VETERINARY PRACTICE ACT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeremy A. Peterson

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill modifies provisions related to the licensing of veterinarians.

Highlighted Provisions:

This bill:

- modifies unprofessional conduct standards for licensed veterinarians; and
- amends provisions relating to the ownership or control of a veterinary organization.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-28-502, as enacted by Laws of Utah 2006, Chapter 109

ENACTS:

58-28-606, Utah Code Annotated 1953

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

Section 1. Section 58-28-502 is amended to read:


(1) "Unprofessional conduct" includes, in addition to the definitions in Section
(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) rendering professional service in association with a person who is not licensed and does not hold a temporary permit;]
[(d) sharing fees with any person, except a licensed veterinarian, for services actually performed;]
[(e) 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;
[(f) swearing falsely in any testimony or affidavit, relating to, or in the course of, the practice of veterinary medicine, surgery, or dentistry;
[(g) willful failure to report any dangerous, infectious, or contagious disease, as required by law;
[(h) willful failure to report the results of any medical tests, as required by law, or rule adopted pursuant to law;
[(i) violating Chapter 37, Utah Controlled Substances Act;
[(j) delegating tasks to unlicensed assistive personnel in violation of standards of the profession and in violation of Subsection (2); and
[(k) 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 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 technician by the veterinarian; and
(iii) delegating to a veterinary assistant, under the immediate supervision of a licensed veterinarian, tasks that are consistent with the standards and ethics of the profession.

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

(i) diagnosing;

(ii) prognosing;

(iii) surgery; or

(iv) prescribing drugs, medicines, or appliances.

Section 2. Section 58-28-606 is enacted to read:

58-28-606. Veterinary corporations, partnerships, and limited liability companies -- Unlicensed individuals -- Ownership of capital stock -- Service as officer or director.

(1) As used in this section:

(a) "Veterinary corporation" means a professional corporation organized to render veterinary services under Title 16, Chapter 11, Professional Corporation Act.

(b) "Veterinary limited liability company" means a limited liability company organized to render veterinary services under Title 48, Chapter 2c, Utah Revised Limited Liability Company Act.

(c) "Veterinary partnership" means a partnership or limited liability partnership organized to render veterinary services under Title 48, Chapter 1, General and Limited Liability Partnerships.

(2) A veterinary corporation may issue or transfer shares of the veterinary corporation's capital stock to a person that is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter.

(3) An individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter:

(a) may not serve as an officer or director of a veterinary corporation; and

(b) may serve as secretary or treasurer of a veterinary corporation.

(4) A veterinary limited liability company or a veterinary partnership may include an individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter.
Legislative Review Note
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Office of Legislative Research and General Counsel