

CHAPTER 150

PROFESSIONS AND OCCUPATIONS

SENATE BILL 01-116

BY SENATOR(S) Hillman, Chlouber, Dyer (Durango), Hagedorn, Hanna, Musgrave, Phillips, Dennis, Epps, Matsunaka, Reeves, Tate, Taylor, and Windels;
also REPRESENTATIVE(S) Johnson, Bacon, Hoppe, Mace, and Tochtrop.

AN ACT

CONCERNING REGULATION OF VETERINARY MEDICINE, AND, IN CONNECTION THEREWITH, CONTINUING THE STATE BOARD OF VETERINARY MEDICINE.

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

SECTION 1. 12-64-105 (1), (2), and (9) (1), Colorado Revised Statutes, are amended to read:

12-64-105. Board of veterinary medicine. (1) A state board of veterinary medicine shall be appointed by the governor. The board shall consist of ~~five~~ SEVEN members, and each member shall be appointed for a term of four years. ~~Persons holding office on June 15, 1987, are subject to the provisions of section 24-1-137, C.R.S.~~ Members of the board shall be appointed by the governor from qualified persons as set forth in subsection (2) of this section. Vacancies because of death, resignation, or removal shall be filled for the balance of the unexpired term or until a successor is appointed. No person shall serve more than two consecutive four-year terms. A person appointed to serve out the balance of an unexpired term may be reappointed for an additional consecutive four-year term.

(2) A person is qualified to serve as a member of the board if ~~he~~ SUCH PERSON is a graduate of a school of veterinary medicine and a resident of this state and has been licensed to practice veterinary medicine in this state for the five years preceding the time of ~~his~~ SUCH PERSON'S appointment; except that there shall always be ~~one member~~ TWO MEMBERS on the board who ~~is a consumer~~ ARE CONSUMERS of services provided by a licensed veterinarian who, at the time of his appointment and during his service ~~on the board, is actively engaged in livestock production in this state and who has no financial interest in the practice of veterinary medicine~~ AND FIVE MEMBERS OF THE BOARD WHO SHALL BE LICENSED AND PRACTICING VETERINARIANS IN COLORADO.

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

(9) The board has the power to:

(1) Issue a cease and desist order if the board determines, either summarily or after due notice and hearing, that a violation of a standard of practice exists, OR HAS OCCURRED AND WILL PROBABLY BE REPEATED. Such order shall set forth the standard alleged to have been violated and the facts alleged to have constituted the violation. ~~and shall require that the practice alleged to have been violated cease forthwith.~~ THE ORDER SHALL REQUIRE THAT THE CONDITIONS OR PRACTICE ALLEGED TO BE A VIOLATION CEASE IMMEDIATELY AND NOT BE REPEATED. This section shall be enforced by the district court.

SECTION 2. 12-64-107 (4), Colorado Revised Statutes, is amended to read:

12-64-107. Application for license - qualifications. (4) Before taking the ~~Colorado practical examination~~ NATIONAL EXAM, student applicants subject to the provisions of paragraph (b) of subsection (3) of this section shall show proof that graduation will be accomplished within ~~thirty~~ ONE HUNDRED EIGHTY days following such examination. ~~however, the results of said examination shall be withheld until proof of graduation is provided to the board.~~

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

12-64-110. License renewal. (2) (b) If a licensee has allowed his OR HER license to expire for a period longer than three years, such licensee may be reinstated to an active status by making written application for reinstatement, retaking the ~~Colorado practical examination~~ NATIONAL EXAM, and paying the current renewal fee, all delinquent renewal fees, plus a delinquency fee as established by the board. ~~except that a licensee who, on or before July 1, 1991, has an expired license for not more than five years may reinstate such license by fulfilling by July 1, 1992, the requirements set forth in paragraph (a) of this subsection (2).~~

(4) (a) In order to obtain license renewal, each licensee, except as otherwise provided, shall be required to complete a board-approved veterinary CONTINUING educational program of at least ~~sixteen hours duration for each twelve-month period following licensure~~; ~~except that such continuing education courses may be taken at any time during the period of licensure~~ THIRTY-TWO HOURS BIENNIALLY, WHICH COURSES MAY BE TAKEN AT ANY TIME DURING THE PERIOD OF LICENSURE. The board may, for good cause shown, prescribe the type and character of continuing education courses to be taken by any doctor of veterinary medicine in order to comply with the requirements of this article.

