

Article 64 315 Veterinarians

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1 **12-315-101. [Formerly 12-64-101] Short title.** THE SHORT TITLE OF this article shall
2 ~~be known and may be cited as 315~~ IS the "Colorado Veterinary Practice Act".

3
4 **12-315-102. [Formerly 12-64-102] Legislative declaration.** This article *315* is
5 enacted as an exercise of the police powers of the state to promote the public health, safety,
6 and welfare by safeguarding the people of this state against incompetent, dishonest, or
7 unprincipled practitioners of veterinary medicine. It is hereby declared that the practice of
8 veterinary medicine is a privilege conferred upon persons possessed of the personal and
9 professional qualifications specified in this article *315*.

10
11 **12-315-103. Applicability of common provisions.** ARTICLES 1, 20, AND 30 OF THIS
12 TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 315. <{Adding a reference
13 to the common provision articles.}>

14
15 **12-315-104. [Formerly 12-64-103] Definitions.** As used in this article *315*, unless
16 the context otherwise requires:

17 (1) "Animal" means any animal other than human, and ~~said~~ THE term includes fowl,
18 birds, amphibians, fish, and reptiles, wild or domestic, living or dead.

19 ~~(2) (Deleted by amendment, L. 91, p. 1467, § 1, effective July 1, 1991.)~~

20 ~~(3)~~ (2) "Artificial insemination" means the collection of semen and the fertilization
21 of, or attempted fertilization of, the ova of the female animal by placing or implanting, by
22 artificial means, in the genital tract of the female animal the semen obtained from the male
23 animal ~~which~~ THAT will subsequently be used, or attempted to be used, to impregnate the
24 female.

25 ~~(4)~~ (3) "Board" means the state board of veterinary medicine ~~CREATED IN SECTION~~
26 12-315-106.

27 ~~(4.3)~~ (4) "Client" means the patient's owner, the owner's agent, or a person
28 responsible for the patient.

29 ~~(4.5)~~ (5) "Complainant" means the board or any other person who initiates a
30 proceeding.

31 ~~(5)~~ (6) "Direct supervision" means the supervising licensed veterinarian is readily
32 available on the premises where the patient is being treated.

33 ~~(5.1)~~ (7) "Dispense" means to provide a drug or device, other than by distribution,
34 bearing a label stating the name of the veterinarian, the date dispensed, directions for use, all
35 cautionary statements, withdrawal time, if appropriate, the identity of the animal, and the
36 owner's name.

37 ~~(5.2)~~ (8) "Distribute" or "distribution" means to provide a drug or device in the

1 manufacturer's original package to the client-patient.

2 ~~(6)~~ (9) "Hearing" means any proceeding initiated before the board in which the legal
3 rights, duties, privileges, or immunities of a specific party or parties are determined.

4 ~~(6.5)~~ (10) "Immediate supervision" means the supervising licensed veterinarian and
5 any person being supervised are in direct contact with the patient.

6 ~~(7)~~ "License" means any grant of authority issued by the board to a person to engage
7 in the practice of veterinary medicine. <{Redundant with definitions common provision,
8 12-20-102 (9).}>

9 ~~(8)~~ (Deleted by amendment, L. 91, p. 1467, § 1, effective July 1, 1991.)

10 ~~(9)~~ (11) "Licensed veterinarian" means a person licensed pursuant to this article 315.

11 ~~(9.5)~~ (12) "Ova transplantation" means a technique by which fertilized embryos are
12 collected from a donor female and transferred to a recipient female that serves as a surrogate
13 mother for the remainder of the pregnancy.

14 ~~(9.7)~~ (13) "Patient" means an animal that is examined or treated by a licensed
15 veterinarian and includes herds, flocks, litters, and other groups of animals.

16 ~~(10)~~ (14) "Practice of veterinary medicine" means any of the following:

17 (a) The diagnosing, treating, correcting, changing, relieving, or preventing of animal
18 disease, deformity, defect, injury, or other physical or mental conditions, including the
19 prescription or administration of any drug, medicine, biologic, apparatus, application,
20 anesthetic, or other therapeutic or diagnostic substance or technique and the use of any
21 manual or mechanical procedure for artificial insemination, for ova transplantation, for
22 testing for pregnancy, or for correcting sterility or infertility or to render advice or
23 recommendation with regard thereto;

24 (b) The representation, directly or indirectly, publicly or privately, of an ability and
25 willingness to do an act described in paragraph (a) of this subsection ~~(10)~~ SUBSECTION
26 (14)(a) OF THIS SECTION;

27 (c) The use of any title, words, abbreviation, or letters in a manner or under
28 circumstances ~~which~~ THAT induce the belief that a person using them is qualified to do any
29 act described in paragraph (a) of this subsection ~~(10)~~ SUBSECTION (14)(a) OF THIS SECTION;

30 (d) The application of principles of environmental sanitation, food inspection,
31 environmental pollution control, animal nutrition, zoonotic disease control, and disaster
32 medicine as applied to an act described in paragraph (a) of this subsection ~~(10)~~ SUBSECTION
33 (14)(a) OF THIS SECTION.

34 ~~(11)~~ (15) "Respondent" means any person against whom a proceeding is initiated.

35 ~~(12)~~ (16) "Rule" means any regulation, standard, or statement of policy adopted by
36 the board to implement, interpret, or clarify the law ~~which~~ THAT it enforces and administers
37 and ~~which~~ THAT governs its duties, functions, organization, and procedure.

38 ~~(13)~~ (17) "School of veterinary medicine" means any veterinary school or department
39 of a legally organized college or university whose course of study in the art and science of
40 veterinary medicine has been approved by the board.

41 ~~(14)~~ (18) "Unprofessional or unethical conduct" includes, but is not limited to,

1 conduct of a character likely to deceive or defraud the public; false or misleading advertising;
2 obtaining any fee or compensation by fraud or misrepresentation; sharing office space with
3 any person illegally practicing veterinary medicine; employing either indirectly or directly
4 any unlicensed person to practice veterinary medicine or to render any veterinary services
5 except as provided in this article **315**; or the violation of any rules adopted by the board
6 ~~which~~ THAT provide a code of professional ethics to be followed and carried out by persons
7 licensed under this article **315**.

8 ~~(15)~~ (19) "Veterinarian" means a person who has received a doctor's degree in
9 veterinary medicine, or its equivalent, from a school of veterinary medicine.

10 ~~(15.5)~~ (20) "Veterinarian-client-patient relationship" means that relationship
11 established when:

12 (a) The veterinarian has assumed the responsibility for making medical judgments
13 regarding the health of an animal and the need for medical treatment, and the owner or other
14 caretaker has agreed to follow the instruction of the veterinarian;

15 (b) There is sufficient knowledge of an animal by the veterinarian to initiate at least
16 a general or preliminary diagnosis of the medical condition of the animal, which means that
17 the veterinarian has recently seen and is personally acquainted with the keeping and care of
18 the animal by virtue of an examination of the animal or by medically appropriate and timely
19 visits to the premises where the animal is kept; and

20 (c) The practicing veterinarian is readily available, or has arranged for emergency
21 coverage, for follow-up evaluation in the event of adverse reactions or failure of the
22 treatment regimen.

23 ~~(16)~~ (21) "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, and
24 all other branches or specialties of animal medicine.

25 ~~(17)~~ (22) "Veterinary premises" or "premises" means a veterinary office, hospital,
26 clinic, or temporary location ~~in which~~ WHERE veterinary medicine is being practiced by or
27 under the direction and supervision of a licensed veterinarian.

28 ~~(18)~~ (23) "Veterinary student" is a veterinary medical student who is enrolled in a
29 school of veterinary medicine.

30 ~~(19)~~ (24) "Veterinary student preceptor" is a veterinary medical student enrolled in
31 a preceptor program in a school of veterinary medicine. ~~which has such a program.~~

32 ~~(20)~~ ~~(Deleted by amendment, L. 2011, (SB 11-091), ch. 207, p. 891, § 11, effective~~
33 ~~July 1, 2011.)~~

34
35 **12-315-105. [Formerly 12-64-104] License requirements and exceptions -**
36 **definitions - rules.** (1) No person may practice veterinary medicine in this state if the person
37 is not a licensed veterinarian. No person may practice artificial insemination or ova
38 transplantation of cattle or other animal species in this state except in accordance with section
39 ~~12-64-105(9)(c)~~ **12-315-106 (5)(c)**. This article **315** does not prohibit:

40 (a) An employee of the federal, state, or local government from performing ~~his or her~~
41 THE EMPLOYEE'S official duties;

1 (b) A person who is a regular student in an approved school of veterinary medicine
2 from performing duties or actions assigned by ~~his or her~~ the STUDENT'S instructors or
3 working under the direct supervision of a licensed veterinarian;

4 (c) A person from advising with respect to, or performing acts ~~which~~ THAT are,
5 accepted livestock management practices;

6 (d) A veterinarian regularly licensed in another state from consulting with a licensed
7 veterinarian in this state;

8 (e) Any merchant or manufacturer from selling, at ~~his or her regular~~ THE PERSON'S
9 place of business, medicines, feed, appliances, or other products used in the prevention or
10 treatment of animal diseases;

11 (f) (I) Except as provided in ~~subparagraph (II) of this paragraph (f)~~ SUBSECTION
12 (1)(f)(II) OF THIS SECTION and subject to subsection (2) of this section, the owner of an
13 animal and the owner's employees from caring for and treating the animal belonging to ~~such~~
14 THE owner.

