

HOUSE BILL NO. 179

INTRODUCED BY A. REDFIELD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A LICENSE AND QUALIFICATIONS FOR VETERINARY
5 TECHNICIANS UNDER THE BOARD OF VETERINARY MEDICINE; OUTLINING A SCOPE OF PRACTICE FOR
6 LICENSED VETERINARY TECHNICIANS; PROVIDING A PENALTY FOR FALSELY CLAIMING TO BE A
7 LICENSED VETERINARY TECHNICIAN; ADDING A MEMBER TO THE BOARD OF VETERINARY MEDICINE
8 TO REPRESENT LICENSED VETERINARY TECHNICIANS; PROVIDING RULEMAKING AUTHORITY;
9 AMENDING SECTIONS 2-15-1742, 37-18-101, 37-18-102, 37-18-104, AND 37-18-502, MCA; AND PROVIDING
10 AN EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **NEW SECTION. Section 1. License required for veterinary technicians -- requirements -- license**
15 **renewal -- use of initials or terms.** (1) (a) An individual seeking to practice as a veterinary technician in this
16 state must be licensed as a veterinary technician by the board.

17 (b) The board may issue a temporary practice permit for a veterinary technician licensed or registered
18 in another state, as provided under 37-1-305.

19 (2) To be eligible for licensure as a veterinary technician, an applicant:

20 (a) shall file an application on a form furnished by the department and pay fees as prescribed by rule;

21 (b) must meet the requirements of subsection (3) and additional requirements set by the board by rule;

22 and

23 (c) shall comply with the provisions of 37-1-307, as directed by the board.

24 (3) (a) Except as provided in subsections (3)(b) and (3)(c), licensure requirements include:

25 (i) evidence of a passing grade of a national test and a Montana-specific test approved by the board by
26 rule; and

27 (ii) graduation from a school accredited by the American veterinary medical association or an equivalent
28 program as determined by the board by rule.

29 (b) The board may license an applicant who has a passing grade on a Montana-specific test and
30 concurrently is a credentialed veterinary technician, as defined by board rule, in Montana or in another state, as

1 provided in 37-1-304.

2 (c) The board may license an applicant who has a passing grade on a national test and a state-specific
3 test, as approved by board rule, and who, within a period of 3 years after [the effective date of this act], provides
4 evidence that the applicant had a minimum of 5,000 hours of experience equivalent to that of a veterinary
5 technician that was gained during a consecutive 5-year period immediately preceding [the effective date of this
6 act]. This evidence must be certified by letter by an employing veterinarian from that period. The board may
7 determine by rule the types of experience and the format for verifying the experience within that 5-year period
8 so that the board may determine whether these activities fit under the scope of practice for a veterinary
9 technician.

10 (4) To renew a license, a veterinary technician shall obtain, and attest to the board of having obtained,
11 continuing education of a level and method required and approved by the board by rule.

12 (5) (a) Subject to review by the board, a person who is not licensed under this section as a veterinary
13 technician may not state or imply orally, in writing, or in print that the person is a "veterinary technician" or
14 "licensed veterinary technician" or use the initials "VT" or "LVT".

15 (b) A person whose license has been suspended or revoked or whose license has lapsed may not use
16 either the titles or the initials listed under subsection (5)(a) until that person has fulfilled the requirements under
17 37-1-314 to reinstate the license.

18
19 **NEW SECTION. Section 2. Licensed veterinary technician scope of practice.** (1) A licensed
20 veterinary technician may, under written authorization and direction of a veterinarian licensed under this chapter,
21 administer or dispense drugs, medicines, or appliances.

22 (2) A licensed veterinary technician may perform the following tasks under the direct supervision of a
23 licensed veterinarian:

- 24 (a) apply casts and splints for the immobilization of fractures;
25 (b) suture a skin incision or wound, if the incision or wound has been prepared by a veterinarian;
26 (c) administer epidurals; or
27 (d) perform other procedures as provided by rule.

28 (3) In an emergency, a licensed veterinary technician is subject to the authority of the supervising
29 licensed veterinarian as provided in [section 4].

30

1 **NEW SECTION. Section 3. Penalties.** (1) A person found guilty by the board of violating use of the term
 2 "licensed veterinary technician" or "veterinary technician" or use of the initials "LVT" or "VT" to describe the
 3 person's qualifications when not licensed as a veterinary technician is guilty of a misdemeanor.

4 (2) The penalties under 37-18-501 apply to a licensed veterinary technician or a veterinary technician
 5 for unauthorized practice of veterinary medicine.

6
 7 **NEW SECTION. Section 4. Supervision of licensed veterinary technician or support staff -- failure**
 8 **to comply.** (1) A veterinarian licensed under 37-18-302 is responsible for determining whether tasks delegated
 9 to a licensed veterinary technician or support staff are:

- 10 (a) within the employee's training, experience, and skills;
 11 (b) allowed by rule under direct supervision, immediate supervision, or indirect supervision; and
 12 (c) clearly defined by written orders, established office protocols, or verbal directions in the case of an
 13 emergency.

