

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 17, 2011
Date

Committee on Agriculture, Natural Resources, and Energy.

After consideration on the merits, the Committee recommends the following:

SB11-091 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 2, after "(f)," insert "(1) (j),".
- 2 Page 4, line 4, strike "A" and substitute "THE FOLLOWING" and strike
3 "PARAGRAPH," and substitute "PARAGRAPHS,".
- 4 Page 4, line 15, strike "on-the-premises" and substitute "~~on-the-premises~~
5 DIRECT".
- 6 Page 5, after line 3 insert:

7 "(j) Any person from performing duties other than diagnosis,
8 prescription, surgery, or initiating treatment under the direction and
9 ~~on-the-premises~~ supervision of a licensed veterinarian who shall be
10 responsible for such person's performance;".
- 11 Page 5, line 23, strike "(4)." and substitute "(4);".
- 12 Page 5, after line 23 insert:

13 "(r) ANY PERSON FROM ASSISTING IN A SURGICAL PROCEDURE
14 UNDER THE IMMEDIATE SUPERVISION OF A LICENSED VETERINARIAN, WHO
15 IS RESPONSIBLE FOR THE PERSON'S PERFORMANCE.".
- 16 Page 8, strike lines 18 through 27.

1 Strike pages 9 through 11.

2 Page 12, strike lines 1 through 4 and substitute:

3 **"12-64-122. Corporate structure for the practice of veterinary**
4 **medicine - definitions.** (1) A LICENSED VETERINARIAN SHALL NOT
5 PRACTICE VETERINARY MEDICINE IN OR THROUGH A CORPORATION EXCEPT
6 IN ACCORDANCE WITH THIS SECTION.

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

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

20 Renumber succeeding subsections accordingly.

21 Page 12, strike lines 21 through 27.

22 Page 13, strike lines 1 through 3.

23 Renumber succeeding subsection accordingly.

24 Page 13, strike lines 6 through 14 and substitute:

25 "(a) "CORPORATION" MEANS A DOMESTIC ENTITY, AS DEFINED IN
26 SECTION 7-90-102 (13), C.R.S., A FOREIGN ENTITY, AS DEFINED IN SECTION
27 7-90-102 (23), C.R.S., REGISTERED TO DO BUSINESS IN COLORADO, OR A
28 SOLE PROPRIETORSHIP."

29 Reletter succeeding paragraphs accordingly.

30 Page 13, strike lines 18 through 26.

- 1 Reletter succeeding paragraph accordingly.
- 2 Page 14, line 5, strike "PREMISES," and substitute "PREMISES,
3 REGARDLESS OF WHETHER THE PREMISES IS OWNED OR OPERATED BY A
4 LICENSED VETERINARIAN OR BY A CORPORATION OPERATING PURSUANT TO
5 SECTION 12-64-122,".
- 6 Page 14, line 6, strike "SCHEDULED" and substitute "DESIGNATED AS
7 RESPONSIBLE FOR THE VETERINARY PREMISES".
- 8 Page 14, line 7, strike "CARE." and substitute "CARE PROVIDED TO
9 ANIMALS ON THE VETERINARY PREMISES.".
- 10 Page 14, line 23, strike "PROBLEMS" and substitute "CONDITIONS".
- 11 Page 15, line 4, strike "PROBLEMS" and substitute "CONDITIONS".
- 12 Page 15, line 8, strike "PROBLEMS;" and substitute "CONDITIONS;".
- 13 Page 15, line 10, strike "PROBLEMS" and substitute "CONDITIONS".
- 14 Page 17, line 21, strike "PROBLEMS." and substitute "CONDITIONS.".
- 15 Page 20, line 22, strike "revoke, or suspend, OR REFUSE TO" and substitute
16 "revoke or suspend".
- 17 Page 20, line 23, strike "RENEW".
- 18 Page 22, line 7, before "(7)," insert "(5)," and after "(c)," insert "(17)".
- 19 Page 22, line 8, strike "amended" and substitute "amended, and the said
20 12-64-103 is further amended BY THE ADDITION OF THE
21 FOLLOWING NEW SUBSECTIONS,".
- 22 Page 22, after line 10 insert:
- 23 "(4.3) "CLIENT" MEANS THE PATIENT'S OWNER, THE OWNER'S
24 AGENT, OR A PERSON RESPONSIBLE FOR THE PATIENT.
- 25 (4.5) "COMPLAINANT" MEANS THE BOARD OR ANY OTHER PERSON
26 WHO INITIATES A PROCEEDING.
- 27 (5) ~~"Complainant" means the board or any other person who~~

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

4 (6.5) "IMMEDIATE SUPERVISION" MEANS THE SUPERVISING
5 LICENSED VETERINARIAN AND ANY PERSON BEING SUPERVISED ARE IN
6 DIRECT CONTACT WITH THE PATIENT."

