

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 11-091

BY SENATOR(S) Brophy, Guzman, Jahn, Aguilar, Giron, Hodge, Schwartz, Tochtrop;
also REPRESENTATIVE(S) McKinley, Fields, Fischer, Hamner, Labuda, Pace, Todd, Tyler, Vigil, Wilson.

CONCERNING CONTINUATION OF THE STATE BOARD OF VETERINARY MEDICINE, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE SUNSET REVIEW OF THE BOARD AND ITS FUNCTIONS, AND MAKING AN APPROPRIATION.

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

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

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 This article is repealed, ~~July 1, 2011~~ EFFECTIVE SEPTEMBER 1, 2022.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

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 Repeal. 24-34-104 (42) (c), Colorado Revised Statutes, is repealed as follows:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (42) The following agencies, functions, or both, shall terminate on July 1, 2011:

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

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

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (53.5) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL TERMINATE ON SEPTEMBER 1, 2022:

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

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

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

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

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

(e) Any merchant or manufacturer from selling, at his OR HER

regular place of business, medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases;

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

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) DOES NOT APPLY IN CASES where the ownership of the animal was transferred for purposes of circumventing this article or where the primary reason for hiring such THE employee is to circumvent this article. ~~Notwithstanding the provisions of this paragraph (f), a veterinarian-client-patient relationship must exist when prescription drugs are administered, distributed, dispensed, or prescribed.~~

(j) Any person from performing duties other than diagnosis, prescription, surgery, or initiating treatment under the direction and ~~on-the-premises~~ supervision of a licensed veterinarian who shall be responsible for such person's performance;

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

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

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

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

~~(H) As used in this paragraph (o), "massage" means a method of treating the body for remedial or hygienic purposes through techniques that include, without limitation, rubbing, stroking, kneading, or tapping with the hand or an instrument or both. These techniques may be applied with or~~

~~without the aid of a massage device that mimics the actions possible using human hands.~~

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

(r) ANY PERSON FROM ASSISTING IN A SURGICAL PROCEDURE UNDER THE IMMEDIATE SUPERVISION OF A LICENSED VETERINARIAN, WHO IS RESPONSIBLE FOR THE PERSON'S PERFORMANCE.

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

12-64-104. License requirements and exceptions - definitions - rules. (2) (a) NOTWITHSTANDING PARAGRAPH (f) OF SUBSECTION (1) OF THIS SECTION AND EXCEPT AS PERMITTED BY PARAGRAPH (j) OF SUBSECTION (1) OF THIS SECTION, A PERSON WHO IS NOT A LICENSED VETERINARIAN SHALL NOT ADMINISTER, DISTRIBUTE, DISPENSE, OR PRESCRIBE PRESCRIPTION DRUGS. EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), A LICENSED VETERINARIAN MUST HAVE A VETERINARIAN-CLIENT-PATIENT RELATIONSHIP WITH THE ANIMAL AND ITS OWNER OR OTHER CARETAKER IN ORDER TO ADMINISTER, DISTRIBUTE, DISPENSE, OR PRESCRIBE PRESCRIPTION DRUGS TO OR FOR AN ANIMAL.

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

(II) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES AN EMERGENCY SITUATION UNDER WHICH THIS PARAGRAPH (b) WOULD APPLY, INCLUDING A REQUIREMENT THAT FAILURE TO ADMINISTER, DISTRIBUTE, OR DISPENSE THE PRESCRIPTION DRUG THREATENS THE HEALTH AND WELL-BEING OF THE ANIMAL AND REQUIRING DETAILED RECORDS

DOCUMENTING THE EMERGENCY CIRCUMSTANCES THAT INCLUDE AT LEAST THE FOLLOWING:

(A) A REQUIREMENT THAT THE EXAMINING VETERINARIAN WITH THE VETERINARIAN-CLIENT-PATIENT RELATIONSHIP DOCUMENT THE EMERGENCY AND THE IMMEDIATE NEED FOR THE PRESCRIPTION DRUG;

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

(C) A REQUIREMENT THAT THE LICENSED VETERINARIAN WHO ADMINISTERS, DISTRIBUTES, OR DISPENSES THE PRESCRIPTION DRUG DOCUMENT THE DATE THE PRESCRIPTION IS ADMINISTERED, DISTRIBUTED, OR DISPENSED.

