

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

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) (j), (1) (m), and (1) (o),
3 Colorado Revised Statutes, are amended, and the said 12-64-104 (1) is
4 further amended BY THE ADDITION OF THE FOLLOWING NEW
5 PARAGRAPHS, to read:

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

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

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

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

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

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

1 THE employee is to circumvent this article. ~~Notwithstanding the~~
2 ~~provisions of this paragraph (f), a veterinarian-client-patient relationship~~
3 ~~must exist when prescription drugs are administered, distributed,~~
4 ~~dispensed, or prescribed.~~

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

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

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

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

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

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

27 (q) THE PRACTICE OF ANIMAL PHYSICAL THERAPY PURSUANT TO

1 SECTION 12-41-113 (4);

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

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

7 **12-64-104. License requirements and exceptions - definitions**

8 **- rules.** (2) (a) NOTWITHSTANDING PARAGRAPH (f) OF SUBSECTION (1) OF
9 THIS SECTION AND EXCEPT AS PERMITTED BY PARAGRAPH (j) OF
10 SUBSECTION (1) OF THIS SECTION, A PERSON WHO IS NOT A LICENSED
11 VETERINARIAN SHALL NOT ADMINISTER, DISTRIBUTE, DISPENSE, OR
12 PRESCRIBE PRESCRIPTION DRUGS. EXCEPT AS PROVIDED IN PARAGRAPH (b)
13 OF THIS SUBSECTION (2), A LICENSED VETERINARIAN MUST HAVE A
14 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP WITH THE ANIMAL AND ITS
15 OWNER OR OTHER CARETAKER IN ORDER TO ADMINISTER, DISTRIBUTE,
16 DISPENSE, OR PRESCRIBE PRESCRIPTION DRUGS TO OR FOR AN ANIMAL.

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

27 (II) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES

1 AN EMERGENCY SITUATION UNDER WHICH THIS PARAGRAPH (b) WOULD
2 APPLY, INCLUDING A REQUIREMENT THAT FAILURE TO ADMINISTER,
3 DISTRIBUTE, OR DISPENSE THE PRESCRIPTION DRUG THREATENS THE
4 HEALTH AND WELL-BEING OF THE ANIMAL AND REQUIRING DETAILED
5 RECORDS DOCUMENTING THE EMERGENCY CIRCUMSTANCES THAT INCLUDE
6 AT LEAST THE FOLLOWING:

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

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

16 (C) A REQUIREMENT THAT THE LICENSED VETERINARIAN WHO
17 ADMINISTERS, DISTRIBUTES, OR DISPENSES THE PRESCRIPTION DRUG
18 DOCUMENT THE TIME THE PRESCRIPTION IS ADMINISTERED, DISTRIBUTED,
19 OR DISPENSED.

20 (III) A VETERINARIAN WHO ADMINISTERS, DISTRIBUTES,
21 DISPENSES, OR PRESCRIBES A PRESCRIPTION DRUG IN ACCORDANCE WITH
22 THIS PARAGRAPH (b) IS NOT SUBJECT TO DISCIPLINE PURSUANT TO SECTION
23 12-64-111 (1) (aa) IF THE VETERINARIAN SATISFIES THE REQUIREMENTS OF
24 THIS PARAGRAPH (b) AND THE RULES ADOPTED BY THE BOARD.

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

27 **12-64-111. Discipline of licensees.** (1) Upon signed complaint

1 by any complainant or upon its own motion, the board may proceed to a
2 hearing in conformity with section 12-64-112. After a hearing, and by a
3 concurrence of a majority of members, the board may revoke or suspend
4 the license of, place on probation, or otherwise discipline or fine, any
5 licensed veterinarian for any of the following reasons:

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

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

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

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

26 =====
27 **12-64-122. Corporate structure for the practice of veterinary**

1 **medicine - definitions.** (1) A LICENSED VETERINARIAN SHALL NOT
2 PRACTICE VETERINARY MEDICINE IN OR THROUGH A CORPORATION EXCEPT
3 IN ACCORDANCE WITH THIS SECTION.

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

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

17 (4) THE CORPORATION SHALL NOT ENGAGE IN ANY ACT OR
18 OMISSION THAT, IF ENGAGED IN BY A LICENSED VETERINARIAN EMPLOYED
19 BY THE CORPORATION, WOULD VIOLATE SECTION 12-64-111 (1). A
20 VIOLATION OF SECTION 12-64-111 (1) IS GROUNDS FOR THE BOARD TO
21 DISCIPLINE A LICENSEE PURSUANT TO SECTION 12-64-111.

