



AN ACT CREATING A LICENSE AND QUALIFICATIONS FOR VETERINARY TECHNICIANS UNDER THE BOARD OF VETERINARY MEDICINE; OUTLINING A SCOPE OF PRACTICE FOR LICENSED VETERINARY TECHNICIANS; PROVIDING A PENALTY FOR FALSELY CLAIMING TO BE A LICENSED VETERINARY TECHNICIAN; ADDING A MEMBER TO THE BOARD OF VETERINARY MEDICINE TO REPRESENT LICENSED VETERINARY TECHNICIANS; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-15-1742, 37-18-101, 37-18-102, 37-18-104, AND 37-18-502, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

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

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

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

(b) must meet the requirements of subsection (3); and

(c) must meet additional requirements set by the board by rule.

(3) (a) Except as provided in subsection (3)(b), an applicant must be a graduate of a program accredited by the American veterinary medical association as determined by board rule and pass an examination as prescribed by the board.

(b) An applicant who does not meet the qualifications required in subsection (3)(a) shall:

(i) obtain a minimum of 4,500 hours of experience equivalent to that of a licensed veterinary technician; and

(ii) pass an examination as prescribed by the board.

(4) Subject to review by the board, a person who does not hold an active license as a veterinary technician may not state or imply orally, in writing, or in print that the person is a "licensed veterinary technician" or use the initials "LVT".

Section 2. Licensed veterinary technician scope of practice. (1) A licensed veterinary technician may, under written authorization and direction of a veterinarian licensed under this chapter, administer or dispense drugs, medicines, or appliances and perform procedures as provided by rule.

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

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

(2) The penalties under 37-18-501 apply to a licensed veterinary technician who performs a procedure that is not within the scope of practice allowed to a licensed veterinary technician as provided in [section 2].

Section 4. Supervision of licensed veterinary technician -- failure to comply. (1) A veterinarian licensed under 37-18-302 is responsible for determining whether tasks delegated to a licensed veterinary technician are:

(a) within the employees' training, expertise, and skills;

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

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

(2) Even in a case of emergency, a veterinarian licensed under 37-18-302 is responsible for authorizing the licensed veterinary technician to perform only those duties within the employees' scope of practice as provided in [section 2] or by rule.

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

with this section.

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

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

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

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

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

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

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

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

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

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

- (1) "Board" means the board of veterinary medicine provided for in 2-15-1742.
- (2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17."
- (3) "Direct supervision" means direction on an animal patient's care provided by a veterinarian licensed under this chapter who is on the premises and readily available to take over direct care or to consult on animal care directly with a licensed veterinary technician.
- (4) "Emergency" means a life-threatening condition in which immediate treatment is necessary to sustain life or, if death is imminent, to relieve pain and suffering.
- (5) "Immediate supervision" means direction on an animal patient's care provided by a veterinarian licensed under this chapter who is within direct eyesight and hearing range of a licensed veterinary technician.
- (6) "Indirect supervision" means direction on an animal patient's care provided by a veterinarian licensed under this chapter who is not on the premises but is available to perform the duties of a licensed veterinarian by maintaining direct communication with a licensed veterinary technician and who is in compliance with [section 4]."

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

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

- (a) represents to the public that the person is a veterinarian or is engaged in the practice of veterinary medicine in any of its branches, either directly or indirectly;
- (b) uses words, titles, or letters in this connection or on a display or advertisement or under circumstances so as to induce the belief the person using them is engaged in the practice of veterinary medicine. This use is prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine in any of its branches.
- (c) diagnoses, prescribes, or administers a drug, medicine, appliance, application, or treatment of whatever nature or performs a surgical operation or manipulation for the prevention, cure, or relief of a pain, deformity, wound, fracture, bodily injury, physical condition, or disease of animals;
- (d) instructs, demonstrates, or solicits by a notice, sign, or other indication, with contract either

express or implied, or otherwise, with or without the necessary instruments, for the administration of biologics or medicines or animal disease cures for the prevention and treatment of disease of animals and remedies for the treatment of internal parasites in animals;

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

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

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

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

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

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

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

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

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

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

(c) a veterinarian practicing in another state or country and authorized under the laws of that state or country to practice veterinary medicine, whose practice in this state is limited to an occasional case as that term

is defined in board rule. The board may, by rule, define conditions in which a veterinary technician licensed or registered in another state may engage in occasional veterinary technician tasks in this state, as provided in [section 2];.

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

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

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

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

- (a) minimum education requirements;
- (b) minimum requirements of practical experience;
- (c) continuing education requirements;
- (d) limitations on practices and procedures that may be performed by certified individuals;
- (e) the use of specific drugs necessary for safe and proper practice of certified procedures;
- (f) content and administration of the certification test, including written and practical testing;
- (g) application and reexamination procedures; and
- (h) conduct of certified individuals, including rules for suspension, revocation, and denial of certification.

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

(5) This chapter does not prohibit the selling of veterinary remedies and instruments by a registered

pharmacist at the pharmacist's regular place of business.

(6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities determined by board rule to be acceptable, when performed under the direct, immediate, or indirect supervision of the employing veterinarian. The board shall adopt rules regarding which veterinary practices may be performed under direct, immediate, or indirect supervision by a licensed veterinary technician.

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

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

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."

Section 10. Codification instruction. (1) [Sections 1 through 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 through 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].

Section 11. Effective date. [This act] is effective January 1, 2023.

- END -

I hereby certify that the within bill,
SB 106, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 106

INTRODUCED BY W. SALES

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