

## COMMITTEE REPORT

TO: Patrick O'Donnell  
Clerk of the Legislature

FROM: Senator Sara Howard  
Chair, Health and Human Services Committee

DATE: 11.13.2020

RE: Health and Human Services Committee Report and Recommendations on Regulated Occupations within Committee Jurisdiction – Veterinarian, Veterinary Technician, and Animal Therapist

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### **GENERAL INFORMATION**

- I. Occupation Regulated
  - A) Veterinarian, Veterinary Technician, and Animal Therapist
  
- II. Name of Occupational Board Responsible for Enforcement
  - A) Per Nebraska Revised Statutes Section [38-161](#), the Board of Veterinary Medicine and Surgery provides recommendations to the Department of Health and Human Services regarding the issuance or denial of credentials, and provides recommendations to the Department of Health and Human Services regarding rules and regulations to carry out the Uniform Credentialing Act.
  
- III. Public Purpose and Assumptions Underlying License Creation
  - A) A Veterinarian is a person who has received a doctorate in veterinary medicine from an accredited school of veterinary medicine or its equivalent. A Veterinarian can practice veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.

Veterinary Technicians work under the supervision of Veterinarians. They may be responsible for tasks such as conducting medical tests in a laboratory environment for use in the treatment and diagnosis of diseases in animals; preparing vaccines and serums for prevention of diseases; preparing tissue samples, taking blood samples, and executing laboratory tests, such as urinalysis and blood counts; cleaning and sterilizing instruments and materials; maintaining equipment and machines; and assisting veterinarians during surgical procedures.

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

The licenses were created to protect the public health, safety, and welfare.

IV. Number of Regulated Professionals in Nebraska

- A) There are 1,982 licensed Veterinarians, Veterinary Technicians, and Animal Therapists in Nebraska, including 1,314 Veterinarians; 651 Veterinary Technicians; and 17 Animal Therapists.

**BOARD MEMBERSHIPS AND MEETINGS**

I. Number of Members

- A) There are five members of the Board of Veterinary Medicine and Surgery.

II. Who Appoints Members of the Board / Is Legislative Approval Required?

- A) The Board of Health appoints the members of the Board of Veterinary Medicine and Surgery. Legislative approval is not required.

III. Term Length

- A) The length of term for service on the Board of Veterinary Medicine and Surgery is up to two consecutive five year terms, on a rotating basis.

IV. Qualifications for Membership of the Board

- A) The Board of Veterinary Medicine and Surgery is made up of four professional members and one public member, including three licensed Veterinarians and one licensed Veterinary Technician. The professional members shall have held and maintained an active credential and be and have been actively engaged in the practice of his or her profession for a period of five years just preceding his or her appointment and shall maintain such credential and practice while serving as a board member.

V. The Number of Meetings Required Per Year / Meetings Actually Held

- A) For fiscal year (FY) 2014-2015: Meetings Required – 1; Meetings Held – 4.  
B) For FY 2015-2016: Meetings Required – 1; Meetings Held – 4.  
C) For FY 2016-2017: Meetings Required – 1; Meetings Held – 4.  
D) For FY 2017-2018: Meetings Required – 1; Meetings Held – 4.

E) For FY 2018-2019: Meetings Required – 1; Meetings Held – 4.

#### VI. Annual Budget Information for the Previous Five Years

A) The Board of Veterinary Medicine and Surgery is cash-funded from licensure fees. Funds for credentialed occupations may come from interest earned on the Professional and Occupational Credentialing Cash Fund, certification and verification of credentials, administrative fees, reinstatement fees, general funds and federal funds, fees for miscellaneous services, gifts, and grants.

