

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 404

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO VETERINARIANS; AMENDING SECTION 54-2103, IDAHO CODE, TO PRO-
2 VIDE FOR INDIRECT SUPERVISION AND THE OFFERING OF CERTAIN SERVICES TO
3 THE PUBLIC BY ALLIED HEALTH PROFESSIONALS AND TO MAKE TECHNICAL COR-
4 RECTIONS; AND AMENDING SECTION 54-2104, IDAHO CODE, TO PROVIDE FOR THE
5 OFFERING OF CERTAIN SERVICES TO THE PUBLIC BY ALLIED HEALTH PROFESSION-
6 ALS AND TO MAKE TECHNICAL CORRECTIONS.
7

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

9 SECTION 1. That Section 54-2103, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 54-2103. DEFINITIONS. As used in this chapter:

12 (1) "Accredited continuing education activity" means a provider and
13 course, seminar, scientific program or any other activity approved by the
14 board or its designees for continuing education credit.

15 (2) "Accredited or approved school of veterinary medicine" means any
16 veterinary college or division of a university or college inside or outside
17 the United States or Canada that offers the degree of doctor of veterinary
18 medicine, veterinary medicine doctor, or its equivalent and is accredited or
19 approved by the council on education of the American veterinary medical as-
20 sociation or other accrediting agency or association approved by the board.

21 (3) "Allied health professional" means a person holding a current ac-
22 tive license, in good standing, in any state to practice one (1) of the heal-
23 ing arts including, but not limited to, medicine, dentistry, osteopathy,
24 chiropractic, acupuncture and podiatry.

25 (4) "Anesthetized" means any condition of general anesthesia, caused
26 by the administration of a drug or combination of drugs in sufficient quan-
27 tity to produce a state of unconsciousness or disassociation and blocked re-
28 sponse to a given pain or alarm stimulus.

29 (5) "Animal" means any animal other than man and includes fowl, birds,
30 fish and reptiles, wild or domestic, living or dead.

31 (6) "Assistant" means any individual, other than a certified veteri-
32 nary technician or a licensed veterinarian, who is utilized by a licensed
33 veterinarian to assist in the performance of acts pertaining to the practice
34 of veterinary medicine.

35 (7) "Board" means the state board of veterinary medicine.

36 (8) "Certified euthanasia agency" or "CEA" means a law enforcement
37 agency, an animal control agency or a society for the prevention of cruelty
38 to animals, ~~which~~ that has been inspected and certified by the committee on
39 humane euthanasia or the board.

40 (9) "Certified euthanasia technician" or "CET" means a person employed
41 by a certified euthanasia agency who is instructed and certified by the com-
42 mittee on humane euthanasia or the board as defined in the rules of the board,

1 but not to include an individual employed as a technician by animal research
2 laboratories.

3 (10) "Certified veterinary technician" means a person who has fulfilled
4 the certification requirements prescribed by board rule and has been certi-
5 fied by the board to practice veterinary technology in this state.

6 (11) "Consultation" means a deliberation between two (2) or more vet-
7 erinarians concerning the diagnosis of a disease or the proper management of
8 the case.

9 (12) "Credit hour" means fifty (50) minutes of participation in an ac-
10 credited continuing education activity.

11 (13) "Dentistry" is the practice of veterinary medicine and means the
12 application or use of any instrument or device to any portion of an animal's
13 tooth, gum or any related tissue for the prevention, cure or relief of any
14 wound, fracture, injury, disease or other condition of an animal's tooth,
15 gum or related tissue. Dentistry includes, but is not limited to:

16 (a) "Preventive dental procedures" including, but not limited to, the
17 removal of calculus, soft deposits, plaque, stains, and floating to
18 shape the teeth above the gum line or the smoothing, filing or polishing
19 of tooth surfaces above the gum line; and

20 (b) "Operative dentistry/oral surgery" or any other dental procedure
21 that invades the hard or soft oral tissue, including a procedure that
22 alters the structure of one (1) or more teeth, or repairs damaged and
23 diseased teeth, or the deliberate extraction of one (1) or more teeth.

24 (14) "Direct supervision" means the supervising veterinarian is on the
25 premises where the animal is being treated, is quickly and easily available,
26 and the animal has been examined by the supervising veterinarian as accept-
27 able veterinary medical practice requires.

