

FIRST REGULAR SESSION

SENATE BILL NO. 424

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WESTFALL.

Read 1st time February 9, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S1470.011

AN ACT

To repeal sections 340.200, 340.202, 340.204, 340.206, 340.214, 340.216, 340.220, 340.222, 340.226, 340.228, 340.230, 340.232, 340.234, 340.236, 340.238, 340.240, 340.244, 340.246, 340.248, 340.250, 340.252, 340.254, 340.256, 340.258, 340.260, 340.262, 340.264, 340.288, 340.300, 340.302, 340.304, 340.306, 340.308, 340.312, 340.318, 340.320, 340.322 and 340.324, RSMo 1994, and section 340.210, RSMo Supp. 1998, relating to veterinarians, and to enact in lieu thereof thirty-nine new sections relating to the same subject.

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

Section A. Sections 340.200, 340.202, 340.204, 340.206, 340.214, 340.216, 340.220, 340.222, 340.226, 340.228, 340.230, 340.232, 340.234, 340.236, 340.238, 340.240, 340.244, 340.246, 340.248, 340.250, 340.252, 340.254, 340.256, 340.258, 340.260, 340.262, 340.264, 340.288, 340.300, 340.302, 340.304, 340.306, 340.308, 340.312, 340.318, 340.320, 340.322 and 340.324, RSMo 1994, and section 340.210, RSMo Supp. 1998, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 340.200, 340.202, 340.204, 340.206, 340.210, 340.214, 340.216, 340.220, 340.222, 340.226, 340.228, 340.230, 340.232, 340.234, 340.236, 340.238, 340.246, 340.247, 340.248, 340.250, 340.252, 340.254, 340.256, 340.258, 340.260, 340.262, 340.264, 340.287, 340.288, 340.300, 340.302, 340.304, 340.306, 340.308, 340.312, 340.318, 340.320, 340.322 and 340.324, to read as follows:

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

(1) "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);

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

(4) "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;

(5) "Board", the Missouri veterinary medical board;

(6) "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;

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

(8) "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;

(9) "**Faculty member**", **full professors, assistant professors, associate professors, clinical instructors and residents but does not include interns or adjunct appointments**;

(10) "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;

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

[(11)] (12) "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;

[(12)] (13) "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;

[(13)] (14) "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;

[(14)] **(15)** "Practice of veterinary medicine", to represent directly, indirectly, publicly or privately an ability and willingness to do any act described in subdivision (24) of this section;

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

(17) "Registered veterinary technician", 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;

[(16)] **(18)** "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;

(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;

[(17)] **(19)** "Supervisor", a licensed veterinarian employing or utilizing the services of a registered veterinary technician, **veterinary** intern, temporary **provisional** licensee, veterinary medical student, unregistered assistant or any other individual working under **[his] that veterinarian's** supervision;

[(18)] **(20)** "Temporary license", any temporary permission to practice veterinary medicine issued by the board pursuant to [sections 340.200 to 340.330] **section 340.248**;

[(19)] **(21)** "Unregistered assistant", any individual who is not a registered veterinary technician or licensed veterinarian and is employed by a licensed veterinarian;

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

[(21)] **(23)** "Veterinarian-client-patient relationship", 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 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;

(24) "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;

[(22)] **(25) "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) 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) "Emergency clinic", a facility established to receive patients and to treat illnesses and injuries of an emergency nature [requiring treatment];

[(23)] **(26) "Veterinary [intern] 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 [in any state to complete the practical experience internship required for licensing in Missouri**

pursuant to sections 340.200 to 340.330];

(27) "Veterinary intern", 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;

[(24)] **(28)** "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 paragraph;

[(25)] **(29)** "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.

340.202. 1. There is hereby created a board to be known as the "Missouri Veterinary Medical Board". The board shall consist of the state veterinarian, who shall serve ex officio[;], and five appointed members, including a voting public member[.]. Not more than three of [whom] **the appointed members** shall be of the same political party. Each appointed member, other than the public member, of the board shall be a United States citizen, a taxpaying resident of the state of Missouri for one year, a graduate of an accredited **school of veterinary [college] medicine**, and shall have been lawfully engaged in the actual practice of veterinary medicine in the state of Missouri for no less than five years next preceding the date of [his] **the member's** appointment.

