

Enrolled House Bill 2474

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon State Veterinary Medical Examining Board)

CHAPTER

AN ACT

Relating to veterinary medicine; creating new provisions; amending ORS 686.010 and 686.260; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 686.010 is amended to read:

686.010. As used in this chapter, unless the context requires otherwise:

(1) "Animal medical problem" means any wound, injury, disease, discomfort, abnormality, deformity or defect of an animal.

(2) "Board" means the Oregon State Veterinary Medical Examining Board.

(3) "Veterinary college, or veterinary department of a university or college, of good standing and reput[e,]" means any veterinary college or department of a university or college, legally organized, which is approved and placed on the accredited list by the board, but in any event the accreditation requirements of the board shall be no more restrictive than the accreditation standards of the American Veterinary Medical Association.

(4) "Veterinary facility" has the meaning given that term by the board by rule.

[4] (5) "Veterinary technician" means an individual who has received a certificate in veterinary technology, or a comparable certificate, from a recognized college or university approved by the Oregon State Veterinary Medical Examining Board, or an individual employed as a veterinary technician who has had at least four calendar years of on-the-job training in the technical procedures certified by a licensed veterinarian who presented the instruction.

SECTION 2. Section 3 of this 2015 Act is added to and made a part of ORS chapter 686.

SECTION 3. (1) A veterinary facility may not offer services related to the practice of veterinary medicine, surgery or dentistry, as described in ORS 686.030, unless the veterinary facility:

(a) Registers with the Oregon State Veterinary Medical Examining Board; and

(b) Designates a veterinarian licensed under this chapter to be responsible for ensuring that the veterinary facility is in compliance with this section and rules adopted by the board under this section.

(2) The board shall adopt rules establishing:

(a) The form and manner of registering under this section;

(b) The form and manner of renewing a registration under this section;

(c) Fees for registering or renewing a registration under this section; and

(d) Health and safety standards for veterinary facilities.

(3) The board may inspect a veterinary facility to ensure that the veterinary facility is in compliance with this section and rules adopted under this section.

(4) Subject to the provisions of ORS chapter 183, the board may suspend or revoke the registration of a veterinary facility if the veterinary facility changes ownership, does not retain a designated veterinarian with the responsibilities described in subsection (1)(b) of this section or fails to comply with this section or any rule adopted by the board under this section.

(5) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees, the fees established under subsection (2)(c) of this section may not exceed the cost of administering this section or rules adopted under this section, as authorized by the Legislative Assembly within the Oregon State Veterinary Medical Examining Board's budget, as the budget may be modified by the Emergency Board.

SECTION 4. ORS 686.260 is amended to read:

686.260. (1) Upon the complaint of any resident of this state, or upon [its] the board's own initiative, the Oregon State Veterinary Medical Examining Board may investigate any alleged violation of this chapter.

(2) While conducting an investigation, the board may:

(a) Take evidence;

(b) Take depositions of witnesses, including the deposition of the person who is the subject of the investigation, in the manner provided by law in civil cases;

(c) Compel the appearance of witnesses, including the person who is the subject of the investigation, in the manner provided by law in civil cases;

(d) Require answers to interrogatories;

(e) Compel the production of books, papers, electronic files, accounts and other documents pertaining to the investigation;

(f) Issue subpoenas;

(g) Inspect the premises of a [veterinary] facility in which any part of a licensee's practice of veterinary medicine is conducted if the board has evidence of conditions that are [deficient or] not in compliance with standards for [veterinary medical] facilities adopted by rule by the board; [and]

(h) Inspect the premises of a veterinary facility if the board has evidence of conditions that are not in compliance with standards for veterinary facilities adopted under section 3 of this 2015 Act; and

[(h)] (i) Order an applicant for licensure or a licensee to undergo a mental examination, a physical examination or a professional competency examination when the board has evidence indicating the incapacity of the applicant or licensee to practice veterinary medicine safely.

(3) If after such investigation the board has reason to believe that any person is subject to prosecution criminally for the violation of this chapter, the board shall report the case to the appropriate district attorney or to the Attorney General.

SECTION 5. (1) Sections 2 and 3 of this 2015 Act and the amendments to ORS 686.010 and 686.260 by sections 1 and 4 of this 2015 Act become operative on January 1, 2016.

(2) The Oregon State Veterinary Medical Examining Board may take any action necessary before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the board by sections 2 and 3 of this 2015 Act and the amendments to ORS 686.010 and 686.260 by sections 1 and 4 of this 2015 Act.

SECTION 6. Section 7 of this 2015 Act is added to and made a part of ORS chapter 686.

SECTION 7. (1) For the purpose of adopting, amending or repealing rules under ORS 686.010 (4) or section 3 of this 2015 Act, the Oregon State Veterinary Medical Examining Board shall convene a rules advisory committee as described in ORS 183.333.

(2) The rules advisory committee convened pursuant to subsection (1) of this section must include, if available and willing to participate, the following 11 members:

- (a) An individual who represents rural veterinary facilities;
- (b) An individual who represents urban veterinary facilities;
- (c) An individual who represents mixed animal practice veterinary facilities;
- (d) An individual who represents large animal practice veterinary facilities;
- (e) An individual who represents a nonprofit animal shelter;
- (f) An individual who represents a nonprofit organization that provides care for indigent animals;
- (g) An individual who represents the College of Veterinary Medicine, Oregon State University;
- (h) An individual who is a certified veterinary technician or who represents a veterinary technology program offered in this state and accredited by the American Veterinary Medical Association;
- (i) Two current members of the board; and
- (j) One former member of the board.

(3) The rules advisory committee convened pursuant to subsection (1) of this section shall report to the board no later than October 31, 2015, on the committee's recommendations with respect to adopting the rules described in subsection (1) of this section.

SECTION 8. Section 7 of this 2015 Act is repealed on January 1, 2020.

SECTION 9. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House April 13, 2015

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 Timothy G. Sekerak, Chief Clerk of House

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 Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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 Kate Brown, Governor

Passed by Senate June 23, 2015

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 Peter Courtney, President of Senate

Filed in Office of Secretary of State:

.....M.,....., 2015

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 Jeanne P. Atkins, Secretary of State