

House Bill 956 (COMMITTEE SUBSTITUTE)

By: Representatives Pirkle of the 155th, McCall of the 33rd, and Jasperse of the 11th

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 change certain provisions relating to
3 definitions relative to such chapter; to change certain provisions relating to exemptions from
4 licensing and registration requirements; to change certain provisions relating to veterinary
5 technicians; to provide for legislative purpose; to authorize the practice of veterinary
6 technology by veterinary technicians under certain circumstances; to change certain
7 provisions relating to application for license as a licensed veterinary technician, and
8 responsibility of the State Board of Veterinary Medicine; to change certain provisions
9 relating to scheduling and administration of examinations, reexamination, and reactivation;
10 to change certain provisions relating to supervision required and prohibited activities of
11 technicians; to change certain provisions relating to posting notice of use of veterinary
12 technicians, proper identification, limitation on number of technicians supervised and
13 employed, and exceptions; to change certain provisions relating to veterinarian responsibility
14 for veterinary technician's violations of duties; to authorize the practice of veterinary
15 technology by veterinary assistants under certain circumstances; to provide for supervision
16 and utilization of veterinary assistants; to provide for posting notice of use of veterinary
17 assistants and proper identification; to provide for authority to enact rules and regulations;
18 to amend Article 11 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated,
19 relating to military, emergency management, and veterans affairs generally, so as to revise
20 a cross-reference; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to veterinarians
24 and veterinary technicians, is amended by revising said chapter to read as follows:

25 "CHAPTER 50

26 ARTICLE 1

27 43-50-1.

28 This chapter shall be known and may be cited as the 'Georgia Veterinary Practice Act.'

29 43-50-2.

30 ~~This chapter is enacted as an exercise of the powers of the state to promote the public~~
31 ~~health, safety, and welfare by safeguarding the people of this state against incompetent,~~
32 ~~dishonest, or unprincipled practitioners of veterinary medicine or veterinary technology.~~33 It is the purpose of this chapter to promote, preserve, and protect the public health, safety,
34 and welfare of the people of this state by and through the effective control and regulation
35 of persons who are licensed veterinarians and licensed veterinary technicians in this state;
36 to provide a uniform state-wide regulatory scheme to be enforced by the board through the
37 Georgia Veterinary Practice Act; and to provide the board with oversight of the persons
38 practicing veterinary medicine within this state.

39 43-50-3.

40 As used in this chapter, the term:

41 (1) 'Accredited college or school of veterinary medicine' means any veterinary college
42 or school or division of a university or college that offers the degree of Doctor of
43 Veterinary Medicine or its equivalent and that conforms to the standards required for
44 accreditation by the American Veterinary Medical Association Council on Education or
45 its successor organization.46 (2) ~~'Animal' means any animal other than man and includes fowl, birds, fish, and reptiles,~~
47 ~~wild or domestic, living or dead.~~48 (3) ~~'AVMA accredited~~ 'Accredited program in veterinary technology' means any
49 postsecondary educational program of two or more academic years that has fulfilled the
50 essential criteria established by the Committee on Veterinary Technician Education and
51 Activities and approved by the American Veterinary Medical Association or its successor
52 organization.53 (3) 'Animal' means any animal other than human and includes fowl, birds, fish, and
54 reptiles, wild or domestic, living or dead.55 (4) 'Animal patient' means an animal or group of animals examined or treated by a
56 licensed veterinarian.

57 (5) 'Animal shelter' means a public or private humane society, animal shelter, society for
58 the prevention of cruelty to animals, animal protection or control agency, rescue group,
59 or other similar organization, that provides shelter and care for homeless animals.

60 (6) 'Approved program of continuing education' means an educational program approved
61 by the board or offered by an approved provider of continuing education.

62 (7) 'Approved provider of continuing education' means any individual, university, or
63 college, or other entity that has met the requirements of the board to provide educational
64 courses that are designed to assure continued competence in the practice of veterinary
65 medicine or veterinary technology.

66 ~~(4)~~(8) 'Board' means the State Board of Veterinary Medicine.

67 ~~(5) 'Direct supervision' means that the licensed veterinarian is on the premises and is~~
68 ~~quickly and easily available and that the animal patient has been examined by a licensed~~
69 ~~veterinarian at such time as acceptable veterinary medical practice requires, consistent~~
70 ~~with the particular delegated animal health care task.~~

71 (9) 'Client' means a person who has engaged the service of a licensed veterinarian for the
72 care of an animal within their scope of control as an owner or caretaker of such animal.

73 (10) 'Complementary, alternative, and integrative therapies' means a heterogeneous
74 group of preventive, diagnostic, and therapeutic philosophies and practices that include,
75 but are not limited to, veterinary acupuncture, acuthery, and acupressure; veterinary
76 homeopathy; veterinary manual or manipulative therapy; veterinary nutraceutical therapy;
77 and veterinary phytotherapy.

78 (11) 'Consultation' means the act of a licensed veterinarian receiving advice in person,
79 telephonically, electronically, or by any other method of communication from a
80 veterinarian licensed in this or any other state or other person whose expertise, in the
81 opinion of the licensed veterinarian, may benefit an animal patient.

82 (12) 'Continuing education' means training which is designed to assure continued
83 competence in the practice of veterinary medicine or veterinary technology.

84 (13) 'Direct supervision' means oversight by a licensed veterinarian located on the same
85 premises where an animal is being treated, who is quickly and easily available.

86 ~~(6)~~(14) 'ECFVG certificate or its substantial equivalent' means a certificate issued by the
87 American Veterinary Medical Association Educational Commission for Foreign
88 Veterinary Graduates or its successor organization indicating the holder has demonstrated
89 knowledge and skill equivalent to that possessed by a graduate of an accredited college
90 of veterinary medicine.

91 (15) 'Extralabel use' means the actual use or intended use of a drug in an animal in a
92 manner that is not in accordance with the approved labeling. This includes, but is not
93 limited to, use in species not listed in the labeling; use for indications, disease, or other

94 conditions not listed in the labeling; use at dosage levels, frequencies, or routes of
 95 administration other than those stated in the labeling; and deviation from the labeled
 96 withdrawal time based on such different uses.

97 (16) 'Food animal' means any animal that is raised for the production of an edible
 98 product intended for consumption by humans or is itself intended for consumption. Such
 99 term shall include, but is not limited to, eggs, cattle, beef or dairy, swine, sheep, goats,
 100 poultry, nonornamental fish, and any other animal designated by the veterinarian as a
 101 food animal.

102 ~~(7)~~(17) 'Immediate supervision' means the oversight by a licensed veterinarian is located
 103 in the immediate area and within audible and visual range of the animal patient and the
 104 person treating the animal patient.

105 ~~(8)~~(18) 'Indirect supervision' means the oversight by a licensed veterinarian is not
 106 required to be on the premises but when such licensed veterinarian has given either
 107 written or oral instructions for the treatment of the animal patient and the animal has been
 108 examined by a licensed veterinarian at such times as acceptable veterinary medical
 109 practice requires, consistent with the particular delegated health care task and is readily
 110 available by telephone or other forms of immediate communication.

111 (19) 'Informed consent' means the veterinarian has presented treatment options, and
 112 made reasonable efforts to inform the client, verbally or in writing, of the diagnostic and
 113 treatment options, risk assessment, and prognosis, which are appropriate and probable for
 114 the case in the veterinarian's judgment following the standard of care, which the
 115 veterinarian agrees to provide and the client consents to have performed.

116 ~~(9)~~(20) 'Licensed veterinarian' means a person who is validly and currently licensed to
 117 practice veterinary medicine in this state.

118 (21) 'Livestock' means farm animals, animals that produce tangible personal property for
 119 sale, or animals that are processed, manufactured, or converted into articles of tangible
 120 personal property for sale. The term does not include living animals that are commonly
 121 regarded as domestic pets or companion animals.

122 (22) 'PAVE certificate or its substantial equivalent' means a certificate issued by the
 123 American Association of Veterinary State Boards or its successor organization indicating
 124 the holder has demonstrated knowledge and skill equivalent to that possessed by a
 125 graduate of an accredited college of veterinary medicine.

126 ~~(10)~~(23) 'Person' means any individual, firm, partnership, limited liability company,
 127 association, joint venture, cooperative, and corporation or any other group or combination
 128 acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or
 129 as any other kind of legal or personal representative, or as the successor in interest,

130 assignee, agent, factor, servant, employee, member, director, officer, or any other
131 representative of such person.

