
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1742 Session of
2001

INTRODUCED BY HERSHEY, BARD, COY, BASTIAN, J. EVANS,
T. ARMSTRONG, CASORIO, STRITTMATTER, GABIG, MYERS,
YOUNGBLOOD, HORSEY, ROHRER, S. MILLER, AND G. ARMSTRONG,
JUNE 13, 2001

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 19, 2002

AN ACT

1 Amending the act of December 27, 1974 (P.L.995, No.326),
2 entitled "An act regulating the practice of veterinary
3 medicine and imposing penalties," further providing for
4 definitions, for board approval of certain schools and
5 colleges, for additional duties of board, for biennial
6 education requirements and for grounds for disciplinary
7 proceedings; providing for records and inspection of records;
8 AND further providing for exemptions and exceptions; ~~and~~ ←
9 ~~providing for privileged communications.~~

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Sections 3, 4(a), 8, 11, 18 and 21 of the act of
13 December 27, 1974 (P.L.995, No.326), known as the Veterinary
14 Medicine Practice Act, amended May 9, 1986 (P.L.166, No.54), are
15 amended to read:

16 Section 3. Definitions.--As used in this act:

17 (1) "Board" means the Pennsylvania State Board of Veterinary
18 Medicine.

19 (2) "Hearing" means any proceeding initiated before the

1 board in which the legal rights, duties, privileges or
2 immunities of a specific party or parties are determined.

3 (3) "Complainant" means the board or any other person who
4 initiates a proceeding.

5 (4) "Respondent" means any person against whom a proceeding
6 is initiated.

7 (5) "Current licensee or certificate holder" means the
8 holder of a current license to practice veterinary medicine or
9 the holder of a certificate of [animal health] veterinary
10 technician, which license or certificate was issued under this
11 act and which has not been suspended or revoked and has not
12 expired.

13 (6) "Temporary permit" means temporary permission to
14 practice veterinary medicine issued pursuant to section 10.

15 (7) "Veterinary college" means any board approved veterinary
16 school, legally organized, [whose course of study in the art and
17 science of veterinary medicine shall have been approved by the
18 board and placed on its published list of approved schools.]
19 that is accredited by an accrediting agency for veterinary
20 medicine programs recognized by the United States Department of
21 Education.

22 (8) "Licensed doctor of veterinary medicine" means a person
23 qualified by educational training and experience in the science
24 and techniques of veterinary medicine and who is currently
25 licensed by the board to practice veterinary medicine.

26 (9) "Veterinary medicine" means that branch of medicine
27 which deals with the diagnosis, prognosis, treatment,
28 administration, prescription, operation or manipulation or
29 application of any apparatus or appliance for any disease, pain,
30 deformity, defect, injury, wound [or], physical condition or

1 mental condition requiring medication of any animal or for the
2 prevention of or the testing for the presence of any disease.

3 (10) "Practice of veterinary medicine" includes, but is not
4 limited to, the practice by any person who (i) diagnoses,
5 [prescribes, or administers a drug, medicine, biological
6 product, appliance, application, or treatment of whatever
7 nature, for the prevention, cure or relief of a wound, fracture
8 or bodily injury or disease of animals,] treats, corrects,
9 changes, relieves or prevents animal disease, deformity, injury
10 or other physical, mental or dental conditions by any method or
11 mode, including the prescription or administration of any drug,
12 medicine, biologic, apparatus, application, anesthetic or other
13 therapeutic or diagnostic substance or technique, (ii) performs
14 a surgical operation, including cosmetic surgery, upon any
15 animal, (iii) performs any manual procedure upon an animal for
16 the diagnosis or treatment of sterility or infertility of
17 animals, (iv) represents himself as engaged in the practice of
18 veterinary medicine, (v) offers, undertakes, or holds himself
19 out as being able to diagnose, treat, operate, vaccinate, or
20 prescribe for any animal disease, pain, injury, deformity, or
21 physical condition [or], (vi) uses any words, letters, or titles
22 in such connection or under such circumstances as to induce the
23 belief that the person using them is engaged in the practice of
24 veterinary medicine and such use shall be prima facie evidence
25 of the intention to represent himself as engaged in the practice
26 of veterinary medicine[.], (vii) performs diagnostic veterinary
27 pathology, (viii) implants electronic identification, as
28 determined by the board, upon any animal, (ix) renders advice or
29 recommendation by any means including the electronic
30 transmission of data with regard to any of the above, or (x)

1 removes any embryo from an animal for the purpose of
2 transferring such embryo into another animal or cryopreserving
3 such embryo, except it shall not be considered the practice of
4 veterinary medicine when: (a) a person or his full-time employee
5 removes or transfers an embryo from the person's own animals for
6 the purpose of transferring or cryopreserving the embryo, so
7 long as ownership of the animal is not transferred or employment
8 of the person is not changed for the purpose of circumventing
9 this act, or (b) a person independently, with indirect
10 veterinary supervision, implants any embryo into an animal.