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

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

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

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

SECTION 7. Repeal. 12-64-111 (3), Colorado Revised Statutes,

is repealed as follows:

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

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

12-64-122. Corporate structure for the practice of veterinary medicine - definitions. (1) A LICENSED VETERINARIAN SHALL NOT PRACTICE VETERINARY MEDICINE IN OR THROUGH A CORPORATION EXCEPT IN ACCORDANCE WITH THIS SECTION.

(2) ONE OR MORE PERSONS MAY FORM OR OWN SHARES IN A CORPORATION FOR THE PRACTICE OF VETERINARY MEDICINE IF THE CORPORATION IS ORGANIZED AND OPERATED IN ACCORDANCE WITH THIS SECTION. A CORPORATION FORMED PURSUANT TO THIS SECTION MAY EXERCISE THE POWERS AND PRIVILEGES CONFERRED UPON CORPORATIONS BY THE LAWS OF COLORADO.

(3) THE PRACTICE OF VETERINARY MEDICINE BY A CORPORATION PURSUANT TO THIS SECTION MUST BE PERFORMED BY OR UNDER THE SUPERVISION OF A LICENSED VETERINARIAN. LAY DIRECTORS, OFFICERS, AND SHAREHOLDERS OF THE CORPORATION SHALL NOT EXERCISE ANY AUTHORITY WHATSOEVER OVER THE INDEPENDENT MEDICAL JUDGMENT OF LICENSED VETERINARIANS PERFORMING OR SUPERVISING THE PRACTICE OF VETERINARY MEDICINE BY OR ON BEHALF OF THE CORPORATION.

(4) THE CORPORATION SHALL NOT ENGAGE IN ANY ACT OR OMISSION

THAT, IF ENGAGED IN BY A LICENSED VETERINARIAN EMPLOYED BY THE CORPORATION, WOULD VIOLATE SECTION 12-64-111 (1). A VIOLATION OF SECTION 12-64-111 (1) IS GROUNDS FOR THE BOARD TO DISCIPLINE A LICENSEE PURSUANT TO SECTION 12-64-111.

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

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

(7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CORPORATION" MEANS A DOMESTIC ENTITY, AS DEFINED IN SECTION 7-90-102 (13), C.R.S., A FOREIGN ENTITY, AS DEFINED IN SECTION 7-90-102 (23), C.R.S., REGISTERED TO DO BUSINESS IN COLORADO, OR A SOLE PROPRIETORSHIP.

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

(c) "SHAREHOLDER" INCLUDES A MEMBER OF A LIMITED LIABILITY COMPANY AND A PARTNER IN A REGISTERED LIMITED LIABILITY PARTNERSHIP.

12-64-123. Veterinary premises - licensed veterinarian responsible for veterinary medical decisions. (1) AT ALL TIMES WHEN A PATIENT IS PRESENT ON A VETERINARY PREMISES, A LICENSED VETERINARIAN MUST BE DESIGNATED AS RESPONSIBLE FOR THE VETERINARY MEDICAL DECISIONS AND CARE PROVIDED TO THE PATIENT.

(2) AT ALL TIMES WHEN A PATIENT IS PRESENT ON A VETERINARY PREMISES, A LICENSED VETERINARIAN MUST BE DESIGNATED AS RESPONSIBLE FOR THE PREMISES. THE BOARD MAY FINE A CORPORATION ORGANIZED AND OPERATED IN ACCORDANCE WITH SECTION 12-64-122 THAT OWNS OR OPERATES A VETERINARY PREMISES UP TO ONE THOUSAND DOLLARS PER DAY FOR EACH DAY THE CORPORATION FAILS TO HAVE A LICENSED VETERINARIAN DESIGNATED AS RESPONSIBLE FOR THE VETERINARY PREMISES.