B) For FY 2014-2015: \$11,939

C) For FY 2015-2016: \$18,836

D) For FY 2016-2017: \$78,847

E) For FY 2017-2018: \$91,612

F) For FY 2018-2019: \$87,645

#### VII. Statement from Occupational Board on Effectiveness of Regulations

A) The Board of Veterinary Medicine and Surgery stated “We believe the occupational regulations overseen by the Board have been effective as they have justly served the public and have helped ensure that both licensed veterinarians and veterinary technicians are held accountable for upholding the standards of veterinary practice set forth by the State of Nebraska. Regulations provide a systematic, evidence-based means of documenting the safety and efficacy of products before production, marketing, and use. Regulatory programs provide veterinarians, farmers, and other animal medicine users with greater assurance veterinary drugs/biologicals will be safe and effective in preventing and mitigating disease. Regulatory controls ensure human food obtained from treated animals is safe. Furthermore, they help ensure potential toxicological and microbiological hazards associated with the use of veterinary medicines have been adequately evaluated. We have worked with HHS and other groups to consistently evaluate regulations and it is our practice to ensure we are always working to identify, discuss and potentially collaborate with others on potential changes or updates to these essential regulations.”

### **AUTHORIZATION**

#### I. Statutory Authorization

A) Statutory authorization for the Veterinarian, Veterinarian Technician, and Animal Therapist occupations may be found in the Nebraska Revised Statutes, sections [38-3301](#) to [38-3335](#), which may be cited as the Veterinary Medicine and Surgery Practice Act. For text of the Nebraska

statutes relating to the Veterinarian, Veterinary Technician, and Animal Therapist occupations, see Appendix A.

II. Other Authorization

- A) Rules and regulations regarding the practice of Veterinary Medicine and Surgery may be found in the Nebraska Administrative Code [Title 172, Chapter 180](#). Rules and regulations regarding the licensure of Animal Therapists may be found in the Nebraska Administrative Code [Title 172, Chapter 182](#).

**CREDENTIALING**

I. Number of Licenses, Certifications, or Registrations Issued In Past Five Years

- A) There were 566 licenses issued in the past five years, including 316 Veterinarian licenses; 233 Veterinary Technician licenses; and 17 Animal Therapist licenses.

II. Number of Licenses, Certifications, or Registrations Denied in Past Five Years

- A) There have been 153 licenses denied in the past five years, including 12 Veterinarian licenses; 1 Animal Therapist license; and 140 Veterinary Technician licenses.
- B) Grounds for denial include misrepresentation of material facts, failure to complete required examinations, failure to provide licensure fees, and immoral or dishonorable conduct, amongst other grounds.

III. Number of Licenses, Certifications, or Registrations Revoked in Past Five Years

- A) There have been six licenses revoked in the past five years, including two veterinarian licenses and four veterinarian technician licenses.
- B) Reasons for revocation included violation of department orders, alcohol dependency, probation violation, failure to report conviction within 30 days, felony conviction, and misdemeanor conviction.

IV. Number of Licenses, Certifications, or Registrations Penalized in Past Five Years

- A) There have been 72 licenses penalized in the past five years, including 49 Veterinarian licenses, and 23 Veterinary Technician licenses.
- B) Reasons for penalizations include permitting aiding and abetting, violation of department orders, alcohol dependency, prescribing to oneself, probation violation, unprofessional conduct, severe alcohol use disorder, failure to keep adequate records, history of disciplinary action, pattern of negligence, practice beyond scope, falsification of patient

records, obtaining fee by fraud, controlled substance dependence, failure to comply with aftercare, practice while impaired, failure to file required reports, and misdemeanor convictions.

V. Comparison of How Other States Regulate This Occupation

- A) Veterinarians are required to be licensed in all 50 states. Veterinary Technicians are regulated in all fifty states. Most states require at least certification of Veterinary Technicians. States that license veterinary technicians include Alaska, Alabama, Delaware, Georgia, Michigan, Nebraska, Nevada, New York, North Dakota, Tennessee, Texas, Virginia, and Washington. States that require certification of Veterinary Technicians include Arkansas, Arizona, Colorado, Florida, Idaho, Illinois, Massachusetts, Minnesota, Montana, Mississippi, New Hampshire, New Jersey, Oregon, Rhode Island, Pennsylvania, South Carolina, Vermont, Wisconsin and Wyoming. The National Association of Veterinary Technicians in America maintains a website with credentialing information, found [here](#). The International Association of Animal Massage and Bodywork website maintains a list of state laws regarding Animal Therapy, which may be found [here](#).