15 (II) ~~Subparagraph (I) of this paragraph (f)~~ SUBSECTION (1)(f)(I) OF THIS SECTION does
16 not apply in cases where the ownership of the animal was transferred for purposes of
17 circumventing this article **315** or where the primary reason for hiring the employee is to
18 circumvent this article **315**.

19 (g) A person from lecturing or giving instructions or demonstrations at a school of
20 veterinary medicine or in connection with a continuing education course or seminar for
21 veterinarians;

22 (h) Any person from selling or applying any pesticide, insecticide, or herbicide;

23 (i) Any person from engaging in bona fide scientific research ~~which~~ THAT reasonably
24 requires experimentation involving animals or commercial production of biologics or animal
25 medicines;

26 (j) Any person from performing duties other than diagnosis, prescription, surgery, or
27 initiating treatment under the direction and supervision of a licensed veterinarian who shall
28 be responsible for ~~such~~ THE person's performance;

29 (k) A veterinary student or veterinary student preceptor from performing those acts
30 permitted by this article **315**;

31 (l) Any person otherwise appropriately licensed or approved by the state from
32 performing the functions described in section ~~12-64-103 (10)(d)~~ **12-315-104 (14)(d)**;

33 ~~(m) (Deleted by amendment, L. 2011, (SB 11-091), ch. 207, p. 883, § 4, effective July~~
34 ~~1, 2011.)~~

35 ~~(n) (Deleted by amendment, L. 91, p. 1468, § 2, effective July 1, 1991.)~~

36 ~~(o)~~ (m) Any person from performing massage on an animal in accordance with
37 section ~~12-35.5-110 (1)(f)~~ **12-235-110 (1)(f)**;

38 ~~(p)~~ (n) The practice of animal chiropractic pursuant to section ~~12-33-127~~ **12-215-127**;

39 ~~(q)~~ (o) The practice of animal physical therapy pursuant to section ~~12-41-113 (4)~~
40 **12-285-116 (4)**;

41 ~~(r)~~ (p) Any person from assisting in a surgical procedure under the immediate

1 supervision of a licensed veterinarian, who is responsible for the person's performance.

2 (2) (a) Notwithstanding ~~paragraph (f) of subsection (1)~~ SUBSECTION (1)(f) of this
3 section and except as permitted by ~~paragraph (j) of subsection (1)~~ SUBSECTION (1)(j) of this
4 section, a person who is not a licensed veterinarian shall not administer, distribute, dispense,
5 or prescribe prescription drugs. Except as provided in ~~paragraph (b) of this subsection (2)~~
6 SUBSECTION (2)(b) OF THIS SECTION, a licensed veterinarian must have a
7 veterinarian-client-patient relationship with the animal and its owner or other caretaker in
8 order to administer, distribute, dispense, or prescribe prescription drugs to or for an animal.

9 (b) (I) In an emergency situation where a licensed veterinarian who has a
10 veterinarian-client-patient relationship prescribes a prescription drug that the licensed
11 veterinarian does not have in stock and is not available at a local pharmacy, another licensed
12 veterinarian who does not have a veterinarian-client-patient relationship with the animal and
13 owner or other caretaker may administer, distribute, or dispense the prescription drug to the
14 animal based on the examining veterinarian's expertise and veterinarian-client-patient
15 relationship.

16 (II) The board shall adopt rules defining what constitutes an emergency situation
17 under which this ~~paragraph (b)~~ SUBSECTION (2)(b) would apply, including a requirement that
18 failure to administer, distribute, or dispense the prescription drug threatens the health and
19 well-being of the animal and requiring detailed records documenting the emergency
20 circumstances that include at least the following:

21 (A) A requirement that the examining veterinarian with the veterinarian-client-patient
22 relationship document the emergency and the immediate need for the prescription drug;

23 (B) A requirement that the examining veterinarian with the veterinarian-client-patient
24 relationship document ~~his or her~~ THE VETERINARIAN'S efforts to obtain the prescription drug
25 from a local pharmacy, including documentation of contact with at least one pharmacy in the
26 general proximity of the examination location that does not have the prescription drug
27 immediately available; and

28 (C) A requirement that the licensed veterinarian who administers, distributes, or
29 dispenses the prescription drug document the date the prescription is administered,
30 distributed, or dispensed.

31 (III) A veterinarian who administers, distributes, dispenses, or prescribes a
32 prescription drug in accordance with this ~~paragraph (b)~~ SUBSECTION (2)(b) is not subject to
33 discipline pursuant to section ~~12-64-111(1)(aa)~~ **12-315-112 (1)(y)** if the veterinarian satisfies
34 the requirements of this ~~paragraph (b)~~ SUBSECTION (2)(b) and the rules adopted by the board.

35 ~~(2.5)~~ (3) If a veterinarian complies with the requirements of section ~~12-42.5-118.5~~
36 **12-280-121**, the veterinarian may maintain an office stock of compounded drugs.

37 ~~(3)~~ (4) (a) As used in this subsection ~~(3)~~ **(4)**, unless the context otherwise requires:

38 (I) "Cat" means a small, domesticated feline animal that is kept as a pet. "Cat" does
39 not include a nondomesticated wild animal.

40 (II) "Dog" means any canine animal owned for domestic, companionship, service,
41 therapeutic, or assistance purposes.

1 (III) "Emergency medical service provider" means an emergency medical service
2 provider who is certified or licensed by the department of public health and environment,
3 created under section 25-1-102. ~~C.R.S.~~

4 (IV) "Employer" means an entity or organization that employs or enlists the services
5 of an emergency medical service provider, regardless of whether the provider is paid or is
6 a volunteer. The employer may be a public, private, for-profit, or nonprofit organization or
7 entity; or a special district.

8 ~~(IV.5)~~ (V) "Office stock" has the same meaning as set forth in section ~~12-42.5-118.5~~
9 ~~(5)(b)~~ **12-280-121 (5)(b)**.

10 ~~(V)~~ (VI) "Preveterinary emergency care" means the immediate medical stabilization
11 of a dog or cat by an emergency medical service provider, in an emergency to which the
12 emergency medical service provider is responding, through means including oxygen, fluids,
13 medications, or bandaging, with the intent of enabling the dog or cat to be treated by a
14 veterinarian. "Preveterinary emergency care" does not include care provided in response to
15 an emergency call made solely for the purpose of tending to an injured dog or cat unless a
16 person's life could be in danger attempting to save the life of a dog or cat.

17 (b) Notwithstanding any other provision of law, an emergency medical service
18 provider may provide preveterinary emergency care to dogs and cats to the extent the
19 provider has received commensurate training and is authorized by the employer to provide
20 the care. The provision of preveterinary emergency care to dogs and cats by emergency
21 medical service providers in accordance with this ~~paragraph (b)~~ SUBSECTION (4)(b) is not a
22 violation of this article **315**. Requirements governing the circumstances under which
23 emergency medical service providers may provide preveterinary emergency care to dogs and
24 cats may be specified in the employer's policies governing the provision of care.

25 (c) Notwithstanding any other provision of law, nothing in ~~paragraph (b) of this~~
26 ~~subsection (3)~~ SUBSECTION (4)(b) OF THIS SECTION imposes upon an emergency medical
27 service provider any obligation to provide care to a dog or cat or to provide care to a dog or
28 cat before a person.

29
30 **12-315-106. [Formerly 12-64-105] Board of veterinary medicine - creation -**
31 **powers - rules.** (1) The governor shall appoint a state board of veterinary medicine
32 consisting of seven members. Each member shall be appointed for a term of four years. The
33 governor shall appoint members of the board from qualified persons as described in
34 subsection (2) of this section. The governor shall appoint members to fill vacancies on the
35 board caused by death, resignation, or removal for the balance of the unexpired term. No
36 person shall serve more than two consecutive four-year terms. A person appointed to serve
37 out the balance of an unexpired term may be reappointed for an additional consecutive
38 four-year term. Members of the board may remain on the board until a successor is
39 appointed.

40 (2) The governor shall appoint five members to the board who are graduates of a
41 school of veterinary medicine, who are residents of this state, and who have been licensed

1 to practice veterinary medicine in this state for the five years preceding the time of the
2 appointment. The governor shall appoint two members to the board from the public at large
3 who have no financial or professional association with the veterinary profession.