11 [(11) "Animal health technician" means any person who is a
12 graduate of a board-approved program of animal health technology
13 and is employed within the field of veterinary medicine within
14 the meaning of this act who, for compensation or personal
15 profit, is employed by, or under the supervision of, a
16 veterinarian to perform such duties as are required in the
17 physical care of animals and in carrying out of assignments
18 directed by a licensed veterinarian and requiring an
19 understanding of animal science but not requiring the
20 professional skill and judgment of a licensed veterinarian.]

21 (12) "Veterinary technology" means the science and art of
22 providing all aspects of professional medical care and treatment
23 for animals as determined by board regulation, with the
24 exception of diagnosis, prognosis, surgery and prescription of
25 medications. The term includes, but is not limited to, surgical
26 nursing, induction and maintenance of anesthesia, preparation
27 and dispensing of pharmaceuticals, biologicals and
28 ectoparasiticides, administration of medication by all routes,
29 dental prophylaxis, performance of diagnostic imaging, physical
30 examinations, emergency and critical care nursing, including

1 catheterization by all routes, collection and administration of
2 blood products, external cardiopulmonary resuscitation and
3 performing laboratory procedures in hematology, clinical
4 chemistry, parasitology and microbiology.

5 (13) "Certified veterinary technician" means an individual
6 who has successfully completed a board-approved post-high school
7 program of veterinary technology accredited by an accrediting
8 agency for veterinary technology programs recognized by the
9 United States Department of Education, is certified by the board
10 as a veterinary technician and who may practice veterinary
11 technology under appropriate supervision of a licensed
12 veterinarian as defined by board regulation. Unless authorized
13 to practice veterinary technology under this act, an individual
14 may not practice veterinary technology nor use the title
15 "certified veterinary technician," or the abbreviation "CVT."

16 (14) "Veterinary assistant" means an employee of a
17 veterinarian who does not hold certification as a veterinary
18 technician and whom the veterinarian deems competent to
19 ~~administer medication or render auxiliary or supporting~~ <—
20 ~~assistance under direct veterinary supervision or immediate~~
21 ~~veterinary supervision~~ PERFORM TASKS INVOLVED IN THE CARE AND <—
22 TREATMENT OF ANIMALS as defined by board regulation.

23 (15) "Veterinarian-client-patient relationship" means a
24 relationship satisfying all of the following conditions: (i) the
25 veterinarian has assumed the responsibility for making
26 veterinary medical judgments regarding the health of an animal
27 and the need for veterinary medical treatment, and the client,
28 owner or caretaker of the animal has agreed to follow the
29 instructions of the veterinarian; (ii) the veterinarian has
30 sufficient knowledge of the animal to initiate at least a

1 general, preliminary or tentative diagnosis of the medical
2 condition of the animal; (iii) the veterinarian is acquainted
3 with the keeping and care of the animal by virtue of an
4 examination of the animal or medically appropriate and timely
5 visits to the premises where the animal is kept; (iv) the
6 veterinarian is available for consultation in cases of adverse
7 reactions to or failure of the regimen of therapy; (v) the
8 veterinarian maintains records on the animal examined in
9 accordance with regulations established by the board.

10 Section 4. Pennsylvania State Board of Veterinary Medical
11 Examiners.--(a) There is hereby established within the
12 Department of State the State Board of Veterinary Medicine. The
13 board shall consist of nine members, as follows:

14 (1) The Commissioner of Professional and Occupational
15 Affairs.

16 (2) Two members representing the general public who shall be
17 appointed by the Governor with the advice and consent of a
18 majority of the members elected to the Senate.

19 (3) Five members, appointed by the Governor with the advice
20 and consent of a majority of the members elected to the Senate,
21 who are licensed to practice veterinary medicine under the laws
22 of this Commonwealth and who have been engaged in the full-time
23 practice of veterinary medicine in this Commonwealth for at
24 least five years immediately preceding their appointment.

25 (4) One member, appointed by the Governor with the advice
26 and consent of a majority of the members elected to the Senate,
27 who is certified as [an animal health] a veterinary technician
28 in accordance with this act.