22 (5) NOTHING IN THIS SECTION DIMINISHES OR CHANGES THE
23 OBLIGATION OF EACH LICENSED VETERINARIAN EMPLOYED BY THE
24 CORPORATION TO CONDUCT HIS OR HER PRACTICE SO AS NOT TO VIOLATE
25 SECTION 12-64-111 (1). A LICENSED VETERINARIAN WHO, BY ACT OR
26 OMISSION, CAUSES THE CORPORATION TO ACT OR FAIL TO ACT IN A WAY
27 THAT VIOLATES SECTION 12-64-111 (1) OR ANY PROVISION OF THIS

1 SECTION IS PERSONALLY RESPONSIBLE FOR SUCH ACT OR OMISSION AND IS
2 SUBJECT TO DISCIPLINE FOR THE ACT OR OMISSION.

3 (6) NOTHING IN THIS SECTION MODIFIES THE
4 VETERINARIAN-PATIENT-CLIENT PRIVILEGE SPECIFIED IN SECTION
5 24-72-204 (3) (a) (XIV), C.R.S.

6 == ==

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

9 (a) "CORPORATION" MEANS A DOMESTIC ENTITY, AS DEFINED IN
10 SECTION 7-90-102 (13), C.R.S., A FOREIGN ENTITY, AS DEFINED IN SECTION
11 7-90-102 (23), C.R.S., REGISTERED TO DO BUSINESS IN COLORADO, OR A
12 SOLE PROPRIETORSHIP.

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

16 ==

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

20 **12-64-123. Veterinary premises - licensed veterinarian**
21 **responsible for veterinary medical decisions.** AT ALL TIMES WHEN AN
22 ANIMAL IS PRESENT ON A VETERINARY PREMISES, REGARDLESS OF
23 WHETHER THE PREMISES IS OWNED OR OPERATED BY A LICENSED
24 VETERINARIAN OR BY A CORPORATION OPERATING PURSUANT TO SECTION
25 12-64-122, A LICENSED VETERINARIAN MUST BE DESIGNATED AS
26 RESPONSIBLE FOR THE VETERINARY PREMISES AND RESPONSIBLE FOR ALL
27 VETERINARY MEDICAL DECISIONS AND CARE PROVIDED TO ANIMALS ON

1 THE VETERINARY PREMISES.

2 **12-64-124. Veterinarian peer health assistance program - fees**

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

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

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

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

3 (III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR
4 PSYCHOLOGICAL CONDITIONS AND REFER THE VETERINARIAN FOR
5 APPROPRIATE TREATMENT;

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

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

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

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

13 (c) THE BOARD MAY SELECT AN ENTITY TO ADMINISTER THE
14 VETERINARIAN PEER ASSISTANCE PROGRAM. AN ADMINISTERING ENTITY
15 MUST BE A NONPROFIT PRIVATE FOUNDATION THAT IS QUALIFIED UNDER
16 SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF
17 1986", AS AMENDED, AND THAT IS DEDICATED TO PROVIDING SUPPORT FOR
18 CHARITABLE, BENEVOLENT, EDUCATIONAL, AND SCIENTIFIC PURPOSES
19 THAT ARE RELATED TO VETERINARY MEDICINE, VETERINARY MEDICAL
20 EDUCATION, VETERINARY MEDICAL RESEARCH AND SCIENCE, AND OTHER
21 VETERINARY MEDICAL CHARITABLE PURPOSES.

22 (d) THE ADMINISTERING ENTITY SHALL:

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

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

27 AND

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

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

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

27 (b) NOTWITHSTANDING SECTIONS 12-64-111 AND 24-4-104,

1 C.R.S., THE BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OF ANY
2 VETERINARIAN WHO IS REFERRED TO A PEER HEALTH ASSISTANCE
3 PROGRAM BY THE BOARD AND WHO FAILS TO ATTEND OR TO COMPLETE
4 THE PROGRAM. IF THE VETERINARIAN OBJECTS TO THE SUSPENSION, HE OR
5 SHE MAY SUBMIT A WRITTEN REQUEST TO THE BOARD FOR A FORMAL
6 HEARING ON THE SUSPENSION WITHIN TEN DAYS AFTER RECEIVING NOTICE
7 OF THE SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST. IN THE
8 HEARING, THE VETERINARIAN BEARS THE BURDEN OF PROVING THAT HIS
9 OR HER LICENSE SHOULD NOT BE SUSPENDED.