VI. What Is The Potential Harm if This Occupation Is No Longer Licensed, Certified, or Regulated?

- A) If the Veterinarian, Veterinarian Technician, or Animal Therapist occupations were no longer licensed, certified, or regulated, there could be a broad detrimental impact to the public health, safety, and welfare. There would be inadequate monitoring and controls over use of substances available through veterinary markets. Overuse or abuse of these substances would be detrimental to food safety for consumers. Individuals who have not been adequately educated or trained would be allowed to perform medical procedures on animals ranging from household pets to commercial livestock, which would negatively affect the public health, safety, and welfare.

**COMMITTEE RECOMMENDATION ON CONTINUATION, MODIFICATION, OR TERMINATION OF OCCUPATIONAL REGULATIONS**

Regulated occupations under the purview of the Health and Human Services Committee are unique in that through the Nebraska Regulation of Health Professions Act (Neb. Rev. Stat. Sections 71-6201 to 71-6229), health professions which are not licensed or regulated, or health professions that wish to change their scope of practice, go through a three-stage credentialing process.

Credentialing review is a three-stage process conducted by the following review bodies in the following order:

- 1) The review of an ad hoc technical review committee appointed by the Director of the Division of Public Health;
- 2) The review of the State Board of Health;
- 3) The review of the Director of the Division of Public Health.

The three review bodies each create their own independent report on each proposal. All reports created by the review process are available to members of the Health and Human Services Committee to assist them during their review of any bills that might arise from credentialing review proposals. These reports include recommendations regarding the level of licensure of the health profession. These reports are advisory to the Legislature, and only the action of the Legislature may create changes in the regulatory status of a profession. These reports represent expert input into possible public health and safety aspects of credentialing review proposals, and the nine-month process is overseen by those with experience in the provision of health-related or medical services.

The licenses, certifications, and registrations overseen by the Board of Veterinary Medicine and Surgery and the Department of Health and Human Services are intended to protect the health, safety, and welfare of Nebraskans. The current regulation of the Veterinarian, Veterinary Technician, and Animal Therapist occupations by licensure is appropriate and balanced and does not need modification at this time.

## **APPENDIX A**

## STATUTES PERTAINING TO VETERINARY MEDICINE AND SURGERY PRACTICE ACT

### **38-3301. Act, how cited.**

Sections 38-3301 to 38-3335 shall be known and may be cited as the Veterinary Medicine and Surgery Practice Act.

**Source:** Laws 1967, c. 439, § 1, p. 1353; Laws 1988, LB 1100, § 54; Laws 2000, LB 833, § 3; R.S.1943, (2003), § 71-1,153; Laws 2007, LB463, § 1083; Laws 2009, LB463, § 2; Laws 2011, LB687, § 2; Laws 2018, LB596, § 1.

### **38-3302. Definitions, where found.**

For purposes of the Veterinary Medicine and Surgery Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-3303 to 38-3318 apply.

**Source:** Laws 2007, LB463, § 1084; Laws 2009, LB463, § 3; Laws 2018, LB596, § 2.

### **38-3303. Accredited school of veterinary medicine, defined.**

Accredited school of veterinary medicine means:

- (1) One approved by the board;
- (2) A veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent; and
- (3) One that conforms to the standards required for accreditation by the American Veterinary Medical Association.

**Source:** Laws 2007, LB463, § 1085.

### **38-3304. Animal, defined.**

Animal means any animal other than man and includes birds, fish, and reptiles, wild or domestic, living or dead, except domestic poultry.

**Source:** Laws 2007, LB463, § 1086.

### **38-3305. Approved veterinary technician program, defined.**

Approved veterinary technician program means:

- (1) One approved by the board;
- (2) A school or college that offers the degree of Veterinary Technician, a degree in veterinary technology, or the equivalent; and
- (3) One that conforms to the standards required for accreditation by the American Veterinary Medical Association.

**Source:** Laws 2007, LB463, § 1087.

### **38-3306. Board, defined.**

Board means the Board of Veterinary Medicine and Surgery.