7 Page 22, line 12, strike "board." and substitute "board TO A PERSON TO
8 ENGAGE IN THE PRACTICE OF VETERINARY MEDICINE."

9 Page 22, after line 18 insert:

10 "(9.7) "PATIENT" MEANS AN ANIMAL THAT IS EXAMINED OR
11 TREATED BY A LICENSED VETERINARIAN AND INCLUDES HERDS, FLOCKS,
12 LITTERS, AND OTHER GROUPS OF ANIMALS."

13 Page 22, after line 24 insert:

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

18 Page 23, line 4, strike "THE FOLLOWING NEW SUBSECTIONS" and
19 substitute "A NEW SUBSECTION".

20 Page 23, strike lines 6 through 11 and substitute:

21 "**12-64-111. Discipline of licensees.** (11) THE BOARD MAY
22 SUSPEND THE LICENSE OF A VETERINARIAN".

23 Page 23, after line 14 insert:

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

26 **12-64-113. Revocation.** Any person whose license is ~~suspended~~
27 ~~or revoked may, at the discretion of the board, be reinstated or relicensed~~
28 ~~at any time without an examination by majority vote of the board upon~~
29 ~~written application made to the board justifying relicensing or~~
30 ~~reinstatement~~ IS INELIGIBLE TO APPLY FOR A LICENSE UNDER THIS ARTICLE
31 FOR AT LEAST TWO YEARS AFTER THE DATE OF REVOCATION OF THE

1 LICENSE. THE BOARD SHALL TREAT A SUBSEQUENT APPLICATION FOR
2 LICENSURE FROM A PERSON WHOSE LICENSE WAS REVOKED AS AN
3 APPLICATION FOR A NEW LICENSE UNDER THIS ARTICLE."

4 Renumber succeeding sections accordingly.

5 Page 24, line 4, strike "12-64-107 (5)," and substitute "12-64-107,".

6 Page 24, line 6, strike "(5) The" and substitute "(1) Any person
7 twenty-one years of age or older desiring a license to practice veterinary
8 medicine in this state shall ~~make written application to the board on forms~~
9 ~~provided by the board. The application shall be accompanied by a fee in~~
10 ~~an amount established and published~~ APPLY FOR THE LICENSE IN A
11 MANNER APPROVED by the board.

12 (2) (Deleted by amendment, L. 91, p. 1470, § 5, effective July 1,
13 1991.)

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

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

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

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

26 (c) ~~A graduate of a nonapproved foreign school of veterinary~~
27 ~~medicine if such school substantially meets the academic requirements of~~
28 ~~approved schools of veterinary medicine or if the applicant presents proof~~
29 ~~satisfactory to the board that the applicant possesses credentials and~~
30 ~~qualifications substantially equivalent to requirements in Colorado for~~
31 ~~licensure by examination. The board may specify by rule and regulation~~
32 ~~what shall constitute substantially equivalent credentials and~~
33 ~~qualifications. In making such determination of the academic~~
34 ~~requirements of a nonapproved school or the qualifications of an~~
35 ~~applicant, the board may consider the relevant reports, requirements, or~~
36 ~~recommendations of any recognized credentialing organization.~~

37 (4) ~~Before taking the national exam, student applicants subject to~~
38 ~~the provisions of paragraph (b) of subsection (3) of this section shall~~