28 (15) "Discipline" means board action including, but not limited to:

29 (a) Refusing to issue, renew or reinstate a license, permit or certi-
30 fication to practice as a licensed veterinarian, a certified veteri-
31 nary technician, a certified euthanasia agency or a certified euthana-
32 sia technician;

33 (b) Denial, revocation, suspension, sanction, probation or voluntary
34 surrender of a license, permit or certification to practice as a li-
35 censed veterinarian, a certified veterinary technician, a certified
36 euthanasia agency or a certified euthanasia technician;

37 (c) The ability to enter into consent agreements and negotiated settle-
38 ments with licensed veterinarians, certified veterinary technicians,
39 certified euthanasia agencies and certified euthanasia technicians;

40 (d) The ability to bring an administrative or civil action against any
41 person in or outside of this state who practices veterinary medicine, or
42 veterinary technology or who performs euthanasia within this state.

43 (16) "Emergency" means that the animal has been placed in a life-threat-
44 ening condition where immediate treatment is necessary to sustain life.

45 (17) "Emergency veterinary facility" means any facility with the pri-
46 mary function of receiving, treating, and monitoring emergency patients
47 during its specified hours of operation or that displays to the public any
48 sign, card, or advertisement that indicates it is an emergency veterinary
49 clinic or hospital. An emergency veterinary facility may be an independent

1 after-hours service, an independent twenty-four (24) hour service, or it may
2 be part of a full-service veterinary medical facility.

3 (18) "Committee on humane euthanasia" means a committee established by
4 the board for the purposes of training, examining, certifying and inspecting
5 certified euthanasia agencies and certified euthanasia technicians.

6 (19) "Extra label use" means the actual or intended use of a human or
7 veterinary drug in an animal in a manner that is not in accordance with the
8 drug's labeling.

9 (20) "Floating" means shaping the posterior (cheek) teeth and the in-
10 cisors (cutting teeth) in horses, mules and donkeys through the use of hand
11 floats, rasps, burs, mechanical files or other file-like instruments to re-
12 store balance, allow more efficient mastication, and reduce pain and trauma
13 to the periodontal tissues.

14 (21) "Herd," "litter," or "flock" of animals means animals managed as
15 a group for purposes including, but not limited to, breeding, sale, show or
16 food production.

17 (22) "Immediate supervision" means the supervising veterinarian is in
18 the immediate area, in audible and visual range of the animal patient and the
19 person treating the patient, and the animal has been examined by the super-
20 vising veterinarian as acceptable veterinary medical practice requires.

21 (23) "In good standing" means, when used in reference to an applicant
22 for licensure or certification, that an applicant:

23 (a) Has not been the recipient of any administrative penalties regard-
24 ing his practice of veterinary medicine including, but not limited to,
25 fines, formal reprimands, license suspensions or revocations (except
26 for license revocations for nonpayment of license renewal fees) or pro-
27 bationary limitations, or has not entered into any consent agreement or
28 negotiated settlement that contains conditions placed by a board on his
29 professional conduct and practice, including any voluntary surrender
30 of a license; and

31 (b) Has never had his United States drug enforcement administration
32 privileges restricted or revoked; and

33 (c) Is not currently under investigation by another veterinary licens-
34 ing authority for acts that would provide a basis for disciplinary ac-
35 tion in this state, as determined by the board; and

36 (d) Has no physical or mental impairment related to drugs or alcohol,
37 or a finding of mental incompetence by a physician that would limit the
38 applicant's ability to undertake the practice of veterinary medicine in
39 a manner consistent with the safety of a patient or the public; and

40 (e) Has no criminal conviction record or pending criminal charge relat-
41 ing to an offense, the circumstances of which substantially relate to
42 the practice of veterinary medicine or ~~that is~~ deemed relevant in accor-
43 dance with section 67-9411(1), Idaho Code. Applicants who have crim-
44 inal conviction records or pending criminal charges shall require ap-
45 propriate authorities to provide information about the record or charge
46 directly to the board in sufficient detail to enable the board to make a
47 determination whether the record or charge is substantially related to
48 the practice of veterinary medicine.

49 (24) "Indirect supervision" means the supervising veterinarian is not
50 on the premises but is available for immediate contact by telephone, radio or

1 other means, has given either written or oral instructions for treatment of
2 the animal patient, the animal has been examined by the supervising veteri-
3 narian as acceptable veterinary medical practice requires, and the animal,
4 if previously anesthetized, has recovered to the point of being conscious
5 and sternal. Indirect supervision of a chiropractic allied health profes-
6 sional who meets the conditions in subsection (41) (b) of this section does
7 not require written or oral instructions for treatment or an examination by a
8 supervising veterinarian prior to treatment by the professional.

