

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0121.01 Christy Chase

SENATE BILL 11-091

SENATE SPONSORSHIP

Brophy, Guzman, Jahn

HOUSE SPONSORSHIP

McKinley,

Senate Committees
Agriculture and Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING CONTINUATION OF THE STATE BOARD OF VETERINARY
102 MEDICINE, AND, IN CONNECTION THEREWITH, IMPLEMENTING
103 THE RECOMMENDATIONS CONTAINED IN THE SUNSET REVIEW OF
104 THE BOARD AND ITS FUNCTIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sunset Process - Senate Agriculture and Natural Resources Committee. The bill implements the recommendations contained in the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

sunset review and report of the state board of veterinary medicine (board) as follows:

Sections 1, 2, and 3 of the bill continue the board and its functions for 11 years, until September 1, 2022.

Sections 4, 5, and 6 create an exemption to the veterinarian-client-patient relationship requirement for the dispensing of prescription drugs in emergency situations when the veterinarian who has the relationship with the animal and its owner does not have access to the prescription drug needed. The bill would allow, in limited circumstances and subject to board rules, a 2nd veterinarian who has access to the prescription drug to dispense the drug for the animal, even though that veterinarian lacks a veterinarian-client-patient relationship with the animal and its owner. The 2nd veterinarian would not be subject to discipline for administering the drug without a veterinarian-client-patient relationship if the drug is administered pursuant to the limited exception.

Sections 7 and 8 relocate and create a more comprehensive provision authorizing veterinarians to establish professional service corporations akin to corporations formed by physicians. Section 8 also creates a requirement that all veterinary clinics have a Colorado-licensed veterinarian scheduled and responsible for all veterinary medical decisions when animals are present in the facility. Section 8 also establishes a peer assistance program for veterinarians to allow those veterinarians impaired by a physical, emotional, or psychological problem to obtain assistance and intervention to correct the problem and continue their practice.

Section 9 directs the board to develop a uniform system and schedule of fines that it may impose for violations of the practice act regulating veterinarians.

Section 10 modifies the grounds for discipline as follows:

- ! Removes the reference to addiction or dependence on alcohol or drugs and instead allows discipline based on one's use or abuse of those substances; and
- ! Adds failure to respond to a complaint, failure to update contact information, and failure to properly supervise staff or students as grounds for discipline.

Section 11 modifies the definition of "veterinarian-client-patient relationship" to allow the veterinarian in the relationship to arrange for emergency coverage by another veterinarian to provide follow-up evaluation in the event the primary veterinarian is not available for the follow-up care.

Section 12 imposes a 2-year waiting period for a veterinarian whose license has been revoked or who has surrendered his or her license in lieu of discipline. Section 12 also allows the board to suspend the license of a veterinarian for failure to comply with an order of the board and to continue the suspension until the veterinarian complies.

Section 13 repeals the requirement for notice and hearing before the governor may remove a board member.

Sections 14 through 25 implement technical changes recommended in the sunset report. Technical amendments also appear in numerous other sections of the bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 12-64-119, Colorado Revised Statutes, is amended
3 to read:

4 **12-64-119. Review of board of veterinary medicine - repeal of**
5 **article.** This article is repealed, ~~July 1, 2011~~ EFFECTIVE SEPTEMBER 1,
6 2022. Prior to such repeal the state board of veterinary medicine shall be
7 reviewed as provided for in section 24-34-104, C.R.S.

8 **SECTION 2. Repeal.** 24-34-104 (42) (c), Colorado Revised
9 Statutes, is repealed as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for termination, continuation, or reestablishment.**

12 (42) The following agencies, functions, or both, shall terminate on July
13 1, 2011:

14 (c) ~~The state board of veterinary medicine, created by article 64~~
15 ~~of title 12, C.R.S.;~~

16 **SECTION 3.** 24-34-104, Colorado Revised Statutes, is amended
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18 **24-34-104. General assembly review of regulatory agencies**
19 **and functions for termination, continuation, or reestablishment.**

20 (53.5) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL
21 TERMINATE ON SEPTEMBER 1, 2022:

22 (a) THE STATE BOARD OF VETERINARY MEDICINE, CREATED BY
23 ARTICLE 64 OF TITLE 12, C.R.S.

1 **SECTION 4.** The introductory portion to 12-64-104 (1) and
2 12-64-104 (1) (a), (1) (b), (1) (e), (1) (f), (1) (m), and (1) (o), Colorado
3 Revised Statutes, are amended, and the said 12-64-104 (1) is further
4 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

5 **12-64-104. License requirements and exceptions - definitions**
6 **- rules.** (1) No person may practice veterinary medicine in this state ~~who~~
7 IF THE PERSON is not a licensed veterinarian. No person may practice
8 artificial insemination or ova transplantation of cattle or other animal
9 species in this state except in accordance with section 12-64-105 (9) (c).
10 This article ~~shall~~ DOES not be construed to prohibit:

11 (a) An employee of the federal, state, or local government from
12 performing his OR HER official duties;

13 (b) A person who is a regular student in an approved school of
14 veterinary medicine from performing duties or actions assigned by his OR
15 HER instructors or working under the on-the-premises supervision of a
16 licensed veterinarian;

17 (e) Any merchant or manufacturer from selling, at his OR HER
18 regular place of business, medicines, feed, appliances, or other products
19 used in the prevention or treatment of animal diseases;

20 (f) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
21 PARAGRAPH (f) AND SUBJECT TO SUBSECTION (2) OF THIS SECTION, the
22 owner of an animal and the owner's employees from caring for and
23 treating the animal belonging to such owner. ~~except~~

24 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) DOES NOT APPLY
25 IN CASES where the ownership of the animal was transferred for purposes
26 of circumventing this article or where the primary reason for hiring ~~such~~
27 THE employee is to circumvent this article. ~~Notwithstanding the~~

1 provisions of this paragraph (f), a veterinarian-client-patient relationship
2 must exist when prescription drugs are administered, distributed,
3 dispensed, or prescribed.

4 (m) Any person licensed by the board from performing artificial
5 insemination;

6 (o) (H) Any person from performing massage on an animal if: IN
7 ACCORDANCE WITH SECTION 12-35.5-110 (1) (f);

8 (A) The person does not prescribe drugs, perform surgery, or
9 diagnose medical conditions; and

10 (B) The person has earned a degree or certificate in animal
11 massage from a school approved by the private occupational school
12 division of the Colorado department of higher education under article 59
13 of this title, an out-of-state school offering an animal massage program
14 with an accreditation recognized by the United States department of
15 education, or a school that is exempt under section 12-59-104.

16 (H) As used in this paragraph (o), "massage" means a method of
17 treating the body for remedial or hygienic purposes through techniques
18 that include, without limitation, rubbing, stroking, kneading, or tapping
19 with the hand or an instrument or both. These techniques may be applied
20 with or without the aid of a massage device that mimics the actions
21 possible using human hands.

22 (q) THE PRACTICE OF ANIMAL PHYSICAL THERAPY PURSUANT TO
23 SECTION 12-41-113 (4).