29 * * *

30 Section 8. Board May Approve Schools and Colleges of

1 Veterinary Medicine and Programs of [Animal Health] Veterinary
2 Technology.--The board may approve schools and colleges of
3 veterinary medicine and programs of [animal health] veterinary
4 technology [which maintain standards of training and
5 reputability sufficient to admit their graduates to the
6 examinations required by the board.] that are accredited by an
7 accrediting agency for veterinary medicine and veterinary
8 technology programs recognized by the United States Department
9 of Education.

10 Section 11. Additional Duties of Board of Examiners; [Animal
11 Health] Veterinary Technicians.--It shall further be the
12 responsibility of the board to promulgate by regulation the
13 qualifications and requirements for the certification and
14 regulation of [animal health] veterinary technicians. Such
15 regulations shall provide for disciplinary action and shall
16 prescribe the grounds for such action. The board shall have
17 authority to establish reasonable fees for certification as
18 hereinafter provided in this act.

19 Section 18. Biennial Educational Requirements.--Each
20 [license] holder of a license to practice veterinary medicine
21 under this act shall be required to [attend eight] complete
22 thirty clock hours of educational programs in the twenty-four
23 months preceding each renewal date[.], and each holder of a
24 certificate to practice veterinary technology under this act
25 shall be required to complete sixteen clock hours of educational
26 programs in the twenty-four months preceding each renewal date.
27 Certification of such [attendance] completion shall be in
28 accordance with regulations of the board. All such educational
29 programs shall be first approved by the board and shall meet the
30 standards [to be] promulgated by the board to ensure that the

1 programs meet the educational and professional requirements of
2 the profession and are designed to keep the members of the
3 profession abreast with current learning and scholarship. No
4 credit shall be given for any course in office management or
5 practice building.

6 Section 21. Grounds for Disciplinary Proceedings.--The board
7 shall suspend or revoke any license or certificate or otherwise
8 discipline an applicant [or], licensee or certificate holder who
9 is found guilty by the board or by a court of one or more of the
10 following:

11 (1) Wilful or repeated violations of any provisions of this
12 act or any of the rules and regulations of the board.

13 (2) Fraud or deceit in the procuring or attempting to
14 procure a license to practice veterinary medicine or presenting
15 to the board dishonest or fraudulent evidence of qualifications.
16 Fraud or deception in the process of examination for the purpose
17 of securing a license.

18 (3) The wilful failure to display a license.

19 (4) Fraud, deception, misrepresentation, dishonest or
20 illegal practices in or connected with the practice of
21 veterinary medicine.

22 (5) Wilfully making any misrepresentation in the inspection
23 of food for human consumption.

24 (6) Fraudulently issuing or using any health certificate,
25 inspection certificate, vaccination certificate, test chart or
26 other blank forms used in the practice of veterinary medicine to
27 prevent the dissemination of animal disease. Transportation of
28 diseased animals or the sale of inedible products of animal
29 origin for human consumption.

30 (7) Fraud or dishonesty in applying, treating or reporting

1 on any diagnostic or other biological test.

2 (8) Failure to keep the equipment and premises of the
3 business establishment in a clean and sanitary condition.

4 (9) Refusing to permit the board, or duly authorized
5 representatives of the board, to inspect the business premises
6 of the licensee [during regular business hours].

7 (10) Circulating untrue, fraudulent, misleading or deceptive
8 advertising.

9 (11) Incompetence, gross negligence or other malpractice, or
10 the departure from, or failure to conform to, the standards of
11 acceptable and prevailing veterinary medical practice, in which
12 case actual injury need not be established.

13 (12) Engaging in practices in connection with the practice
14 of veterinary medicine which are in violation of the standards
15 of professional conduct as defined herein or prescribed by the
16 rules of the board.

17 (13) Revocation [or], suspension or other disciplinary
18 action by another state of a license to practice veterinary
19 medicine or veterinary technology in that state on grounds
20 similar to those which in this State allow disciplinary
21 proceedings, in which case the record of such revocation [or],
22 suspension or other disciplinary action shall be conclusive
23 evidence.

24 (14) Conviction of a violation of "The Controlled Substance,
25 Drug, Device and Cosmetic Act" in which case a record of
26 conviction shall be conclusive evidence.

27 (15) Conviction of a felony or misdemeanor crime related to
28 the profession or crime of moral turpitude in the courts of this
29 State or any other state, territory or country which, if
30 committed in this State, would be deemed a felony or misdemeanor

1 crime related to the profession or crime of moral turpitude and
2 suspension or revocation of the license is in the best interest
3 of the public health and the general safety and welfare of the
4 public.

5 A record of conviction in a court of competent jurisdiction
6 shall be sufficient evidence for disciplinary action to be taken
7 as may be deemed proper by the board.