9 (25) "Legend/prescription drug" means any drug ~~which~~ that, under fed-
10 eral law, regulation or rule, is required, prior to being distributed or de-
11 livered, to be labeled with one (1) of the following statements: "Caution:
12 Federal law restricts this drug to be used by or on the order of a licensed
13 veterinarian," or "Caution: Federal law prohibits dispensing without a pre-
14 scription," or "Rx Only," or a drug ~~which~~ that is required by any applicable
15 state or federal law, rule or regulation to be distributed or dispensed pur-
16 suant to a prescription only, or is restricted to use by licensed practition-
17 ers only.

18 (26) "Licensed veterinarian" means a person who is validly and cur-
19 rently licensed to practice veterinary medicine in this state.

20 (27) "Malpractice" means, but is not limited to:

21 (a) Treatment in a manner contrary to accepted veterinary practices and
22 with injurious results; or

23 (b) Any professional misconduct or unreasonable lack of professional
24 skill or fidelity in the performance of the professional practice of
25 veterinary medicine; or

26 (c) Failure to provide adequate supervision, except in an emergency
27 situation; or

28 (d) Allowing an unqualified individual to perform a procedure that is
29 part of the practice of veterinary medicine; or

30 (e) The negligent practice of veterinary medicine, as determined by the
31 standard of practice for the area, that results in injury, unnecessary
32 suffering or death.

33 (28) "Medical incompetence" means lacking in sufficient medical knowl-
34 edge or skills or both to a degree likely to endanger the health of patients.

35 (29) "Mobile clinic" means a vehicle including, but not limited to, a
36 camper, motor home, trailer or mobile home used as a veterinary medical fa-
37 cility. A mobile clinic is not required for house calls or farm calls.

38 (30) "On-call emergency service" means a veterinary medical facility
39 that is available to provide emergency veterinary services as requested if
40 a veterinarian is available.

41 (31) "Owner/ownership" means ownership as defined by the laws of prop-
42 erty and ownership, chapter 1, title 55, Idaho Code, and chapter 1, title 73,
43 Idaho Code.

44 (32) "Person" means any individual, firm, partnership, association,
45 joint venture, cooperative and corporation, or any other group or combi-
46 nation acting in concert, and whether or not acting as principal, trustee,
47 fiduciary, receiver, or as any other kind of legal or personal representa-
48 tive, or as the successor in interest, assignee, agent, factor, servant,
49 employee, director, officer, or any other representative of such person.

1 (33) "Physical or mental incompetence" means the veterinarian's abil-
2 ity to practice veterinary medicine with reasonable skill and safety is
3 impaired by reason of illness, excessive use of alcohol, drugs, narcotics,
4 chemicals or any other substance, or as a result of any mental or physical
5 disability.

6 (34) "Practice of veterinary medicine" in this state, through tele-
7 phonic, electronic or other means, regardless of the location of the veteri-
8 narian, includes veterinary surgery, obstetrics, dentistry, and all other
9 branches or specialties of veterinary medicine and means:

10 (a) To directly or indirectly diagnose, treat, correct, change, re-
11 lieve or prevent animal disease, deformity, defect, injury or other
12 physical or mental conditions, including the prescribing, dispensing,
13 delivering or administering of any drug, medicine, biologic, apparatus
14 application, anesthetic or other therapeutic or diagnostic substance
15 or technique, or the use of any obstetrical procedure or any manual or
16 mechanical procedure for artificial insemination, for testing or exam-
17 ining for pregnancy, fertility evaluation, embryo transplant, grading
18 of fresh semen, or to render advice or recommendation with regard to any
19 act described in this paragraph.

20 (b) To represent, directly or indirectly, publicly or privately, an
21 ability and willingness to do any act described in paragraph (a) of this
22 subsection.

23 (c) To use any title, words, abbreviations or letter in a manner or un-
24 der circumstances that induce the belief that the person using them is
25 qualified to do any act described in paragraph (a) of this subsection,
26 except where such person is a licensed veterinarian.

27 (35) "Professional supervision" means the supervising veterinarian is
28 in daily contact by telephone, radio or other means with the temporary li-
29 censee.

30 (36) "Referral" means the transfer of responsibility for diagnosis and
31 treatment from the referring veterinarian to the receiving veterinarian, or
32 from the referring veterinarian to the board-certified specialist, or from
33 the referring veterinarian to an allied health professional.