24 **SECTION 5.** 12-64-104, Colorado Revised Statutes, is amended
25 BY THE ADDITION OF A NEW SUBSECTION to read:

26 **12-64-104. License requirements and exceptions - definitions**
27 **- rules.** (2) (a) NOTWITHSTANDING PARAGRAPH (f) OF SUBSECTION (1) OF

1 THIS SECTION AND EXCEPT AS PERMITTED BY PARAGRAPH (j) OF
2 SUBSECTION (1) OF THIS SECTION, A PERSON WHO IS NOT A LICENSED
3 VETERINARIAN SHALL NOT ADMINISTER, DISTRIBUTE, DISPENSE, OR
4 PRESCRIBE PRESCRIPTION DRUGS. EXCEPT AS PROVIDED IN PARAGRAPH (b)
5 OF THIS SUBSECTION (2), A LICENSED VETERINARIAN MUST HAVE A
6 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP WITH THE ANIMAL AND ITS
7 OWNER OR OTHER CARETAKER IN ORDER TO ADMINISTER, DISTRIBUTE,
8 DISPENSE, OR PRESCRIBE PRESCRIPTION DRUGS TO OR FOR AN ANIMAL.

9 (b) (I) IN AN EMERGENCY SITUATION WHERE A LICENSED
10 VETERINARIAN WHO HAS A VETERINARIAN-CLIENT-PATIENT RELATIONSHIP
11 PRESCRIBES A PRESCRIPTION DRUG THAT THE LICENSED VETERINARIAN
12 DOES NOT HAVE IN STOCK AND IS NOT AVAILABLE AT A LOCAL PHARMACY,
13 ANOTHER LICENSED VETERINARIAN WHO DOES NOT HAVE A
14 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP WITH THE ANIMAL AND
15 OWNER OR OTHER CARETAKER MAY ADMINISTER, DISTRIBUTE, OR
16 DISPENSE THE PRESCRIPTION DRUG TO THE ANIMAL BASED ON THE
17 EXAMINING VETERINARIAN'S EXPERTISE AND
18 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP.

19 (II) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
20 AN EMERGENCY SITUATION UNDER WHICH THIS PARAGRAPH (b) WOULD
21 APPLY, INCLUDING A REQUIREMENT THAT FAILURE TO ADMINISTER,
22 DISTRIBUTE, OR DISPENSE THE PRESCRIPTION DRUG THREATENS THE
23 HEALTH AND WELL-BEING OF THE ANIMAL AND REQUIRING DETAILED
24 RECORDS DOCUMENTING THE EMERGENCY CIRCUMSTANCES THAT INCLUDE
25 AT LEAST THE FOLLOWING:

26 (A) A REQUIREMENT THAT THE EXAMINING VETERINARIAN WITH
27 THE VETERINARIAN-CLIENT-PATIENT RELATIONSHIP DOCUMENT THE

1 EMERGENCY AND THE IMMEDIATE NEED FOR THE PRESCRIPTION DRUG;

2 (B) A REQUIREMENT THAT THE EXAMINING VETERINARIAN WITH
3 THE VETERINARIAN-CLIENT-PATIENT RELATIONSHIP DOCUMENT HIS OR HER
4 EFFORTS TO OBTAIN THE PRESCRIPTION DRUG FROM A LOCAL PHARMACY,
5 INCLUDING DOCUMENTATION OF CONTACT WITH AT LEAST ONE PHARMACY
6 IN THE GENERAL PROXIMITY OF THE EXAMINATION LOCATION THAT DOES
7 NOT HAVE THE PRESCRIPTION DRUG IMMEDIATELY AVAILABLE; AND

8 (C) A REQUIREMENT THAT THE LICENSED VETERINARIAN WHO
9 ADMINISTERS, DISTRIBUTES, OR DISPENSES THE PRESCRIPTION DRUG
10 DOCUMENT THE TIME THE PRESCRIPTION IS ADMINISTERED, DISTRIBUTED,
11 OR DISPENSED.

12 (III) A VETERINARIAN WHO ADMINISTERS, DISTRIBUTES,
13 DISPENSES, OR PRESCRIBES A PRESCRIPTION DRUG IN ACCORDANCE WITH
14 THIS PARAGRAPH (b) IS NOT SUBJECT TO DISCIPLINE PURSUANT TO SECTION
15 12-64-111 (1) (aa) IF THE VETERINARIAN SATISFIES THE REQUIREMENTS OF
16 THIS PARAGRAPH (b) AND THE RULES ADOPTED BY THE BOARD.

17 **SECTION 6.** 12-64-111 (1) (aa), Colorado Revised Statutes, is
18 amended to read:

19 **12-64-111. Discipline of licensees.** (1) Upon signed complaint
20 by any complainant or upon its own motion, the board may proceed to a
21 hearing in conformity with section 12-64-112. After a hearing, and by a
22 concurrence of a majority of members, the board may revoke or suspend
23 the license of, place on probation, or otherwise discipline or fine, any
24 licensed veterinarian for any of the following reasons:

25 (aa) Administering, dispensing, distributing, or prescribing any
26 prescription drug other than in the course of a veterinarian-client-patient
27 relationship, EXCEPT IN ACCORDANCE WITH SECTION 12-64-104 (2) (b);

1 **SECTION 7. Repeal.** 12-64-111 (3), Colorado Revised Statutes,
2 is repealed as follows:

3 **12-64-111. Discipline of licensees.** (3) ~~Nothing in this article~~
4 ~~shall be construed to prevent the practice of veterinary medicine by a~~
5 ~~professional service corporation composed of at least a simple majority~~
6 ~~of veterinarians who are licensed, active, and personally engaged in the~~
7 ~~practice of veterinary medicine in this state and who may exercise such~~
8 ~~powers and shall be subject to such limitations and requirements, so far~~
9 ~~as applicable, as are provided in section 12-36-134, relating to~~
10 ~~professional service corporations for the practice of medicine; except that~~
11 ~~the shareholders, directors, managers, or officers who are not~~
12 ~~veterinarians licensed, active, and personally engaged in the practice of~~
13 ~~veterinary medicine in this state shall not exercise any authority~~
14 ~~whatsoever over professional veterinarian matters.~~

15 **SECTION 8.** Article 64 of title 12, Colorado Revised Statutes, is
16 amended BY THE ADDITION OF THE FOLLOWING NEW
17 SECTIONS to read:

18 **12-64-122. Professional service corporations for the practice**
19 **of veterinary medicine - definitions.** (1) LICENSED VETERINARIANS
20 MAY FORM A PROFESSIONAL SERVICE CORPORATION FOR THEIR PRACTICE
21 OF VETERINARY MEDICINE IF THE CORPORATION IS ORGANIZED AND
22 OPERATED IN ACCORDANCE WITH THIS SECTION. THE ARTICLES OF
23 INCORPORATION OF THE CORPORATION MUST CONTAIN PROVISIONS
24 COMPLYING WITH THE FOLLOWING REQUIREMENTS:

25 (a) THE NAME OF THE CORPORATION MUST CONTAIN THE WORDS
26 "PROFESSIONAL COMPANY" OR "PROFESSIONAL CORPORATION" OR
27 ABBREVIATIONS OF THOSE TERMS.

1 (b) THE CORPORATION IS ORGANIZED BY LICENSED VETERINARIANS
2 SOLELY FOR THE PURPOSE OF CONDUCTING THE PRACTICE OF VETERINARY
3 MEDICINE THROUGH A CORPORATE ENTITY BY PERSONS LICENSED TO
4 PRACTICE VETERINARY MEDICINE. THE CORPORATION MAY BE ORGANIZED
5 BY ANY OTHER PERSON, AND ANY OTHER PERSON MAY OWN SHARES IN THE
6 CORPORATION, AS LONG AS THE PRACTICE OF VETERINARY MEDICINE BY
7 THE CORPORATION IS PERFORMED BY OR UNDER THE SUPERVISION OF A
8 LICENSED VETERINARIAN, THE CORPORATION IS COMPOSED OF A MAJORITY
9 OF LICENSED VETERINARIANS, AND ANY LICENSED VETERINARIAN MEMBER
10 OF THE CORPORATION REMAINS INDIVIDUALLY RESPONSIBLE FOR HIS OR
11 HER PROFESSIONAL ACTS AND CONDUCT.

