 340.405, the following terms shall mean:

(1) "Areas of defined need", areas designated by the department pursuant to section 340.339, when services of a large animal veterinarian are needed to improve the veterinarian-patient ratio in the area, or to contribute

professional veterinary services to an area of economic impact;

(2) "College", the college of veterinary medicine at the University of Missouri-Columbia;

(3) "Department", the Missouri department of agriculture;

(4) "Director", director of the Missouri department of agriculture;

(5) "Eligible student", a resident who has been accepted as, or is, a full-time student at the University of Missouri-Columbia enrolled in the doctor of veterinary medicine degree program at the college of veterinary medicine;

(6) "Large animal", an animal which is raised, bred, or maintained for its parts or products having a commercial value including, but not limited to, its muscle tissue, organs, fat, blood, manure, bones, milk, wool, hide, pelt, feathers, eggs, semen, or embryos;

(7) "Large animal veterinarian", veterinarians licensed pursuant to this chapter, engaged in general or large animal practice as their primary focus of practice, and who have a substantial portion of their practice devoted to large animal veterinary medicine;

(8) "Qualified applicant", an eligible student approved by the department for participation in the large animal veterinary student loan program established by sections 340.381 to 340.396;

(9) "Qualified employment", employment as a large animal veterinarian and where a substantial portion of business involves the treatment of large animals on a full-time basis in Missouri located in an area of need as determined by the department of agriculture. Qualified employment shall not include employment with a large-scale

agribusiness enterprise, corporation, or entity. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section;

(10) "Resident", any person who has lived in this state for one or more years [for any purpose other than the attending of an educational institution located within] and has been determined or is considered to be a Missouri resident by an accredited university in this state.

340.341. 1. The department shall adopt and promulgate rules establishing standards for determining eligible students for loan repayment pursuant to sections 340.335 to 340.350. Such standards shall include, but are not limited to the following:

- (1) Citizenship or lawful permanent residency in the United States;
- (2) Residence in the state of Missouri;
- (3) Enrollment as a full-time veterinary medical student [in the final year of a course of study offered by] at an approved educational institution in Missouri;
- (4) Application for loan repayment.

2. The department shall not grant repayment for more than twelve veterinarians each year.

340.343. 1. The department shall enter into a contract with each individual qualifying for repayment of educational loans. The written contract between the department and an individual shall contain, but not be limited to, the following:

- (1) An agreement that the state agrees to pay on behalf of the individual, loans in accordance with section 340.345 and the individual agrees to serve for a time period [equal] up to four years, or such longer period as the

individual may agree to, in an area of defined need, such service period to begin within one year of graduation by the individual with a degree of doctor of veterinary medicine;

(2) A provision that any financial obligations arising out of a contract entered into and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments;

(3) The area of defined need where the person will practice;

(4) A statement of the damages to which the state is entitled for the individual's breach of the contract;

(5) Such other statements of the rights and liabilities of the department and of the individual not inconsistent with sections 340.335 to 340.350.

2. The department **[may stipulate]** shall approve specific practice sites contingent upon department-generated large animal veterinarian need priorities where applicants shall agree to practice for the duration of their participation in the program.

340.347. 1. An individual who has entered into a written contract with the department or an individual who is enrolled at the college and fails to maintain an acceptable level of academic standing or voluntarily terminates such enrollment or is dismissed before completion of such course of study or fails to become licensed pursuant to this chapter within one year after graduation shall be liable to the state for the amount which has been paid on such individual's behalf pursuant to the contract.

2. If an individual breaches the written contract of the individual by failing either to begin such individual's service obligation or to complete such service obligation, the state shall be entitled to recover from the individual an amount equal to the sum of:

(1) The total of the amounts paid by the state on behalf of the individual, including interest; and

(2) An amount equal to the unserved obligation penalty, which is the total number [of months] of obligated months of service which were not completed by an individual, multiplied by five hundred dollars, unless the department, in consultation with the advisory panel, determines that the individual has acted in good faith and the breach is due to circumstances beyond the individual's control in which case it may be determined that no penalty shall be assessed.

3. The department may act on behalf of a qualified community to recover from an individual described in subsections 1 and 2 of this section the portion of a loan repayment paid by such community for such individual.

340.390. 1. A recipient of financial assistance under sections 340.381 to 340.396 who does not meet the qualified employment obligations agreed upon by contract under section 340.387 shall begin repayment of the loan principal and interest in accordance with the contract within six months of the first day on which the recipient did not meet the qualified employment obligations. If a qualified applicant ceases his or her study prior to successful completion of a degree or graduation from the college, interest at the rate specified in section 340.387 shall be charged on the amount of financial assistance received from the state under the provisions of sections 340.381 to 340.396, and repayment, in accordance with the contract, shall begin within ninety days of the date the financial aid recipient ceased to be an eligible student. All funds repaid by recipients of financial assistance to the department shall be deposited in the veterinary student loan payment fund for use pursuant to sections 340.381 to 340.396.

2. The department [shall], in consultation with the advisory panel, may grant a deferral of interest and principal payments to a recipient of financial assistance under sections 340.381 to 340.396 who is pursuing a post-degree training program, is on active duty in any branch of the Armed Forces of the United States, or upon special conditions established by the department. The deferral shall not exceed four years. The status of each deferral shall be reviewed annually by the department to ensure compliance with the intent of this section.

340.393. When necessary to protect the interest of the state in any financial assistance transaction under sections 340.381 to 340.396, the department may institute any legal action to recover any amount due.