**Source:** Laws 2007, LB463, § 1088.

### **38-3307. Direct supervision, defined.**

Direct supervision means that the supervisor is on the premises and is available to the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

**Source:** Laws 2007, LB463, § 1089.

#### **38-3307.01. Health care therapy, defined.**

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

**Source:** Laws 2009, LB463, § 4.

#### **38-3307.02. Equine, cat, and dog massage practice, defined.**

Equine, cat, and dog massage practice means the application of hands-on massage techniques for the purpose of increasing circulation, relaxing muscle spasms, relieving tension, enhancing muscle tone, and increasing range of motion in equines, cats, and dogs.

**Source:** Laws 2018, LB596, § 3.



**38-3308. Immediate supervision, defined.**

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

**Source:** Laws 2007, LB463, § 1090.

**38-3309. Indirect supervision, defined.**

Indirect supervision means that the supervisor is not on the premises but is easily accessible and has given written or oral instructions for treatment of the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

**Source:** Laws 2007, LB463, § 1091.

**38-3309.01. Licensed animal therapist, defined.**

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

**Source:** Laws 2009, LB463, § 5.

**38-3310. Licensed veterinarian, defined.**

Licensed veterinarian means a person who is validly and currently licensed to practice veterinary medicine and surgery in this state.

**Source:** Laws 2007, LB463, § 1092.

**38-3311. Licensed veterinary technician, defined.**

Licensed veterinary technician means an individual who is validly and currently licensed as a veterinary technician in this state.

**Source:** Laws 2007, LB463, § 1093.

**38-3312. Practice of veterinary medicine and surgery, defined.**

Practice of veterinary medicine and surgery means:

- (1) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy or fertility or for correcting sterility or infertility. The acts described in this subdivision shall not be done without a valid veterinarian-client-patient relationship;
- (2) To render advice or recommendation with regard to any act described in subdivision (1) of this section;
- (3) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subdivision (1) of this section; and
- (4) To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subdivision (1) of this section.

**Source:** Laws 2007, LB463, § 1094.

**38-3313. Supervisor, defined.**

Supervisor means a licensed veterinarian or licensed veterinary technician as required by statute or rule or regulation for the particular delegated task being performed by a veterinary technician or unlicensed assistant.

**Source:** Laws 2007, LB463, § 1095.

**38-3314. Unlicensed assistant, defined.**

Unlicensed assistant means an individual who is not a licensed veterinarian, a licensed veterinary technician, or a licensed animal therapist and who is working in veterinary medicine. Unlicensed assistant does not include a person engaged in equine, cat, and dog massage practice.

**Source:** Laws 2007, LB463, § 1096; Laws 2009, LB463, § 6; Laws 2018, LB596, § 4.

**38-3315. Veterinarian, defined.**

Veterinarian means a person who has received a degree of Doctor of Veterinary Medicine from an accredited school of veterinary medicine or its equivalent.

**Source:** Laws 2007, LB463, § 1097.

**38-3316. Veterinarian-client-patient relationship, defined.**

Veterinarian-client-patient relationship means that:

- (1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions;
- (2) The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and
- (3) The veterinarian is readily available or has arranged for emergency coverage and for followup evaluation in the event of adverse reactions or the failure of the treatment regimen.

**Source:** Laws 2007, LB463, § 1098.

**38-3317. Veterinary medicine and surgery, defined.**

Veterinary medicine and surgery includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.

**Source:** Laws 2007, LB463, § 1099.

**Annotations**

- Given its ordinary meaning, dentistry, as used in this section, includes procedures performed in an animal's mouth. State ex rel. Dept. of Health v. Jeffrey, 247 Neb. 100, 525 N.W.2d 193 (1994).

**38-3318. Veterinary technician, defined.**

Veterinary technician means an individual who has received a degree in veterinary technology from an approved veterinary technician program or its equivalent.

**Source:** Laws 2007, LB463, § 1100.

**38-3319. Board; membership; qualifications.**

The board shall consist of five members, including three licensed veterinarians, one licensed veterinary technician, and one public member.

**Source:** Laws 2007, LB463, § 1101.

**38-3320. Board; purpose.**

The purpose of the board is to: (1) Provide for the health, safety, and welfare of the citizens; (2) insure that veterinarians and veterinary technicians serving the public meet minimum standards of proficiency and competency; (3) insure that schools of veterinary medicine and surgery and veterinary technician programs meet the educational needs of the students and qualify students to serve the public in a safe and efficient manner; and (4) control the field of veterinary medicine and surgery in the interest of consumer protection.