132 ~~(11)~~(24) 'Practice veterinary medicine' or 'practice of veterinary medicine' means:

133 (A) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity,
134 defect, injury, or other physical or mental conditions, including the ~~prescription~~
135 prescribing, administration, or dispensing of any prescription drug, medicine, biologic,
136 apparatus, application, anesthetic, or other therapeutic or diagnostic substance or
137 technique on, for, or to any animal, including, but not limited to, the use of
138 complementary, alternative, and integrative therapies, ~~acupuncture~~, animal dentistry,
139 manual or mechanical adjustment procedures, physical therapy, rehabilitation, surgery,
140 diagnostic veterinary pathology, any manual, mechanical, biological, or chemical
141 procedure used for pregnancy testing or for correcting sterility or infertility, or to render
142 advice or recommendations with regard to any of the above; but not including such
143 administration or dispensing pursuant to prescription or direction of a licensed
144 veterinarian;

145 (B)(i) To apply or use any instrument or device on any portion of an animal's tooth,
146 gum, or any related tissue for the prevention, cure, or relief of any wound, fracture,
147 injury, disease, or other condition of an animal's tooth, gum, or related tissue.

148 (ii) To engage in preventive dental procedures on animals, including, but not limited
149 to, the removal of calculus, soft deposits, plaque, or stains or the smoothing, filing,
150 or polishing of tooth surfaces.

151 (iii) Nothing in this subparagraph shall prohibit any person from utilizing cotton
152 swabs, gauze, dental floss, dentifrice, toothbrushes, or similar items to clean an
153 animal's teeth;

154 (C) To represent, directly or indirectly, publicly or privately, an ability and willingness
155 to do any act described in subparagraphs (A) and (B) of this paragraph;

156 (D) To use any title, words, abbreviation, or letters in a manner or under circumstances
157 which induce the belief that the person using them is legally authorized or qualified to
158 perform an act included in this paragraph. Such use shall be evidence of the intention
159 to represent oneself as engaged in the practice of veterinary medicine;

160 (E) To apply principles of environmental sanitation, food inspection, environmental
161 pollution control, zoonotic disease control, and disaster medicine in the promotion and
162 protection of public health as it specifically relates to animals. This subparagraph shall
163 apply only to licensed veterinarians and not to other qualified ~~individuals~~ persons;

164 (F) To collect blood or other samples for the purpose of diagnosing diseases or related
165 conditions. This subparagraph shall not apply to unlicensed professionals employed by

166 or under contract with the United States Department of Agriculture or the Georgia
 167 Department of Agriculture who are engaged in their official duties; or
 168 (G) To administer a rabies vaccination to any animal that the state requires to be
 169 vaccinated.

170 (25) 'Practice veterinary technology' or 'veterinary technology' means:

171 (A) To perform animal patient care or other services that require a technical
 172 understanding of veterinary medicine by a licensed veterinary technician on the basis
 173 of written or oral instruction of a licensed veterinarian, excluding diagnosing,
 174 prognosing, performing surgery, prescribing, or dispensing;

175 (B) To represent, directly or indirectly, publicly or privately, an ability and willingness
 176 to engage in any act described in subparagraph (A) of this paragraph; or

177 (C) To use any title, words, abbreviation, or letters, while engaged in the practice of
 178 licensed veterinary technology, in a manner or under circumstances that induce the
 179 belief that the person using them is qualified to engage in an act included in
 180 subparagraph (A) of this paragraph.

181 ~~(12)~~(26) 'Prescription drug' includes any medicine, medication, or pharmaceutical or
 182 biological product whose manufacturer's label must, pursuant to federal or state law, have
 183 the following statement printed on its packaging: 'Federal law restricts this drug to use
 184 by or on the order of a licensed veterinarian'; or any over-the-counter product that is used
 185 in a manner different from the label directions and that by definition requires a valid
 186 veterinarian-client-patient relationship for ~~prescription~~ prescribing or dispensing.

187 ~~(13) Reserved.~~

188 ~~(14)~~(27) 'Veterinarian' means a person who has received a doctorate degree in veterinary
 189 medicine from a college or school of veterinary medicine.

190 ~~(15)~~(28) 'Veterinarian-client-patient relationship' means that:

191 (A) The licensed veterinarian has assumed the responsibility for making medical
 192 judgments regarding the health of the animal and the need for medical treatment, and
 193 the client ~~(owner or caretaker) has agreed to follow the instruction of~~ has given
 194 informed consent for services provided by the licensed veterinarian;

195 (B) There is sufficient knowledge of the animal by the licensed veterinarian to initiate
 196 at least a general or preliminary diagnosis of the medical condition of the animal;
 197 provided, however, that such initial relationship cannot be established solely, but may
 198 be maintained, by telephone, computer, or other electronic means. This means that the
 199 licensed veterinarian has recently seen and is personally acquainted with the keeping
 200 and care of the animal by the virtue of examination of the animal or by medically
 201 appropriate and timely visits, as deemed necessary by the licensed veterinarian, to the
 202 premises where the animal is kept or by medically appropriate and timely visits by the

203 licensed veterinarian to premises within an operation or production system where the
204 animal or groups of animals are kept; and

205 (C) A licensed veterinarian is readily available for follow up ~~in the case of adverse~~
206 ~~reactions or failure of the regimen of therapy~~ care or consultation or has arranged for:

207 (i) Veterinary emergency coverage; and

208 (ii) Continuing care and treatment by another licensed veterinarian, including
209 providing a copy of associated records during normal business hours; and

210 (D) The licensed veterinarian develops and maintains appropriate medical records.

211 ~~(15.1)(29)~~ 'Veterinary assistant' means a person who ~~engages~~ has been delegated by a
212 licensed veterinarian to engage in certain aspects of the practice of veterinary technology
213 but is not ~~registered~~ licensed by the board for such purpose.

214 ~~(16)(30)~~ 'Veterinary facility' means any premises owned or operated by a veterinarian
215 or his or her employer where the practice of veterinary medicine occurs, including but not
216 limited to veterinary hospitals, clinics, or mobile clinics; provided, however, that such
217 term does not include a client's private property where a licensed veterinarian treats the
218 client's animals.

219 (31)(A) 'Veterinary feed directive' means a written statement issued by a licensed
220 veterinarian in the course of the veterinarian's professional practice that orders the use
221 of a VFD drug or combination VFD drug in or on animal feed. This written statement
222 authorizes the client to obtain and use animal feed bearing or containing a VFD drug
223 or combination VFD drug to treat such animals only in accordance with the conditions
224 for use approved, conditionally approved, or indexed by the United States Food and
225 Drug Administration.

226 (B) As used in this paragraph, the term:

227 (i) 'Combination VFD' means a combination new animal drug, as defined in Section
228 514.4(c)(1)(i) of the Federal Food, Drug, and Cosmetic Act, intended for use in or on
229 animal feed which is limited by an approved application filed under Section 512(b)
230 of the Federal Food, Drug, and Cosmetic Act, a conditionally approved application
231 filed under Section 571 of the Federal Food, Drug, and Cosmetic Act, or an index
232 listing under Section 572 of the Federal Food, Drug, and Cosmetic Act to use under
233 the professional supervision of a licensed veterinarian, and at least one of the new
234 animal drugs in the combination is a VFD drug. Use of animal feed bearing or
235 containing a combination VFD drug must be authorized by a lawful veterinary feed
236 directive.

237 (ii) 'VFD drug' means a drug intended for use in or on animal feed which is limited
238 by an approved application filed pursuant to Section 512(b) of the Federal Food,
239 Drug, and Cosmetic Act, a conditionally approved application filed pursuant to

240 Section 571 of the Federal Food, Drug, and Cosmetic Act, or an index listing under
 241 Section 572 of the Federal Food, Drug, and Cosmetic Act, to use under the
 242 professional supervision of a licensed veterinarian. Use of animal feed bearing or
 243 containing a VFD drug must be authorized by a lawful veterinary feed directive.

244 ~~(17) 'Veterinary medicine' includes veterinary surgery, obstetrics, dentistry, and all other~~
 245 ~~branches or specialties of veterinary medicine.~~

246 ~~(18)~~(32) 'Veterinary technician' means a licensed person who engages in the practice of
 247 veterinary technology and on the basis of his or her qualifications is validly and currently
 248 ~~registered~~ licensed by the board for such purpose.

249 ~~(19)~~(33) 'Veterinary technology' means the science and art of providing certain aspects
 250 of professional medical care and treatment for animals and the practice of veterinary
 251 medicine as may be delegated and supervised by a licensed veterinarian and performed
 252 by a person who is not a licensed veterinarian.

253 ARTICLE 2

254 43-50-20.