4 ~~(3) Repealed.~~

5 ~~(4) (Deleted by amendment, L. 91, p. 1469, § 3, effective July 1, 1991.)~~

6 ~~(5) (3) The governor may remove a member of the board for misconduct,~~
7 ~~incompetence, or neglect of duty or other sufficient cause.~~

8 ~~(6) (4) The board shall meet at least once each quarter during the year at a time and~~
9 ~~place fixed by the board. Other meetings may be called from time to time by the president~~
10 ~~of the board. Except as otherwise provided, a majority of the board constitutes a quorum.~~
11 ~~Meetings shall be conducted as provided in article 6 of title 24. C.R.S.~~

12 ~~(7) (Deleted by amendment, L. 91, p. 1469, § 3, effective July 1, 1991.)~~

13 ~~(8) All moneys collected or received by the board, except as provided in section~~
14 ~~12-64-111 (4), shall be transmitted to the state treasurer, who shall credit the same pursuant~~
15 ~~to section 24-34-105, C.R.S., and the general assembly shall make annual appropriations~~
16 ~~pursuant to said section for the expenditures of the board incurred in the performance of its~~
17 ~~duties under this article, which expenditures shall be made from such appropriations upon~~
18 ~~vouchers and warrants drawn pursuant to law. <{Redundant with fees common provision,~~
19 ~~12-20-105.}>~~

20 ~~(9) (5) The board has the power to:~~

21 ~~(a) Examine and determine the qualifications and fitness of applicants for a license~~
22 ~~to practice veterinary medicine in this state;~~

23 ~~(b) PURSUANT TO SECTION 12-20-404, issue, renew, deny, suspend, or revoke licenses~~
24 ~~to practice veterinary medicine in the state or otherwise discipline or fine, or both, licensees~~
25 ~~consistent with this article 315 and the rules adopted by the board under this article 315;~~
26 ~~<{Adding reference to disciplinary authority common provision, section 12-20-404}>~~

27 ~~(c) Regulate artificial insemination and ova transplantation of cattle or other animal~~
28 ~~species by establishing rules and regulations for standards of practice, including rules relating~~
29 ~~to methods and procedures for safe artificial insemination and ova transplantation;~~

30 ~~(d) Establish, pursuant to section 24-34-105, C.R.S. 12-20-105, and publish annually~~
31 ~~a schedule of fees for licensing and registration of veterinarians. The board shall base the fee~~
32 ~~on its anticipated financial requirements for the year.~~

33 ~~(e) (f) Conduct investigations DISCIPLINARY PROCEEDINGS IN ACCORDANCE WITH~~
34 ~~SECTION 12-20-403;~~

35 ~~(H) Administer oaths, take affirmations of witnesses, and issue subpoenas to compel~~
36 ~~the attendance of witnesses and the production of all relevant papers, books, records,~~
37 ~~documentary evidence, and materials in any hearing, investigation, accusation, or other~~
38 ~~matter coming before the board. The board may appoint an administrative law judge pursuant~~
39 ~~to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report~~
40 ~~them to the board pursuant to paragraph (f) of this subsection (9).~~

41 ~~(HH) Upon failure of a witness to comply with a subpoena or process, the district court~~

1 of the county in which the subpoenaed person or licensee resides or conducts business, upon
2 application by the board and with notice to the subpoenaed person or licensee, may issue to
3 the person or licensee an order requiring that person or licensee to appear before the board;
4 to produce the relevant papers, books, records, documentary evidence, or materials if so
5 ordered; or to give evidence touching the matter under investigation or in question. Failure
6 to obey the order of the court may be punished by the court as a contempt of court.

7 (f) ~~Hold hearings on all matters properly brought before the board. An administrative~~
8 ~~law judge may conduct all hearings for denying, suspending, or revoking a license or for any~~
9 ~~other similar matter properly brought before the board and assigned by the board to the~~
10 ~~administrative law judge, subject to appropriations made to the department of personnel. An~~
11 ~~administrative law judge shall be appointed pursuant to part 10 of article 30 of title 24,~~
12 ~~C.R.S. Disciplinary and punitive actions of the board shall be made public. <{Redundant~~
13 ~~with disciplinary procedures common provision, 12-20-403.>~~

14 (g) ~~(Deleted by amendment, L. 91, p. 1469, § 3, effective July 1, 1991.)~~

15 (h) ~~(Deleted by amendment, L. 2011, (SB 11-091), ch. 207, p. 889, § 9, effective July~~
16 ~~1, 2011.)~~

17 (i) ~~(f) Bring proceedings in the courts for the enforcement of this article 315 or any~~
18 ~~regulations RULES made by the board;~~

19 (j) ~~(g) Adopt, amend, or repeal rules necessary for the administration and enforcement~~
20 ~~of this article IN ACCORDANCE WITH SECTION 12-20-204. The board shall adopt rules to~~
21 ~~establish a uniform system and schedule of fines that it may impose on licensees for~~
22 ~~violations of this article 315 or of rules adopted pursuant to this article 315. <{Redundant~~
23 ~~with the rule-making common provision, 12-20-204.>~~

24 (k) ~~(Deleted by amendment, L. 91, p. 1469, § 3, effective July 1, 1991.)~~

25 (l) ~~(h) Issue a cease-and-desist order IN ACCORDANCE WITH SECTION 12-20-405;~~

26 (m) ~~(i) Impose fines against corporations in accordance with section 12-64-123 (2)~~
27 ~~12-315-122 (2).~~

28 (n) ~~(6) The board may, at any time, inspect veterinary premises to assure that they~~
29 ~~are clean and sanitary.~~

30 (o) ~~(7) The powers of the board are granted to enable the board to effectively~~
31 ~~supervise the practice of veterinary medicine and are to be construed liberally to accomplish~~
32 ~~this objective.~~

33 (p) ~~(Deleted by amendment, L. 91, p. 1469, § 3, effective July 1, 1991.)~~

34 (q) ~~(8) The board shall consult with the state physical therapy board created in~~
35 ~~section 12-41-103.3 12-285-105 concerning rules that the board intends to adopt with regard~~
36 ~~to physical therapy of animals.~~

37
38 **12-64-105.5. Immunity from civil process.** Any member of the board, any member
39 of the board's staff, any person acting as a witness or consultant to the board, any witness
40 testifying in a proceeding authorized under this article, and any person who lodges a
41 complaint pursuant to this article shall be immune from liability in any civil action brought

1 against him or her for acts occurring while acting in his or her capacity as board member,
2 staff, consultant, or witness, respectively, if such individual was acting in good faith within
3 the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the
4 matter as to which he or she acted, and acted in the reasonable belief that the action taken by
5 him or her was warranted by the facts. Any person participating in good faith in lodging a
6 complaint or participating in any investigative or administrative proceeding pursuant to this
7 article shall be immune from any civil or criminal liability that may result from such
8 participation. < *Redundant with immunity common provision, 12-20-402.* >

9
10 **12-64-106. Status of persons previously licensed.** A person holding a valid license
11 to practice veterinary medicine in this state on July 1, 1973, is recognized as a licensed
12 veterinarian and is entitled to retain this status as long as he or she complies with this article
13 and rules adopted pursuant to this article, including compliance with the requirement to
14 renew the license according to the schedule established pursuant to section 12-64-110.
15

16 **12-315-107. [Formerly 12-64-107] Application for license - qualifications.** (1) Any
17 person twenty-one years of age or older desiring a license to practice veterinary medicine in
18 this state shall apply for the license in a manner approved by the board.

19 (2) ~~(Deleted by amendment, L. 91, p. 1470, 5, effective July 1, 1991.)~~

20 (3) (2) In the application for licensure, the applicant shall demonstrate that he or she
21 THE APPLICANT has:

22 (a) (I) Graduated from an accredited school of veterinary medicine; or

23 (II) Graduated from a nonaccredited school of veterinary medicine and received a
24 certificate from a national program approved by the board that assesses educational
25 equivalency of graduates from nonaccredited schools of veterinary medicine; and

26 (b) Passed an examination approved by the board by rule.

27 (c) ~~(Deleted by amendment, L. 2011, (SB 11-091), ch. 207, p. 893, § 16, effective~~
28 ~~July 1, 2011.)~~

29 (4) (3) The board may deny a license or may grant a license subject to terms of
30 probation if the board determines that an applicant for a license:

31 (a) Does not possess the qualifications required by this article 315;

32 (b) Has engaged in conduct that constitutes grounds for discipline pursuant to section
33 12-64-111 (1) 12-315-112 (1);

34 (c) Has been disciplined in another state or jurisdiction with respect to his or her THE
35 APPLICANT'S license to practice veterinary medicine in that state or jurisdiction; or

36 (d) Has not actively practiced veterinary medicine for the two-year period
37 immediately preceding the date of receipt of the application or has not otherwise maintained
38 continued competence, as determined by the board.

39 (5) (4) If the board denies a license to an applicant or grants a license subject to terms
40 of probation, the applicant may seek review of the board's decision pursuant to section
41 24-4-104 (9); C.R.S.; except that, by accepting a license that is subject to probationary terms,

1 the applicant waives any remedies available pursuant to section 24-4-104 (9). C.R.S.
2

3 **12-315-108. [Formerly 12-64-107.5] Academic license.** (1) A veterinarian who is
4 employed at a school of veterinary medicine in this state and who practices veterinary
5 medicine in the course of ~~his or her~~ THE VETERINARIAN'S employment responsibilities shall
6 either apply, in a manner approved by the board, for an academic license in accordance with
7 this section or shall otherwise become licensed pursuant to sections ~~12-64-107~~ **12-315-107**
8 and ~~12-64-108~~ **12-315-109**.

