

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 466

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2103, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-2104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ACTIVITIES NOT PROHIBITED BY SPECIFIED PROVISIONS OF LAW; AND AMENDING SECTION 54-2115, IDAHO CODE, TO REVISE PROVISIONS RELATING TO GROUNDS FOR DISCIPLINE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2103, Idaho Code, be, and the same is hereby amended to read as follows:

54-2103. DEFINITIONS. As used in this chapter:

(1) "Accredited continuing education activity" means a provider and course, seminar, scientific program or any other activity approved by the board or its designees for continuing education credit.

(2) "Accredited or approved school of veterinary medicine" means any veterinary college or division of a university or college inside or outside the United States or Canada that offers the degree of doctor of veterinary medicine, veterinary medicine doctor, or its equivalent and is accredited or approved by the council on education of the American veterinary medical association or other accrediting agency or association approved by the board.

(3) "Allied health professional" means a person holding a current active license, in good standing, in any state to practice one (1) of the healing arts including, but not limited to medicine, dentistry, osteopathy, chiropractic, acupuncture and podiatry.

(4) "Anesthetized" means any condition of general anesthesia, caused by the administration of a drug or combination of drugs in sufficient quantity to produce a state of unconsciousness or disassociation and blocked response to a given pain or alarm stimulus.

(5) "Animal" means any animal other than man and includes fowl, birds, fish and reptiles, wild or domestic, living or dead.

(6) "Assistant" means any individual, other than a certified veterinary technician or a licensed veterinarian, who is employed utilized by an actively a licensed veterinarian to perform assist in the performance of acts pertaining to the practice of veterinary medicine and receives compensation for such acts from the employing veterinarian but is not a certified veterinary technician or licensed veterinarian.

(7) "Board" means the state board of veterinary medicine.

(8) "Certified euthanasia agency" or "CEA" means a law enforcement agency, an animal control agency or a society for the prevention of cruelty to animals, which has been inspected and certified by the euthanasia task force or the board.

(9) "Certified euthanasia technician" or "CET" means:

(a) A person employed by a certified euthanasia agency but not to include an individual employed as a technician by animal research laboratories, who is instructed and certified by the euthanasia task force or the board as defined in the rules of the board.

(b) Any person who is trained prior to December 31, 1992, in euthanasia methods, in a course approved by the board, may be certified upon presentation of evidence of such training to either the euthanasia task force or the board.

(10) "Certified veterinary technician" means a person who has fulfilled the certification requirements prescribed by board rule and has been certified by the board to practice veterinary technology in this state.

(11) "Consultation" means a deliberation between two (2) or more veterinarians concerning the diagnosis of a disease or the proper management of the case.

(12) "Credit hour" means fifty (50) minutes of participation in an accredited continuing education activity.

(13) "Dentistry" is the practice of veterinary medicine and means the application or use of any instrument or device to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury, disease or other condition of an animal's tooth, gum or related tissue. Dentistry includes, but is not limited to:

(a) "Preventive dental procedures" including, but not limited to, the removal of calculus, soft deposits, plaque, stains, and floating to shape the teeth above the gum line or the smoothing, filing or polishing of tooth surfaces above the gum line; and

(b) "Operative dentistry/oral surgery" or any other dental procedure that invades the hard or soft oral tissue including a procedure that alters the structure of one (1) or more teeth, or repairs damaged and diseased teeth, or the deliberate extraction of one (1) or more teeth.

(14) "Direct supervision" means the ~~supervisor~~ supervising veterinarian is on the premises where the animal is being treated, is quickly and easily available and the animal has been examined by the supervising veterinarian as acceptable veterinary medical practice requires.

(15) "Discipline" means board action including, but not limited to:

(a) Refusing to issue, renew or reinstate a license, permit or certification to practice as a licensed veterinarian, a certified veterinary technician, a certified euthanasia agency or a certified euthanasia technician;

(b) Denial, revocation, suspension, sanction, probation or voluntary surrender of a license, permit or certification to practice as a licensed veterinarian, a certified veterinary technician, a certified euthanasia agency or a certified euthanasia technician;

(c) The ability to enter into consent agreements and negotiated settlements with licensed veterinarians, certified veterinary technicians, certified euthanasia agencies and certified euthanasia technicians;

(d) The ability to bring an administrative or civil action against any person in or outside of this state who practices veterinary medicine, veterinary technology or who performs euthanasia within this state.

