

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 337

Senator Huffman

Cosponsors: Senators Bacon, Coley, Wilson

A BILL

To amend sections 955.16, 4729.531, 4729.532, 1
4741.01, 4741.02, 4741.17, 4741.171, 4741.19, 2
4741.22, 4741.221, and 4741.24 of the Revised 3
Code to change the professional title of 4
"registered veterinary technician" to 5
"registered veterinary nurse." 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 955.16, 4729.531, 4729.532, 7
4741.01, 4741.02, 4741.17, 4741.171, 4741.19, 4741.22, 4741.221, 8
and 4741.24 of the Revised Code be amended to read as follows: 9

Sec. 955.16. (A) Dogs that have been seized by the county 10
dog warden and impounded shall be kept, housed, and fed for 11
three days for the purpose of redemption, as provided by section 12
955.18 of the Revised Code, unless any of the following applies: 13

(1) Immediate humane destruction of the dog is necessary 14
because of obvious disease or injury. If the diseased or injured 15
dog is registered, as determined from the current year's 16
registration list maintained by the warden and the county 17
auditor of the county where the dog is registered, the necessity 18

of destroying the dog shall be certified by a licensed 19
veterinarian or a registered veterinary ~~technician~~ nurse. If the 20
dog is not registered, the decision to destroy it shall be made 21
by the warden. 22

(2) The dog is currently registered on the registration 23
list maintained by the warden and the auditor of the county 24
where the dog is registered and the attempts to notify the 25
owner, keeper, or harborer under section 955.12 of the Revised 26
Code have failed, in which case the dog shall be kept, housed, 27
and fed for fourteen days for the purpose of redemption. 28

(3) The warden has contacted the owner, keeper, or 29
harborer under section 955.12 of the Revised Code, and the 30
owner, keeper, or harborer has requested that the dog remain in 31
the pound or animal shelter until the owner, harborer, or keeper 32
redeems the dog. The time for such redemption shall be not more 33
than forty-eight hours following the end of the appropriate 34
redemption period. 35

At any time after such periods of redemption, any dog not 36
redeemed shall be donated to any nonprofit special agency that 37
is engaged in the training of any type of assistance dogs and 38
that requests that the dog be donated to it. Any dog not 39
redeemed that is not requested by such an agency may be sold, 40
except that no dog sold to a person other than a nonprofit 41
teaching or research institution or organization of the type 42
described in division (B) of this section shall be discharged 43
from the pound or animal shelter until the animal has been 44
registered and furnished with a valid registration tag. 45

(B) Any dog that is not redeemed within the applicable 46
period as specified in this section or section 955.12 of the 47
Revised Code from the time notice is mailed to its owner, 48

keeper, or harborer or is posted at the pound or animal shelter, 49
as required by section 955.12 of the Revised Code, and that is 50
not required to be donated to a nonprofit special agency engaged 51
in the training of any type of assistance dogs may, upon payment 52
to the dog warden or poundkeeper of the sum of three dollars, be 53
sold to any nonprofit Ohio institution or organization that is 54
certified by the director of health as being engaged in teaching 55
or research concerning the prevention and treatment of diseases 56
of human beings or animals. Any dog that is donated to a 57
nonprofit special agency engaged in the training of any type of 58
assistance dogs in accordance with division (A) of this section 59
and any dog that is sold to any nonprofit teaching or research 60
institution or organization shall be discharged from the pound 61
or animal shelter without registration and may be kept by the 62
agency or by the institution or organization without 63
registration so long as the dog is being trained, or is being 64
used for teaching and research purposes. 65

Any institution or organization certified by the director 66
that obtains dogs for teaching and research purposes pursuant to 67
this section shall, at all reasonable times, make the dogs 68
available for inspection by agents of the Ohio humane society, 69
appointed pursuant to section 1717.04 of the Revised Code, and 70
agents of county humane societies, appointed pursuant to section 71
1717.06 of the Revised Code, in order that the agents may 72
prevent the perpetration of any act of cruelty, as defined in 73
section 1717.01 of the Revised Code, to the dogs. 74

(C) Any dog that the dog warden or poundkeeper is unable 75
to dispose of, in the manner provided by this section and 76
section 955.18 of the Revised Code, may be humanely destroyed, 77
except that no dog shall be destroyed until twenty-four hours 78
after it has been offered to a nonprofit teaching or research 79

institution or organization, as provided in this section, that 80
has made a request for dogs to the dog warden or poundkeeper. 81