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

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

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

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

(III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR

PSYCHOLOGICAL CONDITIONS AND REFER THE VETERINARIAN FOR APPROPRIATE TREATMENT;

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

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

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

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

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

(d) THE ADMINISTERING ENTITY SHALL:

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

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

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

(e) THE BOARD SHALL COLLECT THE REQUIRED ANNUAL PAYMENTS

PAYABLE TO THE ADMINISTERING ENTITY FOR THE BENEFIT OF THE ADMINISTERING ENTITY AND SHALL TRANSFER ALL SUCH PAYMENTS TO THE ADMINISTERING ENTITY. ALL REQUIRED ANNUAL PAYMENTS COLLECTED OR DUE TO THE BOARD FOR EACH FISCAL YEAR ARE CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, AND THE DISTRIBUTION OF PAYMENTS TO THE ADMINISTERING ENTITY OR EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) (a) ANY VETERINARIAN WHO IS REFERRED BY THE BOARD TO A PEER HEALTH ASSISTANCE PROGRAM SHALL ENTER INTO A STIPULATION WITH THE BOARD PURSUANT TO SECTION 12-64-111 (8) PRIOR TO PARTICIPATING IN THE PROGRAM. THE AGREEMENT MUST CONTAIN SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE PARTICIPANT, INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A PROVISION THAT A FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS ARE TO BE PROMPTLY REPORTED TO THE BOARD AND THAT SUCH FAILURE WILL RESULT IN DISCIPLINARY ACTION BY THE BOARD.

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

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

(3) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE

BOARD OR THE STATE OF COLORADO FOR THE ACTIONS OF THE BOARD IN MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO CIVIL ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE BOARD OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF A VETERINARIAN PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER, THE STATE REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., IF AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF AN ACT OR OMISSION OF A VETERINARIAN PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM OCCURRED WHILE SUCH VETERINARIAN WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE STATE.

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

SECTION 9. 12-64-105 (1), (2), (9) (b), (9) (d), (9) (e) (III), (9) (h), and (9) (j), Colorado Revised Statutes, are amended, and the said 12-64-105 (9) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

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

(2) ~~A person is qualified to serve as a member of the board if such person is a graduate~~ THE GOVERNOR SHALL APPOINT FIVE MEMBERS TO THE BOARD WHO ARE GRADUATES of a school of veterinary medicine, ~~and a~~

~~resident WHO ARE RESIDENTS of this state, and has WHO HAVE been licensed to practice veterinary medicine in this state for the five years preceding the time of such person's~~ THE appointment. ~~except that there shall always be~~ THE GOVERNOR SHALL APPOINT two members ~~on~~ TO the board ~~who are consumers of services provided by a licensed veterinarian and five members of the board who shall be licensed and practicing veterinarians in Colorado~~ FROM THE PUBLIC AT LARGE WHO HAVE NO FINANCIAL OR PROFESSIONAL ASSOCIATION WITH THE VETERINARY PROFESSION.

(9) The board has the power to:

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

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

(e) (III) Upon failure of ~~any~~ A witness to comply with ~~such~~ A subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board ~~or director~~ AND with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the ~~director~~ BOARD; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

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

(j) Adopt, amend, or repeal ~~all~~ rules necessary for ~~its government and all regulations necessary to carry into effect the provisions~~ THE ADMINISTRATION AND ENFORCEMENT of this article. THE BOARD SHALL ADOPT RULES TO ESTABLISH A UNIFORM SYSTEM AND SCHEDULE OF FINES

THAT IT MAY IMPOSE ON LICENSEES FOR VIOLATIONS OF THIS ARTICLE OR OF RULES ADOPTED PURSUANT TO THIS ARTICLE.

(m) IMPOSE FINES AGAINST CORPORATIONS IN ACCORDANCE WITH SECTION 12-64-123 (2).

