

VETERINARY TECHNICIAN CERTIFICATION

AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: Daniel Hemmert

LONG TITLE

General Description:

This bill addresses the state certification of veterinary technicians.

Highlighted Provisions:

This bill:

- defines terms;
- authorizes the Division of Occupational and Professional Licensing to, in consultation with the Veterinary Board, establish credentialing criteria for a state certified veterinary technician;
- establishes renewal terms for state certified veterinary technicians;
- establishes unlawful and unprofessional conduct for state certified veterinary technicians; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-28-102, as last amended by Laws of Utah 2019, Chapter 177

58-28-501, as enacted by Laws of Utah 2006, Chapter 109

58-28-502, as last amended by Laws of Utah 2019, Chapter 177

ENACTS:

58-28-103, Utah Code Annotated 1953

58-28-309, Utah Code Annotated 1953

58-28-310, Utah Code Annotated 1953

58-28-311, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-28-102** is amended to read:

58-28-102. Definitions.

In addition to the definitions in Section **58-1-102**, as used in this chapter:

(1) "Abandonment" means to forsake entirely or to refuse to provide care and support for an animal placed in the custody of a licensed veterinarian.

(2) "Administer" means:

(a) the direct application by a person of a prescription drug or device by injection, inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a research subject; or

(b) a veterinarian providing to the owner or caretaker of an animal a prescription drug for application by injection, inhalation, ingestion, or any other means to the body of the animal by the owner or caretaker in accordance with the veterinarian's written directions.

(3) "Animal" means any animal other than a human.

(4) "AVMA" means American Veterinary Medical Association.

(5) "Board" means the Veterinary Board established in Section **58-28-201**.

(6) "Client" means the patient's owner, the owner's agent, or other person responsible for the patient.

(7) "Direct supervision" means a veterinarian licensed under this chapter is present and available for face-to-face contact with the patient and person being supervised, at the time the patient is receiving veterinary care.

(8) "Extra-label use" means actual use or intended use of a drug in an animal in a

manner that is not in accordance with approved labeling.

(9) "Immediate supervision" means the veterinarian licensed under this chapter is present with the individual being supervised, while the individual is performing the delegated tasks.

(10) "Indirect supervision" means a veterinarian licensed under this chapter:

(a) has given either written or verbal instructions for veterinary care of a patient to the person being supervised; and

(b) is available to the person being supervised by telephone or other electronic means of communication during the period of time in which the veterinary care is given to the patient.

(11) "Practice of veterinary medicine, surgery, and dentistry" means to:

(a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or physical condition of any animal;

(b) administer, prescribe or dispense any drug, medicine, treatment, method, or practice, perform any operation or manipulation, apply any apparatus or appliance for the cure, relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise practice any veterinary medicine, dentistry, or surgery on any animal;

(c) represent by verbal or written claim, sign, word, title, letterhead, card, or any other manner that one is a licensed veterinarian or qualified to practice veterinary medicine, surgery, or dentistry;

(d) hold oneself out as able to practice veterinary medicine, surgery, or dentistry;

(e) solicit, sell, or furnish any parenterally administered animal disease cures, preventions, or treatments, with or without the necessary instruments for the administration of them, or any and all worm and other internal parasitic remedies, upon any agreement, express or implied, to administer these cures, preventions, treatments, or remedies; or

(f) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor," "animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or device tending to indicate that such person is qualified to practice veterinary medicine, surgery, or dentistry.

86 (12) "Practice of veterinary technology" means to perform tasks that are:

87 (a) related to the care and treatment of animals;

88 (b) delegated by a veterinarian licensed under this chapter;

89 (c) performed under the direct or indirect supervision of a veterinarian licensed under
90 this chapter; and

91 (d) permitted by administrative rule and performed in accordance with the standards of
92 the profession.

93 (13) (a) "State certification" means a designation granted by the division on behalf of
94 the state to an individual who has met the requirements for state certification as a veterinary
95 technician related to the practice of veterinary technology.

96 (b) "State certification" does not grant a state certified veterinary technician the
97 exclusive right to practice veterinary technology.

98 (14) "State certified" means, when used in conjunction with the occupation of
99 veterinary technician, a title that:

100 (a) may be used by a person who has met state certification requirements related to the
101 occupation of veterinary technician as described in this chapter; and

102 (b) may not be used by a person who has not met the state certification requirements
103 related to the occupation of veterinary technician as described in this chapter.

104 ~~[(12)]~~ (15) (a) "Teeth floating" means the removal of enamel points and the smoothing,
105 contouring, and leveling of dental arcades and incisors of equine and other farm animals.

106 (b) "Teeth floating" does not include a dental procedure on a canine or feline.

107 ~~[(13)]~~ (16) "Unlawful conduct" is defined in Sections 58-1-501 and 58-28-501.

108 ~~[(14)]~~ (17) "Unlicensed assistive personnel":

109 (a) means any unlicensed person, regardless of title, to whom tasks are delegated by a
110 veterinarian licensed under this chapter as permitted by administrative rule and in accordance
111 with the standards of the profession; and

112 (b) includes:

113 (i) a veterinary assistant, if working under immediate supervision;

(ii) a state certified veterinary technician;

~~[(ii)]~~ (iii) a veterinary technician who:

(A) has graduated from a program of veterinary technology accredited by the AVMA that is at least a two-year program; and

(B) ~~[who]~~ is working under direct supervision; and

~~[(iii)]~~ (iv) a veterinary technologist who:

(A) has graduated from a four-year program of veterinary technology accredited by the AVMA; and

(B) is working under indirect supervision.

~~[(15)]~~ (18) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-28-502 and may be further defined by rule.