2. The public member shall be at the time of [his] **the public member's** appointment, a citizen of the United States; a resident of Missouri for a period of one year and a registered voter; a person who is not and never has been a member of any profession licensed or regulated under sections 340.200 to 340.330 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 340.200 to 340.330, or an activity or organization directly related to any profession licensed or regulated under sections 340.200 to 340.330. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or candidate for licensure.

3. The president of the Missouri Veterinary Medical Association in office at the time shall, at least ninety days prior to the expiration of the term of a board member other than the public

member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the department of economic development a list of five veterinarians qualified and willing to fill the vacancy in question with the request and recommendation that the governor appoint one of the persons so listed. With the list so submitted, the president of the Missouri Veterinary Medical Association shall include in **[his] the** letter of transmittal a description of the method by which the names were chosen by the association.

4. All members, including the public member, shall be chosen from lists submitted by the director of the department of economic development. All appointments shall be made by the governor with the advice and consent of the senate. Before entering into **[his] the** term of office, each member shall file a written oath to discharge **[his] the member's** official duties in a faithful manner with the secretary of state.

5. **[Beginning with the appointments made after August 28, 1992, two members shall be appointed for four years, two members shall be appointed for three years and two members shall be appointed for two years. Thereafter,]** All members shall be appointed to serve four-year terms. Any vacancy in the membership of the board shall be filled by appointment for the unexpired term.

340.204. No person who has been appointed to the board shall continue his **or her** membership on the board if, during the term of his **or her** appointment, **[he] that member** shall:

- (1) Transfer his **or her** legal residence to another state;
- (2) **[Have] Has** his **or her** license to practice veterinary medicine revoked or suspended;

or

- (3) Miss three consecutive meetings of the board.

340.206. 1. The board shall:

- (1) From its members elect a chairperson and a vice chairperson who shall serve a term of one year, such term to expire as of the end of the first board meeting of each calendar year;

- (2) Have at least one business meeting per year **[to be called by the chairperson which may include the meeting necessary to conduct examinations of persons for licensure or registration under sections 340.200 to 340.330].**

2. The chairperson or vice chairperson shall have the authority to call special meetings of the board when such is deemed necessary and provided that sufficient notice is given to the other board members and to the general public pursuant to chapter 610, RSMo.

3. The board may hold special meetings by telephone conference; **as** provided **[that the public is given appropriate notice of any such meeting and provided access to at least one centrally located telephone is made available specifically for public use] by chapter 610, RSMo.**

4. All board meetings shall be open to the general public except where such meetings, or portions thereof, are required or otherwise authorized to be closed to the public pursuant to chapter 610, RSMo.

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) 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 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, temporary licensees and [temporary licensing of veterinary interns] **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, [and] 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 to facilitate its work effectively, fulfill its duties and to exercise its powers. Such committees must 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 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, RSMo;

(14) Assist the attorney general 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 [section 536.024] **chapter 536**, RSMo.

340.214. 1. All fees payable under the provisions of sections 340.200 to 340.330 shall be

paid to and collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of a fund to be known as the "Veterinary Medical Board Fund", which is hereby created, and shall be subject to the appropriations of the general assembly. [All funds existing in the veterinary medical board fund prior to August 28, 1992, shall be transferred to the veterinary medical board fund created by this section.]

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in the fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations to the board for the preceding fiscal year.

3. The fees prescribed by sections 340.200 to 340.330 shall be exclusive, and notwithstanding any other provision of law, no municipality may require any person licensed under the provisions of sections 340.200 to 340.330 to furnish any bond, pass any examination, or pay any license fee or occupational tax relative to practicing his **or her** profession.