34 (37) "Regular employee" means a person who performs services for the an-
35 imal's owner other than, or in addition to, feeding, boarding, castrating
36 and dehorning, but does not include independent contractors or agents.

37 (38) "Supervision" means the action or process of a supervising veteri-
38 narian in directing activities or a course of action for those individuals to
39 whom activities or functions have been assigned or delegated.

40 (39) "Supervising veterinarian" means a licensed veterinarian utiliz-
41 ing the services of a temporary licensee, certified veterinary technician,
42 veterinary technician, veterinary technician with a temporary certifica-
43 tion, veterinary assistant, certified euthanasia technician, or as provided
44 by rule. A supervising veterinarian shall be individually responsible and
45 liable, regardless of the supervision provided, for all damages arising out
46 of his own acts or omissions and for the performance of any acts and omissions
47 pertaining to the practice of veterinary medicine that are delegated to the
48 temporary licensee, certified veterinary technician, veterinary techni-
49 cian, veterinary assistant or certified euthanasia technician. Nothing
50 herein shall be construed to deprive the board of its disciplinary authority

1 with respect to the temporary licensees, certified veterinary technicians,
2 veterinary technicians, veterinary assistants or certified euthanasia
3 technicians.

4 (40) "Unethical or unprofessional conduct" means to knowingly engage in
5 conduct of a character likely to deceive or defraud the public, false or mis-
6 leading advertising or solicitation, obtaining any fee or compensation by
7 fraud or misrepresentation, sharing office space and working in conjunction
8 with any person illegally practicing veterinary medicine, employing either
9 indirectly or directly an unlicensed or uncertified person to perform acts
10 pertaining to the practice of veterinary medicine, except as provided by law
11 or rule, or the violation of any law or rules adopted by the board pertain-
12 ing to unethical or unprofessional conduct, or that provide a code of profes-
13 sional conduct to be followed and carried out by persons licensed or certi-
14 fied by the board.

15 (41) "Unlicensed practice" means:

16 (a) The practice of veterinary medicine in this state, through tele-
17 phonic, electronic or other means, regardless of the location of the
18 veterinarian, without a valid, unexpired, unrevoked, and unsuspended
19 active license or certification in this state to do so, except as pro-
20 vided by law or rule; or

21 (b) Representing oneself through offerings, advertisements or use of
22 professional titles or designations as being qualified to practice vet-
23 erinary medicine; provided, however, that, notwithstanding paragraph
24 (a) of this subsection, a chiropractic allied health professional shall
25 be permitted to represent oneself through offerings, advertisements,
26 and use of professional titles and designations if the following condi-
27 tions are met:

28 (i) The professional is certified by the American veterinary chi-
29 ropractic association or the international veterinary chiroprac-
30 tic association;

31 (ii) The professional is in good standing with the state board of
32 chiropractic physicians and any other board that oversees chiro-
33 practic medicine through which the professional is licensed; and

34 (iii) The advertisements and offerings are limited to services the
35 professional is permitted to perform under this chapter and within
36 the scope of the professional's certification.

37 (42) "Veterinarian" means a person who has received a doctor's degree
38 in veterinary medicine from an accredited or approved school of veterinary
39 medicine or as otherwise provided by law or rule.

40 (43) "Veterinarian on call" means a veterinarian is not present at the
41 veterinary medical facility but is able to respond within a reasonable time
42 to requests for emergency veterinary services.

43 (44) "Veterinarian on premises" means a veterinarian is present at the
44 veterinary medical facility and is prepared and qualified to render veteri-
45 nary services.

46 (45) "Veterinary medical facility" means any premises, office, unit,
47 structure, mobile unit, or area utilized for the practice of veterinary
48 medicine other than the premises of an owner when used for treatment of the
49 owner's animal.

1 (46) "Veterinary technician" means a person who has graduated from a
2 veterinary technology program accredited or approved by the committee on
3 veterinary technician education and activities of the American veterinary
4 medical association or other accrediting agency approved by the board, or a
5 person who has received equivalent training as set forth in the rules of the
6 board.

7 (47) "Veterinary technology" means the performance of services within
8 the practice of veterinary medicine by a person working under the direction
9 of a supervising veterinarian to perform duties that require an understand-
10 ing of veterinary medicine in order to carry out the orders of the veteri-
11 narian. Veterinary technology does not include prognosis, diagnosis, oper-
12 ative dentistry, deliberate tooth extraction procedures, or the prescribing
13 of treatment or performing surgery of any kind.