8 (16) Permitting or allowing another to use his or her
9 license for the purpose of treating or offering to treat sick,
10 injured or afflicted animals.

11 (17) Engaging in the practice of veterinary medicine under a
12 false or assumed name or the impersonation of another
13 practitioner of a like, similar or different name.

14 (18) Maintaining a professional or business connection with
15 any other person who continues to violate any of the provisions
16 of this act or rules of the board after ten days' notice in
17 writing by the board.

18 (19) Addiction to the habitual use of intoxicating liquors,
19 narcotics or stimulants to such an extent as to incapacitate him
20 or her from the performance of his or her professional
21 obligations and duties.

22 (20) Professional incompetence.

23 (21) The wilful making of any false statement as to material
24 matter in any oath or affidavit which is required by this act.

25 (22) Knowingly maintaining a professional connection or
26 association with any person who is in violation of this act or
27 regulation of the board or knowingly aiding, assisting,
28 securing, advising, or having in the licensee's employment any
29 unlicensed person to practice veterinary medicine contrary to
30 this act or regulations of the board.

1 (23) Failing to furnish a copy of a patient's medical
2 records or failing to provide a patient's radiographs to another
3 treating veterinarian, hospital or clinic upon the written
4 request of an owner or owner's agent, or failing to provide the
5 owner or owner's agent with a copy of the medical records within
6 a reasonable period of time and upon proper request or waiver by
7 the owner or owner's agent, or failing to comply with any other
8 law or regulation relating to medical records. The furnishing of
9 a summary of a patient's medical records shall be permissible
10 only when a summary and not a copy of the records is requested.

11 (24) Failing to maintain required veterinary medical,
12 surgical and/or diagnostic procedure logs and/or medical
13 records.

14 Section 2. The act is amended by adding a section to read:

15 Section 27.1. Records; Inspection of Records.--(a) A
16 veterinarian subject to the provisions of this section shall, as
17 required by regulation of the board, keep or cause to be kept a
18 written record of all animals or groups of animals, as the case
19 may be, receiving veterinary services, and provide a summary or
20 copy of that record to the owner of the animals when requested.
21 The minimum amount of information which shall be included in
22 written or electronically maintained records and summaries and
23 the minimum duration of time for which a veterinarian shall
24 retain the records or a complete copy of the records shall be
25 established by the board.

26 (b) (1) Copies of all records required to be kept by a
27 veterinarian under this section, including, but not limited to,
28 records pertaining to diagnosis and treatment of animals and
29 records pertaining to drugs or devices for use on animals, shall
30 be provided to the board immediately upon request. The records

1 shall also be open to inspection by the board or its authorized
2 representatives during an inspection as part of an inspection
3 program adopted by the board or during an investigation
4 initiated in response to a complaint that a licensee has
5 violated any law or regulation that constitutes grounds for
6 disciplinary action by the board.

7 (2) Equipment and drugs on the premises or any other place
8 where veterinary medicine, dentistry or surgery is being
9 practiced, or otherwise in the possession of a veterinarian for
10 purposes of the practice of veterinary medicine, shall be open
11 to inspection by the board or its authorized representatives
12 during an inspection as part of an inspection program adopted by
13 the board or during an investigation initiated in response to a
14 complaint that a licensee has violated any law or regulation
15 which constitutes grounds for disciplinary action by the board.

16 Section 3. Section 32 of the act, amended May 9, 1986
17 (P.L.166, No.54), is amended to read:

18 Section 32. Exemptions and Exceptions.--This act shall not
19 apply to:

20 (1) Students in schools or colleges of veterinary medicine
21 and programs of [animal health] veterinary technology approved
22 by the board pursuant to section 8 in the performance of duties
23 or actions assigned by their instructors or when working under
24 the immediate supervision of a licensee.

25 (2) [Any lawfully qualified doctor of veterinary medicine
26 residing in some other state or country when meeting in
27 consultation with a licensed doctor of veterinary medicine of
28 this State.] Licensed veterinarians in good standing with their
29 respective states who are called from their states, provinces of
30 Canada or United States territories to consult with licensees of

1 this State but who: (i) do not open an office or appoint a place
2 to do business within this State; (ii) do not print or use
3 letterhead or business cards reflecting addresses in this State;
4 (iii) do not establish answering services or advertise the
5 existence of a practice's address within this State; (iv) do not
6 practice veterinary medicine as consultants rendering services
7 directly to the public without the direction and consultation of
8 licensees of this State more than 16 days per calendar year; or
9 (v) are providing services for organizations conducting public
10 events lasting less than ten days that utilize animals in need
11 of veterinary examinations, treatments or oversight to promote
12 the safety and health of the public, the event or the animal
13 participants.

