

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 A DELAYED~~ EFFECTIVE DATE."

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

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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  
22 (c) MUST MEET additional requirements set by the board by rule; ~~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:~~ SUBSECTION  
25 (3)(B), AN APPLICANT MUST

26 ~~(i) evidence of a passing grade of a national test and a Montana-specific test approved by the board by~~  
27 ~~rule; and~~  
28 ~~\_\_\_\_\_ (ii) graduation from a school accredited by the American veterinary medical association or an equivalent~~  
29 ~~program as determined by the board by rule.~~

30 ~~\_\_\_\_\_ (b) The board may license an applicant who has a passing grade on a Montana-specific test and~~



1 concurrently is a credentialed veterinary technician, as defined by board rule, in Montana or in another state, as  
 2 provided in 37-1-304.

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

11 ~~———— (4) To renew a license, a veterinary technician shall obtain, and attest to the board of having obtained,  
 12 continuing education of a level and method required and approved by the board by rule: HAVE GRADUATED FROM  
 13 AN ACCREDITED COLLEGE OR UNIVERSITY AS DETERMINED BY BOARD RULE. AN INDIVIDUAL WHO HAS GRADUATED FROM  
 14 AN ACCREDITED COLLEGE OR UNIVERSITY AS DETERMINED BY BOARD RULE IN ACCORDANCE WITH THIS SUBSECTION AND  
 15 IS SEEKING LICENSURE AS A VETERINARY TECHNICIAN MAY VOLUNTEER TO TAKE AN EXAMINATION PRESCRIBED BY THE  
 16 BOARD.~~

17 (B) APPLICANTS UNABLE TO MEET THE REQUIREMENT OF SUBSECTION (3)(A) SHALL:

18 (I) PASS AN EXAMINATION PRESCRIBED BY THE BOARD; AND

19 (II) WITHIN A PERIOD OF 5 YEARS, OBTAIN OR MUST HAVE OBTAINED A MINIMUM OF 5,000 HOURS OF EXPERIENCE  
 20 EQUIVALENT TO THAT OF A VETERINARY TECHNICIAN. THE EXPERIENCE MUST BE GAINED OR HAVE BEEN GAINED DURING  
 21 A CONSECUTIVE 5-YEAR PERIOD.

22 ~~(5)(4) (a) Subject to review by the board, a person who is not licensed under this section DOES NOT HOLD  
 23 AN ACTIVE LICENSE as a veterinary technician may not state or imply orally, in writing, or in print that the person  
 24 is a "veterinary technician" or "licensed veterinary technician" or use the initials "VT" or "LVT".~~

25 ~~(b) A person whose license has been suspended or revoked or whose license has lapsed may not use  
 26 either the titles or the initials listed under subsection (5)(a) until that person has fulfilled the requirements under  
 27 37-1-314 to reinstate the license.~~

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 29 NEW SECTION. Section 2. Licensed veterinary technician scope of practice. (1) A licensed  
 30 veterinary technician may, under written authorization and direction of a veterinarian licensed under this chapter,

1 administer or dispense drugs, medicines, or appliances.

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

4 (a) apply casts and splints for the immobilization of fractures;

5 (b) suture a skin incision or wound, if the incision or wound has been prepared by a veterinarian;

6 (c) administer epidurals; or

7 (d) perform other procedures as provided by rule.

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

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

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

16  
17 **NEW SECTION. Section 4. Supervision of licensed veterinary technician or support staff -- failure**  
18 **to comply.** (1) A veterinarian licensed under 37-18-302 is responsible for determining whether tasks delegated  
19 to a licensed veterinary technician or support staff are:

20 (a) within the employee's training, experience, and skills;

21 (b) allowed by rule under direct supervision, immediate supervision, or indirect supervision; and

22 (c) clearly defined by written orders, established office protocols, or verbal directions in the case of an  
23 emergency.

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

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

29  
30 **Section 5.** Section 2-15-1742, MCA, is amended to read:



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

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

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

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

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

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

20           (5) The board is allocated to the department for administrative purposes only as provided in 2-15-121."  
21

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

23           **"37-18-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions  
24 apply:

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

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

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

30           (4) "Emergency" means a life-threatening condition in which immediate treatment is necessary to sustain

1 life or, if death is imminent, to relieve pain and suffering.

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

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

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

11 **"37-18-102. Veterinary medicine defined.** (1) A person is considered to be practicing veterinary  
12 medicine when the person does any of the following:

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

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

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

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

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

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

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

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

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

8           ~~(3)~~(4) This section may not be construed as modifying, amending, altering, or repealing any part of  
9 37-18-104."

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

12           **"37-18-104. Exemptions -- rules.** (1) This chapter does not apply to:

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

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

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

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

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

30           (2) The operations known and designated as castrating or dehorning of cattle, sheep, horses, and swine

1 are not the practice of veterinary medicine within the meaning of this chapter.

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

5 (a) minimum education requirements;

6 (b) minimum requirements of practical experience;

7 (c) continuing education requirements;

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

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

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

11 (g) application and reexamination procedures; and

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Section 11. Effective date.** [This act] is effective July 1, ~~2019~~ 2020.

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