9 (2) A person who applies for an academic license shall submit proof to the board that
10 ~~he or she~~ THE PERSON:

11 (a) Graduated from a school of veterinary medicine located in the United States or
12 another country; and

13 (b) Is employed by an accredited school of veterinary medicine in this state.

14 (3) An applicant for an academic license shall not be required to comply with the
15 requirements of sections ~~12-64-107~~ **12-315-107** and ~~12-64-108~~ **12-315-109**.

16 (4) An academic license shall authorize the licensee to practice veterinary medicine
17 only while engaged in the performance of ~~his or her~~ THE LICENSEE'S official duties as a
18 university employee. An academic licensee may not use an academic license to practice
19 veterinary medicine outside of ~~his or her~~ THE LICENSEE'S academic responsibilities.

20 (5) In addition to the requirements of this section, an applicant for an academic
21 license shall complete all procedures for academic licensing established by the board to
22 become licensed.
23

24 **12-315-109. [Formerly 12-64-108] License by endorsement - rules.** The board may
25 issue a license by endorsement to engage in the practice of veterinary medicine in this state
26 to an applicant who has a license in good standing as a veterinarian in another jurisdiction
27 if the applicant presents proof satisfactory to the board that, at the time of application for a
28 Colorado license by endorsement, the applicant possesses credentials and qualifications that
29 are substantially equivalent to the Colorado requirements for licensure set forth in section
30 ~~12-64-107~~ **12-315-107**. The board may specify, by rule, what constitutes substantially
31 equivalent credentials and qualifications.
32

33 ~~**12-64-109. Temporary permit. (Repealed)**~~

34
35 **12-315-110. [Formerly 12-64-110] License renewal - waiver - rules - continuing**
36 **education.**

37 (1) ~~(Deleted by amendment, L. 2004, p. 1859, § 118, effective August 4, 2004.)~~

38 (2) (1) All licenses ~~must be renewed or reinstated pursuant to a schedule established~~
39 ~~by the director of the division of professions and occupations within the department of~~
40 ~~regulatory agencies pursuant to section 24-34-102 (8), C.R.S. The director of the division of~~
41 ~~professions and occupations within the department of regulatory agencies may establish~~

1 ~~renewal fees and delinquency fees for renewal and fees for reinstatement pursuant to section~~
2 ~~24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule~~
3 ~~established by the director of the division of professions and occupations, the license expires~~
4 ISSUED PURSUANT TO THIS ARTICLE 315 ARE SUBJECT TO THE RENEWAL, EXPIRATION,
5 REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202 (1)
6 AND (2). A person whose license expires is subject to the penalties provided in this article
7 **315** or section ~~24-34-102 (8), C.R.S.~~ **12-20-202 (1)**. <{Redundant with fees and renewal
8 common provision, 12-20-202.}>

9 (3) (2) The board, by rule, may waive a licensed veterinarian's renewal fee while he
10 ~~or she~~ THE LICENSEE is on active duty with any branch of the armed services of the United
11 States. The period during which the renewal fee is waived cannot exceed the longer of three
12 years or the duration of a national emergency.

13 (4) (3) (a) In order to obtain license renewal, each licensee, except as otherwise
14 provided, must complete a board-approved veterinary continuing educational program of at
15 least thirty-two hours biennially. The courses may be taken at any time during the period
16 since the license was last renewed and before the license is due to be renewed. The licensee
17 shall provide satisfactory proof of the completion of all delinquent continuing education
18 requirements. For good cause, the board may prescribe the type and character of continuing
19 education courses to be taken by any doctor of veterinary medicine in order to comply with
20 the requirements of this article **315**.

21 (b) The board shall have the authority to excuse licensees, as groups or individuals,
22 from biennially continuing educational requirements for a good and sufficient reason.

23 (c) The board may employ qualified personnel to aid in the implementation of this
24 section.

25
26 **12-315-111. [Formerly 12-64-110.5] Inactive license.** (1) Upon notice to the board,
27 a person licensed to practice veterinary medicine shall have ~~his or her~~ THE PERSON'S license
28 transferred to inactive status. If a person whose license is in inactive status wishes to resume
29 the practice of veterinary medicine, ~~he or she~~ THE PERSON shall apply to the board in a form
30 and manner approved by the board and shall demonstrate, to the satisfaction of the board,
31 continued competency to practice veterinary medicine. The board may approve the
32 application and issue a license or may deny the application pursuant to section ~~12-64-107(4)~~
33 **12-315-107 (3)**.

34 (2) The board may pursue disciplinary proceedings pursuant to section ~~12-64-111~~
35 **12-315-112** against a veterinarian whose license is in inactive status pursuant to this section
36 for conduct that violates this article **315** that the person engages in while in inactive status.

37 (3) ~~(Deleted by amendment, L. 2011, (SB 11-091), ch. 207, p. 895, § 20, effective~~
38 ~~July 1, 2011.)~~

39
40 **12-315-112. [Formerly 12-64-111] Discipline of licensees.** (1) Upon receipt of a
41 signed complaint by a complainant or upon its own motion, the board may proceed to a

1 hearing in conformity with section ~~12-64-112~~ **12-315-113**. After a hearing, and by a
2 concurrence of a majority of members, the board may ~~deny a license to an applicant or~~
3 ~~revoke or suspend the license of, place on probation, or otherwise discipline or fine,~~ TAKE
4 DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION 12-20-404 AGAINST AN
5 APPLICANT OR a licensed veterinarian for any of the following reasons: <{Adding a reference
6 to the disciplinary authority common provision, 12-20-404.}>

7 (a) Violation of any of the provisions of this article **315** or any of the rules of the
8 board;

9 ~~(a.5)~~ (b) Violation of section ~~12-42.5-118.5~~ **12-280-121** or any rules of the pharmacy
10 board promulgated pursuant to that section;

11 ~~(b)~~ (c) Fraud, misrepresentation, or deception in attempting to obtain or in obtaining
12 a license;

13 ~~(c) (Deleted by amendment, L. 2011, (SB 11-091), ch. 207, p. 890, § 10, effective~~
14 ~~July 1, 2011.)~~

15 (d) Fraud, deception, misrepresentation, or dishonest or illegal practices in or
16 connected with the practice of veterinary medicine;

17 (e) Misrepresentation in the inspection of food for human consumption;

18 (f) Fraudulent issuance or use of any health certificate, vaccination certificate, test
19 chart, or blank form used in the practice of veterinary medicine to prevent the dissemination
20 of animal disease, transportation of diseased animals, or the sale of inedible products of
21 animal origin for human consumption;

22 (g) Fraud or dishonesty in the application or reporting of any test for disease in
23 animals;

24 (h) Failure to keep veterinary premises and equipment in a clean and sanitary
25 condition;

26 (i) Refusal to permit the board to inspect veterinary premises during business hours;

27 (j) Use of advertising or solicitation ~~which~~ THAT is false or misleading;

28 (k) Incompetence, negligence, or other malpractice in the practice of veterinary
29 medicine;

30 (l) Unprofessional or unethical conduct or engaging in practices in connection with
31 the practice of veterinary medicine that are in violation of generally accepted standards of
32 veterinary practice as defined in this article **315** or prescribed by the rules of the board;

33 (m) Willful making of any false statement as to any material matter in any oath or
34 affidavit ~~which~~ THAT is required by this article **315**;

35 ~~(n) (Deleted by amendment, L. 91, p. 1474, § 10, effective July 1, 1991.)~~

36 ~~(o)~~ (n) Conviction of a charge of cruelty to animals;

37 ~~(p)~~ (o) Conviction of a violation of the "Uniform Controlled Substances Act of 2013",
38 article 18 of title 18, ~~C.R.S.~~, the federal "Controlled Substances Act", or the federal
39 "Controlled Substances Import and Export Act", or any of them;

40 ~~(q)~~ (p) Conviction of a crime in the courts of this state or of a crime in any other state,
41 any territory, or any other country for an offense related to the conduct regulated by this

1 article **315**, regardless of whether the sentence is deferred. For the purposes of this paragraph
2 ~~(q)~~ SUBSECTION (1)(p), a plea of guilty or a plea of nolo contendere accepted by the court
3 shall be considered as a conviction.