14 (3) Any doctor of veterinary medicine in the employ of the
15 United States Government while actually engaged in the
16 performance of his or her official duties: Provided, however,
17 That this exemption shall not apply to such person when he or
18 she is not engaged in carrying out his or her official duties or
19 is not working at the installations for which his or her
20 services were engaged.

21 (4) Any person or his or her regular employe or agent while
22 practicing veterinary medicine on his or her own animals. This
23 exemption shall not apply in the case of a temporary transfer of
24 ownership of an animal to a person not licensed in accordance
25 with this act if the purpose of the transfer is the rendering of
26 veterinary treatment or care by such unlicensed person.

27 (5) Accredited schools, institutions, foundations, business
28 corporations or associations, physicians licensed to practice
29 medicine and surgery in all its branches[, graduate doctors of
30 veterinary medicine] or persons under the direct supervision

1 thereof, which or who conduct experiments, and scientific
2 research on animals in the development of pharmaceuticals,
3 biologicals, serums, or methods of treatment or techniques for
4 the diagnosis or treatment of human ailments or graduate doctors
5 of veterinary medicine when engaged in the study and development
6 of methods and techniques directly or indirectly applicable to
7 the problems and practice of veterinary medicine or when engaged
8 in the practice of veterinary medicine in a facility or program
9 operated by a board-approved school of veterinary medicine or
10 veterinary technology.

11 (6) Any nurse, laboratory technician or other employe of a
12 licensed doctor of veterinary medicine when administering
13 medication or rendering auxiliary or supporting assistance under
14 the responsible supervision of such licensed practitioner,
15 provided that this exemption shall not apply to the performance
16 of duties by any employe other than a nurse or laboratory
17 technician if those duties require an understanding of animal
18 science and provided further that this exemption shall not apply
19 to any graduate of a board-approved school or college of
20 veterinary medicine or to any graduate of a board-approved
21 program of animal health technology.

22 (7) Any person performing normal husbandry practices on
23 bovine, porcine, caprine, ovine or equine animals or avis.

24 (8) Any person performing grooming services on canine or
25 feline animals.

26 (9) The care and rehabilitation of wildlife species by
27 wildlife rehabilitators.

28 (10) The preparation, mixing, alteration or providing of
29 animal feed, including the addition of any substance to animal
30 feed for purposes of improving the nutritional quality of the

1 feed, maintaining or improving the health or productivity of the
2 animal or preventing animal disease.

3 (11) Farriers or persons actively engaged in the art or
4 profession of horseshoeing.

5 ~~Section 4. The act is amended by adding a section to read:~~ <—

6 ~~Section 37. Privileged Communication.—(a) Veterinarians~~
7 ~~shall not disclose any information concerning the veterinarian's~~
8 ~~care of an animal except:~~

9 ~~(1) on written authorization or other waiver by the animal's~~
10 ~~owner or the veterinarian's client;~~

11 ~~(2) when the owner is unavailable, the information is~~
12 ~~essential to the health of the animal or other animals exposed~~
13 ~~or likely to be exposed to the animal, and the information is~~
14 ~~being supplied to a veterinary colleague rendering medical care~~
15 ~~to the animal or to a humane society or animal control agency~~
16 ~~that has lawful custody of the animal;~~

17 ~~(3) upon demand by the board or in response to an~~
18 ~~appropriate court order or subpoena;~~

19 ~~(4) for medical communications attendant to referrals of~~
20 ~~patients between veterinarians;~~

21 ~~(5) for the documentation and reporting of events associated~~
22 ~~with the use of medications in animals;~~

23 ~~(6) when the disclosure of information is essential to the~~
24 ~~immediate treatment of a life threatening condition of the~~
25 ~~animal or is necessary to protect other animals from exposure to~~
26 ~~a serious transmissible disease that the animal has incurred and~~
27 ~~written consent cannot be immediately obtained; or~~

28 ~~(7) when disclosure of information is essential to the~~
29 ~~public health and safety.~~

30 ~~(b) This section shall not apply to any laws relating to~~

1 ~~crucelty to animals, communicable diseases or laws providing for~~
2 ~~public health and safety when such laws apply in the course of a~~
3 ~~veterinarian's examination or treatment of an animal. In any of~~
4 ~~those circumstances a veterinarian may communicate relevant and~~
5 ~~otherwise privileged information to the appropriate individuals~~
6 ~~or entities empowered by the Commonwealth to enforce such laws.~~

7 Section 5 4. This act shall take effect in 60 days.

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