(b) The board shall have the authority to excuse licensees, as groups or individuals, from ~~annual~~ BIENNIALLY CONTINUING educational requirements for a good and sufficient reason.

SECTION 4. 12-64-110.5, Colorado Revised Statutes, is amended to read:

12-64-110.5. Inactive license. (1) A person licensed to practice veterinary medicine, upon written notice to the board by first-class mail, shall have his OR HER

name transferred to an inactive list. Each such inactive licensee shall continue to meet the registration requirements of section 12-64-110. Such inactive status shall be noted on the face of any license issued thereafter while the licensee remains inactive. Should such person wish to resume the practice of veterinary medicine within a three-year period after being placed on an inactive list, he OR SHE shall file a proper application therefor, pay the registration renewal fee, and meet the cumulative annual continuing education requirements set forth in section 12-64-110 (4) (a).

(2) If a licensee who remains on inactive status for a period longer than three years wishes to resume the practice of veterinary medicine, such licensee shall be required to file a proper application, pay the examination fee, and retake the ~~Colorado practical examination~~ NATIONAL EXAM. ~~except that a licensee who, on or before July 1, 1991, has been on inactive status for more than three years may resume the practice of veterinary medicine if such licensee fulfills by July 1, 1992, the requirements set forth in subsection (1) of this section.~~

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

SECTION 5. 12-64-111 (1) (l), (1) (q), (1.5), and (3), Colorado Revised Statutes, are amended to read:

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

(l) Unprofessional or unethical conduct or engaging in practices in connection with the practice of veterinary medicine ~~which~~ THAT are in violation of ~~the standards of professional conduct~~ GENERALLY ACCEPTED STANDARDS OF VETERINARY PRACTICE as defined in this article or prescribed by the rules ~~and regulations~~ of the board;

(q) Conviction of a ~~felony~~ CRIME in the courts of this state or of a crime in any other state, any territory, or any other country for an offense related to the conduct regulated by this article, REGARDLESS OF WHETHER THE SENTENCE IS DEFERRED. For the purposes of this paragraph (q), a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction.

(1.5) When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the board, does not warrant formal action but which should not be dismissed as being without merit, the board may send a letter of admonition to any licensed veterinarian. Such letter shall be sent to the veterinarian by certified mail, with a copy to the complainant, and shall advise such veterinarian that he OR SHE may, within twenty days after receipt of the letter, make a written request to the board to institute a formal hearing pursuant to section 24-4-105 to determine the

propriety of the alleged misconduct. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal proceedings.

(3) Nothing in this article shall be construed to prevent the practice of veterinary medicine by a professional service corporation composed of AT LEAST A SIMPLE MAJORITY OF ~~licensed~~ veterinarians ~~which~~ WHO ARE LICENSED, ACTIVE, AND PERSONALLY ENGAGED IN THE PRACTICE OF VETERINARY MEDICINE IN THIS STATE AND WHO may exercise such powers and shall be subject to such limitations and requirements, so far as applicable, as are provided in section 12-36-134, relating to professional service corporations for the practice of medicine; EXCEPT THAT THE SHAREHOLDERS, DIRECTORS, MANAGERS, OR OFFICERS WHO ARE NOT VETERINARIANS LICENSED, ACTIVE, AND PERSONALLY ENGAGED IN THE PRACTICE OF VETERINARY MEDICINE IN THIS STATE SHALL NOT EXERCISE ANY AUTHORITY WHATSOEVER OVER PROFESSIONAL VETERINARIAN MATTERS.

SECTION 6. 12-64-112 (2), Colorado Revised Statutes, is amended to read:

12-64-112. Hearing procedure. (2) Hearings shall be conducted in conformity with sections 24-4-105 and 24-4-106, C.R.S. THE COURT OF APPEALS SHALL HAVE INITIAL JURISDICTION TO REVIEW ALL FINAL AGENCY ACTIONS AND ORDERS PURSUANT TO SECTION 24-4-106 (11), C.R.S.

SECTION 7. 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, ~~2001~~ 2011. 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 8. 12-64-120 (3), Colorado Revised Statutes, is amended to read:

12-64-120. Veterinary records in custody of animal care providers - definition. (3) (a) Records concerning an animal's care are available to the public unless a veterinary-patient-client privilege exists with respect to such animal, as provided in section 24-72-204 (3) (a) (XIV), C.R.S.

