

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 33:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to
2 veterinarians and veterinary technicians, so as to provide for the State Board of Veterinary
3 Medicine to be an independent state agency attached to the Department of Agriculture for
4 administrative purposes only; to provide for contracting with the Department of Agriculture
5 for licensing services; to provide for reimbursement of members of the State Board of
6 Veterinary Medicine; to provide for venue; to provide for the powers and duties of the board;
7 to authorize the board to employ an executive director; to provide for the powers and duties
8 of the executive director; to provide for related matters; to provide for an effective date; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to veterinarians
13 and veterinary technicians, is amended by adding a new paragraph in Code Section 43-50-3,
14 relating to definitions, to read as follows:

15 "(14.1) 'Executive director' means the executive director appointed by the State Board
16 of Veterinary Medicine pursuant to Code Section 43-50-20."

H. B. 33 (SUB)

17 **SECTION 2.**

18 Said chapter is further amended by revising Article 2, relating to the State Board of
19 Veterinary Medicine, as follows:

20 "ARTICLE 2

21 43-50-20.

22 (a) There shall be a State Board of Veterinary Medicine, the members of which shall be
23 appointed by the Governor with the approval of the ~~Secretary of State~~ Commissioner of
24 Agriculture and confirmation by the Senate. The board shall consist of seven members,
25 each appointed for a term of no more than five years or until his or her successor is
26 appointed. Five members of the board shall be duly licensed veterinarians actually
27 engaged in active practice for at least five years prior to appointment, and at least one of
28 whom shall be in active practice as a veterinarian of large animals. The sixth member shall
29 be appointed from the public at large and shall in no way be connected with the practice
30 of veterinary medicine. The seventh member shall be a registered veterinary technician
31 who has been registered and actively engaged in the practice of veterinary technology for
32 at least five years prior to appointment. The initial appointment of the registered veterinary
33 technician shall expire on June 30 in the fifth calendar year after this subsection becomes
34 effective; thereafter, successors shall be appointed for a term of five years. ~~Those members~~
35 ~~of the State Board of Veterinary Medicine serving on July 1, 2003, shall continue to serve~~
36 ~~as members of the board until the expiration of the term for which they were appointed.~~
37 ~~Thereafter, successors to such board members shall be appointed~~ in accordance with this
38 Code section. A majority of the board shall constitute a quorum.

39 (b) Vacancies due to death, resignation, removal, or otherwise shall be filled for the
40 remainder of the unexpired term in the same manner as regular appointments. No person

41 shall serve two consecutive five-year terms, but a person appointed for a term of less than
42 five years may succeed himself or herself.

43 (c) Each member of the board ~~shall be reimbursed as provided for in subsection (f) may~~
44 receive the expense allowance as provided by subsection (b) of Code
45 Section ~~43-1-2~~ 45-7-21.

46 (d) Any member of the board may be removed by the Governor after a hearing by the
47 board determines cause for removal.

48 (e) The board shall meet at least once each year at the time fixed by the board. Other
49 necessary meetings may be called by the president of the board by giving such notice as
50 shall be established by the board. Meetings shall be open and public except that the board
51 may meet in closed session as set forth in Code Section 50-14-3.

52 (f) At its annual meeting, the board shall organize by electing a president and such other
53 officers as may be required by the board. Officers of the board serve for terms of one year
54 and until a successor is elected, without limitation on the number of terms an officer may
55 serve. The president shall chair the board meetings.

56 (g) On and after July 1, 2023, the board shall be attached to the Department of Agriculture,
57 but shall not be considered a division as such term is defined in Code Section 43-1-1. The
58 board shall neither be under the jurisdiction of the Secretary of State or the Commissioner
59 of Agriculture nor be under the direction of the director of the professional licensing boards
60 division of the Secretary of State. The board shall not be subject to the provisions of
61 Chapter 1 of this title.

62 (h) The responsibility for enforcement of the provisions of this chapter shall be vested in
63 the board, and the board shall have all of the duties, powers, and authority granted by or
64 necessary for the administration and enforcement of this chapter.