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

16 (3) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE
17 BOARD OR THE STATE OF COLORADO FOR THE ACTIONS OF THE BOARD IN
18 MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO CIVIL ACTION
19 MAY BE BROUGHT OR MAINTAINED AGAINST THE BOARD OR THE STATE FOR
20 AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF THE ACTIVITIES OF ANY
21 STATE-FUNDED PEER ASSISTANCE PROGRAM OR THE RESULT OF AN ACT OR
22 OMISSION OF A VETERINARIAN PARTICIPATING IN OR REFERRED BY A
23 STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER, THE STATE
24 REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY
25 ACT", ARTICLE 10 OF TITLE 24, C.R.S., IF AN INJURY ALLEGED TO HAVE
26 BEEN THE RESULT OF AN ACT OR OMISSION OF A VETERINARIAN
27 PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE

1 PROGRAM OCCURRED WHILE SUCH VETERINARIAN WAS PERFORMING
2 DUTIES AS AN EMPLOYEE OF THE STATE.

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

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

7 **12-64-105. Board of veterinary medicine - creation - powers.**

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

21 (2) ~~A person is qualified to serve as a member of the board if such~~
22 ~~person is a graduate~~ THE GOVERNOR SHALL APPOINT FIVE MEMBERS TO
23 THE BOARD WHO ARE GRADUATES of a school of veterinary medicine, ~~and~~
24 ~~a resident~~ WHO ARE RESIDENTS of this state, and ~~has~~ WHO HAVE been
25 licensed to practice veterinary medicine in this state for the five years
26 preceding the time of ~~such person's~~ THE appointment. ~~except that there~~
27 ~~shall always be~~ THE GOVERNOR SHALL APPOINT two members ~~on~~ TO the

1 board ~~who are consumers of services provided by a licensed veterinarian~~
2 ~~and five members of the board who shall be licensed and practicing~~
3 ~~veterinarians in Colorado~~ FROM THE PUBLIC AT LARGE WHO HAVE NO
4 FINANCIAL OR PROFESSIONAL ASSOCIATION WITH THE VETERINARY
5 PROFESSION.

6 (9) The board has the power to:

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

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

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

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

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

7 **SECTION 10.** The introductory portion to 12-64-111 (1) and
8 12-64-111 (1) (c), (1) (s), (1) (v), (1) (x), (1) (y), (6) (a), and (7) (a),
9 Colorado Revised Statutes, are amended, and the said 12-64-111 (1) is
10 further amended BY THE ADDITION OF THE FOLLOWING NEW
11 PARAGRAPHS, to read:

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

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

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

22 (v) ~~Addiction to, dependence on, or the~~ Habitual OR EXCESSIVE
23 use or abuse of ~~intoxicating liquors~~ ALCOHOL BEVERAGES, a
24 habit-forming drug, or a controlled substance as defined in section
25 12-22-303 (7);

26 (x) Engaging in the practice of veterinary medicine while on
27 inactive status ~~as determined pursuant to section 12-64-110.5~~ OR WHILE

1 THE PERSON'S LICENSE IS EXPIRED;

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

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

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

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

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

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

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

5 **12-64-103. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (4.3) "CLIENT" MEANS THE PATIENT'S OWNER, THE OWNER'S
8 AGENT, OR A PERSON RESPONSIBLE FOR THE PATIENT.

9 (4.5) "COMPLAINANT" MEANS THE BOARD OR ANY OTHER PERSON
10 WHO INITIATES A PROCEEDING.

11 ~~(5) "Complainant" means the board or any other person who~~
12 initiates a proceeding. "DIRECT SUPERVISION" MEANS THE SUPERVISING
13 LICENSED VETERINARIAN IS READILY AVAILABLE ON THE PREMISES WHERE
14 THE PATIENT IS BEING TREATED.

15 (6.5) "IMMEDIATE SUPERVISION" MEANS THE SUPERVISING
16 LICENSED VETERINARIAN AND ANY PERSON BEING SUPERVISED ARE IN
17 DIRECT CONTACT WITH THE PATIENT.