(D) An owner of a dog that is wearing a valid registration 82
tag who presents the dog to the dog warden or poundkeeper may 83
specify in writing that the dog shall not be offered to a 84
nonprofit teaching or research institution or organization, as 85
provided in this section. 86

(E) A record of all dogs impounded, the disposition of the 87
same, the owner's name and address, if known, and a statement of 88
costs assessed against the dogs shall be kept by the 89
poundkeeper, and the poundkeeper shall furnish a transcript 90
thereof to the county treasurer quarterly. 91

A record of all dogs received and the source that supplied 92
them shall be kept, for a period of three years from the date of 93
acquiring the dogs, by all institutions or organizations engaged 94
in teaching or research concerning the prevention and treatment 95
of diseases of human beings or animals. 96

(F) No person shall destroy any dog by the use of a high 97
altitude decompression chamber or by any method other than a 98
method that immediately and painlessly renders the dog initially 99
unconscious and subsequently dead. 100

Sec. 4729.531. (A) The state board of pharmacy may issue a 101
limited license to animal shelters solely for the purpose of 102
purchasing, possessing, and administering combination drugs that 103
contain pentobarbital and at least one noncontrolled substance 104
ingredient, in a manufactured dosage form, whose only indication 105
is for euthanizing animals, or other substances described in 106
section 4729.532 of the Revised Code. No such license shall 107
authorize or permit the distribution of these drugs to any 108

person other than the originating wholesale distributor of the 109
drugs. An application for licensure shall include the 110
information the board requires by rule under this section. If 111
the application meets the requirements of the rules adopted 112
under this section, the board shall issue the license. 113

(B) The board, in accordance with Chapter 119. of the 114
Revised Code, shall adopt any rules necessary to administer and 115
enforce this section. The rules shall do all of the following: 116

(1) Require as a condition of licensure of the facility 117
that an agent or employee of an animal shelter, other than a 118
registered veterinary ~~technician~~nurse as defined in section 119
4741.01 of the Revised Code, has successfully completed a 120
euthanasia technician certification course described in section 121
4729.532 of the Revised Code; 122

(2) Specify the information the animal shelter must 123
provide the board for issuance or renewal of a license; 124

(3) Establish criteria for the board to use in determining 125
whether to refuse to issue or renew, suspend, or revoke a 126
license issued under this section; 127

(4) Address any other matters the board considers 128
necessary or appropriate for the administration and enforcement 129
of this section. 130

Sec. 4729.532. (A) No agent or employee of an animal 131
shelter shall perform euthanasia by means of lethal injection on 132
an animal by use of any substance other than combination drugs 133
that contain pentobarbital and at least one noncontrolled 134
substance active ingredient, in a manufactured dosage form, 135
whose only indication is for euthanizing animals, or other 136
substance that the state veterinary medical licensing board and 137

the state board of pharmacy both approve by rule adopted in 138
accordance with Chapter 119. of the Revised Code. 139

The agent or employee of an animal shelter when using a 140
lethal solution to perform euthanasia on an animal shall use 141
such solution in accordance with the following methods and in 142
the following order of preference: 143

(1) Intravenous injection by hypodermic needle; 144

(2) Intraperitoneal injection by hypodermic needle; 145

(3) Intracardial injection by hypodermic needle, but only 146
on a sedated or unconscious animal; 147

(4) Solution or powder added to food. 148

(B) Except as provided in division (D) of this section, no 149
agent or employee of an animal shelter, other than a registered 150
veterinary ~~technician-nurse~~ as defined in section 4741.01 of the 151
Revised Code, shall perform euthanasia by means of lethal 152
injection on an animal unless he the agent or employee has 153
received certification after successfully completing a 154
euthanasia technician certification course as described in this 155
division. 156

The curriculum for a euthanasia technician certification 157
course shall be one that has been approved by the state 158
veterinary medical licensing board, shall be at least sixteen 159
hours in length, and shall include information in at least all 160
of the following areas: 161

(1) The pharmacology, proper administration, and storage 162
of euthanasia solutions; 163

(2) Federal and state laws regulating the storage and 164
accountability of euthanasia solutions; 165