14 (2) Even in cases of emergency, a veterinarian licensed under 37-18-302 is responsible for authorizing
 15 the licensed veterinarian technician or support staff to perform only those duties within the employee's scope of
 16 practice as provided in [section 2] or by rule.

17 (3) A veterinarian subject to this section may be cited for unprofessional conduct for failure to comply
 18 with this section.

19
 20 **Section 5.** Section 2-15-1742, MCA, is amended to read:

21 **"2-15-1742. Board of veterinary medicine.** (1) There is a board of veterinary medicine.

22 (2) The board consists of ~~six~~ seven members appointed by the governor with the consent of the senate;
 23 ~~five of whom.~~ Five members must be ~~licensed~~ licensed veterinarians licensed under Title 37, chapter 18. ~~and one of whom~~
 24 One member must be a veterinary technician licensed under Title 37, chapter 18. One member must be a public
 25 member who is a consumer of veterinary services and ~~who may is not be~~ a licensee of the board or of any other
 26 board under the department of labor and industry.

27 (3) (a) Each veterinarian board member must be a reputable licensed veterinarian who has graduated
 28 from a college that is authorized by law to confer degrees and that has educational standards equal to those
 29 approved by the American veterinary medical association. Each veterinarian board member must have actually
 30 and legally practiced veterinary medicine in either private practice or public service in this state for at least 5 years

1 immediately before appointment.

2 (b) The individual initially appointed as the licensed veterinary technician board member must have
3 practiced in this state for at least 5 years prior to [the effective date of this act] and must obtain a license under
4 Title 37, chapter 18, as a licensed veterinary technician by the time the individual becomes a board member. An
5 appointment subsequent to the initial appointment must meet only the requirement that the individual be a
6 veterinary technician licensed under Title 37, chapter 18.

7 (4) (a) Each member shall serve for a term of is 5 years. A member may be reappointed.

8 (b) The governor may, after notice and hearing, remove a member for misconduct, incapacity, or neglect
9 of duty.

10 (5) The board is allocated to the department for administrative purposes only as provided in 2-15-121."
11

12 **Section 6.** Section 37-18-101, MCA, is amended to read:

13 **"37-18-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions
14 apply:

15 (1) "Board" means the board of veterinary medicine provided for in 2-15-1742.

16 (2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

17 (3) "Direct supervision" means direction on an animal patient's care provided by a veterinarian licensed
18 under this chapter who is on the premises and readily available to take over direct care or to consult on animal
19 care directly with a licensed veterinary technician.

20 (4) "Emergency" means a life-threatening condition in which immediate treatment is necessary to sustain
21 life or, if death is imminent, to relieve pain and suffering.

22 (5) "Immediate supervision" means direction on an animal patient's care provided by a veterinarian
23 licensed under this chapter who is within direct eyesight and hearing range of a licensed veterinary technician
24 or support staff.

25 (6) "Indirect supervision" means direction on an animal patient's care from a veterinarian licensed under
26 this chapter who is not on the premises but is available to perform the duties of a licensed veterinarian by
27 maintaining direct communication with a licensed veterinary technician or support staff and who is in compliance
28 with [section 4]."

29

30 **Section 7.** Section 37-18-102, MCA, is amended to read:

1 **"37-18-102. Veterinary medicine defined.** (1) A person is considered to be practicing veterinary
2 medicine when the person does any of the following:

3 (a) represents to the public that the person is a veterinarian or is engaged in the practice of veterinary
4 medicine in any of its branches, either directly or indirectly;

5 (b) uses words, titles, or letters in this connection or on a display or advertisement or under
6 circumstances so as to induce the belief the person using them is engaged in the practice of veterinary medicine.
7 This use is prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary
8 medicine in any of its branches.

9 (c) diagnoses, prescribes, or administers a drug, medicine, appliance, application, or treatment of
10 whatever nature or performs a surgical operation or manipulation for the prevention, cure, or relief of a pain,
11 deformity, wound, fracture, bodily injury, physical condition, or disease of animals;

12 (d) instructs, demonstrates, or solicits by a notice, sign, or other indication, with contract either express
13 or implied, or otherwise, with or without the necessary instruments, for the administration of biologics or medicines
14 or animal disease cures for the prevention and treatment of disease of animals and remedies for the treatment
15 of internal parasites in animals;

16 (e) performs a manual or laboratory procedure on livestock for the diagnosis of pregnancy, sterility, or
17 infertility for remuneration or hire;

18 (f) performs acupuncture, ova or embryo transfer, or dentistry on animals;

19 (g) instructs others, except those covered under the provisions of 37-18-104(4), for compensation, in
20 any manner how to perform any acts that constitute the practice of veterinary medicine.

21 (2) Subsection (1)(e) may not in any way be construed to prohibit the pregnancy testing by any person
22 of the person's own farm animals or by the person's employees regularly employed in the conduct of the person's
23 business or by other persons whose services are rendered gratuitously.