255 (a) There shall be a State Board of Veterinary Medicine, the members of which shall be
 256 appointed by the Governor with the approval of the Secretary of State and confirmation by
 257 the Senate. The board shall consist of six members, each appointed for a term of five years
 258 or until his or her successor is appointed. Five members of the board shall be duly licensed
 259 veterinarians actually engaged in active practice for at least five years prior to appointment.
 260 The sixth member shall be appointed from the public at large and shall in no way be
 261 connected with the practice of veterinary medicine. Those members of the State Board of
 262 Veterinary Medicine serving on July 1, 2003, shall continue to serve as members of the
 263 board until the expiration of the term for which they were appointed. Thereafter,
 264 successors to such board members shall be appointed in accordance with this Code section.

265 A majority of the board shall constitute a quorum.

266 (b) Vacancies due to death, resignation, removal, or otherwise shall be filled for the
 267 remainder of the unexpired term in the same manner as regular appointments. No person
 268 shall serve two consecutive five-year terms, but a person appointed for a term of less than
 269 five years may succeed himself or herself.

270 ~~(c) No person may serve on the board who is, or was during the two years preceding his~~
 271 ~~or her appointment, a member of the faculty, trustees, or advisory board of a veterinary~~
 272 ~~school.~~

273 ~~(d)~~(c) Each member of the board shall be reimbursed as provided for in subsection (f) of
 274 Code Section 43-1-2.

275 ~~(e)~~(d) Any member of the board may be removed by the Governor after a hearing by the
276 board determines cause for removal.

277 ~~(f)~~(e) The board shall meet at least once each year at the time fixed by the board. Other
278 necessary meetings may be called by the president of the board by giving such notice as
279 shall be established by the board. Meetings shall be open and public except that the board
280 may meet in closed session ~~to prepare, approve, administer, or grade examinations or to~~
281 ~~deliberate the qualifications of an applicant for license or the disposition of a proceeding~~
282 ~~to discipline a licensed veterinarian~~ as set forth in Code Section 50-14-3.

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

287 43-50-21.

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

289 (1) Examine and determine the qualifications and fitness of applicants for licenses ~~or~~
290 ~~registrations~~ to practice veterinary medicine and veterinary technology in this state;

291 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses ~~or registrations~~ to
292 practice veterinary medicine or veterinary technology in this state or otherwise discipline
293 licensed veterinarians and ~~registered~~ licensed veterinary technicians; and to issue, renew,
294 deny, suspend, or revoke veterinary faculty licenses, consistent with this chapter and the
295 rules and regulations adopted under this chapter;

296 (3) Conduct investigations for the purpose of discovering violations of this chapter or
297 grounds for disciplining persons licensed ~~or registered~~ under this chapter;

298 (4) Inspect veterinary premises and equipment, including mobile veterinary clinics, at
299 any time in accordance with protocols established by rule of the board;

300 ~~(4)~~(5) Hold hearings on all matters properly brought before the board; and, in connection
301 therewith, to administer oaths, receive evidence, make the necessary determinations, and
302 enter orders consistent with the findings. The board may designate one or more of its
303 members to serve as its hearing officer;

304 ~~(5)~~(6) Appoint from its own membership one member to act as a representative of the
305 board at any meeting within or outside the state where such representative is deemed
306 desirable;

307 ~~(6)~~(7) Bring proceedings in the courts for the enforcement of this chapter or any
308 regulations made pursuant to this chapter; ~~and~~

309 ~~(7)~~(8) Adopt, amend, or repeal all rules necessary for its government and all regulations
310 necessary to carry this chapter into effect, including without limitation the establishment

311 and print or electronic publication of standards of professional conduct for the practice
 312 of veterinary medicine and veterinary technology; and
 313 (9) Establish and publish annually a schedule of fees for licensing.
 314 (b) The powers enumerated in subsection (a) of this Code section are granted for the
 315 purpose of enabling the board to supervise effectively the practice of veterinary medicine
 316 and veterinary technology and are to be construed liberally to accomplish ~~this objective~~
 317 these objectives.

318 ARTICLE 3

319 Part 1

320 43-50-30.

321 (a) No person may practice veterinary medicine in this state who is not a licensed
 322 veterinarian or the holder of a valid temporary license issued by the division director
 323 pursuant to this article.

324 (b) A licensed veterinarian may practice veterinary medicine as an employee of a
 325 corporation, partnership, or other business organization, ~~provided the articles of~~
 326 ~~incorporation, partnership, or business organization documents clearly state~~ that the
 327 licensed veterinarian is not subject to the direction of anyone not licensed to practice
 328 veterinary medicine in Georgia in making veterinary medical decisions or judgments.

329 43-50-31.

330 (a) Any person desiring a license to practice veterinary medicine in this state shall make
 331 application to the board. The application shall include evidence, satisfactory to the board,
 332 that:

333 (1) The applicant has attained the age of 18;

334 (2) The applicant is of good moral character;

335 (3) The applicant is a graduate of an accredited college or a school of veterinary
 336 medicine accredited by the American Veterinary Medical Association Council on
 337 Education or possesses an ECFVG or PAVE certificate or its substantial equivalent;

338 (4) The applicant has passed a board approved examination; provided, however, that the
 339 board may provide by rule or regulation for a waiver of any part of such examination for
 340 veterinarians who are licensed as such by another state and who are in good standing
 341 therewith; and

342 (5) The applicant meets such other qualifications or provides such other information as
 343 the board may require by rule.

344 (b) The application shall be accompanied by a fee in the amount established by the board.

345 (c) The division director shall record the new licenses and issue a certificate of registration
 346 to the new licensees.
 347 (d) If an applicant is found not qualified for licensure, the board shall notify the applicant
 348 in writing of such finding and the grounds therefor. Such applicant may request a hearing
 349 before the board on the questions of his or her qualifications.

350 ~~43-50-32.~~

351 ~~(a) The board shall hold at least one license examination during each year and may hold~~
 352 ~~such additional license examinations as are necessary.~~

353 ~~(b) After each examination, the division director shall notify each examinee of the result~~
 354 ~~of his or her examination. If an applicant fails a license examination, the applicant may~~
 355 ~~take a subsequent examination upon payment of the registration and examination fees. No~~
 356 ~~person may take the examination more than three times without review and approval by the~~
 357 ~~board. Approval may be provided under such circumstances as the board deems~~
 358 ~~appropriate.~~

359 ~~43-50-33.~~

360 ~~Any person holding a valid license to practice veterinary medicine in this state on July 1,~~
 361 ~~2003, shall be recognized as a licensed veterinarian and shall be entitled to retain this status~~
 362 ~~so long as he or she complies with this article, including biennial renewal of the license.~~

363 Part 2

364 43-50-40.

365 (a) All licenses ~~and registrations~~ under this article shall be renewable biennially.

366 (b) Any person who shall practice veterinary medicine or veterinary technology after the
 367 expiration of his or her license ~~or registration~~ and willfully or by neglect fail to renew such
 368 license ~~or registration~~ shall be practicing in violation of this article, provided that any
 369 person may renew an expired license ~~or registration~~ within the period established by the
 370 division director in accordance with Code Section 43-1-4 by making application for
 371 renewal and paying the applicable fees. After the time period ~~established by the division~~
 372 ~~director~~ has elapsed, such license ~~or registration~~ may be reinstated in accordance with the
 373 rules of the board.

374 (c) The board may, by rule, waive the continuing education requirements and the payment
 375 of the renewal fee of a licensed veterinarian or ~~registered~~ licensed veterinary technician
 376 during the period when he or she is on active duty with any branch of the armed forces of

377 the United States, ~~not to exceed the longer of three years or the duration of a national~~
 378 ~~emergency.~~

379 (d)(1) The board shall establish ~~a program of~~ continuing professional veterinary medical
 380 education requirements for the renewal of veterinary licenses. Notwithstanding any other
 381 provision of this article, no license to practice veterinary medicine or veterinary
 382 technology shall be renewed by the board or the division director until the ~~licensed~~
 383 ~~veterinarian~~ licensee submits to the board satisfactory proof of his or her participation,
 384 during the biennium preceding his or her application for renewal, in approved programs
 385 of continuing education, as defined in this Code section. The amount of continuing
 386 veterinary medical education required of ~~licensed veterinarians~~ licensees per biennium
 387 by the board under this paragraph shall not be less than 30 hours for veterinarians and not
 388 be less than ten hours for veterinary technicians and shall be established by board rule.

389 (2) Continuing professional veterinary medical education shall consist of educational
 390 programs providing training pertinent to the practice of veterinary medicine and
 391 veterinary technology and approved by the board under this Code section. The board
 392 may approve educational programs for persons practicing veterinary medicine or
 393 veterinary technology in this state on a reasonable nondiscriminatory fee basis and may
 394 contract with institutions of higher learning, professional organizations, or qualified
 395 ~~individuals~~ persons for the provision of approved programs. In addition to such
 396 programs, the board may allow the continuing education requirement to be fulfilled by
 397 the completion of approved distance learning courses, with the number of hours being
 398 established by board rule.

