

Representative Stephanie Gricius proposes the following substitute bill:

VETERINARY TELEHEALTH AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions related to veterinary practice.

Highlighted Provisions:

This bill:

- ▶ allows a veterinary technician to carry out delegated tasks from a veterinarian under direct or indirect supervision; and
- ▶ makes technical and conforming 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 2020, Chapter 435

58-28-502, as last amended by Laws of Utah 2023, Chapter 329

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

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



26 **58-28-102. Definitions.**

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

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

30 (2) "Administer" means:

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

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

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

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

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

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

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

45 (8) "Extra-label use" means actual use or intended use of a drug in an animal in a
46 manner that is not in accordance with approved labeling.

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

50 (10) "Indirect supervision" means a veterinarian [~~licensed under this chapter~~]:

51 (a) has given either written or verbal instructions for veterinary care of a patient to the
52 [~~person~~] individual being supervised; and

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

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

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

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

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

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

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

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

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

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

77 (b) delegated by a veterinarian [~~licensed under this chapter~~];

78 (c) performed under the direct or indirect supervision of a veterinarian [~~licensed under~~
79 ~~this chapter~~]; and

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

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

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

87 (14) "State certified" means, when used in conjunction with the occupation of

88 veterinary technician, a title that:

89 (a) may be used by ~~[a person]~~ an individual who has met state certification
90 requirements related to the occupation of veterinary technician as described in this chapter; and

91 (b) may not be used by ~~[a person]~~ an individual who has not met the state certification
92 requirements related to the occupation of veterinary technician as described in this chapter.

93 (15) (a) "Teeth floating" means the removal of enamel points and the smoothing,
94 contouring, and leveling of dental arcades and incisors of equine and other farm animals.

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

96 (16) "Unlawful conduct" is defined in Sections [58-1-501](#) and [58-28-501](#).

97 (17) "Unlicensed assistive personnel":

98 (a) means any unlicensed ~~[person]~~ individual, regardless of title, to whom tasks are
99 delegated by a veterinarian ~~[licensed under this chapter]~~ as permitted by administrative rule and
100 in accordance with the standards of the profession; and

101 (b) includes:

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

103 (ii) a state certified veterinary technician;

104 (iii) a veterinary technician who:

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

107 (B) is working under direct supervision or indirect supervision; and

108 (iv) a veterinary technologist who:

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

111 (B) is working under indirect supervision.

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

114 (19) "Veterinarian" means an individual licensed under this chapter to engage in the
115 practice of veterinary medicine, surgery, and dentistry.

116 ~~[(19)]~~ (20) "Veterinarian-client-patient relationship" means:

117 (a) a veterinarian ~~[licensed under this chapter]~~ has assumed responsibility for making
118 clinical judgements regarding the health of an animal and the need for medical treatment of an

119 animal, and the client has agreed to follow the veterinarian's instructions;

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

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

126 Section 2. Section **58-28-502** is amended to read:

127 **58-28-502. Unprofessional conduct.**

128 (1) "Unprofessional conduct" includes, in addition to the definitions in Section
129 [58-1-501](#):

130 (a) applying unsanitary methods or procedures in the treatment of any animal, contrary
131 to rules adopted by the board and approved by the division;

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

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

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

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

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

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

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

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

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

148 (i) delegating to a veterinary technologist, while under the indirect supervision of a
149 veterinarian [~~licensed under this chapter~~], patient care and treatment that requires a technical

150 understanding of veterinary medicine if written or oral instructions are provided to the
151 technologist by the veterinarian;

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

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

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

162 [(v)] (iv) delegating to an individual described in Subsection 58-28-307(16), under the
163 direct supervision of a licensed veterinarian, the administration of a sedative drug for teeth
164 floating; or

165 [(vi)] (v) discussing the effects of the following on an animal with the owner of an
166 animal:

167 (A) a cannabinoid or industrial hemp product, as those terms are defined in Section
168 4-41-102; or

169 (B) THC or medical cannabis, as those terms are defined in Section 26B-4-201.

170 (b) The delegation of tasks permitted under Subsections (2)(a)(i) through (v) does not
171 include:

172 (i) diagnosing;

173 (ii) prognosing;

174 (iii) surgery; or

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

176 (3) Notwithstanding any provision of this section, a veterinarian [~~licensed under this
177 chapter~~] is not prohibited from engaging in a discussion described in Subsection (2)(a)(vi).

178 Section 3. **Effective date.**

179 This bill takes effect on May 1, 2024.