~~[(16)]~~ (19) "Veterinarian-client-patient relationship" means:

(a) a veterinarian licensed under this chapter has assumed responsibility for making clinical judgements regarding the health of an animal and the need for medical treatment of an animal, and the client has agreed to follow the veterinarian's instructions;

(b) the veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, including knowledge of the keeping and care of the animal as a result of recent personal examination of the animal or by medically appropriate visits to the premises where the animal is housed; and

(c) the veterinarian has arranged for emergency coverage for follow-up evaluation in the event of adverse reaction or the failure of the treatment regimen.

Section 2. Section 58-28-103 is enacted to read:

58-28-103. Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 3. Section 58-28-309 is enacted to read:

58-28-309. Qualifications for state certification.

(1) The division shall grant state certification to a person who qualifies under this

section to engage in the practice of veterinary technology as a state certified veterinary technician.

(2) Each applicant for state certification as a state certified veterinary technician shall:

(a) submit an application in a form prescribed by the division in consultation with the board;

(b) submit evidence of graduation from an AVMA-accredited program in veterinary technology that is at least two years, or an equivalent program as determined by division rule in consultation with the board;

(c) submit evidence of achieving a passing score, as determined by the division in consultation with the board, on the Veterinary Technician National Examination, or an equivalent examination as determined by division rule in consultation with the board;

(d) pay a fee determined by the department under Section [63J-1-504](#); and

(e) provide satisfactory documentation that the applicant meets other criteria determined by division rule in consultation with the board.

Section 4. Section **58-28-310** is enacted to read:

58-28-310. Term of state certification.

(1) The division shall grant state certification under this chapter in accordance with a two-year renewal cycle established in rule by the division in consultation with the board.

(2) At the time of renewal, an applicant for renewal shall provide proof of completion of any continuing education requirements established by the division in consultation with the board.

(3) If a state certified veterinary technician is placed on probation, the state certification is expired, or if the division revokes or suspends the state certification for an individual, the individual shall cease:

(a) using the title state certified veterinary technician in connection with the individual's name or business; and

(b) representing to others that the individual is a state certified veterinary technician.

(4) An individual whose certification ceases as described in Subsection (3) may

reapply for state certification when the individual meets the requirements for state certification described in Section 58-28-309.

Section 5. Section 58-28-311 is enacted to read:

58-28-311. Limitation of state certification.

This chapter does not prevent a person from lawfully engaging in the practice of veterinary technology without state certification under the direct supervision of a veterinarian licensed under this chapter.

Section 6. Section 58-28-501 is amended to read:

58-28-501. Unlawful conduct.

Unlawful conduct includes, in addition to the definitions in Section 58-1-501:

(1) fraudulently issuing or using any health certificate, inspection certificate, vaccination certificate, test chart, or any other certificate relating to the existence of animal diseases or the sale of animal products for human consumption;

(2) willfully misrepresenting any findings in the inspection of foodstuffs of animal origin; [and]

(3) fraudulently misapplying or reporting any intradermal, cutaneous, subcutaneous, serological, or chemical test[er];

(4) for an individual who is not a state certified veterinary technician, using the title state certified veterinary technician, or representing that the individual is a state certified veterinary technician, in connection with the individual's name or business; and

(5) for a state certified individual whose state certification is suspended, placed on probation, revoked, or has expired for any reason, using the title state certified veterinary technician in connection with the individual's name or business.

Section 7. Section 58-28-502 is amended to read:

58-28-502. Unprofessional conduct.

(1) "Unprofessional conduct" includes, in addition to the definitions in Section 58-1-501:

(a) applying unsanitary methods or procedures in the treatment of any animal, contrary

to rules adopted by the board and approved by the division;

(b) procuring any fee or recompense on the assurance that a manifestly incurable diseased condition of the body of an animal can be permanently cured;

(c) selling any biologics containing living or dead organisms or products or such organisms, except in a manner which will prevent indiscriminate use of such biologics;

(d) swearing falsely in any testimony or affidavit, relating to, or in the course of, the practice of veterinary medicine, surgery, or dentistry;

(e) willful failure to report any dangerous, infectious, or contagious disease, as required by law;

(f) willful failure to report the results of any medical tests, as required by law, or rule adopted pursuant to law;

(g) violating Chapter 37, Utah Controlled Substances Act;

(h) delegating tasks to unlicensed assistive personnel in violation of standards of the profession and in violation of Subsection (2); and

(i) making any unsubstantiated claim of superiority in training or skill as a veterinarian in the performance of professional services.

(2) (a) "Unprofessional conduct" does not include the following:

(i) delegating to a veterinary technologist, while under the indirect supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technologist by the veterinarian;

(ii) delegating to a state certified veterinary technician, while under the direct or indirect supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if the veterinarian provides written or oral instructions to the state certified veterinary technician;

~~[(ii)]~~ (iii) delegating to a veterinary technician, while under the direct supervision of a veterinarian licensed under this chapter, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the

226 technician by the veterinarian;

227 ~~[(iii)]~~ (iv) delegating to a veterinary assistant, under the immediate supervision of a
228 licensed veterinarian, tasks that are consistent with the standards and ethics of the profession;

229 and

230 ~~[(iv)]~~ (v) delegating to an individual described in Subsection [58-28-307](#)(16), under the
231 direct supervision of a licensed veterinarian, the administration of a sedative drug for teeth
232 floating.

233 (b) The delegation of tasks permitted under Subsection (2)(a) does not include:

234 (i) diagnosing;

235 (ii) prognosing;

236 (iii) surgery; or

237 (iv) prescribing drugs, medicines, or appliances.