(3) Euthanasia technician stress management;	166
(4) Proper disposal of euthanized animals.	167
(C) (1) Except as provided in division (D) of this section,	168
no agent or employee of an animal shelter shall perform	169
euthanasia by means of lethal injection on animals under this	170
section unless the facility in which he <u>the agent or employee</u>	171
works or is employed is licensed with the state board of	172
pharmacy under section 4729.531 of the Revised Code.	173
(2) Any agent or employee of an animal shelter performing	174
euthanasia by means of lethal injection shall do so only in a	175
humane and proficient manner that is in conformity with the	176
methods described in division (A) of this section and not in	177
violation of Chapter 959. of the Revised Code.	178
(D) An agent or employee of an animal shelter who is	179
performing euthanasia by means of lethal injection on animals on	180
or before the effective date of this section <u>June 29, 1994</u> , may	181
continue to perform such euthanasia and is not required to be	182
certified in compliance with division (B) of this section until	183
ninety days after the effective date of the rules adopted in	184
compliance with Section 3 of House Bill No. 88 of the 120th	185
general assembly.	186
Sec. 4741.01. As used in this chapter:	187
(A) "Animal" means any animal other than a human being and	188
includes fowl, birds, fish, and reptiles, wild or domestic,	189
living or dead.	190
(B) The "practice of veterinary medicine" means the	191
practice of any person who performs any of the following	192
actions:	193

(1) Diagnoses, prevents, or treats any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal;	194 195 196
(2) Administers to or performs any medical or surgical technique on any animal that has any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition or performs a surgical procedure on any animal;	197 198 199 200
(3) Prescribes, applies, or dispenses any drug, medicine, biologic, anesthetic, or other therapeutic or diagnostic substance, or applies any apparatus for any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal;	201 202 203 204 205
(4) Uses complementary, alternative, and integrative therapies on animals;	206 207
(5) Renders professional advice or recommendation by any means, including telephonic or other electronic communication with regard to any activity described in divisions (B) (1) to (4) of this section;	208 209 210 211
(6) Represents the person's self, directly or indirectly, publicly or privately, as having the ability and willingness to perform an act described in divisions (B) (1) to (4) of this section;	212 213 214 215
(7) Uses any words, letters, abbreviations, or titles in such connection and under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine.	216 217 218 219
(C) "Specialist" means a licensed veterinarian who is certified by a veterinary specialty board of a professional veterinary association recognized by rule of the state	220 221 222

veterinary medical licensing board.	223
(D) "Veterinary supervision" means instruction and	224
directions by a licensed veterinarian on the premises or by a	225
licensed veterinarian who is readily available to communicate	226
with a person requiring supervision.	227
(E) "Veterinary student" means a student enrolled in a	228
college of veterinary medicine or a veterinary technology	229
college approved by the board and who is working with a licensed	230
veterinarian.	231
(F) "Registered veterinary technician <u>nurse</u> " means a	232
person who is a graduate of a veterinary technology college	233
approved by the state veterinary medical licensing board, has	234
successfully passed an examination approved by the board, and	235
maintains registration eligibility status in accordance with	236
rules adopted by the board.	237
(G) "Animal aide" means a person who is employed by a	238
licensed veterinarian and supervised by a licensed veterinarian	239
or a registered veterinary technician <u>nurse</u> to perform duties	240
such as record keeping, animal restraint, and such other duties	241
that the board, by rule, establishes. In adopting the rules, the	242
board shall include rules regarding the degree of supervision	243
required for each duty. The rules shall be consistent with	244
generally accepted standards of veterinary medical practice.	245
(H) "Advertising" means any manner, method, means, or	246
activity by which a practicing veterinarian, a practicing	247
veterinarian's partners, or associates, or any information in	248
reference to veterinary science, is made known to the public	249
through any use of motion pictures, newspapers, magazines,	250
books, radio, television announcements, or any other manner,	251