399 (3) The board may, consistent with the requirements of this Code section, promulgate
 400 rules and regulations to implement and administer this Code section, including the
 401 establishment of a committee to prescribe standards; and approve and contract for
 402 educational programs; ~~and set the required minimum number of hours per year.~~

403 (e) The board shall provide by regulation for an inactive status license ~~or registration~~ for
 404 those ~~individuals~~ persons who elect to apply for such status. Persons who are granted
 405 inactive status shall not engage in the practice of veterinary medicine or veterinary
 406 technology and shall be exempt from the requirements of continuing veterinary medical
 407 education during such inactivity.

408 43-50-41.

409 (a) The board is authorized to refuse to grant a license ~~or registration~~ to an applicant, to
 410 suspend or revoke the license ~~or registration~~ of a person licensed ~~or registered~~ by the board,
 411 or to discipline a person licensed ~~or registered~~ under this chapter or any antecedent law,

412 upon a finding by a majority of the entire board that the licensee, ~~registrant~~, or applicant
413 has:

414 (1) Failed to demonstrate the qualifications or standards for a license ~~or registration~~
415 contained in this chapter or in the rules and regulations issued by the board, pursuant to
416 specific statutory authority. It shall be incumbent upon the applicant to demonstrate to
417 the satisfaction of the board that he or she meets all the requirements for the issuance of
418 a license ~~or registration~~, and, if the board is not satisfied as to the applicant's
419 qualifications, it may deny a license ~~or registration~~ without a prior hearing; provided,
420 however, that the applicant shall be allowed to appear before the board if he or she so
421 desires;

422 (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the
423 practice of veterinary medicine or veterinary technology on any document connected
424 therewith; ~~or~~ practiced fraud or deceit or intentionally made any false statement in
425 obtaining a license ~~or registration~~ to practice veterinary medicine or veterinary
426 technology; or made a false statement or deceptive biennial renewal with the board;

427 (3) Been convicted of any felony or of any crime involving moral turpitude in the courts
428 of this state or any other state, territory, or country or in the courts of the United States.
429 As used in this paragraph, the term 'felony' shall include any offense which, if committed
430 in this state, would be deemed a felony without regard to its designation elsewhere. As
431 used in this paragraph, the term 'conviction' shall include a finding or verdict of guilty or
432 a plea of guilty, regardless of whether an appeal of the conviction has been sought;

433 (4) Been arrested, charged, and sentenced for the commission of any felony, or any crime
434 involving moral turpitude, where:

435 (A) A plea of nolo contendere was entered to the charge;

436 (B) First offender treatment without adjudication of guilt pursuant to the charge was
437 granted; or

438 (C) An adjudication or sentence was otherwise withheld or not entered on the charge.

439 The plea of nolo contendere or the order entered pursuant to the provisions of Article 3
440 of Chapter 8 of Title 42 or other first offender treatment shall be conclusive evidence of
441 arrest and sentencing for such crime;

442 (5) Had his or her license to practice veterinary medicine or ~~registration to practice~~
443 veterinary technology revoked, suspended, or annulled by any lawful licensing veterinary
444 medical authority other than the board; ~~or~~ had other disciplinary action taken against him
445 or her by any lawful licensing or registering veterinary medical authority other than the
446 board; ~~or~~ was denied a license ~~or registration~~ by any lawful licensing veterinary medical
447 authority other than the board, pursuant to disciplinary proceedings; or was refused the

448 renewal of a license ~~or registration~~ by any lawful licensing veterinary medical authority
 449 other than the board, pursuant to disciplinary proceedings;

450 (6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct
 451 or practice harmful to the public, which ~~conduct or practice~~ materially affects the fitness
 452 of the licensee, ~~registrant~~, or applicant to practice veterinary medicine or veterinary
 453 technology, or is of a nature likely to jeopardize the interest of the public, and which
 454 ~~conduct or practice~~ need not have resulted in actual injury or be directly related to the
 455 practice of veterinary medicine or veterinary technology but shows that the licensee;
 456 ~~registrant~~, or applicant has committed any act or omission which is indicative of bad
 457 moral character or untrustworthiness. Unprofessional conduct shall also include any
 458 departure from, or the failure to conform to, the minimal standards of acceptable and
 459 prevailing veterinary medical practice or veterinary technology practice. Unprofessional
 460 conduct shall also include, but not be limited to, the ~~following~~: failure to keep veterinary
 461 facility premises and equipment in a clean and sanitary condition; dishonesty or gross
 462 negligence in the inspection of foodstuffs or the issuance of health or inspection
 463 certificates; or cruelty to animals;

464 (7) Knowingly performed any act which in any way aids, assists, procures, advises, or
 465 encourages any unlicensed ~~or unregistered~~ person or any licensee ~~or registrant~~ whose
 466 license ~~or registration~~ has been suspended or revoked by the board to practice veterinary
 467 medicine or veterinary technology or to practice outside the scope of any disciplinary
 468 limitation placed upon the licensee ~~or registrant~~ by the board;

469 (8) Violated a statute, law, or any rule or regulation of this state, any other state, the
 470 board, the United States, or any other lawful authority (without regard to whether the
 471 violation is criminally punishable), which ~~statute, law, rule, or regulation~~ relates to or in
 472 part regulates the practice of veterinary medicine or veterinary technology, when the
 473 licensee, ~~registrant~~, or applicant knows or should know that such action violates such
 474 statute, law, rule, or regulation; or violated the lawful order of the board previously
 475 entered by the board in a disciplinary hearing, consent decree, or license reinstatement;

476 (9) Been adjudged mentally incompetent by a court of competent jurisdiction within or
 477 without this state. Any such adjudication shall automatically suspend the license ~~or~~
 478 ~~registration~~ of any such person and shall prevent the reissuance or renewal of any license
 479 ~~or registration~~ so suspended for as long as the adjudication of incompetence is in effect;

480 (10) Displayed an inability to practice veterinary medicine or veterinary technology with
 481 reasonable skill and safety to animal patients or has become unable to practice veterinary
 482 medicine or veterinary technology with reasonable skill and safety to animal patients by
 483 reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of
 484 material, ~~or~~; as a result of any mental or physical condition; ~~;~~ or by reason of displaying

485 habitual intoxication, addiction to, or recurrent personal misuse of alcohol, drugs,
486 narcotics, chemicals, or any other type of similar substances. In enforcing this paragraph,
487 the board may, upon reasonable grounds, require a licensee,~~registrant~~, or applicant to
488 submit to a mental or physical examination by physicians designated by the board. The
489 results of such examination shall be admissible in any hearing before the board,
490 notwithstanding any claim of privilege under a contrary rule of law or statute. Every
491 person who shall accept the privilege of practicing veterinary medicine or veterinary
492 technology in this state or who shall file an application for a license ~~or registration~~ to
493 practice veterinary medicine or veterinary technology in this state shall be deemed to
494 have given that person's consent to submit to such mental or physical examination and
495 to have waived all objections to the admissibility of the results in any hearing before the
496 board upon the grounds that the same constitutes a privileged communication. If a
497 licensee,~~registrant~~, or applicant fails to submit to such an examination when properly
498 directed to do so by the board, unless such failure is due to circumstances beyond his or
499 her control, the board may enter a final order upon proper notice, hearing, and proof of
500 such refusal. Any licensee,~~registrant~~, or applicant who is prohibited from practicing
501 veterinary medicine or veterinary technology under this paragraph shall at reasonable
502 intervals be afforded an opportunity to demonstrate to the board that such person can
503 resume or begin the practice of veterinary medicine or veterinary technology with
504 reasonable skill and safety to animal patients;

505 (11) Failed to register with the division director as required by law. It shall be the duty
506 of every licensee ~~or registrant~~ to notify the board of any change in his or her address of
507 record with the board; provided, however, that, for a period established by the division
508 director after failure to register, a license ~~or registration~~ may be reinstated by payment of
509 a registration fee to be determined by the board by rule and by filing of a special
510 application therefor. After this period has elapsed, a license ~~or registration~~ may be
511 revoked for failure to register and for failure to pay the fee as provided by law;

512 (12) Engaged in the excessive prescribing or administering of drugs or treatment or the
513 use of diagnostic procedures which are detrimental to the animal patient as determined
514 by the customary practice and standards of the local community of licensees; ~~or~~
515 knowingly prescribed controlled drug substances or any other medication without a
516 legitimate veterinary medical purpose; or knowingly overprescribed controlled drug
517 substances or other medication, in light of the condition of the animal patient at the time
518 of prescription;

519 (13) Knowingly made any fraudulent, misleading, or deceptive statement in any form of
520 advertising or made any statement in any advertisement concerning the quality of the
521 veterinary services rendered by that licensed veterinarian or any licensed veterinarian

522 associated with him or her, or the qualifications of said veterinarian. For purposes of this
 523 paragraph, the term 'advertising' shall include any information communicated in a manner
 524 designed to attract public attention to the practice of the licensee ~~or registrant~~;

525 (14) Used, prescribed, or sold any veterinary prescription drug or prescribed an
 526 extralabel use of any drug in the absence of a valid veterinarian-client-animal patient
 527 relationship; or

528 (15) Has had his or her ~~U.S.~~ United States Drug Enforcement Administration privileges
 529 restricted or revoked.

