

Enrolled Act No. 27, House of Representatives

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AN ACT entitled the Wyoming Veterinary Medical Practice Act, providing definitions, license requirements and exceptions, establishing a Wyoming Board of Veterinary Medicine and enumerating its powers and duties, providing for licenses, renewals and temporary permits, disciplining licensees and prescribing hearing procedures, providing a penalty for violation of this act; repealing Sections 33-369, 33-370, 33-371, 33-372, 33-373, 33-374, 33-375, 33-376, 33-377, 33-379, 33-380, 33-381 and 33-383, Wyoming Statutes 1957.

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

Section 1. This act shall be known as the Wyoming Veterinary Medical Practice Act.

It is hereby declared that the practice of veterinary medicine is a privilege which is granted by legislative authority in the interest of the public health, safety and welfare, and to assure the public of the highest competency and professional standards by persons licensed to practice veterinary medicine.

Section 2. When used in this act, these words and phrases, unless the context otherwise indicates, shall be defined as follows:

(a) "Animal" is any animal other than man and includes fowl, birds, fish and reptiles, wild or domestic, living or dead.

(b) "Veterinary medicine" is that discipline of medicine, system, science and art devoted to preventing or alleviating illness, pain, disease and deformity of animals by

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diagnosing, treating, prescribing or operating, and to preventing the spread to human beings of those diseases capable of being contracted by human beings from animals, utilizing means and methods which are taught and practiced in accredited colleges of veterinary medicine. Veterinary dentistry, cosmetic surgery and physiological examination of animals shall be considered a part of veterinary medicine.

(c) "Practice of veterinary medicine" shall include, but not be limited to, the practice:

(i) To diagnose, prognose, treat, correct, change, relieve, or prevent disease, pain, deformity, defect, injury, or other physical or mental conditions of any animal for a fee or other compensation; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique.

(ii) To physiologically examine or to correct sterility or infertility, or to render advice or recommendation with regard to any of the above for any animal for a fee or other compensation.

(iii) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subsections (i) and (ii).

(iv) To use any titles, words, abbreviations, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subsections (i) and (ii) except where such person is a veterinarian.

(d) "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from an accredited college of veterinary medicine.

(e) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state. For the purpose of this act such licensed veterinarian is also considered to be a practicing veterinarian.

(f) "College of veterinary medicine" means any veterinary college or school or division of a university or college that offers the degree, Doctor of Veterinary Medicine or its equivalent, and that conforms to the standards required for accreditation by the American Veterinary Medical Association.

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(g) "Person" means any individual, firm, partnership, association, joint venture, cooperative and corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

(h) "Board" means the Wyoming Board of Veterinary Medicine.

Section 3. No person may practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This act shall not be construed to prohibit:

(a) An employed veterinarian of the federal, state, or local government from performing his official duties; provided, however, this exemption shall not apply to such person when he is not engaged in carrying out his official duties.

(b) A person who is a regular student in a college of veterinary medicine from performing duties or action assigned by his instructors, or from working under the responsible supervision of a licensed veterinarian during a school vacation period.

(c) A veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state.

(d) Any merchant or manufacturer from selling at his regular place of business medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases.

(e) The owner of an animal, the owner's employees or any livestock operator and such operator's employees with whom the owner exchanges work and assistance in connection with animals, from caring for and treating any animal belonging to such owner, in any manner desired by said owner.

(f) A member of the faculty of an accredited college of veterinary medicine or a recognized division of veterinary science from performing his regular functions at such college or division by lecturing, or from giving instructions or demonstrations at such college or division or in connection with a continuing education course or seminar.

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(g) Any person from engaging in bona fide scientific research which requires experimentation involving animals; providing that procurement and care of such experimental animals shall conform to accepted methods and existing law.

(h) Any person approved by the board from performing artificial insemination of animals as provided by section 4 (f) (iii).

(i) Any veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian from administering medication or rendering auxiliary or supporting assistance under the responsible supervision of such practicing veterinarian.

(j) Persons from gratuitously giving aid, assistance or relief in emergency or accident cases if they do not represent themselves to be veterinarians or use any title or degree appertaining to the practice thereof.

Section 4. (a) A Wyoming Board of Veterinary Medicine shall be appointed by the governor, by and with the consent of senate, and shall consist of five (5) veterinarians who shall hold office for a term of six (6) years. Members of the State Board of Veterinary Examiners appointed under the chapter which this act repeals shall continue as members of the board until the expiration of the term for which they were appointed. Initial appointments to the board may be for less than six (6) years so that the terms of not more than two (2) members shall expire in any one biennium. Whenever the occasion arises for an appointment under this section the Wyoming Veterinary Medical Association shall nominate three (3) or more qualified persons and forward the nominations to the governor at least thirty (30) days prior to the convening date of the senate. Vacancies due to death, resignation, or removal shall be filled for the remainder of the unexpired term by appointment by the governor upon nominations being made as heretofore provided for appointment. No person shall serve two (2) consecutive six (6) year terms, but a person appointed for a term of fewer than six (6) years, or to fill a vacancy, may succeed himself.