method, means, or activity which commercially publicizes the professional image of the veterinarian.	252 253
(I) "Embryo transfer" means the removal of an embryo ovum from the reproductive tract of an animal and its transfer to the reproductive tract of another animal for the purpose of gestation and birth.	254 255 256 257
(J) "Veterinary consultant" means a veterinarian who is not licensed in this state and who provides advice and counsel to a requesting veterinarian licensed in this state in regard to the treatment, diagnosis, or health care of an animal or animals in a specific case.	258 259 260 261 262
(K) "Direct veterinary supervision" means a licensed veterinarian is in the immediate area and within audible range, visual range, or both, of a patient and the person administering to the patient.	263 264 265 266
(L) "Allied medical support" means a licensed dentist, physician, chiropractor, or physical therapist who is in good standing as determined under Chapter 4715., 4731., 4734., or 4755. of the Revised Code, as applicable.	267 268 269 270
(M) "Veterinary-client-patient-relationship" means a relationship that meets the requirements of section 4741.04 of the Revised Code.	271 272 273
(N) "Licensed veterinarian" means a person licensed by the board to practice veterinary medicine.	274 275
(O) "Client" means the patient's owner, owner's agent, or other person responsible for the patient.	276 277
(P) "Veterinary technology" means the science and art of providing professional support to veterinarians.	278 279

(Q) "Patient" means an animal that is examined or treated 280
by a licensed veterinarian. 281

Sec. 4741.02. There shall be a state veterinary medical 282
licensing board consisting of seven members, who have been legal 283
residents of this state for not less than five years, appointed 284
by the governor with the advice and consent of the senate, as 285
follows: five members who have been licensed to practice 286
veterinary medicine in this state for not less than five 287
consecutive years prior to their appointment; one member who is 288
a registered veterinary ~~technician~~-nurse registered pursuant to 289
this chapter for not less than five consecutive years prior to 290
appointment; and one member who is a representative of the 291
public. Terms of office are for three years, commencing on the 292
first day of January and ending on the thirty-first day of 293
December. Each member shall hold office from the date of the 294
member's appointment until the end of the term for which the 295
member was appointed. Any member appointed to fill a vacancy 296
occurring prior to the expiration of the term for which the 297
predecessor was appointed shall hold office for the remainder of 298
such term. Any member shall continue in office subsequent to the 299
expiration date of the member's term until a successor takes 300
office, or until a period of sixty days has elapsed, whichever 301
occurs first. No person who has been appointed a member of the 302
board shall be appointed to serve more than three, three-year 303
terms unless a period of three years has elapsed since the 304
termination of the member's third term, provided that a person 305
appointed to fill an unexpired term may be appointed for three 306
full terms of three years each immediately following such term 307
and that the total length of the member's service does not 308
exceed ten years. 309

No member of the board shall be the owner of any interest 310

in, or be employed by any wholesale or jobbing house dealing in 311
supplies, equipment, or instruments used or useful in the 312
practice of veterinary medicine. Neither the public member nor 313
the registered veterinary ~~technician-nurse~~ member shall have any 314
vested financial interest in the practice of veterinary 315
medicine. For purposes of this section employment as a 316
veterinary ~~technician-nurse~~ for a veterinarian does not 317
constitute a vested financial interest in the practice of 318
veterinary medicine. 319

The governor may remove any member of the board for 320
malfeasance, misfeasance, or nonfeasance after a hearing as 321
provided in Chapter 119. of the Revised Code or if the license 322
of a veterinary member is not renewed or has been revoked or 323
suspended on any ground set forth in section 3123.47 or 4741.22 324
of the Revised Code or if the registration of the registered 325
veterinary ~~technician-nurse~~ member is revoked or suspended or is 326
not renewed under section 3123.47 or 4741.19 of the Revised 327
Code. 328

Each member of the board shall receive an amount fixed 329
pursuant to division (J) of section 124.15 of the Revised Code 330
for each day, or portion thereof, the member is actually engaged 331
in the discharge of official duties, in addition to the member's 332
necessary expenses. 333

Sec. 4741.17. (A) Applicants or registrants shall pay to 334
the state veterinary medical licensing board: 335

(1) For an initial veterinary license, on or after the 336
first day of March in an even-numbered year, four hundred 337
twenty-five dollars, and on or after the first day of March in 338
an odd-numbered year, three hundred dollars; 339