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

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

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

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

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

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

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

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

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

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

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

(7) (a) If it appears to the board, based upon credible evidence as presented in a written complaint by any person OR ON THE BOARD'S OWN MOTION, that a person has violated any other portion of this article, ~~then~~, in addition to any specific powers granted pursuant to this article, the board may issue to ~~such~~ THE person an order to show cause ~~as to~~ why the board should not issue a final order directing ~~such~~ THE person to cease and desist from the unlawful act or unlicensed practice.

SECTION 11. 12-64-103 (5), (7), (9), (15.5) (c), (17), and (20), Colorado Revised Statutes, are amended, and the said 12-64-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

(4.3) "CLIENT" MEANS THE PATIENT'S OWNER, THE OWNER'S AGENT, OR A PERSON RESPONSIBLE FOR THE PATIENT.

(4.5) "COMPLAINANT" MEANS THE BOARD OR ANY OTHER PERSON WHO INITIATES A PROCEEDING.

(5) "~~Complainant~~" ~~means the board or any other person who initiates~~

~~a proceeding.~~ "DIRECT SUPERVISION" MEANS THE SUPERVISING LICENSED VETERINARIAN IS READILY AVAILABLE ON THE PREMISES WHERE THE PATIENT IS BEING TREATED.

(6.5) "IMMEDIATE SUPERVISION" MEANS THE SUPERVISING LICENSED VETERINARIAN AND ANY PERSON BEING SUPERVISED ARE IN DIRECT CONTACT WITH THE PATIENT.

(7) "License" means any ~~permit, approved registration, or certificate~~ GRANT OF AUTHORITY issued by the board TO A PERSON TO ENGAGE IN THE PRACTICE OF VETERINARY MEDICINE.

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

(9.7) "PATIENT" MEANS AN ANIMAL THAT IS EXAMINED OR TREATED BY A LICENSED VETERINARIAN AND INCLUDES HERDS, FLOCKS, LITTERS, AND OTHER GROUPS OF ANIMALS.

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

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

(17) "Veterinary premises" or "premises" means any veterinary office, hospital, clinic, or temporary location in which veterinary medicine is being practiced by or under the direct OR IMMEDIATE supervision of a licensed veterinarian.

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

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

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

SECTION 12. 12-64-111, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-64-111. Discipline of licensees. (11) THE BOARD MAY SUSPEND THE LICENSE OF A VETERINARIAN WHO FAILS TO COMPLY WITH AN ORDER OF THE BOARD ISSUED IN ACCORDANCE WITH THIS SECTION. THE BOARD MAY IMPOSE THE LICENSE SUSPENSION UNTIL THE LICENSEE COMPLIES WITH THE BOARD'S ORDER.

SECTION 13. 12-64-113, Colorado Revised Statutes, is amended to read:

12-64-113. Revocation. Any person whose license is ~~suspended or revoked may, at the discretion of the board, be reinstated or relicensed at any time without an examination by majority vote of the board upon written application made to the board justifying relicensing or reinstatement~~ IS INELIGIBLE TO APPLY FOR A LICENSE UNDER THIS ARTICLE FOR AT LEAST TWO YEARS AFTER THE DATE OF REVOCATION OF THE LICENSE. THE BOARD SHALL TREAT A SUBSEQUENT APPLICATION FOR LICENSURE FROM A PERSON WHOSE LICENSE WAS REVOKED AS AN APPLICATION FOR A NEW LICENSE UNDER THIS ARTICLE.

SECTION 14. 12-64-105 (5), Colorado Revised Statutes, is amended to read:

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

SECTION 15. 12-64-106, Colorado Revised Statutes, is amended to read:

12-64-106. Status of persons previously licensed. ~~Any~~ A person holding a valid license to practice veterinary medicine in this state on July 1, 1973, ~~shall be~~ IS recognized as a licensed veterinarian and ~~shall be~~ IS entitled to retain this status ~~so~~ AS long as he OR SHE complies with ~~the~~

~~provisions of this article AND RULES ADOPTED PURSUANT TO THIS ARTICLE, including annual renewal of COMPLIANCE WITH THE REQUIREMENT TO RENEW the license ACCORDING TO THE SCHEDULE ESTABLISHED PURSUANT TO SECTION 12-64-110.~~

SECTION 16. 12-64-107, Colorado Revised Statutes, is amended to read:

12-64-107. Application for license - qualifications. (1) Any person twenty-one years of age or older desiring a license to practice veterinary medicine in this state shall ~~make written application to the board on forms provided by the board. The application shall be accompanied by a fee in an amount established and published~~ APPLY FOR THE LICENSE IN A MANNER APPROVED by the board.