14 SECTION 2. That Section 54-2104, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 54-2104. LICENSE A PREREQUISITE TO PRACTICE -- EXCEPTIONS. (1) No per-
17 son may practice veterinary medicine in the state who is not an actively li-
18 censed veterinarian or the holder of a valid temporary permit issued by the
19 board.

20 (2) This chapter shall not be construed to prohibit:

21 (a) A veterinarian employed by the federal, state or local government
22 from performing his official duties specifically required under any
23 lawful act or statute, except that this exemption shall not apply to
24 such persons not actively engaged in performing or fulfilling their
25 official duties and responsibilities.

26 (b) A person who is a regular student currently enrolled and in good
27 standing in an accredited or approved school of veterinary medicine,
28 veterinary science department or an educational institution accredited
29 by a national or regional accrediting agency recognized by the Idaho
30 state board of education or the United States department of education
31 from performing duties or actions assigned by his instructors, or from
32 working under the direct supervision of an actively licensed veteri-
33 narian during a school vacation period. The unsupervised or unautho-
34 rized practice of veterinary medicine by a student, even though on the
35 premises of an accredited or approved school of veterinary medicine,
36 veterinary science department, an educational institution accredited
37 by a national or regional accrediting agency recognized by the Idaho
38 state board of education or the United States department of education or
39 at a veterinary medical facility, is prohibited.

40 (c) A person who is a regular student currently enrolled and in good
41 standing in a nonaccredited or nonapproved educational institution,
42 ~~that~~ and who holds a valid certificate of registration issued by the
43 Idaho state board of education, from performing duties or actions as-
44 signed by his instructors. This exemption does not include surgery or
45 the administration of controlled substances or legend/prescription
46 drugs, unless specifically allowed by state or federal law, rule or
47 regulation. The unsupervised or unauthorized personal practice of
48 veterinary medicine by a student on the premises of a nonaccredited or
49 nonapproved educational institution is prohibited.

1 (d) Idaho extension personnel from performing their official duties.

2 (e) A veterinarian holding a current, active license, in good standing,
3 in another state, from consulting with a licensed veterinarian in this
4 state.

5 (f) Any merchant or manufacturer from selling nonprescription and non-
6 controlled medicines, biologics, feed, medicated feed, appliances or
7 other products for the prevention or treatment of animal and poultry
8 diseases. Such merchants or manufacturers shall not, either directly
9 or indirectly, attempt to diagnose a symptom or disease in order to ad-
10 vise treatment, the use of drugs, medicines, appliances or products.

11 (g) A farmer, rancher or feedlot operator, including custom ranch or
12 feedlot operators, and their regular employees, from caring for and
13 treating animals within their possession or control, when such animals
14 have been consigned by their legal owner and except where the ownership
15 or possession of the animal was transferred or the employment changed to
16 circumvent this chapter.

17 (h) The owner of an animal or his regular employees from caring for
18 and treating the animals belonging to such owner, or livestock owners
19 or regular employees from pregnancy testing their own or employer's
20 cattle or the exchange of services for which no monetary compensation
21 is paid between owners or their regular employees, except where the
22 ownership or possession of the animal was transferred or the employment
23 changed to circumvent this chapter, and provided that only an actively
24 licensed veterinarian may immunize or treat an animal for diseases
25 which that require the use of a vaccine ~~that is~~ restricted by state or
26 federal law, rules or regulations, or as otherwise provided by board
27 rule. Notwithstanding the provisions of this paragraph, a veterinar-
28 ian/client/patient relationship, as defined by rules, must exist when
29 controlled substances or legend/prescription drugs are administered,
30 distributed, dispensed or prescribed.

31 (i) A member of a faculty of an accredited or approved school of veteri-
32 nary medicine, a veterinary science department, or an educational in-
33 stitution accredited by a national or regional accrediting agency rec-
34 ognized by the Idaho state board of education or the United States de-
35 partment of education, from performing his regular functions. The un-
36 supervised or unauthorized personal practice of veterinary medicine,
37 by a faculty member on the premises of any ~~of the above~~ such institu-
38 tions, is prohibited.

39 (j) Any person from selling or applying any pesticide, insecticide, or
40 herbicide.