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 [his] **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 [he] **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 [veterinary] school or college of **veterinary** medicine or while working as a student preceptee, in performing duties or functions assigned by [his] **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 graduate of any accredited school [or college] of veterinary medicine while engaged in [an intern] **a veterinary candidacy** program or foreign graduate from a nonaccredited school or college of veterinary medicine while engaged in [an intern] **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) 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) Any veterinary technician, 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; and

(9) 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.

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.

340.220. It is considered the practice of veterinary medicine to use any invasive procedure to remove any embryo from an animal for the purpose of transplanting such embryo 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 a person or **[his] 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.

340.222. A supervisor, as defined in subdivision (17) of section 340.200, is individually and separately responsible and liable for the performance of the acts delegated to and the omissions of the veterinary technician, **[intern] veterinary medical candidate**, temporary licensee, veterinary medical **[student] preceptee**, unregistered assistant or any other individual working under his **or her** supervision. Nothing in this section shall be construed to relieve veterinary technicians, **[interns,] veterinary medical candidates, provisional licensees**, temporary licensees, veterinary medical **[students] preceptees** or unregistered assistants of any responsibility or liability for any of their own acts or omissions.

340.226. 1. **[In any partnership established to carry on the practice of veterinary medicine, at least one partner shall be a licensed veterinarian and all other partners must be licensed or hold temporary licenses to practice veterinary medicine in this state. The provisions of this subsection shall apply to general partnerships and limited partnerships.**

2. It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person not engaged primarily in the practice of veterinary medicine. It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person who is the owner of an active veterinary practice but is not a veterinarian duly licensed in this state.] **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.**

[3.] 2. The provisions of **[subsections 1 and 2] 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.

[4.] **3.** The provisions of [subsections 1 and 2] **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.

[5.] **4.** The provisions of [subsections 1 and 2] **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 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 [of the applicant].

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 show that the applicant [is a graduate of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and which is accredited by the AVMA and is a person of good moral character. The board may require such other information and proof of a person's fitness as it deems necessary]:

(1) Is a person of good moral character;

(2) Is a graduate of an accredited school of veterinary medicine;

(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 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. [1.] Graduates of nonaccredited colleges of veterinary medicine located outside the United States, its territories and Canada 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) certificate provided by the AVMA, has];

(2) Completed [an internship] a **veterinary candidacy program; and [within five years of the application]**

(3) Passed the [National Board Examination (NBE) and the Clinical Competency Test (CCT)] **national certifying examination or examinations with a score at least equal to the passing score required for licensure in Missouri.**

[2. Any applicant providing satisfactory proof within five years of the date of the application that the applicant has completed the NBE and CCT with a score at least equal to the passing score required for licensure in Missouri need not repeat the examination.]

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. [If the applicant has complied with the requirements of section 340.240,] 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;**
- (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 [or, if 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].

2. Applicants shall submit an application and the registration and examination fees at least sixty days prior to taking the examination.

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.

340.236. 1. If the board determines that an applicant is not qualified to sit for the examination or for licensure under section 340.238, 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, RSMo, to file a complaint with the administrative hearing commission.

2. No person shall be refused a license to practice veterinary medicine in the state of Missouri because of race, creed, sex, color or national origin.

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 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;

(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 state, territory, district or province of the United States or Canada in which the applicant is currently licensed has established standards for admission to practice veterinary medicine equal to, or more stringent than, the requirements for admission to practice the profession under sections 340.200 to 340.330, and that such standards were in effect at the time that the applicant was first admitted to practice by the other state, territory or district of the United States; however, the person shall not be required to retake either the NBE or CCT if the person has previously taken the examinations more than three years before the time of the application. The applicant's score on both examinations must equal or exceed that required for licensure in Missouri.] **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. 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, RSMo, to file a complaint with the administrative hearing commission.

[340.240. 1. The board shall hold at least one examination annually. At least two board members shall be present at each examination. Both board members shall be present or available at all times during the examination.

2. The executive director shall give public notice of the time and place of each examination at least one hundred twenty days in advance of the date set for the examination. Applicants shall submit an application and the registration and examination fees at least sixty days prior to the examination.