(2) For an initial limited license to practice veterinary medicine for an intern, resident in a veterinary specialty, or graduate student, thirty-five dollars;	340 341 342
(3) For an initial limited license to practice veterinary medicine for an instructor, researcher, or diagnostician, one hundred fifty-five dollars;	343 344 345
(4) For a veterinary temporary permit, one hundred dollars;	346 347
(5) For a duplicate license, thirty-five dollars;	348
(6) For the veterinary license biennial renewal fee, where the application is postmarked no later than the first day of March, one hundred fifty-five dollars; where the application is postmarked after the first day of March, but no later than the first day of April, two hundred twenty-five dollars; and where the application is postmarked after the first day of April, four hundred fifty dollars. Notwithstanding section 4741.25 of the Revised Code, the board shall deposit ten dollars of each veterinary license biennial renewal fee that it collects into the state treasury to the credit of the veterinarian loan repayment fund created in section 4741.46 of the Revised Code.	349 350 351 352 353 354 355 356 357 358 359
(7) For the limited license to practice veterinary medicine biennial renewal fee, where the application is postmarked not later than the first day of July, one hundred fifty-five dollars; where the application is postmarked after the first day of July, but not later than the first day of August, two hundred twenty-five dollars; and where the application is postmarked after the first day of August, four hundred fifty dollars. Notwithstanding section 4741.25 of the Revised Code, the board shall deposit ten dollars of each	360 361 362 363 364 365 366 367 368

limited license biennial renewal fee that it collects from 369
instructors, researchers, and diagnosticians into the state 370
treasury to the credit of the veterinarian loan repayment fund. 371

(8) For an initial registered veterinary ~~technician~~nurse 372
registration fee on or after the first day of March in an odd- 373
numbered year, thirty-five dollars, and on or after the first 374
day of March in an even-numbered year, twenty-five dollars; 375

(9) For the biennial renewal registration fee of a 376
registered veterinary ~~technician~~nurse, where the application is 377
postmarked no later than the first day of March, thirty-five 378
dollars; where the application is postmarked after the first day 379
of March, but no later than the first day of April, forty-five 380
dollars; and where the application is postmarked after the first 381
day of April, sixty dollars; 382

(10) For a specialist certificate, fifty dollars. The 383
certificate is not subject to renewal. 384

(11) For the reinstatement of a suspended license, or for 385
reinstatement of a license that has lapsed more than one year, 386
an additional fee of seventy-five dollars; 387

(12) For a provisional veterinary graduate license, one 388
hundred dollars. 389

(B) For the purposes of divisions (A) (6), (7), and (9) of 390
this section, a date stamp of the office of the board may serve 391
in lieu of a postmark. 392

Sec. 4741.171. Any licensed veterinarian who desires to 393
temporarily or permanently retire from practice and who has 394
given the state veterinary medical licensing board notice in 395
writing to that effect may be certified by the board as being 396
retired, provided the licensed veterinarian's license is in good 397

standing. The board may by rule waive the payment of the 398
registration fee of a licensed veterinarian or registered 399
veterinary ~~technician-nurse~~ during the period when the licensed 400
veterinarian or registered veterinary ~~technician-nurse~~ is on 401
active duty in connection with any branch of the armed forces of 402
the United States. 403

Each veterinarian licensed by the board, whether a 404
resident or not, shall notify, in writing, the executive 405
director of the board of any change in the licensed 406
veterinarian's office address or employment within ninety days 407
after the change has taken place. 408

Sec. 4741.19. (A) Unless exempted under this chapter, no 409
person shall practice veterinary medicine, or any of its 410
branches, without a license or limited license issued by the 411
state veterinary medical licensing board pursuant to sections 412
4741.11 to 4741.13 of the Revised Code, a temporary permit 413
issued pursuant to section 4741.14 of the Revised Code, or a 414
registration certificate issued pursuant to division (C) of this 415
section, or with an inactive, expired, suspended, terminated, or 416
revoked license, temporary permit, or registration. 417

(B) No veterinary student shall: 418

(1) Perform or assist surgery unless under direct 419
veterinary supervision and unless the student has had the 420
minimum education and experience prescribed by rule of the 421
board; 422

(2) Engage in any other work related to the practice of 423
veterinary medicine unless under veterinary supervision; 424