530 (b) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
 531 with respect to emergency action by the board and summary suspension of a license or
 532 registration are adopted and incorporated by reference into this chapter.

533 (c) For purposes of this Code section, the board may obtain, and is authorized to subpoena,
 534 upon reasonable grounds, any and all records relating to the mental or physical condition
 535 of a licensee, ~~registrant~~, or applicant, and such records shall be admissible in any hearing
 536 before the board.

537 (d) When the board finds that any person is unqualified to be granted a license ~~or~~
 538 ~~registration~~ or finds that any person should be disciplined pursuant to subsection (a) of this
 539 Code section, the board may take any one or more of the following actions:

540 (1) Refuse to grant or renew a license ~~or registration~~ to an applicant;

541 (2) Administer a public or private reprimand, but a private reprimand shall not be
 542 disclosed to anyone other than the person reprimanded;

543 (3) Suspend any license ~~or registration~~ for a definite period or for an indefinite period in
 544 connection with any condition which may be attached to the restoration of said license
 545 ~~or registration~~;

546 (4) Limit or restrict any license ~~or registration~~ as the board deems necessary for the
 547 protection of the public;

548 (5) Revoke any license ~~or registration~~; or

549 (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's;
 550 ~~registrant's~~, or licensee's submission to such care, counseling, or treatment as the board
 551 may direct.

552 (e) In addition to and in conjunction with the actions described in subsection (d) of this
 553 Code section, the board may make a finding adverse to the licensee, ~~registrant~~, or applicant
 554 but withhold imposition of judgment and penalty; or it may impose the judgment and
 555 penalty but suspend enforcement thereof and place the licensee ~~or registrant~~ on probation,
 556 which ~~probation~~ may be vacated upon noncompliance with such reasonable terms as the
 557 board may impose.

558 (f) Initial judicial review of a final decision of the board shall be had solely in the superior
559 court of the county of domicile of the board.

560 (g) In its discretion, the board may reinstate a license ~~or registration~~ which has been
561 revoked or issue a license ~~or registration~~ which has been denied or refused, following such
562 procedures as the board may prescribe by rule; and, as a condition thereof, it may impose
563 any disciplinary or corrective method provided in this chapter.

564 (h)(1) The division director is authorized to make, or cause to be made through
565 employees or contract agents of the board, such investigations as he or she or the board
566 may deem necessary or proper for the enforcement of the provisions of this chapter. Any
567 person properly conducting an investigation on behalf of the board shall have access to
568 and may examine any writing, document, or other material relating to the fitness of any
569 licensee, ~~registrant~~, or applicant. The division director or his or her appointed
570 representative may issue subpoenas to compel such access upon a determination that
571 reasonable grounds exist for the belief that a violation of this chapter or any other law
572 relating to the practice of veterinary medicine or veterinary technology may have taken
573 place.

574 (2) The results of all investigations initiated by the board shall be reported solely to the
575 board, and the records of such investigations shall be kept for the board by the division
576 director, with the board retaining the right to have access at any time to such records. No
577 part of any such records shall be released, except to the board, for any purpose other than
578 a hearing before the board, nor shall such records be subject to subpoena; provided,
579 however, that the board shall be authorized to release such records to another
580 enforcement agency or lawful licensing authority.

581 (3) The board shall have the authority to exclude all persons during its deliberations on
582 disciplinary proceedings and to discuss any disciplinary matter in private with a licensee;
583 ~~registrant~~, or applicant and the legal counsel of that licensee, ~~registrant~~, or applicant.

584 (i) A person, firm, corporation, association, authority, or other entity shall be immune from
585 civil and criminal liability for reporting or investigating the acts or omissions of a licensee;
586 ~~registrant~~, or applicant which violate the provisions of subsection (a) of this Code section
587 or any other provision of law relating to a licensee's, ~~registrant's~~, or applicant's fitness to
588 practice as a licensed veterinarian or ~~registered~~ licensed veterinary technician or for
589 initiating or conducting proceedings against such licensee, ~~registrant~~, or applicant, if such
590 report is made or action is taken in good faith, without fraud or malice. Any person who
591 testifies or who makes a recommendation to the board in the nature of peer review, in good
592 faith, without fraud or malice, before the board in any proceeding involving the provisions
593 of subsection (a) of this Code section or any other law relating to a licensee's, ~~registrant's~~,

594 or applicant's fitness to practice as a licensed veterinarian or ~~registered~~ licensed veterinary
595 technician shall be immune from civil and criminal liability for so testifying.

596 (j) Neither a denial of a license ~~or registration~~ on grounds other than those enumerated in
597 subsection (a) of this Code section nor the issuance of a private reprimand nor the denial
598 of a license ~~or registration~~ by endorsement nor the denial of a request for reinstatement of
599 a revoked license ~~or registration~~ nor the refusal to issue a previously denied license ~~or~~
600 ~~registration~~ shall be considered to be a contested case within the meaning of Chapter 13 of
601 Title 50, the 'Georgia Administrative Procedure Act.' Notice and hearing within the
602 meaning of Chapter 13 of Title 50 shall not be required, but the applicant, ~~registrant~~, or
603 licensee shall be allowed to appear before the board if he or she so requests.

604 (k) If any licensee, ~~registrant~~, or applicant fails to appear at any hearing after reasonable
605 notice, the board may proceed to hear the evidence against such licensee, ~~registrant~~, or
606 applicant and take action as if such licensee, ~~registrant~~, or applicant had been present. A
607 notice of hearing, initial or recommended decision, or final decision of the board in a
608 disciplinary proceeding shall be served upon the licensee, ~~registrant~~, or applicant by
609 certified mail or statutory overnight delivery, return receipt requested, to the last known
610 address of record with the board. If such material is returned marked 'unclaimed' or
611 'refused' or is otherwise undeliverable and if the licensee, ~~registrant~~, or applicant cannot,
612 after diligent effort, be located, the division director shall be deemed to be the agent for
613 service for such licensee, ~~registrant~~, or applicant for purposes of this Code section, and
614 service upon the division director shall be deemed to be service upon the licensee;
615 ~~registrant~~, or applicant.

616 (l) The voluntary surrender of a license ~~or registration~~ shall have the same effect as a
617 revocation of the license ~~or registration~~, subject to reinstatement in the discretion of the
618 board.

619 (m) This Code section shall apply equally to all licensees, ~~registrants~~, or applicants
620 whether ~~individuals~~ persons, partners, or members of any other incorporated or
621 unincorporated associations, corporations, or other associations of any kind whatsoever.

622 (n) All subpoenas issued pursuant to the authority granted in this chapter shall be subject
623 to the general rules of law with respect to distance, tender of fees and expenses, and
624 protective orders; and any motion made with respect thereto shall be made to and passed
625 on by a judge of the superior court of the county of residence of the person to whom the
626 subpoena is directed.

627 (o) Any proceeding or administrative action instituted under this Code section shall be
628 governed by the provisions of this Code section as they existed in full force and effect on
629 the date of the commission of the act or acts constituting a violation of this Code section,
630 except as otherwise specifically declared by the General Assembly.

631 43-50-42.

632 (a) ~~Pursuant to Code Section 43-1-34, the~~ The board may issue a temporary license to the
 633 ~~following applicants who are qualified to take the veterinary license examination~~ military
 634 spouses and transitioning service members.

635 ~~(1) An applicant licensed in another state. Such license shall have the same force and~~
 636 ~~effect as a permanent license until the time of its expiration; and~~

637 ~~(2) An applicant who is not the holder of any veterinary license. Such license shall~~
 638 ~~authorize the applicant to work under the supervision of a licensed veterinarian as~~
 639 ~~provided by the board.~~

640 (b) The temporary license shall expire on the date that permanent licenses are issued to
 641 persons who have passed the examination ~~provided for in Code Section 43-50-32~~, which
 642 examination occurred immediately following the issuance of the temporary license.