3. The board shall establish rules governing the preparation, administration and grading of the examination. 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 demonstrate scientific, practical and legal knowledge sufficient to establish to the board that the examinee is competent to practice veterinary medicine. The examination will only be given in the English language.

4. 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. The board shall have sole discretion on whether to accept for transfer a score from another state's licensing authority.

5. The executive director shall notify each examinee within sixty days of the examination of the results of the examination. 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.

6. If an applicant fails an examination, the applicant may take a subsequent examination upon payment of the registration and examination fees. No person may take the examination more than three times.]

[340.244. 1. The board may require that all applicants for licensure by examination complete an internship 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 internship.

2. If the applicant submits satisfactory proof that he has completed a student preceptor program recognized and approved by the board before graduation, the board may waive the internship requirement.]

340.246. A [temporary] **provisional** license may be issued to a qualified applicant for licensure pending examination results and completion of the [internship] **veterinary candidacy** program, if the applicant meets all other required qualifications for licensure in sections 340.200 to 340.330; provided that the applicant is working under the supervision of a licensed veterinarian in good standing. Such supervision shall be consistent with the delegated animal health care task. A [temporary] **provisional** license shall expire one year after the date of issuance.

340.247. 1. Notwithstanding any other provisions of law to the contrary, the board may issue a veterinary faculty license to any qualified applicant associated with the University of Missouri-Columbia, College of Veterinary Medicine and involved in the instructional program of either undergraduate or graduate veterinary medical students, subject to the following conditions:

(1) The holder of the veterinary faculty license is compensated for the practice aspects of his or her services solely from the state, federal or institutional funds and not from the patient-owner beneficiary of his or her practice efforts;

(2) The applicant furnishes the board with such proof as the board may deem necessary to demonstrate that:

(a) The applicant is a graduate of a reputable school or college of veterinary medicine;

(b) The applicant has or will have a faculty position at one of this state's institutions of higher learning and will be involved in the instructional program of either undergraduate or graduate veterinary medical students, as certified by an authorized administrative official at such institution; and

(c) The applicant understands and agrees that the faculty license is valid only for the practice of veterinary medicine as a faculty member of the institution; and

(3) The applicant takes and passes the state board examination.

2. The license issued pursuant to this section may be revoked or suspended or the licensee may be otherwise disciplined in accordance with the provisions of this chapter.

3. The license issued pursuant to this section shall be canceled by the board upon receipt of information that the holder of the veterinary faculty license has left or has otherwise been discontinued from faculty employment at an institution of higher learning in this state.

340.248. 1. If a licensed veterinarian of another state is not under discipline or investigation, the board may issue a temporary license to such veterinarian exclusively to permit the veterinarian to provide veterinary medical services for a specific animal owner in Missouri. The license is limited to the animals of the specific owner identified in the application. The temporary license shall expire one hundred twenty days after it is issued. Upon request of the applicant, the board may renew the temporary license for an additional ninety days.

2. When a licensed veterinarian of another state applies for a temporary license under this section, the applicant shall designate the secretary of state as **[his] the applicant's** agent for the purpose of service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with, or incidental to, the practice of veterinary medicine pursuant to such temporary license.

3. Only one temporary license may be issued to any person at the same time. [The board shall not issue a temporary license to any applicant who has failed either the NBE or CCT three or more times.]

4. The employer identified on the application for a temporary license issued pursuant to this section shall notify the board within ten days if the employment ceases at the place of employment designated on the temporary license.

340.250. The rights granted by the board to a holder of a temporary **or provisional** license under sections 340.246 and 340.248 are exclusive. A temporary **or provisional** license issued under sections 340.246 and 340.248 may be revoked by a majority vote of the board without a hearing. The board's exclusive authority shall be clearly stated on the temporary **or provisional** license and the application and is a condition for the issuance of a temporary **or provisional** license.

340.252. A person issued a license, certificate, permit or other authority issued under sections 340.200 to 340.330 shall conspicuously display such license, certificate, permit or other authority in **[his] the person's** principal place of business or employment or as otherwise provided for by board rule. Such person shall exhibit such license, certificate, permit or other authority upon demand by any member of the board or its authorized agent.