(3) Participate in the operation of a branch office, 425
clinic, or allied establishment unless a licensed veterinarian 426

is present on the establishment premises. 427

(C) No person shall act as a registered veterinary 428
~~technician-nurse~~ unless the person is registered with the board 429
on a biennial basis and pays the biennial registration fee. A 430
registered veterinary ~~technician-nurse~~ registration expires 431
biennially on the first day of March in the odd-numbered years 432
and may be renewed in accordance with the standard renewal 433
procedures contained in Chapter 4745. of the Revised Code upon 434
payment of the biennial registration fee and fulfillment of ten 435
continuing education hours during the two years immediately 436
preceding renewal for registration. Each registered veterinary 437
~~technician-nurse~~ shall notify in writing the executive director 438
of the board of any change in the registered veterinary 439
~~technician's-nurse's~~ office address or employment within ninety 440
days after the change has taken place. 441

(1) A registered veterinary ~~technician-nurse~~ operating 442
under veterinary supervision may perform the following duties: 443

(a) Prepare or supervise the preparation of patients, 444
instruments, equipment, and medications for surgery; 445

(b) Collect or supervise the collection of specimens and 446
perform laboratory procedures as required by the supervising 447
veterinarian; 448

(c) Apply wound dressings, casts, or splints as required 449
by the supervising veterinarian; 450

(d) Assist a veterinarian in immunologic, diagnostic, 451
medical, and surgical procedures; 452

(e) Suture skin incisions; 453

(f) Administer or supervise the administration of topical, 454

oral, or parenteral medication under the direction of the 455
supervising veterinarian; 456

(g) Other ancillary veterinary ~~technician~~nurse functions 457
that are performed pursuant to the order and control and under 458
the full responsibility of a licensed veterinarian. 459

(h) Any additional duties as established by the board in 460
rule. 461

(2) A registered veterinary ~~technician~~nurse operating 462
under direct veterinary supervision may perform all of the 463
following: 464

(a) Induce and monitor general anesthesia according to 465
medically recognized and appropriate methods; 466

(b) Dental prophylaxis, periodontal care, and extraction 467
not involving sectioning of teeth or resection of bone or both 468
of these; 469

(c) Equine dental procedures, including the floating of 470
molars, premolars, and canine teeth; removal of deciduous teeth; 471
and the extraction of first premolars or wolf teeth. 472

The degree of supervision by a licensed veterinarian over 473
the functions performed by the registered veterinary ~~technician~~nurse 474
nurse shall be consistent with the standards of generally 475
accepted veterinary medical practices. 476

(D) A veterinarian licensed to practice in this state 477
shall not present the person's self as or state a claim that the 478
person is a specialist unless the veterinarian has previously 479
met the requirements for certification by a specialty 480
organization recognized by the American board of veterinary 481
specialties for a specialty or such other requirements set by 482

rule of the board and has paid the fee required by division (A) 483
(10) of section 4741.17 of the Revised Code. 484

(E) Notwithstanding division (A) of this section, any 485
animal owner or the owner's designee may engage in the practice 486
of embryo transfer on the owner's animal if a licensed 487
veterinarian directly supervises the owner or the owner's 488
designee and the means used to perform the embryo transfer are 489
nonsurgical. 490

(F) Allied medical support may assist a licensed 491
veterinarian to the extent to which the law that governs the 492
individual providing the support permits, if all of the 493
following apply: 494

(1) A valid veterinary-client-patient-relationship exists. 495

(2) The individual acts under direct veterinary 496
supervision. 497

(3) The allied medical support individual receives 498
informed, written, client consent. 499

(4) The veterinarian maintains responsibility for the 500
patient and keeps the patient's medical records. 501

The board may inspect the facilities of an allied medical 502
support individual in connection with an investigation based on 503
a complaint received in accordance with section 4741.26 of the 504
Revised Code involving that individual. 505

Sec. 4741.22. (A) The state veterinary medical licensing 506
board may refuse to issue or renew a license, limited license, 507
registration, or temporary permit to or of any applicant who, 508
and may issue a reprimand to, suspend or revoke the license, 509
limited license, registration, or the temporary permit of, or 510