4 ~~(r)~~ (q) Conviction upon charges ~~which~~ THAT involve the unlawful practice of
5 veterinary medicine, and, based upon a record of ~~such~~ THE conviction, without any other
6 testimony, the board may take temporary disciplinary action, even though an appeal for
7 review by a higher court may be pending;

8 ~~(s)~~ (r) Permitting another to use ~~his or her~~ THE LICENSEE'S license for the purpose of
9 treating or offering to treat sick, injured, or afflicted animals;

10 ~~(t)~~ (s) Practicing veterinary medicine under a false or assumed name, or
11 impersonating another practitioner of a like, similar, or different name;

12 ~~(u)~~ (t) Maintenance of a professional or business connection with any other person
13 who continues to violate any of the provisions of this article **315** or rules of the board after
14 ten days following receipt of the board's written request for termination of ~~such~~ THE
15 connection;

16 ~~(v)~~ (u) Habitual or excessive use or abuse of alcohol beverages, a habit-forming drug,
17 or a controlled substance as defined in section 18-18-102 (5); ~~C.R.S.~~;

18 ~~(w)~~ (v) A determination that ~~he or she~~ THE INDIVIDUAL is mentally incompetent by
19 a court of competent jurisdiction and ~~such~~ THE court has entered, pursuant to part 3 or part
20 4 of article 14 of title 15 or section 27-65-109 (4) or 27-65-127, ~~C.R.S.~~; an order specifically
21 finding that the mental incompetency is of such a degree that ~~he or she~~ THE INDIVIDUAL is
22 incapable of continuing to practice veterinary medicine;

23 ~~(x)~~ (w) Engaging in the practice of veterinary medicine while in inactive status or
24 while the person's license is expired;

25 ~~(y)~~ ~~(Deleted by amendment, L. 2011, (SB 11-091), ch. 207, p. 890, § 10, effective~~
26 ~~July 1, 2011.)~~

27 ~~(z)~~ (x) Failing to report a known violation of any of the provisions of this section;

28 ~~(aa)~~ (y) Administering, dispensing, distributing, or prescribing any prescription drug
29 other than in the course of a veterinarian-client-patient relationship, except in accordance
30 with section ~~12-64-104(2)(b)~~ **12-315-105 (2)(b)**;

31 ~~(bb)~~ (z) An act or omission ~~which~~ THAT fails to meet generally accepted standards
32 of veterinary practice;

33 ~~(cc)~~ (aa) Practicing or performing services beyond a licensee's scope of competence;

34 ~~(dd)~~ (bb) Engaging in any act prohibited in article ~~42.5~~ **280** of this title **12**;

35 ~~(ee)~~ (cc) Failure to respond to a complaint against the licensed veterinarian;

36 ~~(ff)~~ (dd) Failure to provide to the board an updated mailing address and other contact
37 information as required by the board within thirty days after a change in the information;

38 ~~(gg)~~ (ee) Failure to properly supervise a veterinary student or veterinary staff;

39 ~~(hh)~~ (ff) Failure to provide a written prescription to a wholesaler within three business
40 days after issuing an oral prescription order, as required by section ~~12-42.5-118 (3)(b)~~
41 **12-280-120 (3)(b)**;

1 (ii) (gg) Failure to comply with terms agreed to under a confidential agreement
2 entered into under ~~section 12-64-126~~ SECTIONS 12-30-107 AND 12-315-125.

3 (1.5) (2) (a) ~~When a complaint or investigation discloses an instance of misconduct~~
4 ~~that, in the opinion of The board does not warrant formal action by the board but that should~~
5 ~~not be dismissed as being without merit;~~ MAY SEND a letter of admonition, ~~may be issued and~~
6 ~~sent;~~ by certified mail, to ~~the~~ A licensee UNDER THE CIRCUMSTANCES SPECIFIED IN AND IN
7 ACCORDANCE WITH SECTION 12-20-404 (4).

8 (b) ~~When a letter of admonition is sent by the board, by certified mail, to a licensee,~~
9 ~~such licensee shall be advised that he or she has the right to request in writing, within twenty~~
10 ~~days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate~~
11 ~~the propriety of the conduct upon which the letter of admonition is based.~~

12 (c) ~~If the request for adjudication is timely made, the letter of admonition shall be~~
13 ~~deemed vacated and the matter shall be processed by means of formal disciplinary~~
14 ~~proceedings. <{Including a reference to the letter of admonition common provision,~~
15 ~~12-20-404 (4).}>~~

16 (1.7) (3) ~~When a complaint or investigation discloses an instance of conduct that does~~
17 ~~not warrant formal action by the board and, in the opinion of the board, the complaint should~~
18 ~~be dismissed, but the board has noticed indications of possible errant conduct by the licensee~~
19 ~~that could lead to serious consequences if not corrected;~~ THE BOARD MAY SEND a confidential
20 letter of concern ~~may be issued and sent to~~ THE LICENSEE UNDER THE CIRCUMSTANCES
21 SPECIFIED IN SECTION 12-20-404 (5). ~~<{Redundant with confidential letter of concern~~
22 ~~common provision, 12-20-404 (5).}>~~

23 (2) (4) The record of conviction of a felony in a court of competent jurisdiction shall
24 be sufficient evidence for ~~such~~ THE disciplinary action to be taken as may be deemed proper
25 by the board. For the purposes of this article 315, a conviction shall be deemed to be a
26 conviction ~~which~~ THAT has been upheld by the highest appellate court having jurisdiction or
27 a conviction upon which the time for filing an appeal has passed.

28 (2.5) (5) With respect to denying the issuance of a veterinary license or to taking
29 disciplinary action against a veterinarian, the board may accept as prima facie evidence of
30 grounds for ~~such~~ THE action any federal or state action taken against a veterinarian from
31 another jurisdiction if the violation ~~which~~ THAT prompted the disciplinary action in ~~such~~ THE
32 jurisdiction would constitute grounds for disciplinary action under this section.

33 (3) ~~Repeated.~~

34 (4) (6) In addition to any other penalty that may be imposed pursuant to this section,
35 any person violating any provision of this article 315 or any rules promulgated pursuant to
36 this article 315 may be fined not less than one hundred dollars nor more than one thousand
37 dollars for any such violation. ~~Any moneys collected pursuant to this subsection (4) shall be~~
38 ~~transmitted to the state treasurer, who shall credit the moneys to the general fund.~~
39 ~~<{Redundant with disposition of fines common provision, 12-20-403 (6).}>~~

40 (5) ~~When a complaint or an investigation discloses an instance of misconduct that,~~
41 ~~in the opinion of the board, warrants formal action, the complaint shall not be resolved by~~

1 a deferred settlement, action, judgment, or prosecution. <{Redundant with no deferred
2 settlement common provision, 12-20-404 (2).}>

3 (6) (a) ~~If it appears to the board, based upon credible evidence as presented in a~~
4 ~~written complaint by any person or on the board's own motion, that a licensed veterinarian~~
5 ~~is acting in a manner that is an imminent threat to the health and safety of the public, or a~~
6 ~~person is acting or has acted without the required license, the board may issue an order to~~
7 ~~cease and desist such activity. The order must set forth the statutes and rules alleged to have~~
8 ~~been violated, the facts alleged to have constituted the violation, and the requirement that all~~
9 ~~unlawful acts or unlicensed practices immediately cease.~~

10 (b) ~~Within ten days after service of the order to cease and desist pursuant to paragraph~~
11 ~~(a) of this subsection (6), the respondent may request a hearing on the question of whether~~
12 ~~acts or practices in violation of this article have occurred. Such hearing shall be conducted~~
13 ~~pursuant to sections 24-4-104 and 24-4-105, C.R.S.~~

14 (7) (a) ~~If it appears to the board, based upon credible evidence as presented in a~~
15 ~~written complaint by any person or on the board's own motion, that a person has violated any~~
16 ~~other portion of this article, in addition to any specific powers granted pursuant to this article,~~
17 ~~the board may issue to the person an order to show cause why the board should not issue a~~
18 ~~final order directing the person to cease and desist from the unlawful act or unlicensed~~
19 ~~practice.~~

20 (b) ~~A person against whom an order to show cause has been issued pursuant to~~
21 ~~paragraph (a) of this subsection (7) shall be promptly notified by the board of the issuance~~
22 ~~of the order, along with a copy of the order, the factual and legal basis for the order, and the~~
23 ~~date set by the board for a hearing on the order. Such notice may be served by personal~~
24 ~~service, by first-class United States mail, postage prepaid, or as may be practicable upon any~~
25 ~~person against whom such order is issued. Personal service or mailing of an order or~~
26 ~~document pursuant to this subsection (7) shall constitute notice thereof to the person.~~

27 (c) (I) ~~The hearing on an order to show cause shall be commenced no sooner than ten~~
28 ~~and no later than forty-five calendar days after the date of transmission or service of the~~
29 ~~notification by the board as provided in paragraph (b) of this subsection (7). The hearing may~~
30 ~~be continued by agreement of all parties based upon the complexity of the matter, number~~
31 ~~of parties to the matter, and legal issues presented in the matter, but in no event shall the~~
32 ~~hearing commence later than sixty calendar days after the date of transmission or service of~~
33 ~~the notification.~~

34 (H) ~~If a person against whom an order to show cause has been issued pursuant to~~
35 ~~paragraph (a) of this subsection (7) does not appear at the hearing, the board may present~~
36 ~~evidence that notification was properly sent or served upon such person pursuant to~~
37 ~~paragraph (b) of this subsection (7) and such other evidence related to the matter as the board~~
38 ~~deems appropriate. The board shall issue the order within ten days after the board's~~
39 ~~determination related to reasonable attempts to notify the respondent, and the order shall~~
40 ~~become final as to that person by operation of law. Such hearing shall be conducted pursuant~~
41 ~~to sections 24-4-104 and 24-4-105, C.R.S.~~