12 (c) THE CORPORATION MAY EXERCISE THE POWERS AND
13 PRIVILEGES CONFERRED UPON CORPORATIONS BY THE LAWS OF COLORADO
14 ONLY IN FURTHERANCE OF AND SUBJECT TO ITS CORPORATE PURPOSE.

15 (d) PROVISIONS SHALL BE MADE REQUIRING ANY SHAREHOLDER
16 WHO CEASES TO BE OR FOR ANY REASON IS INELIGIBLE TO BE A
17 SHAREHOLDER TO DISPOSE OF ALL HIS OR HER SHARES FORTHWITH, EITHER
18 TO THE CORPORATION OR TO ANY SHAREHOLDER.

19 (e) LAY DIRECTORS, OFFICERS, AND HEIRS OF DECEASED
20 SHAREHOLDERS SHALL NOT EXERCISE ANY AUTHORITY WHATSOEVER OVER
21 THE INDEPENDENT MEDICAL JUDGMENT OF LICENSED VETERINARIANS.

22 (f) AN HEIR TO A DECEASED SHAREHOLDER WHO BECOMES A
23 SHAREHOLDER IS LIABLE ONLY TO THE SAME EXTENT AS THE DECEASED
24 SHAREHOLDER WOULD HAVE BEEN IN HIS OR HER CAPACITY AS A
25 SHAREHOLDER, HAD HE OR SHE LIVED AND REMAINED A SHAREHOLDER,
26 FOR ALL ACTS, ERRORS, AND OMISSIONS OF THE EMPLOYEES OF THE
27 CORPORATION.

1 (g) (I) THE ARTICLES OF INCORPORATION PROVIDE AND ALL
2 SHAREHOLDERS OF THE CORPORATION AGREE THAT:

3 (A) ALL SHAREHOLDERS OF THE CORPORATION ARE JOINTLY AND
4 SEVERALLY LIABLE FOR ALL ACTS, ERRORS, AND OMISSIONS OF THE
5 EMPLOYEES OF THE CORPORATION; OR

6 (B) ALL SHAREHOLDERS OF THE CORPORATION ARE JOINTLY AND
7 SEVERALLY LIABLE FOR ALL ACTS, ERRORS, AND OMISSIONS OF THE
8 EMPLOYEES OF THE CORPORATION EXCEPT DURING PERIODS WHEN EACH
9 LICENSEE WHO IS A SHAREHOLDER OR ANY EMPLOYEE OF THE
10 CORPORATION HAS A PROFESSIONAL LIABILITY POLICY INSURING HIMSELF
11 OR HERSELF AND ALL EMPLOYEES WHO ARE NOT LICENSED PURSUANT TO
12 THIS ARTICLE WHO ACT AT HIS OR HER DIRECTION, IN THE AMOUNT OF
13 FIFTY THOUSAND DOLLARS FOR EACH CLAIM AND AN AGGREGATE TOP
14 LIMIT OF LIABILITY PER YEAR FOR ALL CLAIMS OF ONE HUNDRED FIFTY
15 THOUSAND DOLLARS; OR

16 (II) THE CORPORATION MAINTAINS IN GOOD STANDING
17 PROFESSIONAL LIABILITY INSURANCE THAT MEETS THE MINIMUM
18 STANDARDS SPECIFIED IN SUB-SUBPARAGRAPHS (A), (B), AND (C) OF THIS
19 SUBPARAGRAPH (II) AND THAT MAY INCLUDE PROVISIONS DESCRIBED IN
20 SUB-SUBPARAGRAPHS (D) AND (E) OF THIS SUBPARAGRAPH (II):

21 (A) THE INSURANCE INSURES THE CORPORATION AGAINST
22 LIABILITY IMPOSED UPON THE CORPORATION BY LAW FOR DAMAGES
23 RESULTING FROM ANY CLAIM MADE AGAINST THE CORPORATION ARISING
24 OUT OF THE PERFORMANCE OF PROFESSIONAL SERVICES FOR OTHERS BY
25 THOSE OFFICERS AND EMPLOYEES OF THE CORPORATION WHO ARE
26 LICENSED VETERINARIANS.

27 (B) THE INSURANCE INSURES THE CORPORATION AGAINST

1 LIABILITY IMPOSED UPON IT BY LAW FOR DAMAGES ARISING OUT OF THE
2 ACTS, ERRORS, AND OMISSIONS OF ALL NONPROFESSIONAL EMPLOYEES.

3 (C) THE INSURANCE IS IN AN AMOUNT FOR EACH CLAIM OF AT
4 LEAST FIFTY THOUSAND DOLLARS MULTIPLIED BY THE NUMBER OF
5 LICENSED VETERINARIANS EMPLOYED BY THE CORPORATION. THE POLICY
6 MAY PROVIDE FOR AN AGGREGATE TOP LIMIT OF LIABILITY PER YEAR FOR
7 ALL CLAIMS OF ONE HUNDRED FIFTY THOUSAND DOLLARS ALSO
8 MULTIPLIED BY THE NUMBER OF LICENSEES EMPLOYED BY THE
9 CORPORATION, BUT NO CORPORATION IS REQUIRED TO CARRY INSURANCE
10 IN EXCESS OF THREE HUNDRED THOUSAND DOLLARS FOR EACH CLAIM WITH
11 AN AGGREGATE TOP LIMIT OF LIABILITY FOR ALL CLAIMS DURING THE YEAR
12 OF NINE HUNDRED THOUSAND DOLLARS.

13 (D) THE INSURANCE MAY PROVIDE THAT IT DOES NOT APPLY TO:
14 A DISHONEST, FRAUDULENT, CRIMINAL, OR MALICIOUS ACT OR OMISSION
15 OF THE INSURED CORPORATION OR ANY STOCKHOLDER OR EMPLOYEE OF
16 THE CORPORATION; BODILY INJURY TO OR SICKNESS, DISEASE, OR DEATH
17 OF ANY ANIMAL, OR INJURY TO OR DESTRUCTION OF ANY TANGIBLE
18 PROPERTY, INCLUDING THE LOSS OF USE OF TANGIBLE PROPERTY, WHEN
19 THE INJURY, SICKNESS, DISEASE, OR DEATH DOES NOT RESULT FROM
20 BREACH OF A PROFESSIONAL DUTY; OR THE CONDUCT OF ANY BUSINESS
21 ENTERPRISE, AS DISTINGUISHED FROM THE PRACTICE OF VETERINARY
22 MEDICINE: IN WHICH THE INSURED CORPORATION UNDER THIS SECTION IS
23 NOT PERMITTED TO ENGAGE BUT WHICH NEVERTHELESS MAY BE OWNED
24 BY THE INSURED CORPORATION; IN WHICH THE INSURED CORPORATION
25 MAY BE A PARTNER; OR THAT MAY BE CONTROLLED, OPERATED, OR
26 MANAGED BY THE INSURED CORPORATION IN ITS OWN OR IN A FIDUCIARY
27 CAPACITY, INCLUDING THE OWNERSHIP, MAINTENANCE, OR USE OF ANY

1 PROPERTY IN CONNECTION THEREWITH.

2 (E) THE INSURANCE MAY CONTAIN REASONABLE PROVISIONS WITH
3 RESPECT TO POLICY PERIODS, TERRITORY, CLAIMS, CONDITIONS, AND
4 OTHER USUAL MATTERS.