impose a civil penalty pursuant to this section upon any person	511
holding a license, limited license, or temporary permit to	512
practice veterinary medicine or any person registered as a	513
registered veterinary technician <u>nurse</u> who:	514
(1) In the conduct of the person's practice does not	515
conform to the rules of the board or the standards of the	516
profession governing proper, humane, sanitary, and hygienic	517
methods to be used in the care and treatment of animals;	518
(2) Uses fraud, misrepresentation, or deception in any	519
application or examination for licensure, or any other	520
documentation created in the course of practicing veterinary	521
medicine;	522
(3) Is found to be physically or psychologically addicted	523
to alcohol or an illegal or controlled substance, as defined in	524
section 3719.01 of the Revised Code, to such a degree as to	525
render the person unfit to practice veterinary medicine;	526
(4) Directly or indirectly employs or lends the person's	527
services to a solicitor for the purpose of obtaining patients;	528
(5) Obtains a fee on the assurance that an incurable	529
disease can be cured;	530
(6) Advertises in a manner that violates section 4741.21	531
of the Revised Code;	532
(7) Divides fees or charges or has any arrangement to	533
share fees or charges with any other person, except on the basis	534
of services performed;	535
(8) Sells any biologic containing living, dead, or	536
sensitized organisms or products of those organisms, except in a	537
manner that the board by rule has prescribed;	538

(9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;	539 540 541 542 543 544
(10) Is convicted of any violation of section 959.13 of the Revised Code;	545 546
(11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;	547 548 549
(12) Fails to report promptly to the proper official any known reportable disease;	550 551
(13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;	552 553
(14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;	554 555 556 557
(15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician <u>nurse</u> to engage in work or perform duties in violation of this chapter;	558 559 560 561
(16) Is guilty of gross incompetence or gross negligence;	562
(17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician <u>nurse</u> revoked, suspended, or acted against by disciplinary action by an agency similar to	563 564 565 566

this board of another state, territory, or country or the	567
District of Columbia;	568
(18) Is or has practiced with a revoked, suspended,	569
inactive, expired, or terminated license or registration;	570
(19) Represents self as a specialist unless certified as a	571
specialist by the board;	572
(20) In the person's capacity as a veterinarian or	573
registered veterinary technician nurse makes or files a report,	574
health certificate, vaccination certificate, or other document	575
that the person knows is false or negligently or intentionally	576
fails to file a report or record required by any applicable	577
state or federal law;	578
(21) Fails to use reasonable care in the administration of	579
drugs or acceptable scientific methods in the selection of those	580
drugs or other modalities for treatment of a disease or in	581
conduct of surgery;	582
(22) Makes available a dangerous drug, as defined in	583
section 4729.01 of the Revised Code, to any person other than	584
for the specific treatment of an animal patient;	585
(23) Refuses to permit a board investigator or the board's	586
designee to inspect the person's business premises during	587
regular business hours, except as provided in division (A) of	588
section 4741.26 of the Revised Code;	589
(24) Violates any order of the board or fails to comply	590
with a subpoena of the board;	591
(25) Fails to maintain medical records as required by rule	592
of the board;	593
(26) Engages in cruelty to animals;	594

(27) Uses, prescribes, or sells any veterinary 595
prescription drug or biologic, or prescribes any extra-label use 596
of any over-the-counter drug or dangerous drug in the absence of 597
a valid veterinary-client-patient relationship. 598

(B) Except as provided in division (D) of this section, 599
before the board may revoke, deny, refuse to renew, or suspend a 600
license, registration, or temporary permit or otherwise 601
discipline the holder of a license, registration, or temporary 602
permit, the executive director shall file written charges with 603
the board. The board shall conduct a hearing on the charges as 604
provided in Chapter 119. of the Revised Code. 605

(C) If the board, after a hearing conducted pursuant to 606
Chapter 119. of the Revised Code, revokes, refuses to renew, or 607
suspends a license, registration, or temporary permit for a 608
violation of this section, section 4741.23, division (C) or (D) 609
of section 4741.19, or division (B), (C), or (D) of section 610
4741.21 of the Revised Code, the board may impose a civil 611
penalty upon the holder of the license, permit, or registration 612
of not less than one hundred dollars or more than one thousand 613
dollars. In addition to the civil penalty and any other 614
penalties imposed pursuant to this chapter, the board may assess 615
any holder of a license, permit, or registration the costs of 616
the hearing conducted under this section if the board determines 617
that the holder has violated any provision for which the board 618
may impose a civil penalty under this section. 619

(D) The executive director may recommend that the board 620
suspend an individual's certificate of license without a prior 621
hearing if the executive director determines both of the 622
following: 623

