

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 62

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE BOARD OF VETERINARY MEDICINE; AMENDING SECTION 54-2105,
2 IDAHO CODE, TO DELETE THE REQUIREMENTS THAT THE BOARD REVIEW AND APPROVE
3 APPLICATIONS FOR CERTAIN NATIONAL EXAMINATIONS AND ADMINISTER CERTAIN
4 NATIONAL EXAMINATIONS.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 54-2105, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT
10 -- VACANCY -- QUALIFICATIONS -- COMPENSATION -- REMOVAL -- MEETINGS -- OFFI-
11 CERS -- REVENUES -- POWERS. (1) A board of veterinary medicine, which shall
12 consist of six (6) members to be appointed by the governor, is hereby created
13 in the department of self-governing agencies. Five (5) members shall be vet-
14 erinarians and one (1) member shall be a public member. Each of the five (5)
15 veterinary members shall serve a term of four (4) years as a veterinary board
16 member and a fifth year as a liaison officer, or until his successor is ap-
17 pointed, except that the terms of the first appointees may be for shorter pe-
18 riods to permit staggering of terms whereby one (1) term expires each year.
19 The public member shall serve for a term of three (3) years or until his suc-
20 cessor is appointed.

21 Whenever the occasion arises for an appointment of a veterinary member
22 under this section, the state veterinary medical association or one (1)
23 of the regional veterinary medical associations may nominate three (3) or
24 more qualified persons and forward the nominations to the governor at least
25 thirty (30) days before the date set for the appointment. The governor shall
26 appoint one (1) of the persons so nominated. Vacancies due to death, res-
27 ignation or removal shall be filled for the remainder of the unexpired term
28 in the same manner as regular appointments. No person shall serve two (2)
29 consecutive terms, except in the case of a person appointed for less than a
30 full term. Each of the five (5) veterinarians shall be qualified to serve
31 as a member of the board if a graduate of an accredited or approved school
32 of veterinary medicine or, if a graduate of a nonaccredited or nonapproved
33 school, a letter from the educational commission for foreign veterinary
34 graduates (ECFVG) certifying completion of the ECFVG program or a copy of
35 their ECFVG certificate, or verification of successful completion of any
36 educational equivalency program established for the purpose of evaluating
37 an individual's educational knowledge and clinical skills as they relate to
38 the practice of veterinary medicine, as approved and outlined by the rules of
39 the board. In addition to verification of graduation from an accredited or
40 nonaccredited school of veterinary medicine, each of the five (5) veterinary
41 members shall be a resident of this state, and have been licensed to practice
42 veterinary medicine in this state for the five (5) years immediately preced-

1 ing the time of appointment. The public member shall be at least twenty-one
2 (21) years of age and a resident of this state for five (5) years immediately
3 preceding appointment. No person may serve on the board who is, or was,
4 during the two (2) years preceding appointment, a member of the faculty or
5 trustees of an accredited school of veterinary medicine.

6 (2) Each member of the board and certified euthanasia task force shall
7 be compensated as provided by section 59-509(n), Idaho Code.

8 (3) Any member of the board may be removed by the governor at his discre-
9 tion.

10 (4) The board shall meet at least once each year at the time and place
11 fixed by rule of the board. Other necessary meetings may be called by the
12 president of the board by giving notice as may be required by state statute or
13 rule. Except as may otherwise be provided, a majority of the board consti-
14 tutes a quorum. Meetings shall be open and public except as otherwise pro-
15 vided by the open meeting law, chapter 23, title 67, Idaho Code.

16 (5) The board member serving the fourth year of appointment shall be the
17 president of the board and shall serve as chairman at the board meetings.

18 (6) The veterinary board member serving the fifth year of appointment
19 shall be the liaison officer of the board and shall render advice, review and
20 mediate complaints, and perform other tasks assigned by the board.

21 (7) All revenues received under this chapter shall be paid to the state
22 board of veterinary medicine account created in section 54-2121, Idaho Code,
23 and shall be subject to and administered in accordance with the provisions of
24 this chapter.

25 (8) The responsibility for enforcement of the provisions of this chap-
26 ter is hereby vested in the board. The board shall have all of the duties,
27 powers and authority specifically granted by or necessary for the enforce-
28 ment of this chapter and the rules made pursuant thereto, as well as such
29 other duties, powers and authority as it may be granted from time to time by
30 applicable law. The powers vested in the board shall include, but are not
31 limited to:

32 (a) Establish qualifications and prescribe the application format for
33 issuance or renewal of a license to practice as a veterinarian and cer-
34 tification to practice as a veterinary technician, euthanasia agency
35 or euthanasia technician, review each application for compliance with
36 the licensure and certification requirements, issue, renew or deny li-
37 censes and certifications. Upon a showing of good cause by a licensee
38 or certificate holder to the board, the board may grant an extension of
39 time for submission of the required application or renewal documenta-
40 tion, including the required number of continuing education hours, as
41 set forth by this chapter or the rules of the board.

42 (b) Examine and determine the qualifications and fitness of applicants
43 for a license to practice veterinary medicine, or certification to
44 practice veterinary technology or as a euthanasia technician or operate
45 as a certified euthanasia agency in the state.