1 (16) "Emergency" means that the animal has been placed in a
 2 life-threatening condition where immediate treatment is necessary to
 3 sustain life.

4 (17) "Emergency veterinary facility" means any facility with the
 5 primary function of receiving, treating, and monitoring emergency patients
 6 during its specified hours of operation or that displays to the public any
 7 sign, card, or advertisement that indicates it is an emergency veterinary
 8 clinic or hospital. An emergency veterinary facility may be an independent
 9 after-hours service, an independent twenty-four (24) hour service, or it may
 10 be part of a full-service veterinary medical facility.

11 (18) "Euthanasia task force" means a task force established by the
 12 board for the purposes of training, examining, certifying and inspecting
 13 certified euthanasia agencies and certified euthanasia technicians.

14 (19) "Extra label use" means the actual or intended use of a human or
 15 veterinary drug in an animal in a manner that is not in accordance with the
 16 drug's labeling.

17 (20) "Floating" means shaping the posterior (cheek) teeth and the
 18 incisors (cutting teeth) in horses, mules and donkeys through the use of
 19 hand floats, rasps, burs, mechanical files or other file-like instruments
 20 to restore balance, allow more efficient mastication, and reduce pain and
 21 trauma to the periodontal tissues.

22 (21) "Herd, litter or flock" of animals means animals managed as a group
 23 for purposes including, but not limited to, breeding, sale, show or food
 24 production.

25 (22) "Immediate supervision" means the ~~supervisor~~ supervising
 26 veterinarian is in the immediate area, in audible and visual range of the
 27 animal patient and the person treating the patient and the animal has been
 28 examined by the supervising veterinarian as acceptable veterinary medical
 29 practice requires.

30 (23) "In good standing" means, when used in reference to an applicant
 31 for licensure or certification, that an applicant:

32 (a) Has not been the recipient of any administrative penalties
 33 regarding his practice of veterinary medicine including, but not
 34 limited to, fines, formal reprimands, license suspensions or
 35 revocations (except for license revocations for nonpayment of license
 36 renewal fees) or probationary limitations, or has not entered into any
 37 consent agreement or negotiated settlement that contains conditions
 38 placed by a board on his professional conduct and practice, including
 39 any voluntary surrender of a license; and

40 (b) Has never had his United States drug enforcement administration
 41 privileges restricted or revoked; and

42 (c) Is not currently under investigation by another veterinary
 43 licensing authority for acts which would provide a basis for
 44 disciplinary action in this state, as determined by the board; and

45 (d) Has no physical or mental impairment related to drugs, alcohol, or
 46 a finding of mental incompetence by a physician that would limit the
 47 applicant's ability to undertake the practice of veterinary medicine in
 48 a manner consistent with the safety of a patient or the public; and

49 (e) Has not been convicted of a felony as defined in chapter 1, title 18,
 50 Idaho Code; and

(f) Has no criminal conviction record or pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of veterinary medicine. Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to provide information about the record or charge directly to the board in sufficient detail to enable the board to make a determination whether the record or charge is substantially related to the practice of veterinary medicine.

(24) "Indirect supervision" means the ~~supervisor~~ supervising veterinarian is not on the premises but is available for immediate contact by telephone, radio or other means, has given either written or oral instructions for treatment of the animal patient, the animal has been examined by the supervising veterinarian as acceptable veterinary medical practice requires, and the animal, if previously anesthetized, has recovered to the point of being conscious and sternal.

(25) "Legend/Prescription drug" means any drug which, under federal law, regulation or rule, is required, prior to being distributed or delivered, to be labeled with one (1) of the following statements: "Caution: Federal law restricts this drug to be used by or on the order of a licensed veterinarian," or "Caution: Federal law prohibits dispensing without a prescription," or "RX Only," or a drug which is required by any applicable state or federal law, rule or regulation to be distributed or dispensed pursuant to a prescription only, or is restricted to use by licensed practitioners only.