65 (i) The board shall in its discretion appoint and fix the compensation of an executive
66 director who shall be a full-time employee of the Department of Agriculture and shall serve
67 at the pleasure of the board and the Department of Agriculture. The executive director

68 shall be charged with such other duties and powers as provided in Code Section 43-50-23
69 or as delegated by the board. The executive director shall serve as the secretary of the
70 board ex officio, but shall not be a voting member of the board or a member for purposes
71 of constituting a quorum.

72 (j) The board members, executive director, and other employees of the board shall be
73 allowed reimbursement for travel and other expenses incurred in the performance of their
74 duties, the same as other state officers and employees.

75 (k) The venue of any action involving members of the board shall be the county in which
76 is found the primary office of the board. Any notice or legal process necessary to be served
77 upon the board may be served upon the executive director, but the executive director shall
78 not be considered a member of the board in determining the venue of any such action, and
79 no court shall have jurisdiction over any such action solely by virtue of the executive
80 director residing or maintaining a residence within its jurisdiction.

81 43-50-21.

82 (a) The board shall have the power to:

83 (1) Examine and determine the qualifications and fitness of applicants for licenses to
84 practice veterinary medicine and veterinary technology in this state;

85 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice veterinary
86 medicine or veterinary technology in this state or otherwise discipline licensed
87 veterinarians and licensed veterinary technicians; and to issue, renew, deny, suspend, or
88 revoke veterinary faculty licenses, consistent with this chapter and the rules and
89 regulations adopted under this chapter;

90 (3) Conduct investigations for the purpose of discovering violations of this chapter or
91 grounds for disciplining persons licensed under this chapter or, through the executive
92 director, request the Department of Agriculture to conduct investigations;

- 93 (4) Inspect veterinary premises and equipment, including mobile veterinary clinics, at
94 any time in accordance with protocols established by rule of the board;
- 95 (5) Hold hearings on all matters properly brought before the board; and, in connection
96 therewith, to administer oaths, receive evidence, make the necessary determinations, and
97 enter orders consistent with the findings. The board may designate one or more of its
98 members to serve as its hearing officer;
- 99 (6) Appoint from its own membership one member to act as a representative of the board
100 at any meeting within or outside the state where such ~~representative~~ representation is
101 deemed desirable;
- 102 (7) Bring proceedings in the courts for the enforcement of this chapter or any rules and
103 regulations made pursuant to this chapter;
- 104 (8) Adopt, amend, or repeal all rules necessary for its government and all regulations
105 necessary to carry this chapter into effect, including without limitation the establishment
106 and print or electronic publication of standards of professional conduct for the practice
107 of veterinary medicine and veterinary technology; ~~and~~
- 108 (9) Establish and publish annually a schedule of fees for examinations, licensing, and
109 licensing renewal; and
- 110 (10) Contract with the Department of Agriculture for the administration of any services
111 related to licensing under this chapter.
- 112 (b) The powers enumerated in subsection (a) of this Code section are granted for the
113 purpose of enabling the board to supervise effectively the practice of veterinary medicine
114 and veterinary technology and are to be construed liberally to accomplish these objectives.
- 115 ~~43-50-21.1.~~ 43-50-22.
- 116 (a) As used in this Code section, the term:
- 117 (1) 'Entity' means an organization or medical professional association which conducts
118 professional health programs.

119 (2) 'Impaired' means the inability of a veterinarian to practice with reasonable skill and
120 safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or
121 any other type of material, or as a result of any mental or physical condition.

122 (3) 'Professional health program' means a program established for the purposes of
123 monitoring and rehabilitation of impaired veterinarians.