A person shall be qualified to serve as a member of the board if he is a graduate of a college of veterinary medicine, a resident of this state, and has been licensed to practice veterinary medicine in this state for the five (5) years immediately preceding the time of his appointment. No person may serve on the board who is, or was during the two (2) years

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immediately preceding his appointment, a member of the faculty, trustees, or advisory board of a college of veterinary medicine.

The governor may remove from office any member of the board for misfeasance, malfeasance, gross inefficiency or misconduct, or upon any of the grounds and in the manner provided by law upon which officers appointed by the governor may be removed by him.

Immediately and before entering upon the duties of said office, the members of the board shall take the constitutional oath of office and shall file the same in the office of the secretary of state; and there shall thereupon be issued to said members certificates of their appointments.

Each member of the board shall be paid \$25.00 for each day or substantial portion thereof that he is engaged in the work of the board, in addition to such reimbursement for travel and per diem allowance as is normally allowed to state employees.

(b) The board shall meet at least once each year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. Except as otherwise provided, a majority of the board, including one officer, constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualification of an applicant for license, or the disposition of a proceeding to discipline a licensed veterinarian.

The board shall adopt a seal which shall be affixed to all licenses issued by the board and to other papers requiring the same.

(c) At the annual meeting the board shall organize by electing from its membership a president and vice-president and such other officers as may be prescribed by rule. Officers of the board shall serve for terms of one (1) year and until successors are elected, without limitation on the number of terms an officer may serve. The president shall serve as chairman of the board meetings; except that in his absence the vice-president shall serve as chairman. The state veterinarian shall be ex-officio member of the board and serve as secretary-treasurer of the board and shall receive no compensation for any duties imposed upon him by said board; except that he will be entitled to the normal travel expenses allowed to state employees.

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The duties of the secretary-treasurer shall include but not be limited to carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and minutes of all board proceedings, including the disposition of all applications for licenses, and keeping a register of all persons currently licensed by the board. On or before December 1 of each biennium the secretary-treasurer shall submit to the governor and the Wyoming Veterinary Medical Association a report on the transactions of the board, including an account of monies received and disbursed.

In all court actions or proceedings pertaining to this act, a transcript of any record or any part thereof, which is certified to be a true copy by the secretary-treasurer, shall be entitled to admission in evidence.

(d) All board records shall be open to public inspection during regular office hours of the secretary-treasurer; except, information received by the board through inspection and investigations involving the question of licensure shall be confidential and shall not be disclosed except as may be judicially required.

(e) All revenues received by the board shall be accepted by the secretary-treasurer and deposited by him with the state treasurer to be credited to an account to be known as the Wyoming Board of Veterinary Medicine Fund. Any funds remaining in the veterinary examiner's fund, which this fund replaces, shall be transferred to and become a part of the funds in the Wyoming Board of Veterinary Medicine Fund which shall be liable for payment of all lawful obligations payable from the veterinary examiner's fund.

All expenses of the board and all expenses incurred in connection with the administration of this act shall be paid from the fund by requisition signed by the secretary-treasurer of the board in a manner provided by law for payment of other state expenses. The Board of Veterinary Medicine Fund shall be a continuing account and shall not be subject to reversion to the state's general fund.

(f) The board shall have the power to:

(i) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

(ii) Issue, renew, deny, suspend, or revoke licenses and temporary permits to practice veterinary medicine in the state or otherwise discipline licensed veterinarians consistent with the provisions of the act and the rules and regulations adopted thereunder, provided that any

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denial, suspension or revocation of a license shall be preceded by notice and an opportunity
for a hearing. _____

(iii) Regulate artificial insemination of animals by establishing standards of
practice by consultation with approved schools of artificial insemination and issue permits
to persons found qualified by the board. _____

(iv) Establish and publish annually a schedule of fees for licensing and registration
of veterinarians and the issuance of permits. _____

(v) Conduct investigations for the purpose of discovering violations of this act. _____

(vi) Hold hearings on all matters properly brought before the board. _____

(vii) Employ full-time or part-time personnel--professional, clerical or special--
necessary to effectuate the provisions of this act and purchase or rent necessary office space,
equipment and supplies. _____

(viii) Employ such personnel and incur such expenses as may be necessary for the
promotion of education and standards of veterinary medicine through institutes, conferences,
educational programs or such other means as may result in improved services. _____