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

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

27 (9.7) "PATIENT" MEANS AN ANIMAL THAT IS EXAMINED OR

1 TREATED BY A LICENSED VETERINARIAN AND INCLUDES HERDS, FLOCKS,
2 LITTERS, AND OTHER GROUPS OF ANIMALS.

3 (15.5) "Veterinarian-client-patient relationship" means that
4 relationship established when:

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

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

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

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

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

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

20 **12-64-111. Discipline of licensees.** (11) THE BOARD MAY
21 SUSPEND THE LICENSE OF A VETERINARIAN WHO FAILS TO COMPLY WITH
22 AN ORDER OF THE BOARD ISSUED IN ACCORDANCE WITH THIS SECTION.
23 THE BOARD MAY IMPOSE THE LICENSE SUSPENSION UNTIL THE LICENSEE
24 COMPLIES WITH THE BOARD'S ORDER.

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

27 **12-64-113. Revocation.** Any person whose license is suspended

1 or revoked may, at the discretion of the board, be reinstated or relicensed
2 at any time without an examination by majority vote of the board upon
3 written application made to the board justifying relicensing or
4 reinstatement IS INELIGIBLE TO APPLY FOR A LICENSE UNDER THIS ARTICLE
5 FOR AT LEAST TWO YEARS AFTER THE DATE OF REVOCATION OF THE
6 LICENSE. THE BOARD SHALL TREAT A SUBSEQUENT APPLICATION FOR
7 LICENSURE FROM A PERSON WHOSE LICENSE WAS REVOKED AS AN
8 APPLICATION FOR A NEW LICENSE UNDER THIS ARTICLE.

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

11 **12-64-105. Board of veterinary medicine.** (5) The governor
12 may remove ~~any~~ A member of the board for misconduct, incompetence,
13 or neglect of duty or other sufficient cause. ~~after notice and administrative~~
14 ~~hearing as provided in sections 24-4-105 and 24-4-106, C.R.S.~~

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

17 **12-64-106. Status of persons previously licensed.** ~~Any~~ A person
18 holding a valid license to practice veterinary medicine in this state on July
19 1, 1973, ~~shall be~~ IS recognized as a licensed veterinarian and ~~shall be~~ IS
20 entitled to retain this status ~~so~~ AS long as he OR SHE complies with ~~the~~
21 ~~provisions~~ of this article AND RULES ADOPTED PURSUANT TO THIS
22 ARTICLE, including ~~annual renewal of~~ COMPLIANCE WITH THE
23 REQUIREMENT TO RENEW the license ACCORDING TO THE SCHEDULE
24 ESTABLISHED PURSUANT TO SECTION 12-64-110.

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

27 **12-64-107. Application for license - qualifications.** (1) Any

1 person twenty-one years of age or older desiring a license to practice
2 veterinary medicine in this state shall make written application to the
3 board on forms provided by the board. The application shall be
4 accompanied by a fee in an amount established and published APPLY FOR
5 THE LICENSE IN A MANNER APPROVED by the board.

6 (2) (Deleted by amendment, L. 91, p. 1470, § 5, effective July 1,
7 1991.)

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

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

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

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

20 (c) A graduate of a nonapproved foreign school of veterinary
21 medicine if such school substantially meets the academic requirements of
22 approved schools of veterinary medicine or if the applicant presents proof
23 satisfactory to the board that the applicant possesses credentials and
24 qualifications substantially equivalent to requirements in Colorado for
25 licensure by examination. The board may specify by rule and regulation
26 what shall constitute substantially equivalent credentials and
27 qualifications. In making such determination of the academic

1 requirements of a nonapproved school or the qualifications of an
2 applicant, the board may consider the relevant reports, requirements, or
3 recommendations of any recognized credentialing organization.

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

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

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

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

17 (d) HAS NOT ACTIVELY PRACTICED VETERINARY MEDICINE FOR THE
18 TWO-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION
19 OR HAS NOT OTHERWISE MAINTAINED CONTINUED COMPETENCE DURING
20 THAT PERIOD, AS DETERMINED BY THE BOARD.

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

1 SECTION 24-4-104 (9), C.R.S. _____

2 **SECTION 17.** 12-64-107.5 (1), Colorado Revised Statutes, is
3 amended to read:

4 **12-64-107.5. Academic license.** (1) A veterinarian who is
5 employed at a school of veterinary medicine in this state and who
6 practices veterinary medicine in the course of his or her employment
7 responsibilities shall either ~~make written application to~~ APPLY, IN A
8 MANNER APPROVED BY the board, for an academic license in accordance
9 with this section or shall otherwise become licensed pursuant to sections
10 12-64-107 and 12-64-108.

11 **SECTION 18.** 12-64-108 (1), (2), and (5), Colorado Revised
12 Statutes, are amended to read:

13 **12-64-108. Examinations - rules.** (1) ~~The board shall hold at~~
14 ~~least one examination during each year and may hold such additional~~
15 ~~examinations as are necessary. The secretary or an authorized employee~~
16 ~~of the department of regulatory agencies shall give public notice of the~~
17 ~~time and place for each examination. A person desiring to take an~~
18 ~~examination shall make application on forms provided by the board~~ THE
19 BOARD SHALL ADOPT RULES ESTABLISHING A PROCEDURE FOR LICENSE
20 APPLICANTS TO BE EXAMINED AND GRADED USING A BOARD-APPROVED
21 NATIONAL EXAMINATION.

22 (2) ~~The preparation, administration, and grading of examinations~~
23 ~~shall be governed by rules prescribed by the board. Examinations shall~~
24 ~~be designed to test the examinee's knowledge of and proficiency in the~~
25 ~~subjects and techniques commonly taught in schools of veterinary~~
26 ~~medicine. To pass the examination, the examinee must demonstrate~~
27 ~~scientific and practical knowledge sufficient to prove that such person is~~

1 competent to practice veterinary medicine in the judgment of the board.
2 All examinees shall be tested by a written examination, supplemented by
3 such oral interviews and practical demonstrations as the board may deem
4 necessary. The board may adopt and use the examination prepared by the
5 national board of veterinary examiners and shall set the passing score for
6 any required examination to reflect a minimum level of competency.

7 (5) After each examination, the secretary or an authorized
8 employee of the department of regulatory agencies shall notify each
9 examinee in writing of the result of his examination within forty-five
10 days, and the board shall issue a license to each person successfully
11 completing the examination. The secretary or an authorized employee of
12 the department of regulatory agencies shall record each new license and
13 issue a certificate of registration to each new licensee. Any person failing
14 an examination shall be admitted to any subsequent examination on
15 payment of the application fee.

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

18 **12-64-110. License renewal.** (2) All licenses shall MUST be
19 renewed or reinstated pursuant to a schedule established by the director
20 of the division of registrations within the department of regulatory
21 agencies and shall be renewed or reinstated pursuant to section 24-34-102
22 (8), C.R.S. The director of the division of registrations within the
23 department of regulatory agencies may establish renewal fees and
24 delinquency fees for reinstatement RENEWAL AND FEES FOR
25 REINSTATEMENT pursuant to section 24-34-105, C.R.S. If a person fails
26 to renew his or her license pursuant to the schedule established by the
27 director of the division of registrations, such THE license shall expire.

1 Any EXPIRES. A person whose license ~~has expired shall be~~ EXPIRES IS
2 subject to the penalties provided in this article or section 24-34-102 (8),
3 C.R.S.

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

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

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

23 12-64-110.5. Inactive license. (1) UPON NOTICE TO THE BOARD,
24 a person licensed to practice veterinary medicine upon written notice to
25 the board by first-class mail, shall have his or her name LICENSE
26 transferred to an inactive list. Each such inactive licensee shall continue
27 to meet the registration requirements of section 12-64-110. Such inactive

1 status shall be noted on the face of any license issued thereafter while the
2 licensee remains inactive. Should such STATUS. IF A person wish WHOSE
3 LICENSE IS ON INACTIVE STATUS WISHES to resume the practice of
4 veterinary medicine, within a three-year period after being placed on an
5 inactive list, he or she shall file a proper application therefor, pay the
6 registration renewal fee, and meet the cumulative annual continuing
7 education requirements set forth in section 12-64-110 (4) (a) APPLY TO
8 THE BOARD IN A MANNER APPROVED BY THE BOARD AND SHALL
9 DEMONSTRATE, TO THE SATISFACTION OF THE BOARD, CONTINUED
10 COMPETENCY TO PRACTICE VETERINARY MEDICINE. THE BOARD MAY
11 APPROVE THE APPLICATION AND ISSUE A LICENSE OR MAY DENY THE
12 APPLICATION PURSUANT TO SECTION 12-64-107 (4).