1 ~~(HH) If the board reasonably finds that the person against whom the order to show~~
2 ~~cause was issued is acting or has acted without the required license, or has or is about to~~
3 ~~engage in acts or practices constituting violations of this article, a final cease-and-desist order~~
4 ~~may be issued, directing such person to cease and desist from further unlawful acts or~~
5 ~~unlicensed practices.~~

6 ~~(IV) The board shall provide notice, in the manner set forth in paragraph (b) of this~~
7 ~~subsection (7), of the final cease-and-desist order within ten calendar days after the hearing~~
8 ~~conducted pursuant to this paragraph (c) to each person against whom the final order has~~
9 ~~been issued. The final order issued pursuant to subparagraph (HH) of this paragraph (c) shall~~
10 ~~be effective when issued and shall be a final order for purposes of judicial review.~~

11 ~~(8) If it appears to the board, based upon credible evidence presented to the board,~~
12 ~~that a person has engaged in or is about to engage in any unlicensed act or practice, any act~~
13 ~~or practice constituting a violation of this article, any rule promulgated pursuant to this~~
14 ~~article, any order issued pursuant to this article, or any act or practice constituting grounds~~
15 ~~for administrative sanction pursuant to this article, the board may enter into a stipulation with~~
16 ~~such person.~~

17 ~~(9) If any person fails to comply with a final cease-and-desist order or a stipulation,~~
18 ~~the board may request the attorney general or the district attorney for the judicial district in~~
19 ~~which the alleged violation exists to bring, and if so requested such attorney shall bring, suit~~
20 ~~for a temporary restraining order and for injunctive relief to prevent any further or continued~~
21 ~~violation of the final order.~~

22 ~~(10) A person aggrieved by the final cease-and-desist order may seek judicial review~~
23 ~~of the board's determination or of the board's final order in a court of competent jurisdiction.~~

24 (7) THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES
25 AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. <{Redundant
26 with cease-and-desist orders common provision, 12-20-405.}>

27 ~~(HH) (8) The board may suspend the license of a veterinarian who fails to comply with~~
28 ~~an order of the board issued in accordance with this section. The board may impose the~~
29 ~~license suspension until the licensee complies with the board's order.~~

30 ~~12-64-111.5. Review of board – disciplinary actions. (Repealed)~~

31 ~~12-315-113. [Formerly 12-64-112] Hearing procedure.~~

32 ~~(1) Repealed.~~

33 ~~(2) Hearings shall be conducted in conformity with sections 24-4-105 and 24-4-106,~~
34 ~~C.R.S. The court of appeals shall have initial jurisdiction to SECTION 12-20-403 AND ARTICLE~~
35 ~~4 OF TITLE 24. SECTION 12-20-408 GOVERNS JUDICIAL review OF all final agency actions and~~
36 ~~orders. pursuant to section 24-4-106 (11), C.R.S. <{Adding a cross reference to the~~
37 ~~disciplinary procedures common provision, 12-20-403, and the APA. Redundant with~~
38 ~~judicial review common provision, 12-20-408.}>~~

1 ~~**12-64-113. Revocation.** Any person whose license is revoked is ineligible to apply~~
2 ~~for a license under this article for at least two years after the date of revocation of the license.~~
3 ~~The board shall treat a subsequent application for licensure from a person whose license was~~
4 ~~revoked as an application for a new license under this article. <{Redundant with waiting~~
5 ~~period common provision, 12-20-404 (3).>~~

6
7 **12-315-114. [Formerly 12-64-114] Unauthorized practice - penalties.** (1) No
8 person who practices veterinary medicine without a currently valid license may receive any
9 compensation for services so rendered.

10 (2) Any person who practices or offers or attempts to practice veterinary medicine
11 without an active license issued under this article ~~commits a class 2 misdemeanor and shall~~
12 ~~be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and for the~~
13 ~~second or any subsequent offense, the person commits a class 6 felony and shall be punished~~
14 ~~as provided in section 18-1.3-401, C.R.S. 315 IS SUBJECT TO PENALTIES PURSUANT TO~~
15 ~~12-20-407 (1)(a). <{Redundant with unauthorized practice common provision,~~
16 ~~12-20-407.>~~

17 (3) The board or a citizen of this state may bring an action to enjoin a person from
18 practicing veterinary medicine without a currently valid license. If the court finds that the
19 person is violating, or is threatening to violate, this article **315**, it may enter an injunction
20 restraining him or her from ~~such~~ THE unlawful acts.

21 (4) The successful maintenance of an action based on any one of the remedies set
22 forth in this section shall in no way prejudice the prosecution of an action based on any other
23 of the remedies.

24
25 **12-315-115. [Formerly 12-64-115] Abandonment of animals - definition.** (1) An
26 animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care
27 that is unclaimed by its owner or ~~his or her~~ THE OWNER'S agent for more than ten days after
28 written notice, by certified mail, return receipt requested, is given to the addressee at ~~his or~~
29 ~~her~~ THE last-known address is deemed to be abandoned and may be turned over to the nearest
30 humane society or animal shelter or disposed of in a manner deemed appropriate by the
31 custodian.

32 (2) The giving of notice to the owner, or the agent of the owner, of ~~such~~ THE animal
33 by the licensed veterinarian, as provided in subsection (1) of this section, shall relieve the
34 licensed veterinarian and any custodian to whom ~~such~~ THE animal may be given of any
35 further liability for disposal. ~~Such~~ THE procedure by the licensed veterinarian shall not
36 constitute grounds for disciplining procedure under this article **315**.

37 (3) For the purpose of this article **315**, the term "abandoned" means to forsake
38 entirely, or to neglect or refuse to provide or perform the legal obligations for care and
39 support of an animal by its owner or ~~his or her~~ THE OWNER'S agent. Abandonment constitutes
40 the relinquishment of all rights and claims by the owner to the animal.

41

1 **12-315-116. [Formerly 12-64-116] Veterinary students.** (1) All duties performed
2 by a veterinary student must be under the direct supervision of a licensed veterinarian. If the
3 student does not conform to the following requirements, the licensed veterinarian is in
4 violation of this article **315**. A veterinary student may:

- 5 (a) Administer drugs only under the direct supervision of a licensed veterinarian; and
- 6 (b) Perform surgery, only if ~~he or she~~ THE STUDENT is competent and has the
7 necessary training and experience, under the direct supervision of a licensed veterinarian.
- 8 (c) and (d) ~~(Deleted by amendment, L. 2011, (SB 11-091), ch. 207, p. 897, § 23,~~
9 ~~effective July 1, 2011.)~~

10 (2) It is unlawful for a veterinary student to participate in the operation of a branch
11 office, clinic, or allied establishment unless the veterinary student is under the direct
12 supervision of a licensed veterinarian.

13
14 **~~12-64-117. Veterinary student preceptors. (Repealed)~~**

15
16 **12-315-117. [Formerly 12-64-118] Emergency care or treatment.** A licensed
17 veterinarian who in good faith administers emergency care or treatment, or euthanasia for
18 humane reasons, to an animal, without compensation, either voluntarily or at the request of
19 a state or local governmental officer or employee, is not liable for civil damages for
20 good-faith acts in the administration of ~~such~~ THE care or treatment. This immunity does not
21 apply in the event of a wanton or reckless disregard of the rights of the owner of the animal.
22

23 **12-315-118. [Formerly 12-64-119] Review of board of veterinary medicine -**
24 **repeal of article.** This article **315** is repealed, effective September 1, 2022. ~~Prior to such~~
25 ~~repeal~~ BEFORE ITS REPEAL, the state board of veterinary medicine ~~shall be reviewed as~~
26 ~~provided for~~ IS SCHEDULED FOR REVIEW in ACCORDANCE WITH section 24-34-104. C.R.S.
27

28 **12-315-119. [Formerly 12-64-120] Veterinary records in custody of animal care**
29 **providers - definition - rules.** (1) As used in this section, unless the context otherwise
30 requires, "animal care provider" means any veterinary practice or veterinary hospital,
31 including the veterinary teaching hospital at Colorado state university, that provides
32 veterinary care or treatment to animals.

33 (2) Animal care providers shall make available the veterinary records in their custody
34 as follows:

35 (a) The owner of an animal or the owner's designated representative shall have
36 reasonable access to ~~such~~ THE animal's records for inspection;

37 (b) The owner or the owner's designated representative may obtain a summary of ~~such~~
38 THE animal's records upon request, following termination of care or treatment; and

39 (c) Copies of veterinary records, including digital records, digital images, diagnostic
40 quality X rays, CT SCANS, MRIs, or other films, shall be furnished to:

41 (I) The owner or the owner's designated representative upon payment of reasonable

1 costs; and

2 (II) Local law enforcement authorities and the bureau of animal protection in the
3 department of agriculture in connection with an investigation of animal cruelty pursuant to
4 section 18-9-202 ~~€R.S.~~, or animal fighting pursuant to section 18-9-204. ~~€R.S.~~

5 (3) (a) Records concerning an animal's care are available to the public unless a
6 veterinary-patient-client privilege exists with respect to ~~such~~ THE animal, as provided in
7 section 24-72-204 (3)(a)(XIV). ~~€R.S.~~

8 (b) All practicing veterinarians in this state shall maintain accurate records for every
9 new or existing veterinarian-client-patient relationship. ~~as defined in section 12-64-103~~
10 ~~(15.5)~~. In the animal patient records, the licensed veterinarian shall justify and describe the
11 assessment, diagnosis, and treatment administered or prescribed and all medications and
12 dosages prescribed in a legible, written, printed, or electronically prepared document that is
13 unalterable. The licensed veterinarian shall prepare the records in a manner that allows any
14 subsequent evaluation of the same animal patient record to yield comprehensive medical,
15 patient, and veterinarian identifying information. Licensed veterinarians shall maintain
16 animal patient records for a minimum of three years after the animal patient's last medical
17 examination.