643 (c) A temporary license issued pursuant to this Code section may, in the discretion of the
 644 board, be renewed for one six-month period only; provided, however, that no temporary
 645 license shall be issued, renewed, or reissued to a person who fails to pass the examination
 646 established by the board.

647 43-50-43.

648 The board may, in its discretion, issue a veterinary faculty license to any qualified applicant
 649 associated with one of this state's institutions of higher learning and involved either in
 650 research activities within such institution or in the instructional program of either
 651 undergraduate or graduate veterinary medical students, subject to the following conditions:

652 (1) That the holder of the veterinary faculty license shall be remunerated for the practice
 653 aspects of his or her services solely from state, federal, or institutional funds and not from
 654 the animal patient-owner beneficiary of his or her practice efforts;

655 ~~(2) That the applicant will furnish the board with such proof as the board may deem~~
 656 ~~necessary to demonstrate that the applicant is a graduate of a reputable school or college~~
 657 ~~of veterinary medicine; that the applicant has or will have a faculty position at an~~
 658 ~~institution which meets the requirements of paragraph (1) of this Code section, as~~
 659 ~~certified by an authorized administrative official at such institution; and that the applicant~~
 660 ~~understands and agrees that the faculty license is valid only for the practice of veterinary~~
 661 ~~medicine as a faculty member of the institution~~ That the holder of the veterinary faculty
 662 license shall practice solely at the institution of higher learning or in an educational or
 663 research program outside the institution but associated with the institution;

664 (3) That the license issued under this Code section may be revoked or suspended or the
 665 licensee may be otherwise disciplined in accordance with Code Section 43-50-41; and

666 (4) That the license issued under this Code section may be canceled by the board upon
 667 receipt of information that the holder of the veterinary faculty license has left or has
 668 otherwise been discontinued from faculty employment at an institution of higher learning
 669 of this state.

670 43-50-44.

671 This article shall not be construed to prohibit:

672 (1)(A) An employee of the federal, state, or local government or any contractual
 673 partner thereof from performing his or her duties relating to animals owned by, or on
 674 loan to, or under the control of such employer or the control of stray animals; or

675 (B) Any employee of a public or private college or university from performing his or
 676 her duties relating to animals owned by or on loan to such employer;

677 (2)(A) A person who is a regular student in a veterinary school or school of veterinary
 678 technology performing duties or actions assigned by his or her instructors or working
 679 under the supervision of a licensed veterinarian;

680 (B) A member of the faculty, a resident, an intern, or a graduate student of an
 681 accredited college or school of veterinary medicine or school of veterinary technology
 682 performing his or her regular clinical or nonclinical functions or a person lecturing or
 683 giving instructions or demonstrations at an accredited college or school of veterinary
 684 medicine or school of veterinary technology in connection with a continuing education
 685 course or seminar;

686 (C) A graduate of a foreign college or school of veterinary medicine who is in the
 687 process of obtaining the ECFVG or PAVE certificate or substantial equivalent
 688 performing duties or actions under the direct supervision of a licensed veterinarian;

689 (3) Any ~~Any~~ person, compensated or otherwise, from performing current acceptable
 690 livestock management practices, ~~which practices shall include~~ including, but not ~~be~~
 691 limited to, castration of food animals, dehorning without the use of prescription drugs or
 692 surgical closure of wounds, hoof trimming or shoeing, docking, ear notching, removing
 693 needle teeth, testing for pregnancy, implantation of over-the-counter growth implants,
 694 implantation of over-the-counter identification devices, artificial insemination, the use
 695 of federally approved over-the-counter products, veterinary approved products, branding,
 696 collecting of fluids for genetic identification and classification, semen and embryo
 697 collection and storage, and the use of ultrasound for collection of production data and
 698 similar nondiagnostic purposes;

699 (4) Any ~~Any~~ person assisting with a nonsurgical fetal delivery in a food animal, provided
 700 that no fee is charged;

701 (5) The actions of a veterinarian who is currently licensed in another state, province of
 702 Canada, or a United States territory in consulting with a ~~licensee of this state~~ licensed
 703 veterinarian but who:

704 (A) Does not open an office or appoint a place to do business within this state;

705 (B) Does not print or use letterhead or business cards reflecting in-state addresses;

706 (C) Does not establish answering services or advertise the existence of a practice
 707 address within this state;

708 (D) Does not practice veterinary medicine as a consultant rendering services directly
 709 to the public without the direction of a licensed veterinarian ~~of this state~~ more than two
 710 days per calendar year; ~~and~~

711 (E) Is providing services for an organization conducting a public event lasting less than
 712 ten days that utilizes animals in need of veterinary examinations, treatments, or
 713 oversight to promote the safety and health of the public, the event, and the animal
 714 participants; provided, however, that a veterinarian licensed in another state who
 715 practices veterinary medicine on animals belonging to residents of this state by
 716 communicating directly with such owners and independent of the attending veterinary
 717 licensee is not exempt from this state's licensing requirements; and

718 (F) Does not offer through electronic means remote services within this state, except
 719 for consulting, as otherwise permitted in this chapter;

720 (6)(A) Any merchant or manufacturer selling, at his or her regular place of business,
 721 medicines, feed, appliances, or other products used in the prevention or treatment of
 722 animal diseases. This shall not be construed to authorize the sale of ~~medicines which~~
 723 ~~must be obtained by a prescription from a pharmacist~~ medication requiring a
 724 prescription from a veterinarian, but shall only include the right to sell those ~~medicines~~
 725 medications which are classified as proprietary and which are commonly known as
 726 over-the-counter medicines;

727 (B) Subparagraph (A) of this paragraph shall not be construed to authorize the sale of
 728 antimicrobial feed additives without an order from a veterinarian under the guidance
 729 of the veterinary feed directive in compliance with 21 C.F.R. 558.6;

730 (7)(A) The owner of an animal or the owner's ~~full-time regular~~ bona fide employee
 731 employees caring for and treating the animal belonging to such owner; ~~or~~

732 (B) The owner's friend or relative caring for or treating the animal belonging to such
 733 owner, provided that no fee is charged and the friend or relative does not solicit,
 734 advertise, or regularly engage in providing such care or treatment or administer or
 735 dispense prescription drugs without a valid prescription; or

736 (C) The owner of an animal and any of the owner's bona fide employees caring for and
 737 treating the animal belonging to such owner, except where the ownership of the animal

738 was transferred for purposes of circumventing the provisions of this chapter. Persons
 739 must comply with all laws, rules, and regulations relative to the use of medicines and
 740 biologics; provided, however, that such owner and any of such owner's bona fide
 741 employees caring for and treating such animal shall not practice veterinary medicine
 742 except as otherwise permitted under this Code section;

743 (8)(A) The owner, operator, or employee of a licensed kennel, animal rescue
 744 organization, animal shelter, or stable or of a pet-sitting service providing food, shelter,
 745 or supervision of an animal or administering prescription drugs pursuant to prescription
 746 of a licensed veterinarian or over-the-counter medicine to an animal;

747 (B) Any person acting under the direct or indirect supervision of a licensed veterinarian
 748 to provide care to animals that are the property of an animal shelter when at least the
 749 following three conditions are met:

750 (i) The person is an employee of an animal shelter or a local government who has
 751 control over the governance of the animal shelter;

752 (ii) The person is performing these tasks in compliance with a written protocol
 753 developed in consultation with a licensed veterinarian; and

754 (iii) The person has received proper training; provided, however, that such persons
 755 shall not diagnose, prescribe, dispense, or perform surgery;

756 (9) ~~A member of the faculty, a resident, an intern, or a graduate student of an accredited~~
 757 ~~college or school of veterinary medicine or school of veterinary technology performing~~
 758 ~~his or her regular nonclinical functions or a person lecturing or giving instructions or~~
 759 ~~demonstrations at an accredited college or school of veterinary medicine or school of~~
 760 ~~veterinary technology in connection with a continuing education course or seminar;~~

761 ~~(10) Any person selling or applying any pesticide, insecticide, or herbicide, as permitted~~
 762 ~~by law;~~

763 ~~(11)(10) Any person engaging in bona fide scientific research which reasonably requires~~
 764 ~~experimentation involving animals conducted in accordance with federal, state, and local~~
 765 ~~laws and regulations;~~

766 ~~(12) Any person performing artificial insemination;~~

767 ~~(13) An employee of a licensed veterinarian administering prescribed care to an animal~~
 768 ~~under the appropriate supervision of the veterinarian;~~