**Source:** Laws 1979, LB 96, § 1; Laws 1999, LB 828, § 127; Laws 2000, LB 833, § 2; R.S.1943, (2003) § 71-1,152.01; Laws 2007, LB463, § 1102.

**38-3321. Veterinarian; veterinary technician; animal therapist; license; required; exceptions.**

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

- (1) An employee of the federal, state, or local government from performing his or her official duties;
- (2) A person who is a student in a veterinary school from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian;
- (3) A person who is a student in an approved veterinary technician program from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian or a licensed veterinary technician;
- (4) Any merchant or manufacturer from selling feed or feeds whether medicated or nonmedicated;
- (5) A veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state;
- (6) Any merchant or manufacturer from selling from his or her established place of business medicines, appliances, or other products used in the prevention or treatment of animal diseases or any merchant or manufacturer's representative from conducting educational meetings to explain the use of his or her products or from investigating and advising on problems developing from the use of his or her products;

(7) An owner of livestock or a bona fide farm or ranch employee from performing any act of vaccination, surgery, pregnancy testing, retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovine, or the administration of drugs in the treatment of domestic animals under his or her custody or ownership nor the exchange of services between persons or bona fide employees who are principally farm or ranch operators or employees in the performance of these acts;

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

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

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

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

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

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

(13) Any person who holds a valid credential in the State of Nebraska in a health care profession or occupation regulated under the Uniform Credentialing Act from consulting with a licensed veterinarian or performing collaborative animal health care tasks on an animal under the care of such veterinarian if all such tasks are performed under the immediate supervision of such veterinarian;

(14) A person from performing a retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovine, if the procedure is being performed by a person who (a) holds a doctorate degree in animal science with an emphasis in reproductive physiology from an accredited college or university and (b) has and can show proof of valid professional liability insurance; or

(15) Any person engaging solely in equine, cat, and dog massage practice.

**Source:** Laws 1967, c. 439, § 3, p. 1354; Laws 1986, LB 926, § 47; Laws 1988, LB 1100, § 56; Laws 2002, LB 1021, § 23; Laws 2004, LB 1005, § 18; Laws 2005, LB 301, § 11; R.S.Supp.,2006, § 71-1,155; Laws 2007, LB463, § 1103; Laws 2008, LB928, § 13; Laws 2009, LB463, § 7; Laws 2012, LB686, § 1; Laws 2018, LB596, § 5.

#### **Annotations**

- Subsection (6) of this section applies to owners or bona fide farm or ranch employees who work on their own animals, not another person's animals, unless an exchange of services is involved. State ex rel. Dept. of Health v. Jeffrey, 247 Neb. 100, 525 N.W.2d 193 (1994).

#### **38-3322. Veterinary medicine and surgery; license; application; qualifications.**

Each applicant for a license to practice veterinary medicine and surgery in this state shall present to the department:

(1) Proof that the applicant is a graduate of an accredited school of veterinary medicine or holds a certificate issued by an entity that determines educational equivalence approved by the board indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine;

(2) Proof that the applicant has passed an examination approved by the board; and

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

**Source:** Laws 1967, c. 439, § 6, p. 1358; Laws 1974, LB 811, § 15; Laws 1975, LB 255, § 1; Laws 1987, LB 473, § 26; Laws 1988, LB 1100, § 58; Laws 2000, LB 833, § 8; Laws 2002, LB 1062, § 35; Laws 2003, LB 242, § 55; R.S.1943, (2003), § 71-1,158; Laws 2007, LB463, § 1104.

#### **Cross References**

- **Credentialing**, general requirements and issuance procedures, see section 38-121 et seq.

#### **38-3323. Veterinary medicine and surgery; license; validity.**

Any person holding a valid license to practice veterinary medicine and surgery in this state on October 23, 1967, shall be recognized as a licensed veterinarian and shall be entitled to retain such status so long as he or she complies with the Veterinary Medicine and Surgery Practice Act and the provisions of the Uniform Credentialing Act relating to veterinary medicine and surgery.