340.254. Any person holding a valid license, certificate, permit or other authority regulated under the provisions of sections 340.200 to 340.330 on August 28, 1992, shall be recognized by the board and shall be entitled to retain any existing status so long as **[he] the person** complies with the provisions of sections 340.200 to 340.330 and board rules promulgated pursuant to sections 340.200 to 340.330.

340.256. Any person licensed under sections 340.200 to 340.330 who retires from any profession regulated by sections 340.200 to 340.330 shall file an affidavit stating the date of retirement and any other information required by the board in order to verify such retirement. Any person filing the affidavit as required by this section, does not need to renew his

or her license as required by section 340.258. If such person decides to again practice his **or her** profession, [he] **the person** must renew his **or her** license prior to performing any act or practice regulated by sections 340.200 to 340.330.

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. **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 credits; 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 [his] **the licensee's** failure to respond within ten days will result in [the revocation] of his **or her** license **being declared non-current**. 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 [revoked] **declared non-current**. The executive director shall give notice to the licensee [of the revocation] by certified

mail, return receipt requested, at [his] **the licensee's** last known business and residence addresses **that his or her license has been declared non-current and that the licensee shall not practice veterinary medicine until he or she applies for reinstatement and pays the required fees.**

340.260. If any person practices veterinary medicine after [a revocation] **his or her license is declared non-current** pursuant to subsection 5 of section 340.258, he **or she** is subject to criminal prosecution as provided in sections 340.200 to 340.330. Such criminal prosecution shall be in addition to any penalty or other discipline provided for in sections 340.200 to 340.330.

340.262. If a person is otherwise eligible to renew his **or her** license, [he] **the person** may renew an expired license within two years of the date of expiration. To renew such expired license, the person shall submit an application for renewal, pay the renewal fee, pay a delinquent renewal fee and pay a penalty fee as established by the board. Upon a finding of extenuating circumstances, the board may waive the payment of the penalty fee; however, nothing in this section shall be construed as requiring such waiver. If more than two years have lapsed since the date the license expired, the license may not be renewed. The holder of such expired license must apply under the procedures for a new license pursuant to sections 340.200 to 340.330.

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, RSMo.

2. The board may file a complaint with the administrative hearing commission as provided by chapter 621, RSMo, 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, RSMo, or alcoholic beverage 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 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, 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 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, [X rays] **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) [A person is finally] **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, RSMo. 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.

340.287. Any veterinarian 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 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.

340.288. 1. Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which is unclaimed by its owner or its owner's agent for more than ten days after written notice by certified mail, return receipt requested, is sent to the owner or owner's agent at the person's last known address shall be deemed to be abandoned. Such abandoned animal may be turned over to the nearest humane society or [dog pound] **animal shelter**, or otherwise disposed of or destroyed by the licensed veterinarian in a humane manner.

2. If notice is sent pursuant to subsection 1 of this section, the licensed veterinarian or any custodian of such abandoned animal is relieved of any further liability for disposal. If a licensed veterinarian follows the procedures of this section, [he] **the veterinarian** shall not be subject to disciplinary action under sections 340.200 to 340.330 unless such licensed veterinarian fails to provide the proper notification to the owner or owner's agent.

3. For the purposes of this section, the term "abandoned" means to forsake entirely, to neglect or refuse to provide or perform legal obligations for the care and support of an animal, or to refuse to pay for treatment or other services without an assertion of good cause. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal.

4. If an animal should die while in the custody of a licensed veterinarian for the purpose of treatment, boarding or other care, the licensed veterinarian may perform necropsy after reasonable attempts to notify the owner and obtain permission have failed. The licensed veterinarian shall maintain or otherwise store the corpse for a period of at least three days following such death or three days after notification to the owner, whichever is longer, after which time the corpse may be disposed of in any lawful manner.

5. The disposal of an abandoned or deceased animal shall not relieve the owner or owner's agent of any financial obligation incurred for treatment, boarding or other care provided by the veterinarian.