769 ~~(14) A graduate of a foreign college or school of veterinary medicine who is in the~~
 770 ~~process of obtaining the ECFVG certificate or its substantial equivalent performing duties~~
 771 ~~or actions under the direct supervision of a licensed veterinarian;~~

772 (11) Any licensed veterinary technician, veterinary technologist, or other employee of
 773 a licensed veterinarian from performing lawful duties under the direction and supervision
 774 of such veterinarian who shall be responsible for the performance of the employee;

775 ~~(15)~~(12) The owner of an animal, the owner's employee, or a member of a nationally
776 recognized organization that acknowledges ~~individuals~~ persons performing embryo
777 transfer or artificial breeding and ~~which organization~~ that is approved by the board from:

778 (A) The nonsurgical removal of an embryo from an animal for the purpose of
779 transplanting such embryo into another female animal, cryopreserving such embryo, or
780 implanting such embryo in an animal, provided that the use of prescription medications
781 in such animals is maintained under the direction of a licensed veterinarian with a valid
782 veterinarian-client-patient relationship; or

783 (B) The testing and evaluation of semen;

784 ~~(16)~~(13) Any other licensed or registered health care provider utilizing his or her special
785 skills, or any person whose expertise, in the opinion of the veterinarian licensed in this
786 state, would benefit the animal, so long as the treatment of the animal is under the
787 direction of a licensed veterinarian with a valid veterinary-client-~~animal~~ patient
788 relationship;

789 ~~(17)~~(14) A person performing soft tissue animal massage or other forms of soft tissue
790 animal manipulation;

791 ~~(18)~~(15) A person performing aquaculture or raniculture management practices;

792 ~~(19)~~(16) A person implanting electronic identification devices in small companion
793 animals;

794 ~~(20)~~(17) An employee or contractual partner of a zoological park or aquarium accredited
795 by the American Zoo and Aquarium Association or other substantially equivalent
796 nationally recognized accrediting agency as determined by the board from performing his
797 or her duties that are approved by a licensed veterinarian and relate to animals owned by
798 or on loan to such zoological park or aquarium; ~~or~~

799 ~~(21)~~(18) Any person lawfully engaged in the art or profession of farriery for the care of
800 hooves and feet of equines and livestock;

801 (19) Any veterinarian licensed by a state and serving as a volunteer health practitioner
802 as such term is defined in Code Section 38-3-161 from providing service after a state of
803 emergency has been declared pursuant to Code Section 38-3-51 or other applicable law
804 or laws; or

805 (20) Any veterinarian licensed by a state from practicing veterinary medicine in a
806 temporary capacity at one of this state's institutions of higher learning. Such veterinarian
807 shall be paid for his or her services solely from state, federal, or institutional funds. Such
808 veterinarian shall practice solely at the institution of higher learning, or in an educational
809 or research program outside the institution associated with the institution, for no more
810 than six weeks in order to qualify for practice under this Code section. Any violation of

811 state or federal laws, rules, or regulations by such veterinarian shall be reported to the
 812 applicable licensing board by the institution of higher learning.

813 43-50-45.

814 ~~(a) Any person who practices veterinary medicine without a valid license in violation of~~
 815 ~~this article shall be guilty of the misdemeanor offense of practicing veterinary medicine~~
 816 ~~without a license and, upon conviction thereof, shall be punished as provided in this Code~~
 817 ~~section, provided that each act of such unlawful practice shall constitute a distinct and~~
 818 ~~separate offense. It shall be unlawful for any person to practice veterinary medicine without~~
 819 ~~a valid license or for any person to use the designation veterinarian, licensed veterinarian,~~
 820 ~~or any other designation indicating licensure status, including abbreviations, or hold~~
 821 ~~themselves out as a veterinarian unless duly licensed as such.~~

822 (b) It shall be unlawful for any person to use the designation licensed veterinary
 823 technician, licensed veterinary technologist, or any other designation indicating licensure
 824 status, including abbreviations, or hold themselves out as a licensed veterinary technician
 825 or licensed veterinary technologist unless duly licensed as such.

826 (c) Any person who violates subsection (a) or (b) of this Code section shall be guilty of a
 827 misdemeanor and, upon conviction thereof, shall be punished as provided in this Code
 828 section, provided that each act of an unlawful practice shall constitute a distinct and
 829 separate offense.

830 ~~(b)~~(d) Upon being convicted a first time under this Code section, such person shall be
 831 punished by a fine of not more than \$500.00 for each offense. Upon being convicted a
 832 second or subsequent time under this Code section, such person shall be punished by a fine
 833 of not more than \$1,000.00 for each offense, imprisonment for not more than 12 months,
 834 or both such fine and imprisonment.

835 ~~(e)~~(e) The board or any citizen of this state may bring an action to enjoin any person from
 836 practicing veterinary medicine without a valid license. If ~~the~~ a court finds that the person
 837 is violating, or is threatening to violate, this article, it shall enter an injunction restraining
 838 him or her from such unlawful acts.

839 ~~(d)~~(f) The successful maintenance of an action based on any one of the remedies set forth
 840 in this Code section shall in no way prejudice the prosecution of an action based on any
 841 other of the remedies.

842 Part 3

843 43-50-50.

844 It is the purpose of this part to encourage more effective utilization of the skills of licensed
 845 veterinarians by enabling them to delegate certain veterinary health care tasks to licensed
 846 veterinary technicians where such delegation is consistent with the animal patient's health
 847 and welfare.

848 43-50-51.

849 (a) Subject to the provisions of this Code section, the practice of veterinary technology by
 850 a licensed veterinary technician shall not be a violation of subsection (a) of Code Section
 851 43-50-30 or subsection (a) of Code Section 43-50-45.

852 (b) No licensed veterinary technician shall make a diagnosis or prognosis, prescribe
 853 treatment, perform surgery, or prescribe medication for any animal.

854 43-50-52.

855 (a)(1) Any person desiring to work as a licensed veterinary technician in this state shall
 856 apply to the board for a ~~certificate of registration or~~ license as a veterinary technician.
 857 All such applications shall be made on forms provided by the board and shall be
 858 accompanied by such fee as may be required by the board.

859 (2) The application shall include evidence, satisfactory to the board, that:

860 (A) The applicant has attained the age of 18;

861 (B) The applicant is of good moral character;

862 (C)(i) The applicant is a graduate of a college or technical school course of study in
 863 veterinary technology from an institution accredited by the American Veterinary
 864 Medical Association Council on Education, including without limitation instruction
 865 in the operation of life sustaining oxygen equipment, and has successfully passed an
 866 examination required by the board; or

867 (ii) The applicant has successfully completed a college course of study in the care
 868 and treatment of animals from an institution having a curriculum approved by the
 869 board, including without limitation instruction in the operation of life sustaining
 870 oxygen equipment, and has successfully passed an examination required by the board;
 871 and

872 (D) The applicant meets such other qualifications or provides such other information
 873 as the board may require by rule or regulation.

874 (b) Until July 1, 2009, any person who during the period from July 1, 1993, through
 875 June 30, 2008, acquired a minimum of five years' experience assisting a licensed

876 veterinarian may, with a signed affidavit from his or her supervising veterinarian attesting
 877 to his or her level of on-the-job training, be allowed to take the examination approved by
 878 the board. Upon receiving a passing grade on such examination, the board may issue a
 879 certificate of registration. The board shall provide a list of appropriate study materials to
 880 candidates.

881 (c) Until January 1, 2005, any person who at any time prior to July 1, 2003, was certified
 882 as a licensed veterinary technician in this state shall be entitled to renew such registration
 883 without examination and without meeting any requirements of subparagraph (a)(2)(C) of
 884 this Code section.

885 (d) The board may issue a ~~certificate of registration~~ license to an applicant if the applicant
 886 is currently registered in another state having standards for admission substantially the
 887 same as this state and such standards were in effect at the time the applicant was first
 888 admitted to practice in the other state.

889 (e) The board shall be responsible for ~~registering~~ licensing any person who wishes to
 890 practice as a licensed veterinary technician in this state and in accordance with this part
 891 shall govern such practice by board rule or regulation as the board deems appropriate and
 892 necessary for the protection of the public health, safety, and general welfare.

893 43-50-53.

894 (a) The board shall approve an examination to measure the competence of the applicant
 895 to engage in the practice as a licensed veterinary technician and shall set by rule or
 896 regulation the score needed to pass any such examination.

897 (b) If an applicant fails an examination, the applicant may take a subsequent examination
 898 upon payment of ~~the registration and~~ license examination fees. ~~No person may take the~~
 899 ~~examination more than three times without review and approval by the board under such~~
 900 ~~circumstances as the board deems appropriate.~~

901 (c) Any licensed veterinary technician in this state whose ~~certificate of registration~~ license
 902 has been on inactive status for at least five consecutive years and who desires to reactivate
 903 such ~~registration~~ license shall be required to take continuing education, pay all fees, and
 904 meet all other requirements and board rules or regulations ~~for registration~~ as a licensed
 905 veterinary technician.