5 (2) THE CORPORATION SHALL NOT ENGAGE IN ANY ACT OR
6 OMISSION THAT, IF ENGAGED IN BY A LICENSED VETERINARIAN EMPLOYED
7 BY THE CORPORATION, WOULD VIOLATE SECTION 12-64-111 (1). A
8 VIOLATION OF SECTION 12-64-111 (1) IS GROUNDS FOR THE BOARD TO
9 DISCIPLINE A LICENSEE PURSUANT TO SECTION 12-64-111.

10 (3) NOTHING IN THIS SECTION DIMINISHES OR CHANGES THE
11 OBLIGATION OF EACH LICENSED VETERINARIAN EMPLOYED BY THE
12 CORPORATION TO CONDUCT HIS OR HER PRACTICE SO AS NOT TO VIOLATE
13 SECTION 12-64-111 (1). A LICENSED VETERINARIAN WHO, BY ACT OR
14 OMISSION, CAUSES THE CORPORATION TO ACT OR FAIL TO ACT IN A WAY
15 THAT VIOLATES SECTION 12-64-111 (1) OR ANY PROVISION OF THIS
16 SECTION IS PERSONALLY RESPONSIBLE FOR SUCH ACT OR OMISSION AND IS
17 SUBJECT TO DISCIPLINE FOR THE ACT OR OMISSION.

18 (4) NOTHING IN THIS SECTION MODIFIES THE
19 VETERINARIAN-PATIENT-CLIENT PRIVILEGE SPECIFIED IN SECTION
20 24-72-204 (3) (a) (XIV), C.R.S.

21 (5) A PROFESSIONAL SERVICE CORPORATION MAY ADOPT A
22 PENSION, CASH OR DEFERRED PROFIT-SHARING, HEALTH AND ACCIDENT,
23 INSURANCE, OR WELFARE PLAN FOR ALL OR PART OF ITS EMPLOYEES,
24 INCLUDING LAY EMPLOYEES, IF:

25 (a) THE PLAN DOES NOT REQUIRE OR RESULT IN THE SHARING OF
26 SPECIFIC OR IDENTIFIABLE FEES WITH LAY EMPLOYEES; AND

27 (b) PAYMENTS MADE TO LAY EMPLOYEES, OR INTO THE PLAN FOR

1 THE BENEFIT OF LAY EMPLOYEES, ARE BASED UPON THE EMPLOYEES'
2 COMPENSATION, LENGTH OF SERVICE, OR BOTH, AND NOT BASED ON THE
3 AMOUNT OF FEES OR INCOME RECEIVED BY THE CORPORATION.

4 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

6 (a) "ARTICLES OF INCORPORATION" INCLUDES OPERATING
7 AGREEMENTS OF LIMITED LIABILITY COMPANIES AND PARTNERSHIP
8 AGREEMENTS OF REGISTERED LIMITED LIABILITY PARTNERSHIPS.

9 (b) "CORPORATION" INCLUDES A CORPORATION ORGANIZED UNDER
10 THE "COLORADO BUSINESS CORPORATION ACT", ARTICLES 101 TO 117 OF
11 TITLE 7, C.R.S.; A LIMITED LIABILITY COMPANY ORGANIZED UNDER THE
12 "COLORADO LIMITED LIABILITY COMPANY ACT", ARTICLE 80 OF TITLE 7,
13 C.R.S.; AND A LIMITED LIABILITY PARTNERSHIP REGISTERED UNDER
14 SECTION 7-60-144 OR 7-64-1002, C.R.S.

15 (c) "DIRECTOR" AND "OFFICER" OF A CORPORATION INCLUDES A
16 MEMBER AND A MANAGER OF A LIMITED LIABILITY COMPANY AND A
17 PARTNER IN A REGISTERED LIMITED LIABILITY PARTNERSHIP.

18 (d) "EMPLOYEES" INCLUDES EMPLOYEES, MEMBERS, AND
19 MANAGERS OF A LIMITED LIABILITY COMPANY AND EMPLOYEES AND
20 PARTNERS OF A REGISTERED LIMITED LIABILITY PARTNERSHIP.

21 (e) "PRESIDENT" INCLUDES ALL MANAGERS, IF ANY, OF A LIMITED
22 LIABILITY COMPANY AND ALL PARTNERS IN A REGISTERED LIMITED
23 LIABILITY PARTNERSHIP.

24 (f) "SHARE" INCLUDES A MEMBER'S RIGHTS IN A LIMITED LIABILITY
25 COMPANY AND A PARTNER'S RIGHTS IN A REGISTERED LIMITED LIABILITY
26 PARTNERSHIP.

27 (g) "SHAREHOLDER" INCLUDES A MEMBER OF A LIMITED LIABILITY

1 COMPANY AND A PARTNER IN A REGISTERED LIMITED LIABILITY
2 PARTNERSHIP.

3 **12-64-123. Veterinary premises - licensed veterinarian**
4 **responsible for veterinary medical decisions.** AT ALL TIMES WHEN AN
5 ANIMAL IS PRESENT ON A VETERINARY PREMISES, A LICENSED
6 VETERINARIAN MUST BE SCHEDULED AND RESPONSIBLE FOR ALL
7 VETERINARY MEDICAL DECISIONS AND CARE.

8 **12-64-124. Veterinarian peer health assistance program - fees**
9 **- administration - rules.** (1) (a) ON AND AFTER JULY 1, 2011, AS A
10 CONDITION OF LICENSURE AND RENEWAL IN THIS STATE, EVERY
11 VETERINARIAN APPLYING FOR A NEW LICENSE OR TO RENEW HIS OR HER
12 LICENSE SHALL PAY TO THE BOARD, FOR USE BY THE ADMINISTERING
13 ENTITY SELECTED BY THE BOARD PURSUANT TO THIS SUBSECTION (1), AN
14 AMOUNT NOT TO EXCEED FORTY DOLLARS PER YEAR, WHICH MAXIMUM
15 AMOUNT MAY BE ADJUSTED ON JANUARY 1, 2012, AND ANNUALLY
16 THEREAFTER BY THE BOARD TO REFLECT CHANGES IN THE UNITED STATES
17 BUREAU OF STATISTICS CONSUMER PRICE INDEX FOR THE
18 DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR
19 ALL URBAN CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX. THE BOARD
20 SHALL FORWARD THE FEE TO THE CHOSEN ADMINISTERING ENTITY FOR USE
21 IN SUPPORTING DESIGNATED PROVIDERS SELECTED BY THE BOARD TO
22 PROVIDE ASSISTANCE TO VETERINARIANS NEEDING HELP IN DEALING WITH
23 PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL PROBLEMS THAT MAY BE
24 DETRIMENTAL TO THEIR ABILITY TO PRACTICE VETERINARY MEDICINE.

25 (b) THE BOARD SHALL SELECT ONE OR MORE PEER HEALTH
26 ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR
27 DESIGNATION BY THE BOARD, A PEER HEALTH ASSISTANCE PROGRAM

1 MUST:

2 (I) PROVIDE FOR THE EDUCATION OF VETERINARIANS WITH
3 RESPECT TO THE RECOGNITION AND PREVENTION OF PHYSICAL,
4 EMOTIONAL, AND PSYCHOLOGICAL PROBLEMS AND PROVIDE FOR
5 INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES
6 ESTABLISHED BY THE BOARD BY RULE;

7 (II) OFFER ASSISTANCE TO A VETERINARIAN IN IDENTIFYING
8 PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL PROBLEMS;

9 (III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR
10 PSYCHOLOGICAL PROBLEMS AND REFER THE VETERINARIAN FOR
11 APPROPRIATE TREATMENT;

12 (IV) MONITOR THE STATUS OF A VETERINARIAN WHO HAS BEEN
13 REFERRED FOR TREATMENT;

14 (V) PROVIDE COUNSELING AND SUPPORT FOR THE VETERINARIAN
15 AND FOR THE FAMILY OF ANY VETERINARIAN REFERRED FOR TREATMENT;

16 (VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND

17 (VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED
18 COLORADO VETERINARIANS.