(26) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state.

(27) "Malpractice" means, but is not limited to:

(a) Treatment in a manner contrary to accepted veterinary practices and with injurious results; or

(b) Any professional misconduct or unreasonable lack of professional skill or fidelity in the performance of the professional practice of veterinary medicine; or

(c) Failure to provide adequate supervision, except in an emergency situation; or

(d) Allowing an unqualified individual to perform a procedure that is part of the practice of veterinary medicine; or

(e) The negligent practice of veterinary medicine, as determined by the standard of practice for the area, that results in injury, unnecessary suffering or death.

(28) "Medical incompetence" means lacking in sufficient medical knowledge or skills or both to a degree likely to endanger the health of patients.

(29) "Mobile clinic" means a vehicle including, but not limited to, a camper, motor home, trailer or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(30) "On-call emergency service" means a veterinary medical facility that is available to provide emergency veterinary services as requested if a veterinarian is available.

1 (31) "Owner/Ownership" means ownership as defined by the laws of
 2 property and ownership, chapter 1, title 55, Idaho Code, and chapter 1, title
 3 73, Idaho Code.

4 (32) "Person" means any individual, firm, partnership, association,
 5 joint venture, cooperative and corporation, or any other group or
 6 combination acting in concert; and whether or not acting as principal,
 7 trustee, fiduciary, receiver, or as any other kind of legal or personal
 8 representative, or as the successor in interest, assignee, agent, factor,
 9 servant, employee, director, officer, or any other representative of such
 10 person.

11 (33) "Physical or mental incompetence" means the veterinarian's
 12 ability to practice veterinary medicine with reasonable skill and safety is
 13 impaired by reason of illness, excessive use of alcohol, drugs, narcotics,
 14 chemicals or any other substance, or as a result of any mental or physical
 15 disability.

16 (34) "Practice of veterinary medicine" in this state, through
 17 telephonic, electronic or other means, regardless of the location of
 18 the veterinarian, includes veterinary surgery, obstetrics, dentistry, and
 19 all other branches or specialties of veterinary medicine and means:

20 (a) To directly or indirectly diagnose, treat, correct, change,
 21 relieve or prevent animal disease, deformity, defect, injury or
 22 other physical or mental conditions; including the prescription or
 23 administration of any drug, medicine, biologic, apparatus application,
 24 anesthetic or other therapeutic or diagnostic substance or technique,
 25 or the use of any obstetrical procedure or any manual or mechanical
 26 procedure for artificial insemination, for testing or examining for
 27 pregnancy, fertility evaluation, embryo transplant, grading of fresh
 28 semen, or to render advice or recommendation with regard to any of the
 29 above.

30 (b) To represent, directly or indirectly, publicly or privately, an
 31 ability and willingness to do any act described in subsection (34)(a)
 32 of this section.

33 (c) To use any title, words, abbreviations or letter in a manner or
 34 under circumstances which induce the belief that the person using them
 35 is qualified to do any act described in subsection (34)(a) of this
 36 section, except where such person is a licensed veterinarian.

37 (35) "Professional supervision" means the ~~supervisor~~ supervising
 38 veterinarian is in daily contact by telephone, radio or other means with the
 39 temporary licensee.

40 (36) "Referral" means the transfer of responsibility for diagnosis and
 41 treatment from the referring veterinarian to the receiving veterinarian, or
 42 from the referring veterinarian to the board-certified specialist, or from
 43 the referring veterinarian to an allied health professional.

44 (37) "Regular employee" means a person who performs services for the
 45 animal's owner other than, or in addition to, feeding, boarding, castrating
 46 and dehorning, but does not include independent contractors or agents.

47 (38) "Supervision" means the action or process of a supervising
 48 veterinarian in directing activities or a course of action, and pertains
 49 to any and all employees of the veterinarian for those individuals to whom
 50 activities or functions have been assigned or delegated.