906 43-50-54.

907 (a) Any licensed veterinary technician must at all times be under the supervision of a
 908 licensed veterinarian whenever practicing veterinary technology in this state. The level of
 909 supervision shall be consistent with the delegated animal health care task. Subject to the
 910 provisions of subsection (b) of Code Section 43-50-51, a licensed veterinarian may in his

911 or her discretion delegate any animal health care task to a licensed veterinary technician;
 912 provided, however, that the board may establish by rules or regulations, in such general or
 913 specific terms as it deems necessary and appropriate for purposes of this part, the level of
 914 supervision, whether direct supervision, immediate supervision, or indirect supervision,
 915 that is required by the licensed veterinarian for any delegated animal health care task to be
 916 performed by a licensed veterinary technician. Such rules or regulations may require lower
 917 levels of supervision for licensed veterinary technicians as compared to veterinary
 918 assistants performing the same or similar animal health care tasks.

919 (b) Specifically and without limitation, the board may take disciplinary action against a
 920 licensed veterinary technician if the technician:

- 921 (1) Solicits animal patients from a licensed veterinarian;
- 922 (2) Solicits or receives any form of compensation from any person for veterinary services
 923 rendered other than from the licensed veterinarian or corporation under whom the
 924 licensed veterinary technician is employed;
- 925 (3) Willfully or negligently divulges a professional confidence or discusses a licensed
 926 veterinarian's diagnosis or treatment without the express permission of the licensed
 927 veterinarian; or
- 928 (4) Demonstrates a manifest incapability or incompetence to perform as a licensed
 929 veterinary technician.

930 (c) A licensed veterinary technician shall not be utilized in any manner which would be
 931 in violation of this article.

932 (d) A licensed veterinary technician shall not be utilized to perform the duties of a
 933 pharmacist licensed under Chapter 4 of Title 26.

934 43-50-55.

935 (a) Any licensed veterinarian, animal clinic, or animal hospital using licensed veterinary
 936 technicians shall post a notice to that effect in a prominent place.

937 (b) A licensed veterinary technician must clearly identify himself or herself as such in
 938 order to ensure that he or she is not mistaken by the public as a licensed veterinarian. This
 939 may be accomplished, for example, by the wearing of an appropriate name tag. Any time
 940 the licensed veterinary technician's name appears in a professional setting, his or her status
 941 must be shown as 'licensed' veterinary technician.'

942 ~~(e)(1) No licensed veterinarian shall have more than four licensed veterinary technicians~~
 943 ~~on duty under his or her supervision at any one time.~~

944 ~~(2) No licensed veterinarian shall practice veterinary medicine at a veterinary facility~~
 945 ~~when the number of licensed veterinary technicians employed at such veterinary facility~~

946 ~~exceeds the number of licensed veterinarians regularly engaged in the practice of~~
 947 ~~veterinary medicine at such veterinary facility by a ratio of more than 2:1.~~

948 ~~(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply to any~~
 949 ~~licensed veterinarian engaged in a specialty practice if he or she is certified for such~~
 950 ~~specialty practice by a college approved for such purpose by the American Veterinary~~
 951 ~~Medical Association or its successor organization, provided, however, that no such~~
 952 ~~licensed veterinarian shall engage in such specialty practice at a veterinary facility when~~
 953 ~~the number of licensed veterinary technicians employed at such veterinary facility~~
 954 ~~exceeds the number of licensed veterinarians regularly engaged in a specialty practice of~~
 955 ~~veterinary medicine at such veterinary facility by a ratio of more than 5:1.~~

956 43-50-56.

957 A veterinarian who utilizes a licensed veterinary technician shall be responsible for any
 958 violation of any limitations which are placed on the duties of a licensed veterinary
 959 technician.

960 ARTICLE 3A

961 43-50-60.

962 It is the purpose of this article to encourage more effective utilization of the skills of
 963 licensed veterinarians by enabling them to delegate certain veterinary health care tasks to
 964 veterinary assistants where such delegation is consistent with the animal patient's health
 965 and welfare.

966 43-50-61.

967 (a) Subject to the provisions of this Code section, the practice of veterinary technology by
 968 a veterinary assistant shall not be a violation of subsection (a) of Code Section 43-50-30
 969 or subsection (a) of Code Section 43-50-45.

970 (b) No veterinary assistant shall make a diagnosis or prognosis, prescribe treatment,
 971 perform surgery, prescribe medication, perform a nonemergency intubation, induce
 972 anesthesia, perform central venous catheterization, or perform arterial catheterization and
 973 arterial collection for any animal.

974 43-50-62.

975 (a) Any veterinary assistant must at all times be under the supervision of a licensed
 976 veterinarian whenever practicing veterinary technology in this state. The level of
 977 supervision shall be consistent with the delegated animal health care task. Subject to the

978 provisions of subsection (b) of Code Section 43-50-61, a licensed veterinarian may in his
 979 or her discretion delegate any animal health care task to a veterinary assistant; provided,
 980 however, that the board may establish by rules or regulations, in such general or specific
 981 terms as it deems necessary and appropriate for purposes of this article, the level of
 982 supervision, whether direct supervision, immediate supervision, or indirect supervision,
 983 that is required by the licensed veterinarian for any delegated animal health care task to be
 984 performed by a veterinary assistant. Such rules or regulations may require higher levels
 985 of supervision for veterinary assistants as compared to licensed veterinary technicians
 986 performing the same or similar animal health care tasks.

987 (b) A veterinary assistant shall not be utilized in any manner which would be in violation
 988 of this article.

989 (c) A veterinary assistant shall not be utilized to perform the duties of a pharmacist
 990 licensed under Chapter 4 of Title 26.

991 43-50-63.

992 (a) Any licensed veterinarian, animal clinic, or animal hospital using veterinary assistants
 993 shall post a notice to that effect in a prominent place.

994 (b) A veterinary assistant must clearly identify himself or herself as such in order to ensure
 995 that he or she is not mistaken by the public as a licensed veterinarian or licensed veterinary
 996 technician. This may be accomplished, for example, by the wearing of an appropriate
 997 name tag. Any time the veterinary assistant's name appears in a professional setting, his
 998 or her status must be shown as 'veterinary assistant.'

999 43-50-64.

1000 A veterinarian who utilizes a veterinary assistant shall be responsible for any violation of
 1001 any limitations which are placed on the duties of a veterinary assistant.

1002 ARTICLE 4

1003 43-50-80.

1004 Any person who gratuitously and in good faith administers emergency treatment to a sick
 1005 or injured animal at the scene of an accident or emergency shall not be in violation of this
 1006 chapter and shall not be liable to the owner of such animal in any civil action for damages;
 1007 provided, however, that this Code section shall not provide immunity for acts of gross
 1008 negligence.

1009 ARTICLE 5

1010 43-50-90.

1011 (a) The board shall work cooperatively with licensed veterinarians to establish standards
1012 for veterinary facilities and equipment and shall promulgate rules for same.1013 (b) The board shall have the authority to establish a method to monitor veterinary
1014 facilities, conduct investigations and hold proceedings related to alleged violations, and
1015 take necessary enforcement action against the license of a veterinarian or licensed
1016 veterinary technicians for violations of rules promulgated under subsection (a) of this Code
1017 section.

1018 43-50-91.

1019 This article shall not apply to any facility owned by the federal, state, or any local
1020 government, a public or private college or university, or a zoological park or aquarium that
1021 is accredited by the American Zoo and Aquarium Association or other substantially
1022 equivalent nationally recognized accrediting agency as determined by the board.1023 ARTICLE 61024 43-50-110.1025 The board shall have all of the duties, powers, and authority specifically granted by or
1026 necessary for the enforcement of this chapter. The board shall adopt such rules and
1027 regulations as are reasonable and necessary to implement and effectuate this chapter."1028 **SECTION 3.**1029 Article 11 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
1030 military, emergency management, and veterans affairs generally, is amended in Code Section
1031 38-3-161, relating to definitions, by revising paragraph (7) as follows:1032 "(7) 'Health facility' means a hospital or other health facility licensed under Chapter 7 of
1033 Title 31, a veterinary facility as defined in paragraph ~~(16)~~ (30) of Code Section 43-50-3,
1034 or any other similar entity licensed under the laws of another state to provide health
1035 services or veterinary services."1036 **SECTION 4.**

1037 All laws and parts of laws in conflict with this Act are repealed.