

HOUSE No. 1017

The Commonwealth of Massachusetts

PRESENTED BY:

Vincent A. Pedone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to provide for the safe care and treatment of animals.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Vincent A. Pedone

15th Worcester

Angelo J. Puppolo, Jr.

12th Hampden

HOUSE No. 1017

By Mr. Pedone of Worcester, a petition (accompanied by bill, House, No. 1017) of Vincent A. Pedone and Angelo J. Puppolo, Jr. relative to further regulating veterinary technicians and veterinary technologists. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Eleven
—————

An Act to provide for the safe care and treatment of animals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 1 SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out
2 section 54A, as 2 appearing in the 2006 Official Edition, the section and inserting in place
3 thereof the following section:-

4 3 Section 54A. As used in sections 54 to 60, inclusive, the following words shall have the
5 following 4 meanings:-

6 5 "Animal", any animal other than man including wild or domestic fowl, birds, fish or
7 reptiles, living or dead.

8 6 "Approved veterinary school", any veterinary college or division of a university or
9 college that offers the 7 degree of doctor of veterinary medicine or its equivalent and which
10 conforms to the standards required for 8 accreditation by the American veterinary medical
11 association, the board of veterinary medicine of the 9 commonwealth, or the approving authority.

12 10 "Approved veterinary technology school", any veterinary technology college or
13 division of a university or 11 college that offers a program that is accredited according to the
14 standards adopted by the American 12 veterinary medical association's committee on veterinary
15 technician education and activities

16 13 "Approving authority", 3 members from the board of registration in veterinary
17 medicine; 1 veterinary officer 14 from the division of animal health; 1 member representing the
18 Massachusetts Veterinary Association, and 15 5 members representing the Massachusetts
19 Veterinary Technician Association.

20 16 "Board", the board of registration in veterinary medicine of the commonwealth.

21 17 "Emergency", when an animal is placed in a life-threatening condition and immediate
22 treatment is 18 necessary to sustain life.

23 19 "Veterinarian", a person who has received a doctors' degree in veterinary medicine
24 from a school of 20 veterinary medicine. 21 "Veterinary medicine", shall include veterinary
25 surgery, obstetrics, dentistry, and all other branches or 22 specialties of veterinary medicine.

26 23 "Veterinary technician", a person who has graduated from an American Veterinary
27 Medical Association- 24 accredited veterinary technology program, with an Associate Degree
28 and who has passed the Veterinary 25 Technician National Exam (VTNE).

29 26 "Veterinary technologist", a person who has graduated from an American Veterinary
30 Medical Association- 27 accredited veterinary technology program, with an Bachelor Degree and
31 who has passed the Veterinary 28 Technician National Exam (VTNE).

32 29 "Veterinary technology", the science and art of providing all aspects of professional
33 medical care and 30 treatment for animals with the exception of diagnosis, prognosis, surgery
34 and prescription.

35 31 "Veterinary assistant", a person who is not a veterinarian or veterinary technician.

36 32 SECTION 2. Said chapter 112 is hereby further amended by inserting after section
37 56E the following 33 section:-

38 34 Section 56F. Veterinary technicians and veterinary technologists shall be licensed and
39 shall be 35 required to pass the Veterinary Technician National Examination (VTNE), with
40 scores as set by the board 36 prior to licensure. Examinations for licensure as a veterinary
41 technician and veterinary technologist shall 37 be held at least annually at a time, place, and date
42 set by the board no later than 90 days prior to the 38 scheduled examination.

43 39 Veterinary technicians and veterinary technologists shall be required to continue their
44 professional 40 education as a condition of maintaining their license of veterinary technology in
45 the commonwealth with 41 12 hours of continuing education annually.

46 42 By a majority vote of the entire board may, for any cause set forth in this section,
47 deny, suspend or 43 revoke for a certain time the license of any person as a veterinary technician
48 or veterinary technologist 44 after notice and a hearing. Causes for which the board may deny,
49 revoke or suspend a license are as 45 follows:-

50 46 a. the employment of fraud, misrepresentation or deception in obtaining such license;

51 47 b. conviction of a felony, in which case the record of such conviction shall be

52 48 conclusive evidence;

53 49 c. conviction of a violation of any state or federal law, regulating narcotics; 50 d.
54 having professional connection with or lending the use of his name to any illegal

55 51 practitioner of veterinary medicine and the various branches thereof; 52 e. conduct
56 reflecting unfavorably on the profession of veterinary technicians and

57 53 veterinary medicine.