**Source:** Laws 1967, c. 439, § 5, p. 1358; Laws 1988, LB 1100, § 57; R.S.1943, (2003), § 71-1,157; Laws 2007, LB463, § 1105.

**38-3324. Board; disciplinary actions; grounds.**

A license to practice veterinary medicine and surgery may be denied, refused renewal, limited, revoked, or suspended or have other disciplinary measures taken against it in accordance with section 38-196 when the applicant or licensee is guilty of any of the acts or offenses specified in sections 38-178 and 38-179 and for any of the following reasons:

- (1) Fraud or dishonesty in the application or reporting of any test for disease in animals;
- (2) Failure to keep veterinary premises and equipment in a clean and sanitary condition;
- (3) Failure to report, as required by law, or making false report of, any contagious or infectious disease;
- (4) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates; or
- (5) Cruelty to animals.

**Source:** Laws 1967, c. 439, § 11, p. 1361; Laws 1988, LB 1100, § 62; R.S.1943, (2003), § 71-1,163; Laws 2007, LB463, § 1106.

**38-3325. Veterinary technician; license; requirements; temporary license.**

(1) To be a licensed veterinary technician in this state, an individual shall (a) be a graduate of an approved veterinary technician program and (b) receive a passing score on a national examination approved by the board.  
(2) The department may grant a temporary license to practice as a veterinary technician for up to one year upon application by:

- (a) A graduate of an approved veterinary technician program pending passage of the national examination approved by the board; or
- (b) A person lawfully authorized to practice as a veterinary technician in another state pending completion of the application for a license under the Veterinary Medicine and Surgery Practice Act.

**Source:** Laws 2000, LB 833, § 6; Laws 2002, LB 1021, § 25; Laws 2003, LB 242, § 57; R.S.1943, (2003), § 71-1,165; Laws 2007, LB463, § 1107; Laws 2016, LB908, § 1.

**Cross References**

- **Credentialing**, general requirements and issuance procedures, see section 38-121 et seq.

**38-3326. Veterinary technicians; rules and regulations.**

The department, with the recommendation of the board, shall adopt and promulgate rules and regulations providing for (1) licensure of veterinary technicians meeting the requirements of section 38-3325 and (2) standards for the level of supervision required for particular delegated animal health care tasks and which determine which tasks may be performed by a licensed veterinary technician and by unlicensed assistants. The level of supervision may be immediate supervision, direct supervision, or indirect supervision as determined by the department, with the recommendation of the board, based upon the complexity and requirements of the task.

**Source:** Laws 2000, LB 833, § 7; Laws 2003, LB 242, § 58; Laws 2003, LB 245, § 14; R.S.1943, (2003), § 71-1,166; Laws 2007, LB463, § 1108.

**38-3327. Applicant; reciprocity; requirements; military spouse; temporary license.**

(1) An applicant for a license to practice veterinary medicine and surgery based on a license in another state or territory of the United States, the District of Columbia, or a Canadian province shall meet the standards set by the board pursuant to section 38-126 and shall have been actively engaged in the practice of such profession at least one of the three years immediately preceding the application under a license in another state or territory of the United States, the District of Columbia, or a Canadian province.

(2) An applicant for a license to practice as a licensed veterinary technician based on a license in another state or territory of the United States, the District of Columbia, or a Canadian province shall meet the standards set by the board pursuant to section 38-126 and shall have been actively engaged in the practice of such profession at least one of the three years immediately preceding the application under a license in another state or territory of the United States, the District of Columbia, or a Canadian province.

(3) An applicant who is a military spouse may apply for a temporary license to practice veterinary medicine and surgery or to practice as a licensed veterinary technician as provided in section 38-129.01.

**Source:** Laws 2007, LB463, § 1109; Laws 2017, LB88, § 90.

**38-3328. Fees.**

The department shall establish and collect fees for credentialing under the Veterinary Medicine and Surgery Practice Act as provided in sections 38-151 to 38-157.

**Source:** Laws 2007, LB463, § 1110.

**38-3329. Advertising; offer of services; limitation.**

(1) Only a licensed veterinarian may advertise or offer his or her services in a manner calculated to lead others to believe that he or she is a licensed veterinarian.