19 (c) THE BOARD MAY SELECT AN ENTITY TO ADMINISTER THE
20 VETERINARIAN PEER ASSISTANCE PROGRAM. AN ADMINISTERING ENTITY
21 MUST BE A NONPROFIT PRIVATE FOUNDATION THAT IS QUALIFIED UNDER
22 SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF
23 1986", AS AMENDED, AND THAT IS DEDICATED TO PROVIDING SUPPORT FOR
24 CHARITABLE, BENEVOLENT, EDUCATIONAL, AND SCIENTIFIC PURPOSES
25 THAT ARE RELATED TO VETERINARY MEDICINE, VETERINARY MEDICAL
26 EDUCATION, VETERINARY MEDICAL RESEARCH AND SCIENCE, AND OTHER
27 VETERINARY MEDICAL CHARITABLE PURPOSES.

1 (d) THE ADMINISTERING ENTITY SHALL:

2 (I) DISTRIBUTE THE MONEYS COLLECTED BY THE BOARD, LESS
3 EXPENSES, TO THE DESIGNATED PROVIDER, AS DIRECTED BY THE BOARD;

4 (II) PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL
5 AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED;
6 AND

7 (III) POST A SURETY PERFORMANCE BOND IN AN AMOUNT
8 SPECIFIED BY THE BOARD TO SECURE PERFORMANCE UNDER THE
9 REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY
10 RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING
11 ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN
12 PERCENT OF THE TOTAL AMOUNT COLLECTED.

13 (e) THE BOARD SHALL COLLECT THE REQUIRED ANNUAL PAYMENTS
14 PAYABLE TO THE ADMINISTERING ENTITY FOR THE BENEFIT OF THE
15 ADMINISTERING ENTITY AND SHALL TRANSFER ALL SUCH PAYMENTS TO
16 THE ADMINISTERING ENTITY. ALL REQUIRED ANNUAL PAYMENTS
17 COLLECTED OR DUE TO THE BOARD FOR EACH FISCAL YEAR ARE CUSTODIAL
18 FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL
19 ASSEMBLY, AND THE DISTRIBUTION OF PAYMENTS TO THE ADMINISTERING
20 ENTITY OR EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING
21 ENTITY DOES NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR
22 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

23 (2) (a) ANY VETERINARIAN WHO IS REFERRED BY THE BOARD TO A
24 PEER HEALTH ASSISTANCE PROGRAM SHALL ENTER INTO A STIPULATION
25 WITH THE BOARD PURSUANT TO SECTION 12-64-111 (8) PRIOR TO
26 PARTICIPATING IN THE PROGRAM. THE AGREEMENT MUST CONTAIN
27 SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE PARTICIPANT,

1 INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM WILL BE
2 SUCCESSFULLY COMPLETED OR TERMINATED, AND A PROVISION THAT A
3 FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS ARE TO BE
4 PROMPTLY REPORTED TO THE BOARD AND THAT SUCH FAILURE WILL
5 RESULT IN DISCIPLINARY ACTION BY THE BOARD.

6 (b) NOTWITHSTANDING SECTIONS 12-64-111 AND 24-4-104,
7 C.R.S., THE BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OF ANY
8 VETERINARIAN WHO IS REFERRED TO A PEER HEALTH ASSISTANCE
9 PROGRAM BY THE BOARD AND WHO FAILS TO ATTEND OR TO COMPLETE
10 THE PROGRAM. IF THE VETERINARIAN OBJECTS TO THE SUSPENSION, HE OR
11 SHE MAY SUBMIT A WRITTEN REQUEST TO THE BOARD FOR A FORMAL
12 HEARING ON THE SUSPENSION WITHIN TEN DAYS AFTER RECEIVING NOTICE
13 OF THE SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST. IN THE
14 HEARING, THE VETERINARIAN BEARS THE BURDEN OF PROVING THAT HIS
15 OR HER LICENSE SHOULD NOT BE SUSPENDED.

16 (c) ANY VETERINARIAN WHO SELF-REFERS AND IS ACCEPTED INTO
17 A PEER HEALTH ASSISTANCE PROGRAM SHALL AFFIRM THAT, TO THE BEST
18 OF HIS OR HER KNOWLEDGE, INFORMATION, AND BELIEF, HE OR SHE KNOWS
19 OF NO INSTANCE IN WHICH HE OR SHE HAS VIOLATED THIS ARTICLE OR THE
20 RULES OF THE BOARD, EXCEPT IN THOSE INSTANCES AFFECTED BY THE
21 VETERINARIAN'S PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL PROBLEMS.

22 (3) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE
23 BOARD OR THE STATE OF COLORADO FOR THE ACTIONS OF THE BOARD IN
24 MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO CIVIL ACTION
25 MAY BE BROUGHT OR MAINTAINED AGAINST THE BOARD OR THE STATE FOR
26 AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF THE ACTIVITIES OF ANY
27 STATE-FUNDED PEER ASSISTANCE PROGRAM OR THE RESULT OF AN ACT OR

1 OMISSION OF A VETERINARIAN PARTICIPATING IN OR REFERRED BY A
2 STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER, THE STATE
3 REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY
4 ACT", ARTICLE 10 OF TITLE 24, C.R.S., IF AN INJURY ALLEGED TO HAVE
5 BEEN THE RESULT OF AN ACT OR OMISSION OF A VETERINARIAN
6 PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE
7 PROGRAM OCCURRED WHILE SUCH VETERINARIAN WAS PERFORMING
8 DUTIES AS AN EMPLOYEE OF THE STATE.

9 (4) THE BOARD MAY PROMULGATE RULES NECESSARY TO
10 IMPLEMENT THIS SECTION.

11 **SECTION 9.** 12-64-105 (1), (2), (9) (b), (9) (d), (9) (e) (III), (9)
12 (h), and (9) (j), Colorado Revised Statutes, are amended to read:

13 **12-64-105. Board of veterinary medicine - creation - powers.**

14 (1) THE GOVERNOR SHALL APPOINT a state board of veterinary medicine
15 ~~shall be appointed by the governor. The board shall consist~~ CONSISTING
16 of seven members. ~~and~~ Each member shall be appointed for a term of four
17 years. THE GOVERNOR SHALL APPOINT members of the board ~~shall be~~
18 ~~appointed by the governor~~ from qualified persons as ~~set forth~~ DESCRIBED
19 in subsection (2) of this section. THE GOVERNOR SHALL APPOINT
20 MEMBERS TO FILL vacancies ~~because of~~ ON THE BOARD CAUSED BY death,
21 resignation, or removal ~~shall be filled~~ for the balance of the unexpired
22 term. ~~or until a successor is appointed.~~ No person shall serve more than
23 two consecutive four-year terms. A person appointed to serve out the
24 balance of an unexpired term may be reappointed for an additional
25 consecutive four-year term. MEMBERS OF THE BOARD MAY REMAIN ON
26 THE BOARD UNTIL A SUCCESSOR IS APPOINTED.