340.300. 1. Any person desiring to be registered as a veterinary technician 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. [An applicant to be registered as a veterinary technician under this section shall be at least eighteen years of age, of good moral character and:

(1) Have completed a college level course of study in veterinary technology in a school having a curriculum approved by the board; or

(2) Successfully completed a post-high school college level course in the care and treatment of animals which is accredited by the AVMA.] **To qualify to be registered as a veterinary technician pursuant to this section, the application must show that the applicant:**

(1) Is 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 demonstrate scientific, practical and legal knowledge sufficient to establish to the board that the applicant is competent to practice as a veterinary technician. 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 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 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;

(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, RSMo, to file a complaint with the administrative hearing commission.

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

340.306. The board may issue a certificate of registration to an applicant, without examination, if the applicant submits proof, satisfactory to the board, that [he possesses the qualifications described in section 340.300; and] **the applicant:**

(1) [That the applicant] 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 [imposed by sections 340.200 to 340.330] **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) [That the applicant] Has been employed and supervised by a licensed veterinarian for a period of at least [three] **five** consecutive years preceding [his] **the applicant's** application to practice as a veterinary technician in Missouri.

340.308. 1. [The board shall hold at least one examination for veterinary technician annually. The board need not be present during the examination, but shall appoint an examination committee consisting of at least four persons, one of whom shall be the executive director. At least two members of the examination committee shall be present or available at all times during the examination.

2. The executive director shall give public notice of the time and place of each examination at least one hundred twenty days in advance of the date set for the examination.] Applicants shall

submit an application and the registration and examination fees at least sixty days prior to **taking** the examination.

[3. The board shall establish rules governing the preparation, administration and grading of the examination. The board may adopt the National Veterinary Technicians Examination prepared by the Professional Examination Service, or any other such examination prepared to the board's standards and satisfaction.

4. Examinations shall be designed to test the examinee's knowledge of, and 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 demonstrate scientific, practical and legal knowledge sufficient to establish to the board that he is competent to practice as a veterinary technician.

5. The examination committee must report the raw scores to the full board within sixty days of the examination.]

2. The board shall establish by rule the score needed to pass all examinations.

[6.] 3. The executive director shall notify each examinee within ninety days of the examination the results of the examination. If all the other requirements of registration have been met, the board shall issue certificates of registration to the persons who successfully completed the examination. The executive director shall record the certificates and hold the certificates until the applicant has met the requirements of section 340.310.

[7. If an applicant fails an examination, the applicant may take a subsequent examination upon payment of the registration and examination fees. No person may take the examination more than three times.]

340.312. 1. If the technician leaves the employment or supervision of the licensed veterinarian and is not employed by or supervised by another licensed veterinarian within thirty days of the termination of his **or her** employment, [his] **the technician's** certificate shall be placed on inactive status. It is the responsibility of the technician to inform the executive director within thirty days of termination of his **or her** employment. It is grounds for revocation of the technician's certificate if he **or she** fails to notify the executive director of such termination.

2. Any veterinary technician in the state of Missouri whose certificate has been on inactive status for at least five continuous years will be required to take continuing education as required by 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.

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 [his] **the certificate holder's** failure to respond within ten days will result in [the revocation of] his **or her** certificate **being declared**

non-current. 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 [automatically revoked] **declared non-current** and the executive director shall notify the certificate holder of such [revocation] **declaration** by certified mail, return receipt requested, at [his] **the certificate holder's** last known business and residence addresses **that his or her certification has been declared non-current and that the certificate holder shall not practice as a veterinary technician until he or she applies for reinstatement and pays the required fees.**

340.320. 1. Any person who practices as a veterinary technician 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 one year 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 one year has lapsed since the date the certificate expired. Such holder of an expired certificate must make application for a new certificate.

340.322. If the veterinary technician 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 finds proper employment. If the technician 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 if the technician meets all other requirements and qualifications for renewal.

340.324. The board shall not renew any certificate unless the holder provides satisfactory evidence that he **or she** has complied with the board's minimum requirements for continuing education.

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