(2) (Deleted by amendment, L. 91, p. 1470, § 5, effective July 1, 1991.)

(3) IN the application ~~to take the national examination~~ FOR LICENSURE, THE APPLICANT shall ~~show~~ DEMONSTRATE that ~~the applicant is~~ HE OR SHE HAS:

(a) (I) ~~A graduate of~~ GRADUATED FROM an ~~approved~~ ACCREDITED school of veterinary medicine; or

(II) GRADUATED FROM A NONACCREDITED SCHOOL OF VETERINARY MEDICINE AND RECEIVED A CERTIFICATE FROM A NATIONAL PROGRAM APPROVED BY THE BOARD THAT ASSESSES EDUCATIONAL EQUIVALENCY OF GRADUATES FROM NONACCREDITED SCHOOLS OF VETERINARY MEDICINE; AND

(b) ~~A senior student of an approved school of veterinary medicine;~~ or PASSED AN EXAMINATION APPROVED BY THE BOARD BY RULE.

(c) ~~A graduate of a nonapproved foreign school of veterinary medicine if such school substantially meets the academic requirements of approved schools of veterinary medicine or if the applicant presents proof satisfactory to the board that the applicant possesses credentials and qualifications substantially equivalent to requirements in Colorado for licensure by examination. The board may specify by rule and regulation~~

~~what shall constitute substantially equivalent credentials and qualifications. In making such determination of the academic requirements of a nonapproved school or the qualifications of an applicant, the board may consider the relevant reports, requirements, or recommendations of any recognized credentialing organization.~~

~~(4) Before taking the national exam, student applicants subject to the provisions of paragraph (b) of subsection (3) of this section shall show proof that graduation will be accomplished within one hundred eighty days following such examination. THE BOARD MAY DENY A LICENSE OR MAY GRANT A LICENSE SUBJECT TO TERMS OF PROBATION IF THE BOARD DETERMINES THAT AN APPLICANT FOR A LICENSE:~~

~~(a) DOES NOT POSSESS THE QUALIFICATIONS REQUIRED BY THIS ARTICLE;~~

~~(b) HAS ENGAGED IN CONDUCT THAT CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-64-111 (1);~~

~~(c) HAS BEEN DISCIPLINED IN ANOTHER STATE OR JURISDICTION WITH RESPECT TO HIS OR HER LICENSE TO PRACTICE VETERINARY MEDICINE IN THAT STATE OR JURISDICTION; OR~~

~~(d) HAS NOT ACTIVELY PRACTICED VETERINARY MEDICINE FOR THE TWO-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF RECEIPT OF THE APPLICATION OR HAS NOT OTHERWISE MAINTAINED CONTINUED COMPETENCE, AS DETERMINED BY THE BOARD.~~

~~(5) If the board may deny licensure DENIES A LICENSE to any AN applicant if any of his actions would be grounds for disciplinary action under the provisions of section 12-64-111 OR GRANTS A LICENSE SUBJECT TO TERMS OF PROBATION, THE APPLICANT MAY SEEK REVIEW OF THE BOARD'S DECISION PURSUANT TO SECTION 24-4-104 (9), C.R.S.; EXCEPT THAT, BY ACCEPTING A LICENSE THAT IS SUBJECT TO PROBATIONARY TERMS, THE APPLICANT WAIVES ANY REMEDIES AVAILABLE PURSUANT TO SECTION 24-4-104 (9), C.R.S.~~

SECTION 17. 12-64-107.5 (1) and (3), Colorado Revised Statutes, are amended to read:

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

(3) An applicant for an academic license shall not be required to comply with the ~~examination~~ requirements of sections 12-64-107 and 12-64-108.