18 (c) The board shall promulgate rules including, but not limited to, RULES SETTING
19 FORTH criteria by which animal patient records may be adapted in the case of herds, flocks,
20 litters, large volume, or specialty veterinary practices and THAT identify exceptions to
21 ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION, if necessary, for
22 veterinarians rendering emergency care or treatment.

23
24 **12-315-120. [Formerly 12-64-121] Reporting requirements - immunity for**
25 **reporting - veterinary-patient-client privilege inapplicable.** (1) A licensed veterinarian
26 who, during the course of attending or treating an animal, has reasonable cause to know or
27 suspect that the animal has been subjected to cruelty in violation of section 18-9-202, ~~€R.S.~~,
28 or subjected to animal fighting in violation of section 18-9-204, ~~€R.S.~~, shall report or cause
29 a report to be made of the animal cruelty or animal fighting to a local law enforcement
30 agency or the bureau of animal protection.

31 (2) A licensed veterinarian shall not knowingly make a false report of animal cruelty
32 or animal fighting to a local law enforcement agency or to the bureau of animal protection.

33 (3) A licensed veterinarian who willfully violates the provisions of subsection (1) or
34 (2) of this section commits a class 1 petty offense, punishable as provided in section
35 18-1.3-503. ~~€R.S.~~

36 (4) A licensed veterinarian who in good faith reports a suspected incident of animal
37 cruelty or animal fighting to the proper authorities in accordance with subsection (1) of this
38 section shall be immune from liability in any civil or criminal action brought against the
39 veterinarian for reporting the incident. In any civil or criminal proceeding in which the
40 liability of a veterinarian for reporting an incident described in subsection (1) of this section
41 is at issue, the good faith of the veterinarian shall be presumed.

1 (5) The veterinary-patient-client privilege described in section 24-72-204 (3)(a)(XIV)
2 ~~€R.S.~~, may not be asserted for the purpose of excluding or refusing evidence or testimony
3 in a prosecution for an act of animal cruelty under section 18-9-202 ~~€R.S.~~, or for an act of
4 animal fighting under section 18-9-204. ~~€R.S.~~

5
6 **12-315-121. [Formerly 12-64-122] Corporate structure for the practice of**
7 **veterinary medicine - definitions.** (1) A licensed veterinarian shall not practice veterinary
8 medicine in or through a corporation except in accordance with this section.

9 (2) One or more persons may form or own shares in a corporation for the practice of
10 veterinary medicine if the corporation is organized and operated in accordance with this
11 section. A corporation formed pursuant to this section may exercise the powers and privileges
12 conferred upon corporations by the laws of Colorado.

13 (3) The practice of veterinary medicine by a corporation pursuant to this section must
14 be performed by or under the supervision of a licensed veterinarian. Lay directors, officers,
15 and shareholders of the corporation shall not exercise any authority whatsoever over the
16 independent medical judgment of licensed veterinarians performing or supervising the
17 practice of veterinary medicine by or on behalf of the corporation.

18 (4) The corporation shall not engage in any act or omission that, if engaged in by a
19 licensed veterinarian employed by the corporation, would violate section ~~12-64-111 (1)~~
20 **12-315-112 (1)**. A violation of section ~~12-64-111 (1)~~ **12-315-112 (1)** is grounds for the board
21 to discipline a licensee pursuant to section ~~12-64-111~~ **12-315-112**.

22 (5) Nothing in this section diminishes or changes the obligation of each licensed
23 veterinarian employed by the corporation to conduct ~~his or her~~ the LICENSEE'S practice so as
24 not to violate section ~~12-64-111 (1)~~ **12-315-112 (1)**. A licensed veterinarian who, by act or
25 omission, causes the corporation to act or fail to act in a way that violates section ~~12-64-111~~
26 ~~(1)~~ **12-315-112 (1)** or any provision of this section is personally responsible for ~~such~~ THE act
27 or omission and is subject to discipline for the act or omission.

28 (6) Nothing in this section modifies the veterinarian-patient-client privilege specified
29 in section 24-72-204 (3)(a)(XIV). ~~€R.S.~~

30 (7) As used in this section, unless the context otherwise requires:

31 (a) "Corporation" means a domestic entity, as defined in section 7-90-102 (13),
32 ~~€R.S.~~, a foreign entity, as defined in section 7-90-102 (23), ~~€R.S.~~, registered to do business
33 in Colorado, or a sole proprietorship.

34 (b) "Director" and "officer" of a corporation includes a member and a manager of a
35 limited liability company and a partner in a registered limited liability partnership.

36 (c) "Shareholder" includes a member of a limited liability company and a partner in
37 a registered limited liability partnership.

38
39 **12-315-122. [Formerly 12-64-123] Veterinary premises - licensed veterinarian**
40 **responsible for veterinary medical decisions.** (1) At all times when a patient is present on
41 a veterinary premises, a licensed veterinarian must be designated as responsible for the

1 veterinary medical decisions and care provided to the patient.

2 (2) At all times when a patient is present on a veterinary premises, a licensed
3 veterinarian must be designated as responsible for the premises. The board may fine a
4 corporation organized and operated in accordance with section ~~12-64-122~~ **12-315-121** that
5 owns or operates a veterinary premises up to one thousand dollars per day for each day the
6 corporation fails to have a licensed veterinarian designated as responsible for the veterinary
7 premises.

8
9 **12-315-123. [Formerly 12-64-124] Veterinarian peer health assistance program**
10 **- fees - administration - rules.** (1) (a) ~~On and after July 1, 2011,~~ As a condition of licensure
11 and renewal in this state, every veterinarian applying for a new license or to renew ~~his or her~~
12 THE VETERINARIAN'S license shall pay to the board, for use by the administering entity
13 selected by the board pursuant to this subsection (1), an amount not to exceed forty dollars
14 per year, which maximum amount may be adjusted on January 1, 2012, and annually
15 thereafter by the board to reflect changes in the United States bureau of statistics consumer
16 price index for ~~the Denver-Boulder consolidated metropolitan statistical area~~
17 DENVER-AURORA-LAKEWOOD for all urban consumers or goods, or its successor index. The
18 board shall forward the fee to the chosen administering entity for use in supporting
19 designated providers selected by the board to provide assistance to veterinarians needing help
20 in dealing with physical, emotional, or psychological conditions that may be detrimental to
21 their ability to practice veterinary medicine.

22 (b) The board shall select one or more peer health assistance programs as designated
23 providers. To be eligible for designation by the board, a peer health assistance program must:

24 (I) Provide for the education of veterinarians with respect to the recognition and
25 prevention of physical, emotional, and psychological conditions and provide for intervention
26 when necessary or under circumstances established by the board by rule;

27 (II) Offer assistance to a veterinarian in identifying physical, emotional, or
28 psychological conditions;

29 (III) Evaluate the extent of physical, emotional, or psychological conditions and refer
30 the veterinarian for appropriate treatment;

31 (IV) Monitor the status of a veterinarian who has been referred for treatment;

32 (V) Provide counseling and support for the veterinarian and for the family of any
33 veterinarian referred for treatment;

34 (VI) Agree to receive referrals from the board; and

35 (VII) Agree to make its services available to all licensed Colorado veterinarians.

36 (c) The board may select an entity to administer the veterinarian peer health
37 assistance program. An administering entity must be a nonprofit private foundation that is
38 qualified under section 501 (c)(3) of the federal "Internal Revenue Code of 1986", as
39 amended, and that is dedicated to providing support for charitable, benevolent, educational,
40 and scientific purposes that are related to veterinary medicine, veterinary medical education,
41 veterinary medical research and science, and other veterinary medical charitable purposes.

1 (d) The administering entity shall:

2 (I) Distribute the moneys collected by the board, less expenses, to the designated
3 provider, as directed by the board;

4 (II) Provide an annual accounting to the board of all amounts collected, expenses
5 incurred, and amounts disbursed; and

6 (III) Post a surety performance bond in an amount specified by the board to secure
7 performance under the requirements of this section. The administering entity may recover
8 the actual administrative costs incurred in performing its duties under this section in an
9 amount not to exceed ten percent of the total amount collected.