27 (2) ~~A person is qualified to serve as a member of the board if such~~

1 ~~person is a graduate~~ THE GOVERNOR SHALL APPOINT FIVE MEMBERS TO
2 THE BOARD WHO ARE GRADUATES of a school of veterinary medicine, ~~and~~
3 ~~a resident~~ WHO ARE RESIDENTS of this state, and ~~has~~ WHO HAVE been
4 licensed to practice veterinary medicine in this state for the five years
5 preceding the time of ~~such person's~~ THE appointment. ~~except that there~~
6 ~~shall always be~~ THE GOVERNOR SHALL APPOINT two members ~~on~~ TO the
7 board ~~who are consumers of services provided by a licensed veterinarian~~
8 ~~and five members of the board who shall be licensed and practicing~~
9 ~~veterinarians in Colorado~~ FROM THE PUBLIC AT LARGE WHO HAVE NO
10 FINANCIAL OR PROFESSIONAL ASSOCIATION WITH THE VETERINARY
11 PROFESSION.

12 (9) The board has the power to:

13 (b) Issue, renew, deny, suspend, or revoke licenses to practice
14 veterinary medicine in the state or otherwise discipline or fine, or both,
15 licensees consistent with ~~the provisions of this article and the rules and~~
16 ~~regulations~~ adopted BY THE BOARD under this article;

17 (d) Establish, pursuant to section 24-34-105, C.R.S., and publish
18 annually a schedule of fees for licensing and registration of veterinarians.
19 ~~and artificial inseminators.~~ The BOARD SHALL BASE THE fee ~~shall be~~
20 ~~based on the board's~~ ITS anticipated financial requirements for the year.

21 (e) (III) Upon failure of ~~any~~ A witness to comply with ~~such~~ A
22 subpoena or process, the district court of the county in which the
23 subpoenaed person or licensee resides or conducts business, upon
24 application by the board ~~or director~~ AND with notice to the subpoenaed
25 person or licensee, may issue to the person or licensee an order requiring
26 that person or licensee to appear before the ~~director~~ BOARD; to produce
27 the relevant papers, books, records, documentary evidence, or materials

1 if so ordered; or to give evidence touching the matter under investigation
2 or in question. Failure to obey the order of the court may be punished by
3 the court as a contempt of court.

4 (h) ~~Appoint from its own membership one or more members to act~~
5 ~~as representatives of the board at any meeting within or without the state~~
6 ~~where such representation is deemed desirable;~~

7 (j) Adopt, amend, or repeal ~~all~~ rules necessary for ~~its government~~
8 ~~and all regulations necessary to carry into effect the provisions~~ THE
9 ADMINISTRATION AND ENFORCEMENT of this article. THE BOARD SHALL
10 ADOPT RULES TO ESTABLISH A UNIFORM SYSTEM AND SCHEDULE OF FINES
11 THAT IT MAY IMPOSE ON LICENSEES FOR VIOLATIONS OF THIS ARTICLE OR
12 OF RULES ADOPTED PURSUANT TO THIS ARTICLE.

13 **SECTION 10.** The introductory portion to 12-64-111 (1) and
14 12-64-111 (1) (c), (1) (s), (1) (v), (1) (x), (1) (y), (6) (a), and (7) (a),
15 Colorado Revised Statutes, are amended, and the said 12-64-111 (1) is
16 further amended BY THE ADDITION OF THE FOLLOWING NEW
17 PARAGRAPHS, to read:

18 **12-64-111. Discipline of licensees.** (1) Upon RECEIPT OF A
19 signed complaint by ~~any~~ A complainant or upon its own motion, the board
20 may proceed to a hearing in conformity with section 12-64-112. After a
21 hearing, and by a concurrence of a majority of members, the board may
22 DENY A LICENSE TO AN APPLICANT OR revoke, ~~or~~ suspend, OR REFUSE TO
23 RENEW the license of, place on probation, or otherwise discipline or fine,
24 ~~any~~ A licensed veterinarian for any of the following reasons:

25 (c) ~~Failure to display a license;~~

26 (s) Permitting another to use his OR HER license for the purpose of
27 treating or offering to treat sick, injured, or afflicted animals;

1 (v) ~~Addiction to, dependence on, or the~~ Habitual OR EXCESSIVE
2 use or abuse of ~~intoxicating liquors~~ ALCOHOL BEVERAGES, a
3 habit-forming drug, or a controlled substance as defined in section
4 12-22-303 (7);

5 (x) Engaging in the practice of veterinary medicine while on
6 inactive status ~~as determined pursuant to section 12-64-110.5~~ OR WHILE
7 THE PERSON'S LICENSE IS EXPIRED;

8 (y) ~~Engaging in any act prohibited in article 22 of this title,~~
9 ~~regarding the dispensing of drugs, medicines, poisons, or controlled~~
10 ~~substances, as defined in section 12-22-303 (7);~~

11 (ee) FAILURE TO RESPOND TO A COMPLAINT AGAINST THE
12 LICENSED VETERINARIAN;

13 (ff) FAILURE TO PROVIDE TO THE BOARD AN UPDATED MAILING
14 ADDRESS AND OTHER CONTACT INFORMATION AS REQUIRED BY THE BOARD
15 WITHIN THIRTY DAYS AFTER A CHANGE IN THE INFORMATION;

16 (gg) FAILURE TO PROPERLY SUPERVISE A VETERINARY STUDENT OR
17 VETERINARY STAFF.

18 (6) (a) If it appears to the board, based upon credible evidence as
19 presented in a written complaint by any person OR ON THE BOARD'S OWN
20 MOTION, that a ~~licensee~~ LICENSED VETERINARIAN is acting in a manner
21 that is an imminent threat to the health and safety of the public, or a
22 person is acting or has acted without the required license, the board may
23 issue an order to cease and desist such activity. The order ~~shall~~ MUST set
24 forth the statutes and rules alleged to have been violated, the facts alleged
25 to have constituted the violation, and the requirement that all unlawful
26 acts or unlicensed practices immediately cease.

27 (7) (a) If it appears to the board, based upon credible evidence as

1 presented in a written complaint by any person OR ON THE BOARD'S OWN
2 MOTION, that a person has violated any other portion of this article, ~~then,~~
3 in addition to any specific powers granted pursuant to this article, the
4 board may issue to ~~such~~ THE person an order to show cause ~~as to~~ why the
5 board should not issue a final order directing ~~such~~ THE person to cease
6 and desist from the unlawful act or unlicensed practice.

7 **SECTION 11.** 12-64-103 (7), (9), (15.5) (c), and (20), Colorado
8 Revised Statutes, are amended to read:

9 **12-64-103. Definitions.** As used in this article, unless the context
10 otherwise requires:

11 (7) "License" means any ~~permit, approved registration, or~~
12 ~~certificate~~ GRANT OF AUTHORITY issued by the board.

13 (9) "Licensed veterinarian" means a person ~~who is validly and~~
14 ~~currently licensed to practice veterinary medicine in this state.~~ "Licensed
15 veterinarian" ~~includes, but is not limited to, a person who holds an~~
16 ~~academic license to practice veterinary medicine pursuant to the~~
17 ~~provisions and limitations set forth in section 12-64-107.5 PURSUANT TO~~
18 THIS ARTICLE.