(1) There is clear and convincing evidence that division 624

(A) (3), (9), (14), (22), or (26) of this section applies to the individual. 625
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(2) The individual's continued practice presents a danger of immediate and serious harm to the public. 627
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The executive director shall prepare written allegations for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four of its members, may suspend the certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the suspension. 629
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If the individual subject to the suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days after the individual requests the hearing unless otherwise agreed to by both the board and the individual. 635
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A suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board under this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not later than ninety days after completion of its hearing. Failure to issue the order within ninety days results in dissolution of the suspension order, but does not invalidate any subsequent, final adjudicative order. 643
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(E) A license or registration issued to an individual under this chapter is automatically suspended upon that individual's conviction of or plea of guilty to or upon a 651
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judicial finding with regard to any of the following: aggravated 654
murder, murder, voluntary manslaughter, felonious assault, 655
kidnapping, rape, sexual battery, gross sexual imposition, 656
aggravated arson, aggravated robbery, or aggravated burglary. 657
The suspension shall remain in effect from the date of the 658
conviction, plea, or finding until an adjudication is held under 659
Chapter 119. of the Revised Code. If the board has knowledge 660
that an automatic suspension has occurred, it shall notify the 661
individual subject to the suspension. If the individual is 662
notified and either fails to request an adjudication within the 663
time periods established by Chapter 119. of the Revised Code or 664
fails to participate in the adjudication, the board shall enter 665
a final order permanently revoking the individual's license or 666
registration. 667

Sec. 4741.221. (A) The state veterinary medical licensing 668
board may, prior to or after a hearing conducted under section 669
4741.22 of the Revised Code, and in lieu of taking or in 670
addition to any action it may take under that section, refer any 671
veterinarian or registered veterinarian-~~technician~~ nurse: 672

(1) Who suffers from alcohol or substance abuse, to the 673
Ohio veterinary medical association special assistance 674
committee, the Ohio physicians health program, or an advocacy 675
group approved by the board, for support and assistance in the 676
coordination of the treatment of that veterinarian or ~~technician~~ 677
nurse; 678

(2) Who has violated any provision of this chapter for any 679
offense for which the board normally would not seek the 680
revocation or suspension of the person's license or 681
registration, to the Ohio veterinary medical association special 682
committee on peer review. 683

(B) To implement this section, the board shall adopt rules 684
in accordance with Chapter 119. of the Revised Code. 685

Sec. 4741.24. (A) Except as provided in division (B) of 686
this section, any person whose license, registration, or 687
temporary permit is suspended or revoked may, at the discretion 688
of the state veterinary medical licensing board, be relicensed 689
or reregistered to practice at any time without an examination, 690
on application made to the board. The application for 691
reinstatement shall be in writing, in a form prescribed by the 692
board, signed by the applicant, and shall be delivered to the 693
executive director of the board. 694

(B) Any person whose license, registration, or temporary 695
permit has been revoked for a violation of section 4741.18, 696
4741.22, or 4741.23 or division (A), (C), or (D) of section 697
4741.19, division (A) of section 4741.20, or division (B) or (D) 698
of section 4741.21 of the Revised Code, shall be permanently 699
barred from practicing veterinary medicine or holding a license 700
to practice veterinary medicine or holding a registration as a 701
registered veterinary ~~technician-nurse~~ in this state for a 702
subsequent violation of any of such provisions. The board shall, 703
by certified mail, notify all other state veterinary licensing 704
boards of permanent revocation actions. 705

(C) Any person whose license or temporary permit to 706
practice veterinary medicine is suspended or revoked is an 707
unlicensed person. 708

Section 2. That existing sections 955.16, 4729.531, 709
4729.532, 4741.01, 4741.02, 4741.17, 4741.171, 4741.19, 4741.22, 710
4741.221, and 4741.24 of the Revised Code are hereby repealed. 711

Section 3. (A) A veterinary technician registration issued 712

to a person under Chapter 4741. of the Revised Code that is 713
valid on the effective date of this section continues in effect 714
as if the registration is issued for a veterinary nurse. If the 715
person applies to renew the registration after the effective 716
date of this section, the person shall be registered as a 717
veterinary nurse if the person is eligible for such renewal 718
under applicable law. 719

(B) In changing the term "registered veterinary 720
technician" to "registered veterinary nurse," this act does not 721
change the scope of practice of, or the registration or 722
certification credentials required for, such registered 723
individuals. 724