24 (3) A licensed veterinary technician engaged in tasks as provided in [section 2] is practicing only those
25 forms of veterinary medicine allowed by law or by rule and must be under the indirect, direct, or immediate
26 supervision of a licensed veterinarian as provided by law or by rule or working under written instructions within
27 the scope of practice allowed under [section 2] or by rule.

28 ~~(3)~~(4) This section may not be construed as modifying, amending, altering, or repealing any part of
29 37-18-104."
30

1 **Section 8.** Section 37-18-104, MCA, is amended to read:

2 **"37-18-104. Exemptions -- rules.** (1) This chapter does not apply to:

3 (a) a veterinarian in the performance of the veterinarian's official duties, either civil or military, in the
4 service of the United States unless the veterinarian is engaged in the practice of veterinary medicine in a private
5 capacity;

6 (b) laboratory technicians and veterinary research workers, as distinguished from veterinarians, in the
7 employ of this state or the United States and engaged in labors in laboratories under the direct supervision of the
8 board of livestock, Montana state university-Bozeman, or the United States;

9 (c) a veterinarian practicing in another state or country and authorized under the laws of that state or
10 country to practice veterinary medicine, whose practice in this state is limited to an occasional case as that term
11 is defined in board rule; The board may, by rule, define conditions in which a veterinary technician licensed or
12 registered in another state may engage in occasional veterinary technician tasks in this state, as provided in
13 [section 2].

14 (d) the employment of a veterinary medical student who has successfully completed 3 years of the
15 professional curriculum in veterinary medicine at a college having educational standards equal to those approved
16 by the American veterinary medical association, if the student is employed by and works under the immediate
17 supervision of a veterinarian licensed and registered under this chapter; or

18 (e) a person advising with respect to or performing acts that the board defines by rule as accepted
19 livestock management practices.

20 (2) The operations known and designated as castrating or dehorning of cattle, sheep, horses, and swine
21 are not the practice of veterinary medicine within the meaning of this chapter.

22 (3) Nonsurgical embryo transfers in bovines may be performed under the indirect supervision of a
23 veterinarian licensed and residing in Montana. At a minimum, board rules regarding nonsurgical embryo transfers
24 in bovines must address:

25 (a) minimum education requirements;

26 (b) minimum requirements of practical experience;

27 (c) continuing education requirements;

28 (d) limitations on practices and procedures that may be performed by certified individuals;

29 (e) the use of specific drugs necessary for safe and proper practice of certified procedures;

30 (f) content and administration of the certification test, including written and practical testing;

1 (g) application and reexamination procedures; and

2 (h) conduct of certified individuals, including rules for suspension, revocation, and denial of certification.

3 (4) This chapter does not prohibit a person from caring for and treating the person's own farm animals
4 or being assisted in this treatment by the person's full-time employees, as defined in 2-18-601, employed in the
5 conduct of the person's business or by other persons whose services are rendered gratuitously in case of
6 emergency.

7 (5) This chapter does not prohibit the selling of veterinary remedies and instruments by a registered
8 pharmacist at the pharmacist's regular place of business.

9 (6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities
10 determined by board rule to be acceptable, when performed under the direct, immediate, or indirect supervision
11 of the employing veterinarian.

12 (7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for that
13 veterinarian's animal patients in cases of emergency. Permissible emergency employee activities under this
14 subsection include activities determined by board rule to be acceptable but do not include the performance of
15 surgery or the rendering of diagnoses.

16 (8) This chapter does not prohibit a certified agency from possessing, or a certified euthanasia technician
17 from administering, any controlled substance authorized by the board for the purpose of euthanasia pursuant to
18 part 6 of this chapter.

19 (9) The board shall adopt rules regarding which veterinary practices may be performed under direct,
20 immediate, or indirect supervision by a licensed veterinary technician or support staff."

21

22 **Section 9.** Section 37-18-502, MCA, is amended to read:

23 **"37-18-502. Injunction.** The board or any person may bring an action in the district court to enjoin a
24 person who is not licensed from engaging in the practice of veterinary medicine or the practice of a licensed
25 veterinary technician unless otherwise exempted under 37-18-104(4). ~~If the A court that finds that~~ the defendant
26 is violating or threatening to violate any provision of Title 37, chapter 18, it shall may enter an order restraining
27 the defendant from the violation, without regard to any criminal provisions of Title 37, chapter 18."
28

29 NEW SECTION. **Section 10. Codification instruction.** (1) [Sections 1, 2, and 3] are intended to be
30 codified as an integral part of Title 37, chapter 18, and the provisions of Title 37, chapter 18, apply to [sections

1 1, 2, and 3].

2 (2) [Section 4] is intended to be codified as an integral part of Title 37, chapter 18, part 3, and the
3 provisions of Title 37, chapter 18, part 3, apply to [section 4].

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5 NEW SECTION. **Section 11. Effective date.** [This act] is effective July 1, 2019.

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