41 (k) A person from lecturing or giving instructions or demonstrations
42 at an accredited or approved school of veterinary medicine, veteri-
43 nary science department or an educational institution accredited or
44 approved by a national or regional accrediting agency recognized by the
45 Idaho state board of education or the United States department of edu-
46 cation, or in connection with an approved continuing education course
47 or seminar.

48 (l) A member of a faculty of a nonaccredited or nonapproved educational
49 institution, who holds a valid certificate of registration issued by
50 the Idaho state board of education, from performing his regular func-

1 tions. This exemption does not include surgery or the administration
2 of controlled substances or legend/prescription drugs, unless specif-
3 ically allowed by state or federal law, rule or regulation. The unsu-
4 pervised or unauthorized personal practice of veterinary medicine by a
5 faculty member on the premises of a nonaccredited or nonapproved educa-
6 tional institution is prohibited.

7 (m) Individuals employed as instructors or researchers by, or enrolled
8 as students in, any bona fide medical research institution from con-
9 ducting experiments and scientific research on animals:

10 (i) In the development of pharmaceuticals, biologicals, or
11 serums for treating human or animal ailments; or

12 (ii) In the development of methods of treatment or techniques for
13 the diagnosis or treatment of human or animal ailments; or

14 (iii) When engaged in the study and development of methods and
15 techniques directly or indirectly applicable to the practice of
16 veterinary medicine, ~~so~~ as long as such research is conducted in
17 compliance with applicable state and federal laws, rules and regu-
18 lations.

19 (n) Any person from performing artificial insemination of domestic an-
20 imals as governed by chapter 8, title 25, Idaho Code.

21 (o) Any person from horseshoeing or hoof-trimming bovine, equine and
22 farm animals.

23 (p) An allied health professional actively licensed and in good stand-
24 ing in any state from participating in a medical procedure involving
25 an animal, provided that such participation is in his licensed field
26 of medicine and under the indirect supervision of an actively licensed
27 veterinarian or from representing himself through offerings, adver-
28 tisements, and the use of professional titles and designations in
29 accordance with section 54-2103(41)(b), Idaho Code.

30 (q) Any person from the gratuitous treatment of animals in an emergency
31 as a neighborly act.

32 (r) Any state or federal livestock inspector from performing his of-
33 ficial duties specifically required under any lawful act or statute,
34 and provided that this exemption shall not apply to such persons not
35 actively engaged in performing or fulfilling their official duties and
36 responsibilities.

37 (s) A certified euthanasia agency from operating as a CEA as defined by
38 law and rules.

39 (t) A certified euthanasia technician from performing those duties as
40 defined by law and rules.

41 (u) Any person from utilizing cotton swabs, gauze, dental floss, denti-
42 frice or toothbrushes to clean an animal's teeth.

43 (v) A certified veterinary technician from practicing veterinary tech-
44 nology under appropriate supervision, as defined by the rules of the
45 board.

46 (w) An assistant or veterinary technician from performing acts per-
47 taining to the practice of veterinary medicine under appropriate super-
48 vision, as defined by the rules of the board.

49 (x) The personal representative, executor or sole surviving heir of a
50 licensed veterinarian from continuing to operate the veterinary med-

1 ical practice of the deceased for a period of not more than three (3)
2 years following death. This exception ~~only~~ applies only where during
3 such three (3) year period:

4 (i) Good faith efforts are being made to sell the veterinary medi-
5 cal practice; and

6 (ii) All the decisions pertaining to the diagnosis, care and
7 treatment of the patients are made by an actively licensed veteri-
8 narian.

9 (y) A veterinarian with an active license in good standing from another
10 state from practicing veterinary medicine on animals in the collection
11 of a publicly owned zoo that is either licensed by the United States
12 department of agriculture (USDA) as an exhibitor or is accredited by
13 the association of zoos and aquariums (AZA), but only when the Idaho li-
14 censed veterinarian who regularly attends to these animals is unavail-
15 able or unqualified to render the services required. This exemption
16 from licensure ~~only~~ applies only after the out-of-state veterinarian
17 notifies the board in writing: (1) where he will be practicing in Idaho;
18 and (2) the expected duration of the practice. After the out-of-state
19 veterinarian completes his services under this section, he must so no-
20 tify the board in writing of that fact. Unless expressly extended by
21 the board in its sound discretion, an exemption under this section is
22 limited to a period of one (1) year from the initial notification date.

23 (3) Nothing in this section shall be construed as limiting the board's
24 authority to provide other exemptions or exceptions to the requirements for
25 licensing, under its rulemaking authority, as the board may find necessary
26 or appropriate.