

AMENDMENTS TO LB 833

1           1.     Strike the original sections and all amendments  
2 thereto and insert the following sections:

3                 "Section 1. Section 71-112, Revised Statutes Supplement,  
4 1999, is amended to read:

5                 71-112. The professional boards provided in section  
6 71-111 shall be designated as follows:

7                 (1) For medicine and surgery and osteopathic medicine and  
8 surgery, Board of Medicine and Surgery;

9                 (2) For athletic training, Board of Athletic Training;

10                (3) For respiratory care, Board of Respiratory Care  
11 Practice;

12                (4) For chiropractic, Board of Chiropractic;

13                (5) For dentistry and dental hygiene, Board of Dentistry;

14                (6) For optometry, Board of Optometry;

15                (7) For massage therapy, Board of Massage Therapy;

16                (8) For physical therapy, Board of Physical Therapy;

17                (9) For pharmacy, Board of Pharmacy;

18                (10) For audiology and speech-language pathology, Board  
19 of Audiology and Speech-Language Pathology;

20                (11) For medical nutrition therapy, Board of Medical  
21 Nutrition Therapy;

22                (12) For funeral directing and embalming, Board of  
23 Funeral Directing and Embalming;

24                (13) For podiatry, Board of Podiatry;

1 (14) For psychology, Board of Psychologists;

2 (15) For veterinary medicine and surgery, Board of  
3 Veterinary Medicine and Surgery; and

4 (16) For mental health practice, Board of Mental Health  
5 Practice.

6 Any change made by the Legislature of the names of boards  
7 listed in this section shall not change the membership of such  
8 boards or affect the validity of any action taken by or the status  
9 of any action pending before any of such boards. Any such board  
10 newly named by the Legislature shall be the direct and only  
11 successor to the board as previously named.

12 Sec. 2. Section 71-1,152.01, Revised Statutes  
13 Supplement, 1999, is amended to read:

14 71-1,152.01. The purpose of the Board of Veterinary  
15 Medicine and Surgery is to: (1) Provide for the health, safety, and  
16 welfare of the citizens; (2) insure that veterinarians serving the  
17 public meet minimum standards of proficiency and competency; (3)  
18 insure that schools of veterinary medicine and surgery meet the  
19 educational needs of the students and qualify students to serve the  
20 public in a safe and efficient manner; and (4) control the field of  
21 veterinary medicine and surgery in the interest of consumer  
22 protection.

23 Sec. 3. Section 71-1,153, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 71-1,153. Sections 71-1,152.01 to ~~71-1,185~~ 71-1,163 and  
26 sections 5 to 7 of this act shall be known and may be cited as the  
27 Nebraska Veterinary Practice Act.

1                   Sec. 4. Section 71-1,154, Revised Statutes Supplement,  
2 1999, is amended to read:

3                   71-1,154. When used in the Nebraska Veterinary Practice  
4 Act and elsewhere in the Uniform Licensing Law, unless the context  
5 otherwise requires:

6                   (1) Animal ~~shall mean~~ means any animal other than man and  
7 ~~shall include~~ includes birds, fish, and reptiles, wild or domestic,  
8 living or dead, except domestic poultry;

9                   (2) Veterinary medicine and surgery ~~shall include~~  
10 includes veterinary surgery, obstetrics, dentistry, and all other  
11 branches or specialties of veterinary medicine;

12                   (3) Practice of veterinary medicine and surgery ~~shall~~  
13 ~~mean~~ means:

14                   (a) To diagnose, treat, correct, change, relieve, or  
15 prevent animal disease, deformity, defect, injury, or other  
16 physical or mental conditions, including the prescription or  
17 administration of any drug, medicine, biologic, apparatus,  
18 application, anesthetic, or other therapeutic or diagnostic  
19 substance or technique, and the use of any manual or mechanical  
20 procedure for testing for pregnancy~~7~~ or for correcting sterility~~7~~  
21 or infertility. The acts described in this subdivision shall not  
22 be done without a valid veterinarian-client-patient relationship;

23                   **(b) To ~~7~~ ~~or~~ ~~to~~ render advice or recommendation with**  
24 **regard to ~~any~~ ~~of~~ ~~the~~ ~~above~~ act described in subdivision (a) of this**  
25 **subdivision;**

26                   **(c) ~~(b)~~ To represent, directly or indirectly, publicly or**  
27 **privately, an ability and willingness to do any act described in**

1 subdivision (a) of this subdivision; and

2 (d) ~~(e)~~ To use any title, words, abbreviation, or letters  
3 in a manner or under circumstances which induce the belief that the  
4 person using them is qualified to do any act described in  
5 subdivision (a) of this subdivision;

6 (4) Veterinarian ~~shall mean~~ means a person who has  
7 received a doctor's degree in veterinary medicine from an  
8 accredited school of veterinary medicine or its equivalent;

9 (5) Licensed veterinarian ~~shall mean~~ means a person who  
10 is validly and currently licensed to practice veterinary medicine  
11 and surgery in this state;

12 (6) Veterinarian-client-patient relationship means that:

13 (a) The veterinarian has assumed the responsibility for  
14 making clinical judgments regarding the health of the animal and  
15 the need for medical treatment, and the client has agreed to follow  
16 the veterinarian's instructions;

17 (b) The veterinarian has sufficient knowledge of the  
18 animal to initiate at least a general or preliminary diagnosis of  
19 the medical condition of the animal. This means that the  
20 veterinarian has recently seen and is personally acquainted with  
21 the keeping and care of the animal by virtue of an examination of  
22 the animal or by medically appropriate and timely visits to the  
23 premises where the animal is kept; and

24 (c) The veterinarian is readily available or has arranged  
25 for emergency coverage and for followup evaluation in the event of  
26 adverse reactions or the failure of the treatment regimen;

27 (7) Accredited school of veterinary medicine within the

1 meaning of the Nebraska Veterinary Practice Act ~~shall mean~~ means:

2 (a) One approved by the department upon the  
3 recommendation of the board;

4 (b) A veterinary college or division of a university or  
5 college that offers the degree of Doctor of Veterinary Medicine or  
6 its equivalent; and

7 (c) One that conforms to the standards required for  
8 accreditation by the American Veterinary Medical Association;

9 (8) (7) Person shall mean means any individual, firm,  
10 partnership, limited liability company, association, joint venture,  
11 cooperative and corporation, or any other group or combination  
12 acting in concert; and whether or not acting as a principal,  
13 trustee, fiduciary, receiver, or as any other kind of legal or  
14 personal representative, or as the successor in interest, assignee,  
15 agent, factor, servant, employee, director, officer, or any other  
16 representative of such person;

17 (9) (8) Board shall mean means the Board of Veterinary  
18 Medicine and Surgery; ~~and~~

19 (10) (9) Department shall mean means the Department of  
20 Health and Human Services Regulation and Licensure;

21 (11) Veterinary technician means an individual who has  
22 met one of the requirements of subsection (1) of section 6 of this  
23 act;

24 (12) Licensed veterinary technician means a veterinary  
25 technician who is validly and currently licensed as a veterinary  
26 technician in this state. Only a licensed veterinary technician  
27 may advertise or offer his or her services in a manner calculated

1 to lead others to believe that he or she is a veterinary  
2 technician;

3 (13) Unlicensed assistant means an individual who is not  
4 a veterinarian or a veterinary technician who is working in  
5 veterinary medicine;

6 (14) Supervisor means a licensed veterinarian or licensed  
7 veterinary technician as required by statute or rule or regulation  
8 for the particular delegated task being performed by a veterinary  
9 technician or unlicensed assistant;

10 (15) Immediate supervision means that the supervisor is  
11 on the premises and is in direct eyesight and hearing range of the  
12 animal and the veterinary technician or unlicensed assistant who is  
13 treating the animal and the animal has been examined by a  
14 veterinarian at such times as acceptable veterinary practice  
15 requires consistent with the particular delegated animal health  
16 care task;

17 (16) Direct supervision means that the supervisor is on  
18 the premises and is available to the veterinary technician or  
19 unlicensed assistant who is treating the animal and the animal has  
20 been examined by a veterinarian at such times as acceptable  
21 veterinary practice requires consistent with the particular  
22 delegated animal health care task; and

23 (17) Indirect supervision means that the supervisor is  
24 not on the premises but is easily accessible and has given written  
25 or oral instructions for treatment of the animal and the animal has  
26 been examined by a veterinarian at such times as acceptable  
27 veterinary practice requires consistent with the particular

1 delegated animal health care task.

2           Sec. 5. Unless required by any state or local law for  
3 contagious or infectious disease reporting or other public health  
4 and safety purpose, no veterinarian licensed under the Nebraska  
5 Veterinary Practice Act shall be required to disclose any  
6 information concerning the veterinarian's care of an animal except  
7 under a written authorization or other waiver by the veterinarian's  
8 client or pursuant to a court order or a subpoena. A veterinarian  
9 who releases information under a written authorization or other  
10 waiver by the client or pursuant to a court order or a subpoena is  
11 not liable to the client or any other person. The privilege  
12 provided by this section is waived to the extent that the  
13 veterinarian's client or the owner of the animal places the  
14 veterinarian's care and treatment of the animal or the nature and  
15 extent of injuries to the animal at issue in any civil or criminal  
16 proceeding. For purposes of this section, veterinarian includes  
17 the employees or agents of the licensed veterinarian while acting  
18 for or on behalf of such veterinarian.

19           Sec. 6. (1) To be a veterinary technician in this state,  
20 an individual shall meet one of the following requirements:

21           (a) Be a graduate of an American Veterinary Medical  
22 Association approved veterinary technician program and receive a  
23 passing score on the national exam for such program as determined  
24 by the board;

25           (b) On the effective date of this act, be an approved  
26 animal technician certified under sections 71-1,168 to 71-1,185 as  
27 such sections existed prior to such date; or

1           (c) Have at least five years or more full-time experience  
2 working with a veterinarian, be employed by a veterinarian on the  
3 effective date of this act, and within three years after such date  
4 receive a passing score on the national exam described in  
5 subdivision (1)(a) of this section as determined by the board.