46 (c) Issue, renew, reinstate, deny, suspend, sanction, reprimand, re-
47 strict, limit, place on probation, require voluntary surrender of,
48 or revoke any licenses, certifications or temporary permits or certi-
49 fications to practice veterinary medicine, veterinary technology or
50 euthanize animals in the state, and may fine and impose other forms of

1 discipline, and enter into consent agreements and negotiated settle-
2 ments with licensed veterinarians, certified veterinary technicians,
3 certified euthanasia technicians and certified euthanasia agencies
4 consistent with the provisions of this chapter and the rules adopted
5 hereunder. Whenever it appears that grounds for discipline exist under
6 this chapter and the board finds that there is an immediate danger to the
7 public health, safety or welfare, the board is authorized to commence
8 emergency proceedings for revocation or other action. Such proceedings
9 shall be promptly instituted and processed under the applicable provi-
10 sions of chapter 52, title 67, Idaho Code.

11 (d) Establish a schedule of fees for licensing, certifying and regis-
12 tering veterinarians, veterinary technicians, euthanasia agencies and
13 euthanasia technicians, as well as for the review, approval and admin-
14 istration of national licensing and certification examinations.

15 (e) In addition to the fees specifically provided for herein, the board
16 may assess additional reasonable fees for services rendered to carry
17 out its duties and responsibilities as required or authorized by this
18 chapter or rules adopted hereunder. Such services rendered shall in-
19 clude, but not be limited to, the following:

- 20 (i) Issuance of duplicate licenses or certificates;
- 21 (ii) Mailing lists or reports of data maintained by the board;
- 22 (iii) Copies of any documents;
- 23 (iv) Verification of license or certification status;
- 24 (v) Examination review, approval and administration; and
- 25 (vi) Examination materials.

26 ~~(f) Review and approve applications from candidates requesting au-~~
27 ~~thorization to take the national licensing examinations in veterinary~~
28 ~~medicine and the veterinary technician national examination and admin-~~
29 ~~ister either or both national examinations.~~

30 ~~(g)~~ Upon its own motion or upon any complaint, to initiate and conduct
31 investigations on all matters relating to the practice of veterinary
32 medicine or veterinary technology or the euthanizing of animals. Com-
33 plaints not filed within one (1) year after the alleged unlawful conduct
34 occurs will not be investigated. If the alleged unlawful conduct is of
35 a continuing nature, the date of the occurrence of such conduct shall
36 be deemed to be any date subsequent to the commencement of the unlawful
37 conduct up to and including the date on which the complaint is filed so
38 long as the alleged unlawful conduct continues.

39 ~~(h)~~ Initiate and conduct disciplinary hearings or proceedings on its
40 own or through its designated hearing officer, provided such hearings
41 and proceedings shall be held in conformance with the provisions of
42 chapter 52, title 67, Idaho Code, and in connection thereto, to admin-
43 ister oaths, receive evidence, make the necessary determinations, and
44 enter orders consistent with the findings. The board may require the
45 attendance and testimony of witnesses and the production of papers,
46 records, or other documentary evidence and may commission depositions.
47 The board may designate one (1) or more of its members or a person
48 appointed by the state board of veterinary medicine to serve as its
49 hearing officer.

1 (ih) Employ an executive director who shall be responsible for the per-
2 formance of the administrative functions of the board and such other du-
3 ties as the board may direct. The board may also employ or contract with
4 other individuals to provide professional, clerical or other services
5 deemed necessary by the board to effectuate the provisions of this chap-
6 ter and the rules of the board, and purchase or rent necessary office
7 space, equipment and supplies. The compensation of the executive di-
8 rector and other personnel shall be determined by the board and the ex-
9 ecutive director shall be exempt from the provisions of chapter 53, ti-
10 tle 67, Idaho Code.

11 (ji) Appoint from its own membership one (1) or more members to act as
12 representatives of the board at any meeting within or outside the state
13 where such representation is deemed desirable.

14 (kj) Bring proceedings in the courts for the enforcement of this chap-
15 ter or any rules made pursuant thereto.

16 (lk) For purposes of enforcement of the provisions of this chapter and
17 any rules duly promulgated hereunder, including the levying of civil
18 penalties, assessment and collection of fines, and recovery of costs
19 and paralegal, hearing officer and attorney's fees incurred by the
20 board in investigation and prosecution of complaints, the board shall
21 maintain jurisdiction over individuals, irrespective of their license
22 or certification status (i.e., active, inactive, expired, lapsed, sur-
23 rendered or disciplined) relative to acts, omissions, complaints and
24 investigations which occurred during the licensure or certification
25 period. Jurisdiction of the board shall also extend to all individuals
26 engaged in the practice of veterinary medicine, veterinary technology
27 or practicing as a certified euthanasia agency or certified euthanasia
28 technician in this state as defined in section 54-2103, Idaho Code. It
29 is the intent of this subsection that the board's jurisdiction should
30 extend to all licensed or unlicensed or certified or uncertified in-
31 dividuals and that licensees and certification holders cannot divest
32 the board of jurisdiction by changing, surrendering or relinquishing
33 licensure or certification status.

34 (ml) Establish a certified euthanasia task force for the purposes of
35 training, examining, licensing and certifying euthanasia agencies and
36 euthanasia technicians and assess application, training workshop and
37 certification fees. The fees so assessed are continuously appropriated
38 to the board to support the activities of the task force.

39 (nm) Adopt, amend or repeal all sections of this chapter and rules nec-
40 essary for its government and all rules necessary to carry into effect
41 the provisions of this chapter pursuant to the Idaho administrative
42 procedure act, chapter 52, title 67, Idaho Code, including the estab-
43 lishment and publication of standards of professional conduct for the
44 practice of veterinary medicine.

45 (on) Conduct probationary or other practice and facility inspections
46 necessary for enforcement of this chapter or the rules duly promulgated
47 hereunder or any order, negotiated settlement or probationary agree-
48 ment of the board and issue administrative citations to alleged viola-
49 tors.