

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 963**

Introduced by Dierks, 40

Read first time January 5, 2000

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to veterinary technicians; to amend section  
2 71-1,153, Reissue Revised Statutes of Nebraska, and  
3 sections 71-112, 71-1,152.01, and 71-1,154, Revised  
4 Statutes Supplement, 1999; to define terms; to provide  
5 for veterinary technician provisions and eliminate  
6 approved animal technician provisions; to harmonize  
7 provisions; to repeal the original sections; and to  
8 outright repeal sections 71-1,168 to 71-1,170, 71-1,172  
9 to 71-1,176, 71-1,178, 71-1,180, 71-1,181, and 71-1,183  
10 to 71-1,185, Reissue Revised Statutes of Nebraska, and  
11 section 71-1,171, Revised Statutes Supplement, 1999.

12 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-112, Revised Statutes Supplement,  
2 1999, is amended to read:

3           71-112. The professional boards provided in section  
4 71-111 shall be designated as follows:

5           (1) For medicine and surgery and osteopathic medicine and  
6 surgery, Board of Medicine and Surgery;

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

8           (3) For respiratory care, Board of Respiratory Care  
9 Practice;

10          (4) For chiropractic, Board of Chiropractic;

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

12          (6) For optometry, Board of Optometry;

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

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

15          (9) For pharmacy, Board of Pharmacy;

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

18          (11) For medical nutrition therapy, Board of Medical  
19 Nutrition Therapy;

20          (12) For funeral directing and embalming, Board of  
21 Funeral Directing and Embalming;

22          (13) For podiatry, Board of Podiatry;

23          (14) For psychology, Board of Psychologists;

24          (15) For veterinary medicine and surgery, Board of  
25 Veterinary Medicine and Surgery; and

26          (16) For mental health practice, Board of Mental Health  
27 Practice.

28          Any change made by the Legislature of the names of boards

1 listed in this section shall not change the membership of such  
 2 boards or affect the validity of any action taken by or the status  
 3 of any action pending before any of such boards. Any such board  
 4 newly named by the Legislature shall be the direct and only  
 5 successor to the board as previously named.

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

8 71-1,152.01. The purpose of the Board of Veterinary  
 9 Medicine and Surgery is to: (1) Provide for the health, safety, and  
 10 welfare of the citizens; (2) insure that veterinarians serving the  
 11 public meet minimum standards of proficiency and competency; (3)  
 12 insure that schools of veterinary medicine and surgery meet the  
 13 educational needs of the students and qualify students to serve the  
 14 public in a safe and efficient manner; and (4) control the field of  
 15 veterinary medicine and surgery in the interest of consumer  
 16 protection.

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

19 71-1,153. Sections 71-1,152.01 to ~~71-1,185~~ 71-1,163 and  
 20 sections 5 and 6 of this act shall be known and may be cited as the  
 21 Nebraska Veterinary Practice Act.

22 Sec. 4. Section 71-1,154, Revised Statutes Supplement,  
 23 1999, is amended to read:

24 71-1,154. When used in the Nebraska Veterinary Practice  
 25 Act and elsewhere in the Uniform Licensing Law, unless the context  
 26 otherwise requires:

27 (1) Animal ~~shall mean~~ means any animal other than man and  
 28 ~~shall include~~ includes birds, fish, and reptiles, wild or domestic,

1 living or dead, except domestic poultry;

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

5 (3) Practice of veterinary medicine and surgery ~~shall~~  
6 ~~mean~~ means:

7 (a) To diagnose, treat, correct, change, relieve, or  
8 prevent animal disease, deformity, defect, injury, or other  
9 physical or mental conditions, including the prescription or  
10 administration of any drug, medicine, biologic, apparatus,  
11 application, anesthetic, or other therapeutic or diagnostic  
12 substance or technique, and the use of any manual or mechanical  
13 procedure for testing for pregnancy, or for correcting sterility,  
14 or infertility, or to render advice or recommendation with regard  
15 to any of the above;

16 (b) To represent, directly or indirectly, publicly or  
17 privately, an ability and willingness to do any act described in  
18 subdivision (a) of this subdivision; and

19 (c) To use any title, words, abbreviation, or letters in  
20 a manner or under circumstances which induce the belief that the  
21 person using them is qualified to do any act described in  
22 subdivision (a) of this subdivision;

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

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

1           (6) Accredited school of veterinary medicine within the  
2 meaning of the Nebraska Veterinary Practice Act ~~shall mean~~ means:

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

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

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

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

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

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

22          (10) Veterinary technician means an individual who has  
23 met one of the requirements of subsection (1) of section 5 of this  
24 act;

25          (11) Licensed veterinary technician means a veterinary  
26 technician who is validly and currently licensed as a veterinary  
27 technician in this state. Only a licensed veterinary technician  
28 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 (12) Unlicensed assistant means an individual who is not  
4 a veterinarian or a veterinary technician who is working in  
5 veterinary medicine;

6 (13) 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 (14) 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 (15) 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 (16) 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  
28 delegated animal health care task.

1           Sec. 5. (1) To be a veterinary technician in this state,  
2 an individual shall meet one of the following requirements:

3           (a) Be a graduate of an American Veterinary Medical  
4 Association approved veterinary technician program and receive a  
5 passing score on the national exam for such program as determined  
6 by the board;

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

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

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

18           Sec. 6. The department shall adopt and promulgate rules  
19 and regulations providing for (1) licensure of veterinary  
20 technicians meeting the requirements of section 5 of this act and  
21 (2) standards for the level of supervision required for particular  
22 delegated animal health care tasks and which determine which tasks  
23 may be performed by a veterinary technician and by unlicensed  
24 assistants. The level of supervision may be immediate, direct, or  
25 indirect as determined by the department based upon the complexity  
26 and requirements of the task.

27           Sec. 7. Original section 71-1,153, Reissue Revised  
28 Statutes of Nebraska, and sections 71-112, 71-1,152.01, and

1 71-1,154, Revised Statutes Supplement, 1999, are repealed.

2           Sec. 8.     The following sections are outright repealed:

3 Sections 71-1,168 to 71-1,170, 71-1,172 to 71-1,176, 71-1,178,

4 71-1,180, 71-1,181, and 71-1,183 to 71-1,185, Reissue Revised

5 Statutes of Nebraska, and section 71-1,171, Revised Statutes

6 Supplement, 1999.