SECTION 18. 12-64-108, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12-64-108. License by endorsement - rules. THE BOARD MAY ISSUE A LICENSE BY ENDORSEMENT TO ENGAGE IN THE PRACTICE OF VETERINARY MEDICINE IN THIS STATE TO AN APPLICANT WHO HAS A LICENSE IN GOOD STANDING AS A VETERINARIAN IN ANOTHER JURISDICTION IF THE APPLICANT PRESENTS PROOF SATISFACTORY TO THE BOARD THAT, AT THE TIME OF APPLICATION FOR A COLORADO LICENSE BY ENDORSEMENT, THE APPLICANT POSSESSES CREDENTIALS AND QUALIFICATIONS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE COLORADO REQUIREMENTS FOR LICENSURE SET FORTH IN SECTION 12-64-107. THE BOARD MAY SPECIFY, BY RULE, WHAT CONSTITUTES SUBSTANTIALLY EQUIVALENT CREDENTIALS AND QUALIFICATIONS.

SECTION 19. 12-64-110 (2), (3), and (4) (a), Colorado Revised Statutes, are amended to read:

12-64-110. License renewal. (2) All licenses ~~shall~~ MUST be renewed or reinstated pursuant to a schedule established by the director of the division of registrations within the department of regulatory agencies ~~and shall be renewed or reinstated pursuant to section 24-34-102 (8), C.R.S.~~ The director of the division of registrations within the department of regulatory agencies may establish renewal fees and delinquency fees for ~~reinstatement~~ RENEWAL AND FEES FOR REINSTATEMENT pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director of the division of registrations, ~~such~~ THE license ~~shall expire.~~ Any EXPIRES. A person whose license ~~has expired~~ ~~shall be~~ EXPIRES IS subject to the penalties provided in this article or section

24-34-102 (8), C.R.S.

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

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

SECTION 20. 12-64-110.5, Colorado Revised Statutes, is amended to read:

12-64-110.5. Inactive license. (1) UPON NOTICE TO THE BOARD, a person licensed to practice veterinary medicine ~~upon written notice to the board by first-class mail,~~ shall have his or her ~~name~~ LICENSE transferred to an inactive list. ~~Each such inactive licensee shall continue to meet the registration requirements of section 12-64-110. Such inactive status shall be noted on the face of any license issued thereafter while the licensee remains inactive. Should such~~ STATUS. IF A person ~~wish~~ WHOSE LICENSE IS IN INACTIVE STATUS WISHES to resume the practice of veterinary medicine, ~~within a three-year period after being placed on an inactive list,~~ he or she shall file a proper application therefor, pay the registration renewal fee, and meet the cumulative annual continuing education requirements set forth in section 12-64-110 (4) (a) APPLY TO THE BOARD IN A FORM AND MANNER APPROVED BY THE BOARD AND SHALL DEMONSTRATE, TO THE SATISFACTION OF THE BOARD, CONTINUED COMPETENCY TO PRACTICE VETERINARY MEDICINE. THE BOARD MAY APPROVE THE APPLICATION AND ISSUE A LICENSE OR MAY DENY THE APPLICATION

PURSUANT TO SECTION 12-64-107 (4).

~~(2) If a licensee who remains on inactive status for a period longer than three years wishes to resume the practice of veterinary medicine, such licensee shall be required to file a proper application, pay the examination fee, and retake the national exam~~ THE BOARD MAY PURSUE DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION 12-64-111 AGAINST A VETERINARIAN WHOSE LICENSE IS IN INACTIVE STATUS PURSUANT TO THIS SECTION FOR CONDUCT THAT VIOLATES THIS ARTICLE THAT THE PERSON ENGAGES IN WHILE IN INACTIVE STATUS.