(39) "~~Supervisor~~Supervising veterinarian" means ~~an actively~~ a licensed veterinarian ~~employing and~~ utilizing the services of a temporary licensee, certified veterinary technician, veterinary technician, veterinary technician with a temporary certification, veterinary assistant, certified euthanasia technician, or as provided by rule. A ~~supervisor~~ supervising veterinarian shall be individually responsible and liable, regardless of the supervision provided, for all damages arising out of his own acts or omissions ~~or~~ and for the performance of any acts and omissions pertaining to the practice of veterinary medicine that are delegated to the temporary licensee, certified veterinary technician, veterinary technician, veterinary assistant or certified euthanasia technician. Nothing herein shall be construed to deprive the board of its disciplinary authority with respect to the temporary licensees, certified veterinary technicians, veterinary technicians, veterinary assistants or certified euthanasia technicians.

(40) "Unethical or unprofessional conduct" means to knowingly engage in conduct of a character likely to deceive or defraud the public, false or misleading advertising or solicitation, obtaining any fee or compensation by fraud or misrepresentation, sharing office space and working in conjunction with any person illegally practicing veterinary medicine, employing either indirectly or directly an unlicensed or uncertified person to perform acts pertaining to the practice of veterinary medicine, except as provided by law or rule, or the violation of any law or rules adopted by the board pertaining to unethical or unprofessional conduct, or that provide a code of professional conduct to be followed and carried out by persons licensed or certified by the board.

(41) "Unlicensed practice" means:

(a) The practice of veterinary medicine in this state, through telephonic, electronic or other means, regardless of the location of the veterinarian, without a valid, unexpired, unrevoked, and unsuspended active license or certification in this state to do so, except as provided by law or rule; or

(b) Representing one's self through offerings, advertisements or use of professional titles or designations as being qualified to practice veterinary medicine.

(42) "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from an accredited or approved school of veterinary medicine or as otherwise provided by law or rule.

(43) "Veterinarian on call" means a veterinarian is not present at the veterinary medical facility, but is able to respond within a reasonable time to requests for emergency veterinary services.

(44) "Veterinarian on premises" means a veterinarian is present at the veterinary medical facility and is prepared and qualified to render veterinary services.

(45) "Veterinary medical facility" means any premises, office, unit, structure, mobile unit, or area utilized for the practice of veterinary medicine other than the premises of an owner when used for treatment of the owner's animal.

(46) "Veterinary technician" means a person who has graduated from a veterinary technology program accredited or approved by the council

1 on education of the American veterinary medical association, or other
 2 accrediting agency approved by the board, or a person who has received
 3 equivalent training as set forth in the rules of the board.

4 (47) "Veterinary technology" means the performance of services within
 5 the practice of veterinary medicine by a person ~~employed by~~ working under
 6 the direction of a ~~licensed~~ supervising veterinarian to perform duties
 7 that require an understanding of veterinary medicine in order to carry out
 8 the orders of the veterinarian. Veterinary technology does not include
 9 prognosis, diagnosis, operative dentistry, deliberate tooth extraction
 10 procedures or the prescribing of treatment or performing surgery of any
 11 kind.

12 SECTION 2. That Section 54-2104, Idaho Code, be, and the same is hereby
 13 amended to read as follows:

14 54-2104. LICENSE A PREREQUISITE TO PRACTICE -- EXCEPTIONS. (1) No
 15 person may practice veterinary medicine in the state who is not an actively
 16 licensed veterinarian or the holder of a valid temporary permit issued by the
 17 board.

18 (2) This chapter shall not be construed to prohibit:

19 (a) A veterinarian employed by the federal, state or local government
 20 from performing his official duties specifically required under any
 21 lawful act or statute, except that this exemption shall not apply to
 22 such persons not actively engaged in performing or fulfilling their
 23 official duties and responsibilities.