(2) Only a licensed veterinary technician may advertise or offer his or her services in a manner calculated to lead others to believe that he or she is a licensed veterinary technician.

**Source:** Laws 2007, LB463, § 1111.

**38-3330. Disclosure of information; restrictions.**

(1) Unless required by any state or local law for contagious or infectious disease reporting or other public health and safety purpose, no veterinarian licensed under the Veterinary Medicine and Surgery Practice Act shall be required to disclose any information concerning the veterinarian's care of an animal except under a written authorization or other waiver by the veterinarian's client or pursuant to a court order or a subpoena. A veterinarian who releases information under a written authorization or other waiver by the client or pursuant to a court order or a subpoena is not liable to the client or any other person.

(2) The privilege provided by this section is waived to the extent that the veterinarian's client or the owner of the animal places the veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding.

(3) The privilege provided by this section is waived to the extent and for purposes of notifying any owner or manager of cattle that have a significant risk for exposure to bovine trichomoniasis. A veterinarian who releases information about the risk for exposure to bovine trichomoniasis is not liable to the client or any other person.

(4) For purposes of this section, veterinarian includes the employees or agents of the licensed veterinarian while acting for or on behalf of such veterinarian.

**Source:** Laws 2000, LB 833, § 5; R.S.1943, (2003), § 71-1,164; Laws 2007, LB463, § 1112; Laws 2013, LB423, § 3.

**38-3331. Civil penalty; recovery; lien.**

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

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

(3) Any civil penalty assessed and unpaid under this section shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of the State of Nebraska in the district court of the county in which the violator resides or owns property. The department may also collect in such action attorney's fees and costs incurred in the collection of the civil penalty. The department shall, within thirty days after receipt, transmit any collected civil penalty to the State Treasurer to be disposed of in accordance with Article VII, section 5, of the Constitution of Nebraska.

**Source:** Laws 2009, LB463, § 8.

**38-3332. Animal therapist; license; application; qualifications.**

Each applicant for a license as an animal therapist in this state shall present to the department:

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

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

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

**Source:** Laws 2009, LB463, § 9.

**38-3333. Animal therapist; health care therapy; conditions; letter of referral; liability.**

(1) A licensed animal therapist may perform health care therapy on an animal only if:

(a) The health care therapy is consistent with the licensed animal therapist's training required for the license referred to under subdivision (1) of section 38-3332;

(b) The owner of the animal presents to the licensed animal therapist a prior letter of referral for health care therapy that includes a veterinary medical diagnosis and evaluation completed by a licensed veterinarian who has

a veterinarian-client-patient relationship with the owner and the animal and has made the diagnosis and evaluation within ninety days immediately preceding the date of the initiation of the health care therapy; and (c) The licensed animal therapist provides health care therapy reports at least monthly to the referring veterinarian, except that a report is not required for any month in which health care therapy was not provided. (2) A licensed veterinarian who prepares a letter of referral for health care therapy by a licensed animal therapist shall not be liable for damages caused to the animal as a result of the health care therapy performed by the licensed animal therapist.

**Source:** Laws 2009, LB463, § 10.

**38-3334. Animal therapist; additional disciplinary grounds.**

In addition to the grounds for disciplinary action found in sections 38-178 and 38-179, a license to practice as a licensed animal therapist may be denied, refused renewal, limited, revoked, or suspended or have other disciplinary measures taken against it in accordance with section 38-196 when the applicant or licensee is subjected to disciplinary measures with regard to his or her license referred to under subdivision (1) of section 38-3332.

**Source:** Laws 2009, LB463, § 11.

**38-3335. Veterinarian locum tenens; issuance; requirements; term.**

When circumstances indicate a need for the issuance of a veterinarian locum tenens in the State of Nebraska, the department, with the recommendation of the board, may issue a veterinarian locum tenens to an individual who holds an active license to practice veterinary medicine and surgery in another state if the requirements regarding education and examination for licensure in that state are equal to or exceed the requirements regarding education and examination for licensure in Nebraska. A veterinarian locum tenens may be issued for a period not to exceed ninety days in any twelve-month period.

**Source:** Laws 2011, LB687, § 3.