6           (2) To keep the license active, a licensed veterinary  
7 technician shall earn credit for twenty-four hours of continuing  
8 education every three years as approved by the board.

9           Sec. 7. (1) The department shall adopt and promulgate  
10 rules and regulations providing for (a) licensure of veterinary  
11 technicians meeting the requirements of section 6 of this act and  
12 (b) standards for the level of supervision required for particular  
13 delegated animal health care tasks and which determine which tasks  
14 may be performed by a veterinary technician and by unlicensed  
15 assistants. The level of supervision may be immediate, direct, or  
16 indirect as determined by the department based upon the complexity  
17 and requirements of the task.

18           (2) The department shall establish and collect the  
19 following fees:

20           (a) For an initial application for licensure as a  
21 veterinary technician, an amount not less than five dollars nor  
22 more than seventy-five dollars;

23           (b) For annual renewal of licensure as a veterinary  
24 technician, an amount not less than five dollars nor more than  
25 forty dollars; and

26           (c) For a duplicate original license, ten dollars.

27           Sec. 8.     Section 71-1,158, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           71-1,158. Any person desiring a license to practice  
3 veterinary medicine and surgery in this state shall make written  
4 application to the board. The application shall include:

5           (1) Proof ~~show~~ that the applicant is twenty-one years of  
6 age or more;

7           (2) Information indicating that the applicant is a  
8 ~~graduate of an accredited veterinary school,~~ and a person of good  
9 moral character;

10           (3) Proof that the applicant is a graduate of an  
11 accredited school of veterinary medicine or holds a certificate  
12 issued by the American Veterinary Medical Association Education  
13 Commission for Foreign Veterinary Graduates indicating that the  
14 holder has demonstrated knowledge and skill equivalent to that  
15 possessed by a graduate of an accredited college of veterinary  
16 medicine; and

17           (4) Such ~~and such~~ other information and proof as the  
18 board may require by rule and regulation. The application shall be  
19 accompanied by a fee of not less than seventy-five dollars nor more  
20 than two hundred dollars, the amount of such fee to be determined  
21 by a rule or regulation adopted and promulgated by the department  
22 with the approval of the board.

23           If the board determines that the applicant possesses the  
24 proper qualifications, the board shall admit the applicant to the  
25 next examination, or if the applicant is eligible for a license  
26 without examination under section 71-1,160, the board may forthwith  
27 recommend that he or she be issued a license. If an applicant is

1 found not qualified to take the examination or for a license  
2 without examination, the board shall immediately notify the  
3 applicant in writing of such finding and the grounds therefor.

4 Sec. 9. Section 71-1,160, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 71-1,160. The board may direct the issuing of a license  
7 without a written examination to a qualified applicant who  
8 furnishes satisfactory proof required under subdivision (3) of  
9 section 71-1,158 that he or she is a graduate of an accredited  
10 veterinary school and who:

11 (1) Has for one year prior to filing his or her  
12 application been a practicing veterinarian licensed in a state,  
13 territory, or district of the United States having license  
14 requirements, at the time the applicant was first licensed, which  
15 were substantially equivalent to the requirements of the Nebraska  
16 Veterinary Practice Act; or

17 (2) Has prior to filing his or her application  
18 successfully completed and passed ~~the~~ an examination ~~conducted by~~  
19 ~~the National Board of Veterinary Examiners~~ approved by the board.

20 At its discretion, the board may orally or practically  
21 examine any person qualifying for licensing under this section.

22 Sec. 10. Section 71-1,161, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 71-1,161. The board may recommend to the department the  
25 issuance of a temporary license to practice veterinary medicine and  
26 surgery upon receipt of a fee of fifty dollars and the completed  
27 application to (1) any person who has a current license to practice

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1 veterinary medicine and surgery in another state, territory, or  
2 district of the United States or (2) any person who ~~has graduated~~  
3 ~~from an approved veterinary school~~ furnishes satisfactory proof  
4 required under subdivision (3) of section 71-1,158 and has passed  
5 an examination conducted by the National Board of Veterinary  
6 Examiners. Such temporary license shall be valid until the date on  
7 which the results of the next licensure examination are available  
8 to the department and it may not be renewed. The holder of a  
9 temporary license shall be entitled to practice veterinary medicine  
10 and surgery.

11           Sec. 11. Original sections 71-1,153, 71-1,158, 71-1,160,  
12 and 71-1,161, Reissue Revised Statutes of Nebraska, and sections  
13 71-112, 71-1,152.01, and 71-1,154, Revised Statutes Supplement,  
14 1999.

15           Sec. 12. The following sections are outright repealed:  
16 Sections 71-1,168 to 71-1,170, 71-1,172 to 71-1,176, 71-1,178,  
17 71-1,180, 71-1,181, and 71-1,183 to 71-1,185, Reissue Revised  
18 Statutes of Nebraska, and section 71-1,171, Revised Statutes  
19 Supplement, 1999."