19 (15.5) "Veterinarian-client-patient relationship" means that
20 relationship established when:

21 (c) The practicing veterinarian is readily available, OR HAS
22 ARRANGED FOR EMERGENCY COVERAGE, for follow-up EVALUATION in
23 ~~case~~ THE EVENT of adverse reactions or failure of the TREATMENT
24 regimen. ~~of therapy.~~

25 (20) ~~"Veterinary technician" means a person who:~~

26 (a) ~~Has received a degree in animal technology or a comparable~~
27 ~~degree from a school, college, or university recognized by the board; or~~

1 (b) ~~Has received a diploma as an animal technician on or before~~
2 ~~July 1, 1975.~~

3 **SECTION 12.** 12-64-111, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
5 read:

6 **12-64-111. Discipline of licensees.** (11) A PERSON WHOSE
7 LICENSE TO PRACTICE VETERINARY MEDICINE IS REVOKED OR WHO
8 SURRENDERS HIS OR HER LICENSE TO AVOID DISCIPLINE IS NOT ELIGIBLE TO
9 APPLY FOR A LICENSE FOR TWO YEARS AFTER THE DATE THE LICENSE IS
10 REVOKED OR SURRENDERED.

11 (12) THE BOARD MAY SUSPEND THE LICENSE OF A VETERINARIAN
12 WHO FAILS TO COMPLY WITH AN ORDER OF THE BOARD ISSUED IN
13 ACCORDANCE WITH THIS SECTION. THE BOARD MAY IMPOSE THE LICENSE
14 SUSPENSION UNTIL THE LICENSEE COMPLIES WITH THE BOARD'S ORDER.

15 **SECTION 13.** 12-64-105 (5), Colorado Revised Statutes, is
16 amended to read:

17 **12-64-105. Board of veterinary medicine.** (5) The governor
18 may remove ~~any~~ A member of the board for misconduct, incompetence,
19 or neglect of duty or other sufficient cause. ~~after notice and administrative~~
20 ~~hearing as provided in sections 24-4-105 and 24-4-106, C.R.S.~~

21 **SECTION 14.** 12-64-106, Colorado Revised Statutes, is amended
22 to read:

23 **12-64-106. Status of persons previously licensed.** ~~Any~~ A person
24 holding a valid license to practice veterinary medicine in this state on July
25 1, 1973, ~~shall be~~ IS recognized as a licensed veterinarian and ~~shall be~~ IS
26 entitled to retain this status ~~so~~ AS long as he OR SHE complies with ~~the~~
27 ~~provisions of~~ this article AND RULES ADOPTED PURSUANT TO THIS

1 ARTICLE, including ~~annual renewal of~~ COMPLIANCE WITH THE
2 REQUIREMENT TO RENEW the license ACCORDING TO THE SCHEDULE
3 ESTABLISHED PURSUANT TO SECTION 12-64-110.

4 **SECTION 15.** 12-64-107 (5), Colorado Revised Statutes, is
5 amended to read:

6 **12-64-107. Application for license - qualifications.** (5) The
7 board may deny licensure to ~~any~~ AN applicant if any of his OR HER actions
8 would be grounds for disciplinary action under ~~the provisions of~~ section
9 12-64-111.

10 **SECTION 16.** 12-64-107.5 (1), Colorado Revised Statutes, is
11 amended to read:

12 **12-64-107.5. Academic license.** (1) A veterinarian who is
13 employed at a school of veterinary medicine in this state and who
14 practices veterinary medicine in the course of his or her employment
15 responsibilities shall either ~~make written application to~~ APPLY, IN A
16 MANNER APPROVED BY the board, for an academic license in accordance
17 with this section or shall otherwise become licensed pursuant to sections
18 12-64-107 and 12-64-108.

19 **SECTION 17.** 12-64-108 (1), (2), and (5), Colorado Revised
20 Statutes, are amended to read:

21 **12-64-108. Examinations - rules.** (1) ~~The board shall hold at~~
22 ~~least one examination during each year and may hold such additional~~
23 ~~examinations as are necessary. The secretary or an authorized employee~~
24 ~~of the department of regulatory agencies shall give public notice of the~~
25 ~~time and place for each examination. A person desiring to take an~~
26 ~~examination shall make application on forms provided by the board~~ THE
27 BOARD SHALL ADOPT RULES ESTABLISHING A PROCEDURE FOR LICENSE

1 APPLICANTS TO BE EXAMINED AND GRADED USING A BOARD-APPROVED
2 NATIONAL EXAMINATION.

3 (2) ~~The preparation, administration, and grading of examinations~~
4 ~~shall be governed by rules prescribed by the board. Examinations shall~~
5 ~~be designed to test the examinee's knowledge of and proficiency in the~~
6 ~~subjects and techniques commonly taught in schools of veterinary~~
7 ~~medicine. To pass the examination, the examinee must demonstrate~~
8 ~~scientific and practical knowledge sufficient to prove that such person is~~
9 ~~competent to practice veterinary medicine in the judgment of the board.~~
10 ~~All examinees shall be tested by a written examination, supplemented by~~
11 ~~such oral interviews and practical demonstrations as the board may deem~~
12 ~~necessary. The board may adopt and use the examination prepared by the~~
13 ~~national board of veterinary examiners and shall set the passing score for~~
14 ~~any required examination to reflect a minimum level of competency.~~

15 (5) ~~After each examination, the secretary or an authorized~~
16 ~~employee of the department of regulatory agencies shall notify each~~
17 ~~examinee in writing of the result of his examination within forty-five~~
18 ~~days, and the board shall issue a license to each person successfully~~
19 ~~completing the examination. The secretary or an authorized employee of~~
20 ~~the department of regulatory agencies shall record each new license and~~
21 ~~issue a certificate of registration to each new licensee. Any person failing~~
22 ~~an examination shall be admitted to any subsequent examination on~~
23 ~~payment of the application fee.~~

24 **SECTION 18.** 12-64-110 (2), (3), and (4) (a), Colorado Revised
25 Statutes, are amended to read:

26 **12-64-110. License renewal.** (2) All licenses shall MUST be
27 renewed or reinstated pursuant to a schedule established by the director

1 of the division of registrations within the department of regulatory
2 agencies ~~and shall be renewed or reinstated~~ pursuant to section 24-34-102
3 (8), C.R.S. The director of the division of registrations within the
4 department of regulatory agencies may establish renewal fees and
5 delinquency fees for ~~reinstatement~~ RENEWAL AND FEES FOR
6 REINSTATEMENT pursuant to section 24-34-105, C.R.S. If a person fails
7 to renew his or her license pursuant to the schedule established by the
8 director of the division of registrations, ~~such~~ THE license shall expire.
9 ~~Any~~ EXPIRES. A person whose license ~~has expired shall be~~ EXPIRES IS
10 subject to the penalties provided in this article or section 24-34-102 (8),
11 C.R.S.

12 (3) The board, BY RULE, may ~~by rule~~ waive ~~the payment of the~~
13 ~~registration~~ A LICENSED VETERINARIAN'S renewal fee ~~of a licensed~~
14 ~~veterinarian during the period when~~ WHILE he OR SHE is on active duty
15 with any branch of the armed services of the United States. ~~not to~~ THE
16 PERIOD DURING WHICH THE RENEWAL FEE IS WAIVED CANNOT exceed the
17 longer of three years or the duration of a national emergency.

18 (4) (a) In order to obtain license renewal, each licensee, except as
19 otherwise provided, ~~shall be required to~~ MUST complete a board-approved
20 veterinary continuing educational program of at least thirty-two hours
21 biennially. ~~which~~ THE courses may be taken at any time during the period
22 ~~of licensure, and~~ SINCE THE LICENSE WAS LAST RENEWED AND BEFORE THE
23 LICENSE IS DUE TO BE RENEWED. THE LICENSEE shall provide satisfactory
24 proof of the completion of all delinquent continuing education
25 requirements. FOR GOOD CAUSE, the board may ~~for good cause shown,~~
26 prescribe the type and character of continuing education courses to be
27 taken by any doctor of veterinary medicine in order to comply with the

1 requirements of this article.