10 (e) The board shall collect the required annual payments payable to the administering
11 entity for the benefit of the administering entity and shall transfer all ~~such~~ THE payments to
12 the administering entity. All required annual payments collected or due to the board for each
13 fiscal year are custodial funds that are not subject to appropriation by the general assembly,
14 and the distribution of payments to the administering entity or expenditure of the payments
15 by the administering entity does not constitute state fiscal year spending for purposes of
16 section 20 of article X of the state constitution.

17 (2) (a) Upon receipt of a signed complaint by a complainant, the board may require
18 any veterinarian to participate in a peer health assistance program and to enter into a
19 stipulation with the board pursuant to section ~~12-64-111 (8)~~ **12-20-405 (3)** before
20 participating in the program. The agreement must contain specific requirements and goals
21 to be met by the participant, including the conditions under which the program will be
22 successfully completed or terminated, and a provision that a failure to comply with the
23 requirements and goals are to be promptly reported to the board and that ~~such~~ failure will
24 result in disciplinary action by the board.

25 (b) Notwithstanding sections ~~12-64-111~~ **12-315-112** and 24-4-104, C.R.S., the board
26 may immediately suspend the license of any veterinarian who is referred to a peer health
27 assistance program by the board and who fails to attend or to complete the program. If the
28 veterinarian objects to the suspension, ~~he or she~~ THE VETERINARIAN may submit a written
29 request to the board for a formal hearing on the suspension within ten days after receiving
30 notice of the suspension, and the board shall grant the request. In the hearing, the veterinarian
31 bears the burden of proving that ~~his or her~~ THE VETERINARIAN'S license should not be
32 suspended.

33 (c) Any veterinarian who self-refers and is accepted into a peer health assistance
34 program shall affirm that, to the best of ~~his or her~~ THE VETERINARIAN'S knowledge,
35 information, and belief, ~~he or she~~ THE VETERINARIAN knows of no instance in which he or
36 she has violated this article **315** or the rules of the board, except in those instances affected
37 by the veterinarian's physical, emotional, or psychological conditions.

38 (3) Nothing in this section creates any liability on the board or the state of Colorado
39 for the actions of the board in making grants to peer health assistance programs, and no civil
40 action may be brought or maintained against the board or the state for an injury alleged to
41 have been the result of the activities of any state-funded peer health assistance program or

1 the result of an act or omission of a veterinarian participating in or referred by a state-funded
2 peer health assistance program. However, the state remains liable under the "Colorado
3 Governmental Immunity Act", article 10 of title 24, C.R.S., if an injury alleged to have been
4 the result of an act or omission of a veterinarian participating in or referred by a state-funded
5 peer health assistance program occurred while ~~such~~ THE veterinarian was performing duties
6 as an employee of the state.

7 (4) The board may promulgate rules necessary to implement this section.
8

9 **12-315-124. [Formerly 12-64-125] Mental health and substance use disorder**
10 **evaluations of licensees.** (1) (a) (I) If, upon receipt of a signed complaint by a complainant,
11 the board has reasonable cause to believe that a licensed veterinarian is unable to practice
12 veterinary medicine with reasonable skill and safety to patients or clients due to a behavioral,
13 mental health, or substance use disorder, the board may _____ require in writing that the
14 licensed veterinarian submit to an examination to evaluate:

15 (A) The existence and extent of the behavioral, mental health, or substance use
16 disorder; and

17 (B) Any impact the behavioral, mental health, or substance use disorder has on the
18 licensed veterinarian's ability to practice veterinary medicine with reasonable skill and safety
19 to patients and clients.

20 (II) A qualified professional employed by or contracting with a veterinarian peer
21 health assistance program that the board has selected as a designated provider under section
22 ~~12-64-124~~ **12-315-123** shall conduct an examination required by ~~subparagraph (I) of this~~
23 ~~paragraph (a) SUBSECTION (1)(a)(I) OF THIS SECTION.~~

24 (b) If a licensed veterinarian fails to submit to an examination required under
25 paragraph (a) of this subsection (1) SUBSECTION (1)(a) OF THIS SECTION, the board may
26 suspend the licensed veterinarian's license to practice veterinary medicine until the licensed
27 veterinarian submits to the examination; however, if the licensed veterinarian demonstrates
28 to the satisfaction of the board that ~~his or her~~ THE failure to submit to the examination is due
29 to circumstances beyond ~~his or her~~ THE LICENSED VETERINARIAN'S control, the board shall
30 not suspend the licensed veterinarian's license.

31 (2) Every person licensed to practice veterinary medicine in this state is deemed, by
32 practicing or applying for a renewal of the person's license, to have:

33 (a) Given ~~his or her~~ consent to submit to an examination that the board may require
34 under subsection (1) of this section; and

35 (b) Waived an objection to the admissibility of the examining professional's testimony
36 or examination reports at a board hearing on grounds that the testimony or reports are
37 privileged communications.

38 (3) (a) A person shall not use the results of an examination ordered under subsection
39 (1) of this section as evidence in any proceeding other than a proceeding before the board.

40 (b) Except as provided in ~~paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF~~
41 THIS SECTION, any examination results, the fact that the examination was administered, and

1 the complaint that prompted the examination shall be kept confidential. They are not public
2 records and are not available to the public.

3
4 **12-315-125. [Formerly 12-64-126] Confidential agreements to limit practice.**

5 ~~(1)(a) If the board determines that a licensed veterinarian who submitted to an examination~~
6 ~~under section 12-64-125 is able to render limited services with reasonable skill and safety to~~
7 ~~patients and clients, the board may enter into a confidential agreement with the licensed~~
8 ~~veterinarian in which the licensed veterinarian agrees to limit his or her practice based on the~~
9 ~~restrictions imposed by the illness, condition, or disorder, as determined by the board.~~

10 ~~(b) As part of the agreement, the licensed veterinarian is subject to periodic~~
11 ~~reevaluations or monitoring, as determined appropriate by the board.~~

12 ~~(c) The parties may modify or dissolve the agreement as necessary based on the~~
13 ~~results of a reevaluation or monitoring.~~

14 ~~(2) By entering into an agreement with the board under this section to limit his or her~~
15 ~~practice, a licensed veterinarian is not engaging in conduct that is grounds for discipline~~
16 ~~under section 12-64-111. The agreement does not constitute a restriction or discipline by the~~
17 ~~board; however, if the licensed veterinarian fails to comply with the terms of an agreement~~
18 ~~entered into under this section, the failure constitutes grounds for disciplinary action under~~
19 ~~section 12-64-111 (1)(ii), and the licensed veterinarian is subject to discipline under section~~
20 ~~12-64-111.~~

21 ~~(3) This section does not apply to a licensed veterinarian subject to discipline for~~
22 ~~habitual or excessive use or abuse of alcohol beverages, a habit-forming drug, or a controlled~~
23 ~~substance as defined in section 18-18-102 (5), C.R.S.~~

24 SECTION 12-30-107 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE
25 APPLIES TO THIS ARTICLE 315. <{Redundant with confidential agreement common
26 provision, 12-30-107.}>

27
28 **12-315-126. [Formerly 12-64-127] Prescription of opioids - limitations - repeal.**

29 ~~(1) (a) A veterinarian shall not prescribe more than a seven-day supply of an opioid to a~~
30 ~~patient who has not had an opioid prescription in the last twelve months by that veterinarian;~~
31 ~~and may exercise discretion to include a second fill for a seven-day supply. The limits on~~
32 ~~initial prescribing do not apply if, in the judgment of the veterinarian, the patient: IS SUBJECT~~
33 ~~TO THE LIMITATIONS ON PRESCRIBING OPIOIDS SPECIFIED IN SECTION 12-30-108.~~

34 ~~(I) Has chronic pain that typically lasts longer than ninety days or past the time of~~
35 ~~normal healing, as determined by the veterinarian, or following transfer of care from another~~
36 ~~veterinarian who prescribed an opioid to the patient;~~

37 ~~(II) Has been diagnosed with cancer and is experiencing cancer-related pain; or~~

38 ~~(III) Is experiencing post-surgical pain that, because of the nature of the procedure,~~
39 ~~is expected to last more than fourteen days.~~

40 ~~(b) Prior to prescribing the second fill of any opioid prescription pursuant to this~~
41 ~~section, a veterinarian must comply with the requirements of section 12-42.5-404 (3.6).~~

1 Failure to comply with section 12-42.5-404 (3.6) constitutes grounds for discipline under
2 section 12-64-111 only if the veterinarian repeatedly fails to comply.

3 ~~(2) A veterinarian licensed pursuant to this article 64 may prescribe opioids~~
4 ~~electronically.~~

5 ~~(3) A violation of this section does not create a private right of action or serve as the~~
6 ~~basis of a cause of action. A violation of this section does not constitute negligence per se~~
7 ~~or contributory negligence per se and does not alone establish a standard of care. Compliance~~
8 ~~with this section does not alone establish an absolute defense to any alleged breach of the~~
9 ~~standard of care. <{Redundant with the opioid prescription common provision, 12-30-108;~~
10 ~~recommend amendment.>~~

11 ~~(4)~~ (2) This section is repealed, effective September 1, 2021.