

AMENDMENTS TO LB 463

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 38-1,140, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 38-1,140 Any person who holds a valid credential in
6 the State of Nebraska in a health care profession or occupation
7 regulated under the Uniform Credentialing Act may consult with a
8 licensed veterinarian ~~who has contracted with or is employed by an~~
9 ~~accredited zoological park or garden regarding an animal on behalf~~
10 ~~of such zoological park or garden~~ or perform collaborative animal
11 health care tasks on an animal under the care of such veterinarian
12 ~~for such zoological park or garden~~ if all such tasks are performed
13 under the immediate supervision of such veterinarian. Engaging in
14 such conduct is hereby authorized and shall not be considered a
15 part of the credential holder's scope of practice or a violation of
16 the credential holder's scope of practice.

17 Sec. 2. Section 38-3301, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 38-3301 Sections 38-3301 to 38-3330 and sections 4, 5,
20 and 8 to 11 of this act shall be known and may be cited as the
21 Veterinary Medicine and Surgery Practice Act.

22 Sec. 3. Section 38-3302, Reissue Revised Statutes of
23 Nebraska, is amended to read:

1 38-3302 For purposes of the Veterinary Medicine and
2 Surgery Practice Act and elsewhere in the Uniform Credentialing
3 Act, unless the context otherwise requires, the definitions found
4 in sections 38-3303 to 38-3318 and sections 4 and 5 of this act
5 apply.

6 Sec. 4. Health care therapy means health care activities
7 that require the exercise of judgment for which licensure is
8 required under the Uniform Credentialing Act.

9 Sec. 5. Licensed animal therapist means an individual
10 who (1) has and maintains an undisciplined license under the
11 Uniform Credentialing Act for a health care profession other
12 than veterinary medicine and surgery, (2) has met the standards
13 for additional training regarding the performance of that health
14 care profession on animals as required by rules and regulations
15 adopted and promulgated by the department upon the recommendation
16 of the board, and (3) is licensed as an animal therapist by the
17 department.

18 Sec. 6. Section 38-3314, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 38-3314 Unlicensed assistant means an individual who is
21 not a licensed veterinarian, ~~or~~ a licensed veterinary technician,
22 or a licensed animal therapist and who is working in veterinary
23 medicine.

24 Sec. 7. Section 38-3321, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 38-3321 No person may practice veterinary medicine and
27 surgery in the state who is not a licensed veterinarian, no

1 person may perform delegated animal health care tasks in the
2 state who is not a licensed veterinary technician or an unlicensed
3 assistant performing such tasks within the limits established under
4 subdivision (2) of section 38-3326, and no person may perform
5 health care therapy on animals in the state who is not a licensed
6 animal therapist. The Veterinary Medicine and Surgery Practice Act
7 shall not be construed to prohibit:

8 (1) An employee of the federal, state, or local
9 government from performing his or her official duties;

10 (2) A person who is a student in a veterinary school from
11 performing duties or actions assigned by his or her instructors
12 or from working under the direct supervision of a licensed
13 veterinarian;

14 (3) A person who is a student in an approved veterinary
15 technician program from performing duties or actions assigned by
16 his or her instructors or from working under the direct supervision
17 of a licensed veterinarian or a licensed veterinary technician;

18 (4) Any merchant or manufacturer from selling feed or
19 feeds whether medicated or nonmedicated;

20 (5) A veterinarian regularly licensed in another state
21 from consulting with a licensed veterinarian in this state;

22 (6) Any merchant or manufacturer from selling from his or
23 her established place of business medicines, appliances, or other
24 products used in the prevention or treatment of animal diseases
25 or any merchant or manufacturer's representative from conducting
26 educational meetings to explain the use of his or her products or
27 from investigating and advising on problems developing from the use

1 of his or her products;

2 (7) An owner of livestock or a bona fide farm or ranch
3 employee from performing any act of vaccination, surgery, pregnancy
4 testing, or the administration of drugs in the treatment of
5 domestic animals under his or her custody or ownership nor the
6 exchange of services between persons or bona fide employees who are
7 principally farm or ranch operators or employees in the performance
8 of these acts;

9 (8) A member of the faculty of a veterinary school
10 or veterinary science department from performing his or her
11 regular functions, or a person lecturing or giving instructions
12 or demonstrations at a veterinary school or veterinary science
13 department or in connection with a continuing competency activity;

14 (9) Any person from selling or applying any pesticide,
15 insecticide, or herbicide;

16 (10) Any person from engaging in bona fide scientific
17 research which reasonably requires experimentation involving
18 animals;

19 (11) Any person from treating or in any manner caring for
20 domestic chickens, turkeys, or waterfowl, which are specifically
21 exempted from the Veterinary Medicine and Surgery Practice Act;

22 (12) Any person from performing dehorning or castrating
23 livestock, not to include equidae.