(ix) Accept any federal, state, county, city or private funds, grants or
appropriations which shall be used to award scholarships, fellowships or assistantships to
qualified persons to study veterinary medicine in an approved school. Such funds shall be
deposited in the state treasury and credited to the Wyoming Board of Veterinary Medicine Fund.
Such funds shall be paid out by vouchers in the same manner as other funds administered by the
board. The above mentioned awards shall be granted under rules adopted by the board. _____

(x) Appoint from its own membership one or more members to act as representatives
of the board at any meeting within or without the state where such representation is deemed
desirable. _____

(xi) Bring proceedings in the courts for the enforcement of this act or any
regulations made pursuant thereto. _____

(xii) Adopt, amend, or repeal all rules necessary for its government and all
regulations necessary to carry into effect the provision of this act, including the establishment
and publication of standards of professional conduct for the practice of veterinary medicine. _____

The powers enumerated above are granted for the purpose of enabling the board to
supervise effectively the practice of veterinary medicine and are to be construed liberally to _____

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accomplish this objective. In the exercise of its powers, the board shall be governed by the provisions of the Wyoming Administrative Procedure Act.

Section 5. Any person holding a valid license to practice veterinary medicine in this state on the date when this act becomes effective shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as he complies with the provisions of this act, including annual renewal of license.

Section 6. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is 21 years of age or more, a citizen of the United States or an applicant for citizenship, subscribes to and will uphold the principles incorporated in the Constitution of the United States, a graduate of a college of veterinary medicine, a person of good moral character, physical and mental health, and shall provide such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under Section 8, the board may forthwith grant him a license. If an applicant is found not qualified to take the examination or does not qualify for a license without examination, the secretary-treasurer of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. A licensee whose license is revoked or an applicant found unqualified shall be afforded an opportunity for a hearing to be conducted in accordance with the Wyoming Administrative Procedure Act. Any applicant who is found not qualified shall be allowed the return of his application fee.

Section 7. The board shall hold at least one examination of applicants for license to practice veterinary medicine during each year and may hold such additional examinations as are necessary.

The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in colleges of veterinary medicine. To pass the examination, the examinee must demonstrate scientific and practical knowledge of the

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highest competency to prove himself qualified to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the National Board of Veterinary Examiners.

After each examination the secretary-treasurer shall notify each examinee of the result of his examination, and the board shall issue licenses to the persons successfully completing the examination. The secretary-treasurer shall record the new licenses and issue certificates of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.

Each licensee shall be entitled to exercise all the rights and privileges of a doctor of veterinary medicine; provided, however, any person practicing veterinary medicine shall be governed by the laws of this state and the rules adopted by the board.

Section 8. The board may, but is not required to, issue a license without a written examination to a qualified applicant who:

(a) Has for the five (5) years next prior to filing his application been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time the applicant was first licensed which were substantially equivalent to the requirements of this act, and who has the recommendation for Wyoming licensure by the examining board of his state of residence.

(b) Has within the three (3) years next prior to filing his application successfully completed the examination conducted by the National Board of Veterinary Examiners.

At its discretion, the board may orally or practically examine any person qualifying for licensing under this section.

Section 9. The board may issue without examination a temporary permit to practice veterinary medicine in this state to a qualified applicant for license pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued.

A temporary permit may be summarily revoked by majority vote of the board without a hearing.

The board is under no obligation to issue a second temporary permit under this

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provision but may do so if circumstances warrant such issuance.

Section 10. Each person to whom a license is issued shall keep such license conspicuously displayed in his office, place of business or place of employment, and shall, whenever required, exhibit said license to any member or authorized representative of the board.

No state, county or city occupational license shall be required to practice veterinary medicine when a veterinarian shall present to the proper authority a valid current license issued by the board.

Section 11. All licenses shall expire annually on December 31 of each year and shall be renewed by registration with the board and payment of the registration renewal fee established and published by the board. On December 1 of each year, the secretary-treasurer shall mail a notice to each licensed veterinarian that his license will expire on December 31 and provide him with a form for re-registration. The secretary-treasurer shall issue annual certificates of registration to all persons registering under this act.

Any person who shall practice veterinary medicine after the expiration of his license and wilfully or by neglect fail to renew such license shall be practicing in violation of this act; provided that, at the discretion of the board, any person not practicing in the state may renew an expired license within five (5) years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five (5) years have elapsed since the date of the expiration, a license may not be renewed, but the holder must make application for a new license.

The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when he is on active duty with any branch of the armed services of the United States, not to exceed the longer of three (3) years or the duration of a national emergency.

The board shall issue a duplicate license to replace one that has been lost or otherwise rendered unusable upon payment of a fee set by rule of the board. Such duplicate license shall be so designated.