24 (b) A person who is a regular student currently enrolled and in good
 25 standing in an accredited or approved school of veterinary medicine,
 26 veterinary science department or an educational institution accredited
 27 by a national or regional accrediting agency recognized by the Idaho
 28 state board of education or the United States department of education
 29 from performing duties or actions assigned by his instructors, or
 30 from working under the direct supervision of an actively licensed
 31 veterinarian during a school vacation period. The unsupervised or
 32 unauthorized practice of veterinary medicine by a student, even though
 33 on the premises of an accredited or approved school of veterinary
 34 medicine, veterinary science department, an educational institution
 35 accredited by a national or regional accrediting agency recognized by
 36 the Idaho state board of education or the United States department of
 37 education or at a veterinary medical facility, is prohibited.

38 (c) A person who is a regular student currently enrolled and in good
 39 standing in a nonaccredited or nonapproved educational institution,
 40 that holds a valid certificate of registration issued by the Idaho
 41 state board of education, from performing duties or actions assigned
 42 by his instructors. This exemption does not include surgery or
 43 the administration of controlled substances or legend/prescription
 44 drugs, unless specifically allowed by state or federal law, rule or
 45 regulation. The unsupervised or unauthorized personal practice of
 46 veterinary medicine by a student on the premises of a nonaccredited or
 47 nonapproved educational institution is prohibited.

48 (d) Idaho extension personnel from performing their official duties.

1 (e) A veterinarian holding a current, active license, in good standing,
2 in another state, from consulting with a licensed veterinarian in this
3 state.

4 (f) Any merchant or manufacturer from selling nonprescription and
5 noncontrolled medicines, biologics, feed, medicated feed, appliances
6 or other products for the prevention or treatment of animal and poultry
7 diseases. Such merchants or manufacturers shall not, either directly
8 or indirectly, attempt to diagnose a symptom or disease in order to
9 advise treatment, use of drugs, medicines, appliances or products.

10 (g) A farmer, rancher or feedlot operator, including custom ranch or
11 feedlot operators, and their regular employees, from caring for and
12 treating animals within their possession or control, when such animals
13 have been consigned by their legal owner and except where the ownership
14 or possession of the animal was transferred or the employment changed to
15 circumvent this chapter.

16 (h) The owner of an animal or his regular employees from caring
17 for and treating the animals belonging to such owner, or livestock
18 owners or regular employees pregnancy testing their own or employer's
19 cattle or the exchange of services for which no monetary compensation
20 is paid between owners or their regular employees, except where
21 the ownership or possession of the animal was transferred or the
22 employment changed to circumvent this chapter, and provided that only
23 an actively licensed veterinarian may immunize or treat an animal
24 for diseases which require the use of a vaccine that is restricted by
25 state or federal law, rules or regulations, or as otherwise provided
26 by board rule. Notwithstanding the provisions of this paragraph, a
27 veterinarian/client/patient relationship, as defined by rules, must
28 exist when controlled substances or legend/prescription drugs are
29 administered, distributed, dispensed or prescribed.

30 (i) A member of a faculty of an accredited or approved school
31 of veterinary medicine, a veterinary science department, or an
32 educational institution accredited by a national or regional
33 accrediting agency recognized by the Idaho state board of education or
34 the United States department of education, from performing his regular
35 functions. The unsupervised or unauthorized personal practice of
36 veterinary medicine, by a faculty member on the premises of any of the
37 above institutions, is prohibited.

38 (j) Any person from selling or applying any pesticide, insecticide, or
39 herbicide.

40 (k) A person lecturing or giving instructions or demonstrations at
41 an accredited or approved school of veterinary medicine, veterinary
42 science department or an educational institution accredited or
43 approved by a national or regional accrediting agency recognized by
44 the Idaho state board of education or the United States department
45 of education, or in connection with an approved continuing education
46 course or seminar.

47 (l) A member of a faculty of a nonaccredited or nonapproved
48 educational institution, who holds a valid certificate of registration
49 issued by the Idaho state board of education, from performing his
50 regular functions. This exemption does not include surgery or the

administration of controlled substances or legend/prescription drugs, unless specifically allowed by state or federal law, rule or regulation. The unsupervised or unauthorized personal practice of veterinary medicine by a faculty member on the premises of a nonaccredited or nonapproved educational institution is prohibited.