~~(3) A licensee who has maintained an active license in good standing in another state during the period said licensee's Colorado license is inactive shall not be required to retake the national exam. For purposes of this article, "in good standing" means no disciplinary actions are pending or have been invoked against the licensee.~~

SECTION 21. 12-64-114 (3), Colorado Revised Statutes, is amended to read:

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

SECTION 22. 12-64-115 (1) and (3), Colorado Revised Statutes, are amended to read:

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

(3) For the purpose of this article, the term "abandoned" means to forsake entirely, or to neglect or refuse to provide or perform the legal

obligations for care and support of an animal by its owner, or his OR HER agent. ~~Such Abandonment shall constitute~~ CONSTITUTES the relinquishment of all rights and claims by the owner to ~~such~~ THE animal.

SECTION 23. 12-64-116, Colorado Revised Statutes, is amended to read:

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

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

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

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

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

(2) IT IS UNLAWFUL FOR A VETERINARY STUDENT TO PARTICIPATE IN THE OPERATION OF A BRANCH OFFICE, CLINIC, OR ALLIED ESTABLISHMENT UNLESS THE VETERINARY STUDENT IS UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

SECTION 24. Repeal. 12-64-117, Colorado Revised Statutes, is repealed as follows:

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

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

SECTION 25. 12-64-118, Colorado Revised Statutes, is amended to read:

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

SECTION 26. 12-64-120 (3) (b), Colorado Revised Statutes, is amended to read:

12-64-120. Veterinary records in custody of animal care providers - definition - rules. (3) (b) All practicing veterinarians in this state shall maintain accurate records for every new or existing VETERINARIAN-client-patient relationship as defined in section 12-64-103 (15.5). IN THE animal patient records, THE LICENSED VETERINARIAN shall justify AND DESCRIBE the assessment, diagnosis, and treatment administered or prescribed ~~and shall be~~ AND ALL MEDICATIONS AND DOSAGES PRESCRIBED IN A legible, written, printed, or ~~prepared~~ electronically as PREPARED DOCUMENT THAT IS unalterable. ~~documents. Records~~ THE LICENSED VETERINARIAN shall ~~be prepared~~ PREPARE THE RECORDS in ~~such~~ a manner that ALLOWS any subsequent evaluation of the same animal patient ~~would~~ RECORD TO yield comprehensive medical, patient, and veterinarian identifying information. LICENSED VETERINARIANS SHALL MAINTAIN ANIMAL PATIENT records ~~shall be maintained~~ for a minimum of three years after the animal patient's last medical examination.

SECTION 27. The introductory portion to 12-35.5-110 (1), Colorado Revised Statutes, is amended, and the said 12-35.5-110 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-35.5-110. Scope of article - exclusions - authority for clinical

setting. (1) Nothing in this article ~~shall be construed to prohibit~~ PROHIBITS or ~~require~~ REQUIRES a massage therapy registration for any of the following:

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

(A) DOES NOT PRESCRIBE DRUGS, PERFORM SURGERY, OR DIAGNOSE MEDICAL CONDITIONS; AND

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

(II) AS USED IN THIS PARAGRAPH (f), "ANIMAL MASSAGE" MEANS A METHOD OF TREATING THE BODY OF AN ANIMAL FOR REMEDIAL OR HYGIENIC PURPOSES THROUGH TECHNIQUES THAT INCLUDE RUBBING, STROKING, KNEADING, OR TAPPING WITH THE HAND OR AN INSTRUMENT OR BOTH, WHICH TECHNIQUES MAY BE APPLIED WITH OR WITHOUT THE AID OF A MASSAGE DEVICE THAT MIMICS THE ACTIONS POSSIBLE USING HUMAN HANDS.

SECTION 28. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of seven thousand six hundred seventy-three dollars (\$7,673) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for

legal services, for the fiscal year beginning July 1, 2011, the sum of four thousand four hundred two dollars (\$4,402) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of four thousand four hundred two dollars (\$4,402), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (2) of this section.

SECTION 29. Effective date. This act shall take effect July 1, 2011.

SECTION 30. Safety clause. The general assembly hereby finds,

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

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO