

**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, AND MAKING AN**
105 **APPROPRIATION.**

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

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.*

Committee. The bill implements the recommendations contained in the 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.

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:

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:

(a) THE STATE BOARD OF VETERINARY MEDICINE, CREATED BY

1 ARTICLE 64 OF TITLE 12, C.R.S.

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

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

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

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

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

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

26 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) DOES NOT APPLY
27 IN CASES where the ownership of the animal was transferred for purposes

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

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

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

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

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

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

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

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

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

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

8 **12-64-104. License requirements and exceptions - definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

27 =====

1 **12-64-122. Corporate structure for the practice of veterinary**

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

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

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

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

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

1 THAT VIOLATES SECTION 12-64-111 (1) OR ANY PROVISION OF THIS
2 SECTION IS PERSONALLY RESPONSIBLE FOR SUCH ACT OR OMISSION AND IS
3 SUBJECT TO DISCIPLINE FOR THE ACT OR OMISSION.

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

7 ==

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

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

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

17 ==

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

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

1 VETERINARY MEDICAL DECISIONS AND CARE PROVIDED TO ANIMALS ON
2 THE VETERINARY PREMISES.

3 **12-64-124. Veterinarian peer health assistance program - fees**
4 **- administration - rules.** (1) (a) ON AND AFTER JULY 1, 2011, AS A
5 CONDITION OF LICENSURE AND RENEWAL IN THIS STATE, EVERY
6 VETERINARIAN APPLYING FOR A NEW LICENSE OR TO RENEW HIS OR HER
7 LICENSE SHALL PAY TO THE BOARD, FOR USE BY THE ADMINISTERING
8 ENTITY SELECTED BY THE BOARD PURSUANT TO THIS SUBSECTION (1), AN
9 AMOUNT NOT TO EXCEED FORTY DOLLARS PER YEAR, WHICH MAXIMUM
10 AMOUNT MAY BE ADJUSTED ON JANUARY 1, 2012, AND ANNUALLY
11 THEREAFTER BY THE BOARD TO REFLECT CHANGES IN THE UNITED STATES
12 BUREAU OF STATISTICS CONSUMER PRICE INDEX FOR THE
13 DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR
14 ALL URBAN CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX. THE BOARD
15 SHALL FORWARD THE FEE TO THE CHOSEN ADMINISTERING ENTITY FOR USE
16 IN SUPPORTING DESIGNATED PROVIDERS SELECTED BY THE BOARD TO
17 PROVIDE ASSISTANCE TO VETERINARIANS NEEDING HELP IN DEALING WITH
18 PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS THAT MAY BE
19 DETRIMENTAL TO THEIR ABILITY TO PRACTICE VETERINARY MEDICINE.

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

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

- 1 ESTABLISHED BY THE BOARD BY RULE;
- 2 (II) OFFER ASSISTANCE TO A VETERINARIAN IN IDENTIFYING
3 PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS;
- 4 (III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR
5 PSYCHOLOGICAL CONDITIONS AND REFER THE VETERINARIAN FOR
6 APPROPRIATE TREATMENT;
- 7 (IV) MONITOR THE STATUS OF A VETERINARIAN WHO HAS BEEN
8 REFERRED FOR TREATMENT;
- 9 (V) PROVIDE COUNSELING AND SUPPORT FOR THE VETERINARIAN
10 AND FOR THE FAMILY OF ANY VETERINARIAN REFERRED FOR TREATMENT;
- 11 (VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND
- 12 (VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED
13 COLORADO VETERINARIANS.

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

23 (d) THE ADMINISTERING ENTITY SHALL:

- 24 (I) DISTRIBUTE THE MONEYS COLLECTED BY THE BOARD, LESS
25 EXPENSES, TO THE DESIGNATED PROVIDER, AS DIRECTED BY THE BOARD;
- 26 (II) PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL
27 AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED;

1 AND

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

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

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

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

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

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

1 PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE
2 PROGRAM OCCURRED WHILE SUCH VETERINARIAN WAS PERFORMING
3 DUTIES AS AN EMPLOYEE OF THE STATE.

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

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

8 **12-64-105. Board of veterinary medicine - creation - powers.**

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

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

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

7 (9) The board has the power to:

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

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

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

26 (h) ~~Appoint from its own membership one or more members to act~~
27 ~~as representatives of the board at any meeting within or without the state~~

1 ~~where such representation is deemed desirable;~~

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

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

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

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

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

23 (v) ~~Addiction to, dependence on, or the~~ Habitual OR EXCESSIVE
24 use or abuse of ~~intoxicating liquors~~ ALCOHOL BEVERAGES, a
25 habit-forming drug, or a controlled substance as defined in section
26 12-22-303 (7);

27 (x) Engaging in the practice of veterinary medicine while on

1 inactive status as determined pursuant to section 12-64-110.5 OR WHILE
2 THE PERSON'S LICENSE IS EXPIRED;

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

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

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

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

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

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

1 and desist from the unlawful act or unlicensed practice.

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

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

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

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

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

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

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

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

1 (9.7) "PATIENT" MEANS AN ANIMAL THAT IS EXAMINED OR
2 TREATED BY A LICENSED VETERINARIAN AND INCLUDES HERDS, FLOCKS,
3 LITTERS, AND OTHER GROUPS OF ANIMALS.

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

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

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

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

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

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

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

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

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

1 **12-64-113. Revocation.** Any person whose license is suspended
2 or revoked may, at the discretion of the board, be reinstated or relicensed
3 at any time without an examination by majority vote of the board upon
4 written application made to the board justifying relicensing or
5 reinstatement IS INELIGIBLE TO APPLY FOR A LICENSE UNDER THIS ARTICLE
6 FOR AT LEAST TWO YEARS AFTER THE DATE OF REVOCATION OF THE
7 LICENSE. THE BOARD SHALL TREAT A SUBSEQUENT APPLICATION FOR
8 LICENSURE FROM A PERSON WHOSE LICENSE WAS REVOKED AS AN
9 APPLICATION FOR A NEW LICENSE UNDER THIS ARTICLE.

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

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

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

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

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

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

7 (2) (Deleted by amendment, L. 91, p. 1470, § 5, effective July 1,
8 1991.)

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

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

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

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

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

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

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

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

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

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

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

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

1 TERMS, THE APPLICANT WAIVES ANY REMEDIES AVAILABLE PURSUANT TO
2 SECTION 24-4-104 (9), C.R.S. _____

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

5 **12-64-107.5. Academic license.** (1) A veterinarian who is
6 employed at a school of veterinary medicine in this state and who
7 practices veterinary medicine in the course of his or her employment
8 responsibilities shall either ~~make written application to~~ APPLY, IN A
9 MANNER APPROVED BY the board, for an academic license in accordance
10 with this section or shall otherwise become licensed pursuant to sections
11 12-64-107 and 12-64-108.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **SECTION 21.** 12-64-114 (3), Colorado Revised Statutes, is

1 amended to read:

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

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

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

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

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

26 **12-64-116. Veterinary students.** (1) All duties performed by a
27 veterinary student must be under the ~~on-the-premises~~ DIRECT supervision

1 of a licensed veterinarian. If the student does not conform to the
2 following requirements, the licensed veterinarian is in violation of this
3 article. A veterinary student MAY:

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

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

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

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

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

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

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

1 ~~present on the premises.~~

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

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

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

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

1 MAINTAIN ANIMAL PATIENT records ~~shall be maintained~~ for a minimum of
2 three years after the animal patient's last medical examination.

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

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

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

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

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

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

1 HANDS.

2 **SECTION 28. Appropriation.** (1) In addition to any other
3 appropriation, there is hereby appropriated, out of any moneys in the
4 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
5 Colorado Revised Statutes, not otherwise appropriated, to the department
6 of regulatory agencies, for allocation to the division of registrations, for
7 personal services and operating expenses, for the fiscal year beginning
8 July 1, 2011, the sum of seven thousand six hundred seventy-three dollars
9 (\$7,673) cash funds, or so much thereof as may be necessary, for the
10 implementation of this act.

11 (2) In addition to any other appropriation, there is hereby
12 appropriated, out of any moneys in the division of registrations cash fund
13 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
14 otherwise appropriated, to the department of regulatory agencies, for
15 allocation to the executive director's office and administrative services,
16 for legal services, for the fiscal year beginning July 1, 2011, the sum of
17 four thousand four hundred two dollars (\$4,402) cash funds, or so much
18 thereof as may be necessary, for the implementation of this act.

19 (3) In addition to any other appropriation, there is hereby
20 appropriated to the department of law, for the fiscal year beginning July
21 1, 2011, the sum of four thousand four hundred two dollars (\$4,402), or
22 so much thereof as may be necessary, for the provision of legal services
23 to the department of regulatory agencies related to the implementation of
24 this act. Said sum shall be from reappropriated funds received from the
25 department of regulatory agencies out of the appropriation made in
26 subsection (2) of this section.

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

1 2011.

2 **SECTION 30. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.