(m) Individuals employed as instructors or researchers by, or enrolled as students in, any bona fide medical research institution from conducting experiments and scientific research on animals:

(i) In the development of pharmaceuticals, biologicals, serums for treating human or animal ailments; or

(ii) In the development of methods of treatment or techniques for the diagnosis or treatment of human or animal ailments; or

(iii) When engaged in the study and development of methods and techniques directly or indirectly applicable to the practice of veterinary medicine, so long as such research is conducted in compliance with applicable state and federal laws, rules and regulations.

(n) Any person from performing artificial insemination of domestic animals as governed by chapter 8, title 25, Idaho Code.

(o) Any person from horseshoeing or hoof trimming bovine, equine and farm animals.

(p) An allied health professional actively licensed and in good standing in any state from participating in a medical procedure involving an animal, provided that such participation is in his licensed field of medicine and under the indirect supervision of an actively licensed veterinarian.

(q) Any person from the gratuitous treatment of animals in an emergency as a neighborly act.

(r) Any state or federal livestock inspector from performing his official duties specifically required under any lawful act or statute, and provided that this exemption shall not apply to such persons not actively engaged in performing or fulfilling their official duties and responsibilities.

(s) A certified euthanasia agency from operating as a CEA as defined by law and rules.

(t) A certified euthanasia technician from performing those duties as defined by law and rules.

(u) Any person from utilizing cotton swabs, gauze, dental floss, dentifrice or toothbrushes to clean an animal's teeth.

(v) A certified veterinary technician ~~employed by an actively licensed veterinarian~~ from practicing veterinary technology under appropriate supervision, as defined by the rules of the board.

(w) An assistant or veterinary technician ~~employed by an actively licensed veterinarian~~ from performing acts pertaining to the practice of veterinary medicine under appropriate supervision, as defined by the rules of the board, ~~and provided that the employing veterinarian compensates the assistants for the performance of such acts.~~

(x) The personal representative, executor or sole surviving heir of a licensed veterinarian from continuing to operate the veterinary medical practice of the deceased for a period of not more than three (3)

1 years following death. This exception only applies where during such
2 three (3) year period:

- 3 (i) Good faith efforts are being made to sell the veterinary
4 medical practice; and
- 5 (ii) All the decisions pertaining to the diagnosis, care and
6 treatment of the patients are made by an actively licensed
7 veterinarian.

8 (3) Nothing in this section shall be construed as limiting the board's
9 authority to provide other exemptions or exceptions to the requirements for
10 licensing, under its rulemaking authority, as the board may find necessary
11 or appropriate.

12 SECTION 3. That Section 54-2115, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 54-2115. GROUNDS FOR DISCIPLINE. The board may refuse to issue,
15 renew or reinstate the license of a veterinarian, or may deny, revoke,
16 suspend, sanction, reprimand, restrict, limit, place on probation or
17 require voluntary surrender of, the license of a veterinarian, and may
18 fine and impose other forms of discipline and enter into consent agreements
19 and negotiated settlements with any licensed veterinarian pursuant to the
20 procedures set forth in chapter 52, title 67, Idaho Code, for any or all of
21 the following reasons:

22 (1) The employment of fraud, misrepresentation of a material fact or
23 deception by an applicant or licensee in:

- 24 (a) Securing or attempting to secure the issuance or renewal of a
25 license; or
- 26 (b) Statements regarding the veterinarian's skills or efficacy or
27 value of any treatment provided or to be provided or using any false,
28 fraudulent, misleading or deceptive statement connected with the
29 practice of veterinary medicine including, but not limited to, false or
30 misleading advertising.

31 (2) Unethical or unprofessional conduct, as defined by section
32 54-2103, Idaho Code, the rules of the board, and the code of professional
33 conduct established by the rules of the board.

34 (3) Being found guilty, convicted, placed on probation, having entered
35 a guilty plea that is accepted by the court, forfeiture of bail, bond
36 or collateral deposited to secure a defendant's appearance, or having
37 received a withheld judgment or suspended sentence by a court of competent
38 jurisdiction in this state or any other state of one (1) or more of the
39 following:

- 40 (a) Any felony as defined in chapter 1, title 18, Idaho Code;
- 41 (b) Any other criminal act which in any way is related to the practice of
42 veterinary medicine as defined by section 54-2103, Idaho Code; or
- 43 (c) Any violation of any federal or state statute, rule or regulation
44 regulating narcotics, dangerous drugs or controlled substances.