(b) ALL PRACTICING VETERINARIANS IN THIS STATE SHALL MAINTAIN ACCURATE RECORDS FOR EVERY NEW OR EXISTING CLIENT-PATIENT RELATIONSHIP AS DEFINED IN SECTION 12-64-103 (15.5). ANIMAL PATIENT RECORDS SHALL JUSTIFY THE ASSESSMENT, DIAGNOSIS, AND TREATMENT ADMINISTERED OR PRESCRIBED AND SHALL BE LEGIBLE, WRITTEN, PRINTED, OR PREPARED ELECTRONICALLY AS UNALTERABLE DOCUMENTS. RECORDS SHALL BE PREPARED IN SUCH A MANNER THAT ANY SUBSEQUENT EVALUATION OF THE SAME ANIMAL PATIENT WOULD YIELD COMPREHENSIVE MEDICAL, PATIENT, AND VETERINARIAN IDENTIFYING INFORMATION. RECORDS SHALL BE MAINTAINED FOR A MINIMUM OF THREE YEARS AFTER THE ANIMAL PATIENT'S LAST MEDICAL EXAMINATION.

(c) THE BOARD SHALL PROMULGATE RULES INCLUDING, BUT NOT LIMITED TO, CRITERIA BY WHICH ANIMAL PATIENT RECORDS MAY BE ADAPTED IN THE CASE OF HERDS, FLOCKS, LITTERS, LARGE VOLUME, OR SPECIALTY VETERINARY PRACTICES AND IDENTIFY EXCEPTIONS TO PARAGRAPH (a) OF THIS SUBSECTION (3), IF NECESSARY, FOR

VETERINARIANS RENDERING EMERGENCY CARE OR TREATMENT.

SECTION 9. Article 64 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-64-121. Cruelty to animals - immunity for reporting. ANY VETERINARIAN LICENSED IN THIS STATE WHO REPORTS, IN GOOD FAITH AND IN THE NORMAL COURSE OF BUSINESS, A SUSPECTED INCIDENT OF ANIMAL CRUELTY, AS DESCRIBED IN SECTION 18-9-202, C.R.S., TO THE PROPER AUTHORITIES SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL OR CRIMINAL ACTION BROUGHT AGAINST SUCH VETERINARIAN FOR REPORTING SUCH INCIDENT.

SECTION 10. 24-1-137, Colorado Revised Statutes, is amended to read:

24-1-137. Effect of decrease in the length of terms of office for certain state boards, commissions, authorities, and agencies. Persons who are holding office on June 15, 1987, and who were appointed to terms of office pursuant to sections 11-2-102, 12-4-103, 12-22-104, 12-32-103, 12-33-103, 12-36-103, 12-40-106, 12-60-102, ~~12-64-105~~, 22-80-104, 23-9-103, 23-15-104, 23-40-104, 23-41-102, 23-50-102, 24-32-706, 24-42-102, 24-65-103, 25-25-104, 29-1-503, 29-4-704, 34-60-104, 35-41-101, 35-65-401, 35-75-104, 39-2-123, and 40-2-101, C.R.S., as said sections existed prior to June 15, 1987, shall continue to serve in such office, but such service shall be at the pleasure of the governor who may appoint a replacement to serve for the unexpired term of any member. However, if the governor has not appointed any such replacement on or before November 15, 1987, then the person who is holding such office on June 15, 1987, shall no longer be subject to replacement pursuant to this section but shall be subject to whatever removal provisions may otherwise apply for such office. Any such member for whom a replacement has been appointed shall continue to serve until his OR HER successor is duly qualified. Appointments to new terms of office made after June 15, 1987, shall be made for terms of four years as prescribed by law; except that such provision shall not apply to terms of office of persons appointed pursuant to section 23-9-103, C.R.S.

SECTION 11. 24-34-104 (42), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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 12. Repeal. 24-34-104 (30) (b) (I), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (30) (b) The following boards in the division of registrations shall terminate July 1, 2001:

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

SECTION 13. 13-4-102 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13-4-102. Jurisdiction. (2) The court of appeals shall have initial jurisdiction to:

(hh) REVIEW FINAL ACTIONS AND ORDERS APPROPRIATE FOR JUDICIAL REVIEW OF THE STATE BOARD OF VETERINARY MEDICINE, AS PROVIDED IN SECTION 12-64-112 (2), C.R.S.

SECTION 14. Effective date - applicability. This act shall take effect July 1, 2001, and shall apply to licenses issued or renewed and acts committed on or after said date.

SECTION 15. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 30, 2001