24 For purposes of the Veterinary Medicine and Surgery
25 Practice Act, castration shall be limited to the removal or
26 destruction of male testes; or

27 (13) Any person who holds a valid credential in the

1 State of Nebraska in a health care profession or occupation
2 regulated under the Uniform Credentialing Act from consulting
3 with a licensed veterinarian ~~who has contracted with or is~~
4 ~~employed by an accredited zoological park or garden regarding~~
5 ~~an animal on behalf of such zoological park or garden~~ or performing
6 collaborative animal health care tasks on an animal under the care
7 of such veterinarian ~~for such zoological park or garden~~ if all
8 such tasks are performed under the immediate supervision of such
9 veterinarian.

10 Sec. 8. (1) In addition to the remedies authorized in
11 section 38-140 or 38-1,124, a person who engages in the practice of
12 veterinary medicine and surgery without being licensed or otherwise
13 authorized to do so under the Veterinary Medicine and Surgery
14 Practice Act shall be subject to a civil penalty of not less than
15 one thousand dollars nor more than five thousand dollars for the
16 first offense and not less than five thousand dollars nor more than
17 ten thousand dollars for the second or subsequent offense. If a
18 violation continues after notification, this constitutes a separate
19 offense.

20 (2) The civil penalties shall be assessed in a civil
21 action brought for such purpose by the Attorney General in the
22 district court of the county in which the violation occurred.

23 (3) Any civil penalty assessed and unpaid under this
24 section shall constitute a debt to the State of Nebraska which
25 may be collected in the manner of a lien foreclosure or sued for
26 and recovered in any proper form of action in the name of the
27 State of Nebraska in the district court of the county in which the

1 violator resides or owns property. The department may also collect
2 in such action attorney's fees and costs incurred in the collection
3 of the civil penalty. The department shall, within thirty days
4 after receipt, transmit any collected civil penalty to the State
5 Treasurer to be disposed of in accordance with Article VII, section
6 5, of the Constitution of Nebraska.

7 Sec. 9. Each applicant for a license as an animal
8 therapist in this state shall present to the department:

9 (1) Proof that the applicant holds and maintains an
10 undisciplined license under the Uniform Credentialing Act for a
11 health care profession other than veterinary medicine and surgery;

12 (2) Proof that the applicant has met the standards for
13 additional training regarding the performance of that health care
14 profession on animals as required by rules and regulations adopted
15 and promulgated by the department upon the recommendation of the
16 board; and

17 (3) Such other information and proof as the department,
18 with the recommendation of the board, may require by rule and
19 regulation.

20 Sec. 10. (1) A licensed animal therapist may perform
21 health care therapy on an animal only if:

22 (a) The health care therapy is consistent with the
23 licensed animal therapist's training required for the license
24 referred to under subdivision (1) of section 9 of this act;

25 (b) The owner of the animal presents to the licensed
26 animal therapist a prior letter of referral for health care
27 therapy that includes a veterinary medical diagnosis and

1 evaluation completed by a licensed veterinarian who has a
2 veterinarian-client-patient relationship with the owner and the
3 animal and has made the diagnosis and evaluation within ninety days
4 immediately preceding the date of the initiation of the health care
5 therapy; and

6 (c) The licensed animal therapist provides health care
7 therapy reports at least monthly to the referring veterinarian,
8 except that a report is not required for any month in which health
9 care therapy was not provided.

10 (2) A licensed veterinarian who prepares a letter of
11 referral for health care therapy by a licensed animal therapist
12 shall not be liable for damages caused to the animal as a result of
13 the health care therapy performed by the licensed animal therapist.

14 Sec. 11. In addition to the grounds for disciplinary
15 action found in sections 38-178 and 38-179, a license to practice
16 as a licensed animal therapist may be denied, refused renewal,
17 limited, revoked, or suspended or have other disciplinary measures
18 taken against it in accordance with section 38-196 when the
19 applicant or licensee is subjected to disciplinary measures with
20 regard to his or her license referred to under subdivision (1) of
21 section 9 of this act.

22 Sec. 12. Section 71-8909, Revised Statutes Cumulative
23 Supplement, 2008, is amended to read:

24 71-8909 Veterinary drug distributor means any person or
25 entity, ~~other than a pharmacy,~~ that engages in the distribution
26 of veterinary legend drugs in the State of Nebraska ~~other than a~~
27 pharmacy or a veterinarian licensed under the Uniform Credentialing

1 Act acting within the scope of practice of veterinary medicine and
2 surgery as defined in section 38-3312.

3 Sec. 13. Section 71-8910, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 71-8910 Veterinary drug order means a lawful order or
6 prescription of a veterinarian licensed to practice in this
7 state, ~~which order or prescription is~~ issued pursuant to a bona
8 fide veterinarian-client-patient relationship. For purposes of the
9 Veterinary Drug Distribution Licensing Act, a veterinary drug order
10 expires and becomes void one hundred eighty days after the date of
11 issue.

12 Sec. 14. Original sections 38-1,140, 38-3301, 38-3302,
13 38-3314, and 38-3321, Reissue Revised Statutes of Nebraska,
14 and sections 71-8909 and 71-8910, Revised Statutes Cumulative
15 Supplement, 2008, are repealed.