124 (b) The board shall be authorized to conduct a professional health program to provide
125 monitoring and rehabilitation of impaired veterinarians in this state. To this end, the ~~office~~
126 ~~of the Secretary of State~~ executive director on behalf of the board shall be authorized to
127 enter into a contract with an entity for the purpose of establishing and conducting such
128 professional health program, including but not limited to:

129 (1) Monitoring and rehabilitation of impaired veterinarians;

130 (2) Performing duties related to paragraph (10) of subsection (a) of Code
131 Section 43-50-41; and

132 (3) Performing such other related activities as determined by the board.

133 (c) Notwithstanding the provisions of subsection (h) of Code Section 43-50-41, the board
134 shall be authorized to provide pertinent information regarding veterinarians, as determined
135 by the board and in its sole discretion, to the entity for its purposes in conducting a
136 professional health program pursuant to this Code section.

137 (d) All information, interviews, reports, statements, memoranda, or other documents
138 furnished to the entity by the board or other source or produced by the entity and any
139 findings, conclusions, recommendations, or reports resulting from the monitoring or
140 rehabilitation of veterinarians pursuant to this Code section are declared to be privileged
141 and confidential and shall not be subject to Article 4 of Chapter 18 of Title 50, relating to
142 open records. All such records of the entity shall be confidential and shall be used by such
143 entity and its employees and agents only in the exercise of the proper function of the entity
144 pursuant to its contract authorized by subsection (b) of this Code section. Such
145 information, interviews, reports, statements, memoranda, or other documents furnished to

146 or produced by the entity and any findings, conclusions, recommendations, or reports
147 resulting from the monitoring or rehabilitation of veterinarians shall not be available for
148 court subpoenas or for discovery proceedings.

149 (e) An impaired veterinarian who participates in a professional health program conducted
150 pursuant to this Code section shall bear all costs associated with such participation.

151 43-50-23.

152 The executive director shall:

153 (1) Keep all records related to the board and its proceedings;

154 (2) With the approval of the board, employ and fix the compensation of personnel as
155 deemed necessary to assist the executive director in his or her duties or the duties of the
156 board. Persons hired for the purpose of conducting investigations on behalf of the board
157 shall have a level of experience or knowledge of the area of practice needing to be
158 investigated, including, but not limited to, veterinary medicine, that is acceptable to the
159 board;

160 (3) With the consent of the board, schedule the time and location for all examinations,
161 meetings, and hearings and maintain a schedule of all examinations, meetings, and
162 hearings that shall be available for public review;

163 (4) With the approval of the board, enter into such contracts, leases, agreements, or other
164 transactions with any person or agency as are deemed necessary to carry out the
165 provisions of this chapter or to provide the services required by the board;

166 (5) Prepare and deliver a written annual report to the Governor and the chairpersons of
167 the House and Senate Appropriations Committees on or before the second Tuesday in
168 January of each year covering the activities of the board for the previous calendar year,
169 which shall also be made available to any member of the General Assembly upon request.
170 The report shall include a summary of all actions taken by the board, a financial report
171 of all income and disbursements, staff personnel, and number of persons licensed by the

172 board. The Governor may request a preliminary financial report for budgetary purposes
173 prior to the executive director delivering the annual report; and
174 (6) Prepare and maintain a roster containing the names of all current licensees for each
175 type of license issued by the board. A copy of this roster shall be available to any person
176 upon request at a fee prescribed by the executive director sufficient to cover the cost of
177 printing and distribution. The following shall be treated as confidential and need not be
178 disclosed without the approval of the board:

179 (A) Applications and other personal information submitted by applicants, except to the
180 applicant, staff, and the board;

181 (B) Information, favorable or unfavorable, submitted by a reference source concerning
182 an applicant, except to the staff and the board;

183 (C) Examination questions and other examination materials, except to the staff and the
184 board; and

185 (D) The deliberations of the board with respect to an application, an examination, a
186 complaint, an investigation, or a disciplinary proceeding, except as may be contained
187 in official board minutes."

188 **SECTION 2.**

189 This Act shall become effective on January 1, 2024.

190 **SECTION 3.**

191 All laws and parts of laws in conflict with this Act are repealed.