2 **SECTION 19.** 12-64-114 (3), Colorado Revised Statutes, is
3 amended to read:

4 **12-64-114. Unauthorized practice - penalties.** (3) The board
5 or ~~any~~ A citizen of this state may bring an action to enjoin ~~any~~ A person
6 from practicing veterinary medicine without a currently valid license. If
7 the court finds that the person is violating, or is threatening to violate, this
8 article, it may enter an injunction restraining him OR HER from such
9 unlawful acts.

10 **SECTION 20.** 12-64-115 (1) and (3), Colorado Revised Statutes,
11 are amended to read:

12 **12-64-115. Abandonment of animals.** (1) ~~Any~~ AN animal
13 placed in the custody of a licensed veterinarian for treatment, boarding,
14 or other care ~~which~~ THAT is unclaimed by its owner or his OR HER agent
15 for ~~a period of~~ more than ten days after written notice, by certified mail,
16 return receipt requested, is given to the addressee ~~only~~ at his OR HER last
17 known address ~~shall be~~ IS deemed to be abandoned and may be turned
18 over to the nearest humane society or animal shelter or disposed of ~~as~~
19 ~~such~~ IN A MANNER DEEMED APPROPRIATE BY THE custodian. ~~may deem~~
20 ~~proper.~~

21 (3) For the purpose of this article, the term "abandoned" means to
22 forsake entirely, or to neglect or refuse to provide or perform the legal
23 obligations for care and support of an animal by its owner, or his OR HER
24 agent. ~~Such~~ Abandonment ~~shall constitute~~ CONSTITUTES the
25 relinquishment of all rights and claims by the owner to ~~such~~ THE animal.

26 **SECTION 21.** 12-64-116, Colorado Revised Statutes, is amended
27 to read:

1 **12-64-116. Veterinary students.** (1) All duties performed by a
2 veterinary student must be under the on-the-premises supervision of a
3 licensed veterinarian. If the student does not conform to the following
4 requirements, the licensed veterinarian is in violation of this article. A
5 veterinary student MAY:

6 (a) ~~Is permitted to Administer therapeutic or prophylactic drugs~~
7 only under the direct, on-the-premises supervision of a licensed
8 veterinarian; AND

9 (b) ~~Is permitted to Perform surgery, only if he OR SHE is competent~~
10 and has the necessary training and experience, under the direct,
11 on-the-premises personal supervision of a licensed veterinarian.

12 (c) ~~Shall associate himself with a licensed veterinarian, and his~~
13 ~~work shall be limited to practice under the direct, on-the-premises~~
14 ~~supervision of the licensed veterinarian;~~

15 (d) ~~Shall not participate in the operation of a branch office, clinic,~~
16 ~~or allied establishment unless a licensed veterinarian is present on the~~
17 ~~premises.~~

18 (2) IT IS UNLAWFUL FOR A VETERINARY STUDENT TO PARTICIPATE
19 IN THE OPERATION OF A BRANCH OFFICE, CLINIC, OR ALLIED
20 ESTABLISHMENT UNLESS A LICENSED VETERINARIAN IS PRESENT ON THE
21 PREMISES.

22 **SECTION 22. Repeal.** 12-64-117, Colorado Revised Statutes,
23 is repealed as follows:

24 **12-64-117. Veterinary student preceptors.** ~~All duties of a~~
25 ~~veterinary student preceptor must be performed upon the request of the~~
26 ~~licensed veterinarian who is responsible for appropriately supervising, on~~
27 ~~the premises, the veterinary student preceptor's work. It is unlawful for~~

1 the veterinary student preceptor to participate in the operation of a branch
2 office, clinic, or allied establishment unless a licensed veterinarian is
3 present on the premises.

4 **SECTION 23.** 12-64-118, Colorado Revised Statutes, is amended
5 to read:

6 **12-64-118. Emergency care or treatment.** ~~Any~~ A licensed
7 veterinarian who ~~along a highway or at any public place,~~ in good faith
8 administers emergency care or treatment, or euthanasia for humane
9 reasons, to an animal, without compensation, either voluntarily or at the
10 request of ~~any~~ A state or local governmental officer or employee, ~~shall~~ IS
11 not ~~be~~ liable for civil damages for good faith acts in the administration of
12 such care or treatment. This immunity ~~shall~~ DOES not apply in the event
13 of a wanton or reckless disregard of the rights of the owner of ~~such~~ THE
14 animal.

15 **SECTION 24.** 12-64-120 (3) (b), Colorado Revised Statutes, is
16 amended to read:

17 **12-64-120. Veterinary records in custody of animal care**
18 **providers - definition - rules.** (3) (b) All practicing veterinarians in this
19 state shall maintain accurate records for every new or existing
20 VETERINARIAN-client-patient relationship as defined in section 12-64-103
21 (15.5). IN THE animal patient records, THE LICENSED VETERINARIAN shall
22 justify AND DESCRIBE the assessment, diagnosis, and treatment
23 administered or prescribed ~~and shall be~~ AND ALL MEDICATIONS AND
24 DOSAGES PRESCRIBED IN A legible, written, printed, or ~~prepared~~
25 electronically ~~as PREPARED DOCUMENT THAT IS unalterable. documents.~~
26 ~~Records~~ THE LICENSED VETERINARIAN shall ~~be prepared~~ PREPARE THE
27 RECORDS in ~~such~~ a manner that ALLOWS any subsequent evaluation of the

1 same animal patient ~~would~~ TO yield comprehensive medical, patient, and
2 veterinarian identifying information. LICENSED VETERINARIANS SHALL
3 MAINTAIN ANIMAL PATIENT records ~~shall be maintained~~ for a minimum of
4 three years after the animal patient's last medical examination.

5 **SECTION 25.** The introductory portion to 12-35.5-110 (1),
6 Colorado Revised Statutes, is amended, and the said 12-35.5-110 (1) is
7 further amended BY THE ADDITION OF A NEW PARAGRAPH, to
8 read:

9 **12-35.5-110. Scope of article - exclusions - authority for**
10 **clinical setting.** (1) Nothing in this article ~~shall be construed to prohibit~~
11 PROHIBITS or ~~require~~ REQUIRES a massage therapy registration for any of
12 the following:

13 (f) THE PRACTICE OF ANIMAL MASSAGE IF THE PERSON
14 PERFORMING MASSAGE ON AN ANIMAL:

15 (I) DOES NOT PRESCRIBE DRUGS, PERFORM SURGERY, OR DIAGNOSE
16 MEDICAL CONDITIONS; AND

17 (II) HAS EARNED A DEGREE OR CERTIFICATE IN ANIMAL MASSAGE
18 FROM A SCHOOL APPROVED BY THE PRIVATE OCCUPATIONAL SCHOOL
19 DIVISION OF THE COLORADO DEPARTMENT OF HIGHER EDUCATION UNDER
20 ARTICLE 59 OF THIS TITLE, AN OUT-OF-STATE SCHOOL OFFERING AN
21 ANIMAL MASSAGE PROGRAM WITH AN ACCREDITATION RECOGNIZED BY
22 THE UNITED STATES DEPARTMENT OF EDUCATION, OR A SCHOOL THAT IS
23 EXEMPT UNDER SECTION 12-59-104.

24 **SECTION 26. Effective date.** This act shall take effect July 1,
25 2011.

26 **SECTION 27. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.