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

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

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

1 **12-64-114. Unauthorized practice - penalties.** (3) The board
2 or ~~any~~ A citizen of this state may bring an action to enjoin ~~any~~ A person
3 from practicing veterinary medicine without a currently valid license. If
4 the court finds that the person is violating, or is threatening to violate, this
5 article, it may enter an injunction restraining him OR HER from such
6 unlawful acts.

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

9 **12-64-115. Abandonment of animals.** (1) ~~Any~~ AN animal
10 placed in the custody of a licensed veterinarian for treatment, boarding,
11 or other care ~~which~~ THAT is unclaimed by its owner or his OR HER agent
12 for ~~a period of~~ more than ten days after written notice, by certified mail,
13 return receipt requested, is given to the addressee ~~only~~ at his OR HER last
14 known address ~~shall be~~ IS deemed to be abandoned and may be turned
15 over to the nearest humane society or animal shelter or disposed of ~~as~~
16 ~~such~~ IN A MANNER DEEMED APPROPRIATE BY THE custodian. ~~may deem~~
17 ~~proper.~~

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

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

25 **12-64-116. Veterinary students.** (1) All duties performed by a
26 veterinary student must be under the on-the-premises DIRECT supervision
27 of a licensed veterinarian. If the student does not conform to the

1 following requirements, the licensed veterinarian is in violation of this
2 article. A veterinary student MAY:

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

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

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

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

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

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

21 **12-64-117. Veterinary student preceptors.** ~~All duties of a~~
22 ~~veterinary student preceptor must be performed upon the request of the~~
23 ~~licensed veterinarian who is responsible for appropriately supervising, on~~
24 ~~the premises, the veterinary student preceptor's work. It is unlawful for~~
25 ~~the veterinary student preceptor to participate in the operation of a branch~~
26 ~~office, clinic, or allied establishment unless a licensed veterinarian is~~
27 ~~present on the premises.~~

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

3 **12-64-118. Emergency care or treatment.** ~~Any~~ A licensed
4 veterinarian who ~~along a highway or at any public place,~~ in good faith
5 administers emergency care or treatment, or euthanasia for humane
6 reasons, to an animal, without compensation, either voluntarily or at the
7 request of ~~any~~ A state or local governmental officer or employee, ~~shall~~ IS
8 not ~~be~~ liable for civil damages for good faith acts in the administration of
9 such care or treatment. This immunity ~~shall~~ DOES not apply in the event
10 of a wanton or reckless disregard of the rights of the owner of ~~such~~ THE
11 animal.

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

14 **12-64-120. Veterinary records in custody of animal care**
15 **providers - definition - rules.** (3) (b) All practicing veterinarians in this
16 state shall maintain accurate records for every new or existing
17 VETERINARIAN-client-patient relationship as defined in section 12-64-103
18 (15.5). IN THE animal patient records, THE LICENSED VETERINARIAN shall
19 justify AND DESCRIBE the assessment, diagnosis, and treatment
20 administered or prescribed ~~and shall be~~ AND ALL MEDICATIONS AND
21 DOSAGES PRESCRIBED IN A legible, written, printed, or ~~prepared~~
22 electronically ~~as PREPARED DOCUMENT THAT IS unalterable. documents.~~
23 ~~Records~~ THE LICENSED VETERINARIAN shall ~~be prepared~~ PREPARE THE
24 RECORDS in ~~such~~ a manner that ALLOWS any subsequent evaluation of the
25 same animal patient ~~would~~ TO yield comprehensive medical, patient, and
26 veterinarian identifying information. LICENSED VETERINARIANS SHALL
27 MAINTAIN ANIMAL PATIENT records ~~shall be maintained~~ for a minimum of

1 three years after the animal patient's last medical examination.

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

6 **12-35.5-110. Scope of article - exclusions - authority for**
7 **clinical setting.** (1) Nothing in this article ~~shall be construed to prohibit~~
8 PROHIBITS or ~~require~~ REQUIRES a massage therapy registration for any of
9 the following:

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

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

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

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

1 **SECTION 28. Effective date.** This act shall take effect July 1,
2 2011.

3 **SECTION 29. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.