45 (4) Medical incompetence in the practice of veterinary medicine, as
46 defined by section 54-2103, Idaho Code.

47 (5) Physical or mental incompetence, in the practice of veterinary
48 medicine, as defined in section 54-2103, Idaho Code.

1 (6) Malpractice or negligence, in the practice of veterinary medicine,
2 as defined in section 54-2103, Idaho Code.

3 (7) Aiding or abetting an unlicensed or uncertified person to practice
4 veterinary medicine or veterinary technology or employing or holding such
5 unlicensed person out as being able to practice veterinary medicine or
6 veterinary technology.

7 (8) Fraud, dishonesty, failure to report, or gross negligence in the
8 inspection of animals and animal products intended for human consumption,
9 issuance of health or inspection certificates, in the application,
10 vaccination, treatment or reporting of any test for disease in animals, and
11 in reporting any contagious or infectious disease.

12 (9) Failure to comply with the veterinary standards of practice, as
13 established by board rule.

14 (10) Failure to comply with the recordkeeping requirements, as
15 established by the rules of the board.

16 (11) Cruelty to animals including, but not limited to, the intentional
17 and malicious infliction of pain, physical suffering, injury or death,
18 performance of experimental treatments without the owner's consent,
19 deprivation of necessary sustenance, withholding of appropriate pain
20 medications or levels of pain medications, or the administration of
21 unnecessary procedures and treatment.

22 (12) Infliction of pain on any animal in self-defense, or to prevent
23 physical harm to others, or in accordance with local custom and culture
24 in moving, handling, treating, dehorning, castrating or performing other
25 procedures on livestock, shall not be considered cruel or physically abusive
26 unless done in an unnecessary or intentionally malicious manner. This
27 provision does not alter section 25-3514, Idaho Code.

28 (13) Revocation, suspension, disciplinary sanction, other adverse
29 action, or failure to report any such adverse action to the board, including
30 voluntary surrender of a license or certificate by virtue of which one is
31 licensed to practice veterinary medicine in that jurisdiction or country on
32 grounds other than nonpayment of renewal fees.

33 (14) Falsifying or failing to fulfill the continuing education
34 requirements, as established by the rules of the board.

35 (15) The use, prescription or sale of any controlled substance,
36 veterinary legend/prescription drug or prescription of an
37 extra-label use for any human or veterinary drug without a valid
38 veterinarian/client/patient relationship.

39 (16) Charging for services which were not rendered, charging for
40 services that were not documented in the patient's records, or charging for
41 services that were not consented to by the owner of the patient or the owner's
42 agent.

43 (17) Failure to timely furnish details of a patient's medical record to
44 another veterinarian, hospital, clinic, owner or owner's agent.

45 (18) Failure of any applicant or licensee to cooperate with the board
46 during any investigation, even if such investigation does not personally
47 concern the applicant or licensee.

48 (19) Failure to comply with the terms of any order, negotiated
49 settlement or probationary agreement of the board or to pay the costs
50 assessed in a disciplinary matter pursuant to section 54-2105, Idaho Code.

1 (20) Failure to comply with the terms for renewal or to timely pay
2 license, certification or registration renewal fees, as specified by
3 section 54-2112, Idaho Code, and the rules of the board.

4 (21) Failure of a licensed veterinarian to exercise proper supervision,
5 as defined by the rules of the board, when supervising a temporary licensee
6 or holder of a temporary certification, a certified veterinary technician,
7 a veterinary technician, a veterinary assistant, a certified euthanasia
8 technician or other ~~employee~~ person, except in an emergency situation as
9 defined in section 54-2103, Idaho Code.

10 (22) Delegation of an act pertaining to the practice of veterinary
11 medicine or veterinary technology to an unqualified ~~employee~~ person,
12 regardless of the supervision provided.

13 (23) Aiding or abetting or violating any of the provisions of this
14 chapter or any lawful rule or order of the board.