1 ~~show proof that graduation will be accomplished within one hundred~~
2 ~~eighty days following such examination.~~ THE BOARD MAY DENY A
3 LICENSE OR MAY GRANT A LICENSE SUBJECT TO TERMS OF PROBATION IF
4 THE BOARD DETERMINES THAT AN APPLICANT FOR A LICENSE:
5 (a) DOES NOT POSSESS THE QUALIFICATIONS REQUIRED BY THIS
6 ARTICLE;
7 (b) HAS ENGAGED IN CONDUCT THAT CONSTITUTES GROUNDS FOR
8 DISCIPLINE PURSUANT TO SECTION 12-64-111 (1);
9 (c) HAS BEEN DISCIPLINED IN ANOTHER STATE OR JURISDICTION
10 WITH RESPECT TO HIS OR HER LICENSE TO PRACTICE VETERINARY MEDICINE
11 IN THAT STATE OR JURISDICTION; OR
12 (d) HAS NOT ACTIVELY PRACTICED VETERINARY MEDICINE FOR THE
13 TWO-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION
14 OR HAS NOT OTHERWISE MAINTAINED CONTINUED COMPETENCE DURING
15 THAT PERIOD, AS DETERMINED BY THE BOARD.
16 (5) IF the board ~~may deny licensure~~ DENIES A LICENSE to ~~any~~ AN
17 applicant if ~~any of his actions would be grounds for disciplinary action~~
18 ~~under the provisions of section 12-64-111~~ OR GRANTS A LICENSE SUBJECT
19 TO TERMS OF PROBATION, THE APPLICANT MAY SEEK REVIEW OF THE
20 BOARD'S DECISION PURSUANT TO SECTION 24-4-104 (9), C.R.S.; EXCEPT
21 THAT, BY ACCEPTING A LICENSE THAT IS SUBJECT TO PROBATIONARY
22 TERMS, THE APPLICANT WAIVES ANY REMEDIES AVAILABLE PURSUANT TO
23 SECTION 24-4-104 (9), C.R.S."

24 Page 24, strike lines 7 through 9.

25 Page 27, after line 1 insert:

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

28 **12-64-110.5. Inactive license.** (1) UPON NOTICE TO THE BOARD,
29 a person licensed to practice veterinary medicine ~~upon written notice to~~
30 ~~the board by first-class mail,~~ shall have his or her name LICENSE
31 transferred to an inactive list. ~~Each such inactive licensee shall continue~~
32 ~~to meet the registration requirements of section 12-64-110. Such inactive~~
33 ~~status shall be noted on the face of any license issued thereafter while the~~
34 ~~licensee remains inactive. Should such~~ STATUS. IF A person wish WHOSE
35 LICENSE IS ON INACTIVE STATUS WISHES to resume the practice of
36 veterinary medicine, ~~within a three-year period after being placed on an~~
37 ~~inactive list,~~ he or she shall file a proper application therefor, pay the
38 ~~registration renewal fee, and meet the cumulative annual continuing~~

1 ~~education requirements set forth in section 12-64-110 (4) (a)~~ APPLY TO
2 THE BOARD IN A MANNER APPROVED BY THE BOARD AND SHALL
3 DEMONSTRATE, TO THE SATISFACTION OF THE BOARD, CONTINUED
4 COMPETENCY TO PRACTICE VETERINARY MEDICINE. THE BOARD MAY
5 APPROVE THE APPLICATION AND ISSUE A LICENSE OR MAY DENY THE
6 APPLICATION PURSUANT TO SECTION 12-64-107 (4).

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

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

20 Renumber succeeding sections accordingly.

21 Page 28, line 2, strike "on-the-premises" and substitute "~~on-the-premises~~
22 DIRECT".

23 Page 28, line 7, strike "direct, on-the-premises" and substitute " direct
24 ~~on-the-premises"~~.

25 Page 28, line 10, strike "direct," and substitute "direct".

26 Page 28, line 11, strike "on-the-premises personal" and substitute
27 "~~on-the-premises personal"~~.

28 Page 28, strike lines 20 and 21 and substitute "ESTABLISHMENT UNLESS
29 THE VETERINARY STUDENT IS UNDER THE DIRECT SUPERVISION OF A
30 LICENSED VETERINARIAN."

31 Page 30, line 13, after "(f)" insert "(I)".

32 Page 30, line 15, strike "(I)" and substitute "(A)".

1 Page 30, line 17, strike "(II)" and substitute "(B)".

2 Page 30, after line 23 insert:

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

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