Section 12. Upon written complaint sworn to by any person, the board may after a fair hearing and by a concurrence of all members, deny, revoke or suspend for a certain time the license of, or reprimand, any applicant or licensed veterinarian who upon proof to the satisfaction of the board:

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- (a) Has employed fraud, misrepresentation, or deception in obtaining a license.
- (b) Has been adjudicated insane.
- (c) Has habitually used drugs or intoxicants.
- (d) Has been convicted of a felony, involving moral turpitude, or has entered a plea of nolo contendere upon being charged with commission of such a felony.
- (e) Has been convicted of a violation of any federal or state law relating to narcotic drugs.
- (f) Has used advertising or solicitation deemed unprofessional by the board.
- (g) Has been guilty of gross malpractice or gross neglect in the practice of veterinary medicine which has endangered the health or life of any person or animal.
- (h) Has had professional association with or employed any person practicing veterinary medicine unlawfully.
- (i) Has committed acts of fraud or dishonesty; especially in the application or reporting of any test for disease in animals.
- (j) Has failed to report, if required by law, or made false report of, any contagious or infectious disease.
- (k) Has been guilty of gross negligence in the inspection of foodstuffs or the issuance of health certificate, inspection certificate or vaccination certificate or other form used in the practice of veterinary medicine contributing to the dissemination of animal disease, transportation of diseased animals, or the sale of products of animal origin not fit for human consumption.
- (l) Has had a license to practice veterinary medicine by another state, territory, or district of the United States revoked or suspended on grounds other than nonpayment of registration fee.
- (m) Has been guilty of unprofessional conduct as defined in regulations adopted by the board.
- (n) Has been guilty of wilful or repeated violation of any provision of this act.
- (o) Has wilfully failed to display a license to practice veterinary medicine in the State of Wyoming.
- (p) Has failed to keep the equipment and premises of the business establishment in a

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clean and sanitary condition as established by rules of the board.

(q) Has refused to permit the board to inspect the business premises of the licensee during regular business hours.

(r) Has been convicted of a charge of cruelty to animals.

(s) Has failed to answer to the board, when so requested in writing, in regard to information relating to any of the violations listed under section 12.

Section 13. Any person whose license is suspended or revoked may, at the discretion of the board, be relicensed or reinstated at any time without an examination by majority vote of the board on written application made to the board showing cause justifying relicensing or reinstatement.

Section 14. (a) Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor and upon conviction for first offense shall be fined not more than \$100, or imprisoned for no more than 90 days, or both fined and imprisoned; provided that each act of such unlawful practice shall constitute a distinct and separate offense.

(b) The board or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating or is threatening to violate this act, it shall enter an injunction restraining him from such unlawful acts.

Section 15. Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than 10 days after written notice is given to the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the custody of the nearest humane society or dog pound in the area for the disposal as such custodian may deem proper.

The giving of notice to the owner, or the agent of the owner, of such animal by the licensed veterinarian, as provided in the foregoing paragraph, shall relieve the licensed veterinarian and any custodian to whom such animal may be given of any further liability for disposal; it is further provided that such procedure by the licensed veterinarian shall not constitute grounds for disciplinary procedure under this act.

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For the purpose of this act, the term "abandoned" shall mean to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his agent; such abandonment shall constitute the relinquishment of all rights and claim by the owner to such animal.

Section 16. This act shall not affect the rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

Section 17. Sections 33-369, 33-370, 33-371, 33-372, 33-373, 33-374, 33-375, 33-376, 33-377, 33-379, 33-380, 33-381 and 33-383, Wyoming Statutes 1957, are hereby repealed.

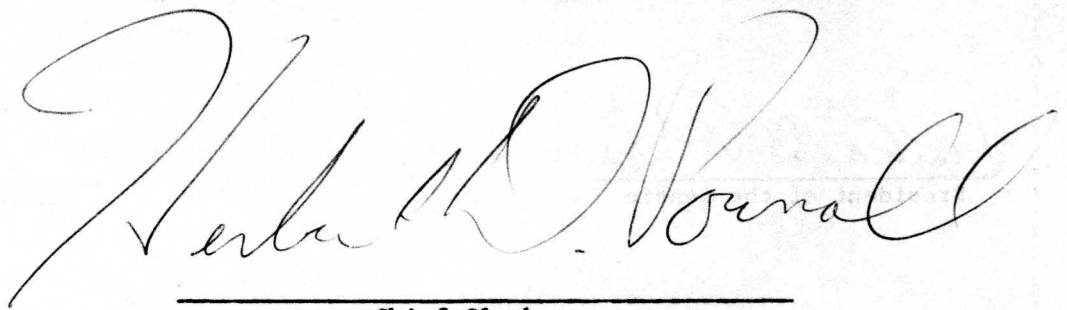
Richard R. Jones
President of the Senate

William F. Swanton
Speaker of the House



THE STATE OF MICHIGAN

I hereby certify that this Act originated in the house.



Chief Clerk