58 54 f. conviction on a charge of cruelty to animals; or

59 55 It shall be a class B misdemeanor for any person to use, in connection with the
60 person's name, 56 any designation intending to imply that the person is a veterinary technician or
61 a licensed veterinary 57 technician unless said person meets the requirements contained in this
62 chapter. In addition is shall be a 58 class B misdemeanor for any veterinary facility employee or
63 veterinarian to knowingly employ a non- 59 licensed person to perform the duties of a licensed
64 technician/technologist.

65 60

66 The board may, on its own motion, cause to be investigated any report indicating that a
67 licensed 61 veterinary technician is or may be in violation of the provisions of this chapter. Any
68 person who in good 62 faith reports to the board any information that a licensed veterinary
69 technician is or may be in violation of 63 any provisions of this chapter is not subject to suit for
70 civil damages as a result thereof.

71 64 All licenses issued to veterinary technicians and veterinary technologists shall expire
72 annually on

73 st 65 December 31 unless renewed.

74 66 All license holders shall submit renewal fees and a current mailing address by dates
75 determined by 67 the board on a renewal form that shall be provided by the board and mailed to
76 all license holders.

77 68 All license holders will be required to submit evidence satisfactory to the board of the
78 successful 69 completion of continuing education as the board shall require by regulation.

79 70 Failure to submit the appropriate license renewal fee by the dates determined by the
80 board shall 71 result in forfeiture of all privileges and rights extended by the license, and the
81 license holder must 72 immediately cease and desist in engaging further in the performance of
82 veterinary technician or veterinary 73 technologist activities under said chapter until payment of
83 a delinquency fee in addition to the license 74 renewal fee had been received by the board.

84 75 Licenses for veterinary technicians/technologists shall be issued bearing the degree
85 "LVT". Licenses for 76 veterinary technologists shall be issued bearing the degree "LVTG".

86 77 Any person who meets the following requirements shall be permitted for a time period
87 of not more 78 than three years from the passage of this act, to sit for the veterinary technician
88 national examination in 79 the commonwealth:-

89 80 (a) Degree from a program in veterinary technology which is not accredited by the
90 American Veterinary 81 Medical Association or a bachelors degree in animal or biological
91 sciences and 1 year full time practical 82 experience consisting of at minimum 1500 hours as a
92 veterinary assistant. 83 (b) Associate degree in animal or biological sciences and 3 years full
93 time practical experience consisting 84 of at minimum 4500 hours as a veterinary assistant. 85
94 (c) Employed 5 years full time as a veterinary assistant, consisting of at minimum 7500 hours in

95 addition 86 to 18 college credits in animal or biological sciences. 87 (d) Employed eight years
96 full time consisting of at minimum 12000 hours as a veterinary assistant.

97 88 The division of professional licensure shall promulgate rules and regulations including
98 the following 89 levels of supervision and safety, provided that the following tasks shall only be
99 performed by a licensed 90 veterinary technician or veterinary technologist, under the direct
100 supervision of a veterinarian licensed to 91 practice in the Commonwealth of Massachusetts, and
101 provided that, the Veterinarian makes a daily 92 physical examination of the patient treated. :-

102 93 (a) (1) "Immediate supervision", a licensed veterinarian is within direct eyesight and
103 hearing range. The 94 following procedures shall require immediate supervision:

104 95 (i) dental extraction not requiring sectioning of a tooth or the re-sectioning of bone;
105 and

106 96 (ii) surgical assistance to a licensed veterinarian within the rules and regulations
107 issued by the board 97 and the laws of the commonwealth.

108 98 (2) "Direct supervision", a licensed veterinarian is on the premises and is readily
109 available. The following 99 procedures shall require direct supervision:

110 100 (i) euthanasia;

111 101 (ii) blood or blood component collection, preparation and administration;

112 102 (iii) application of splints and slings;

113 103 (iv) dental procedures including, but not limited to the removal of calculus, soft
114 deposits, plaque, and 104 stains: the smoothing, filing and polishing of teeth; or the floatation or
115 dressing of equine teeth; and

116 105 (v) induction of anesthesia.

117 106 (3) "Indirect supervision" a licensed veterinarian is not on the premises, but is able to
118 perform the duties 107 of a licensed veterinarian by maintaining direct communication. The
119 following procedures shall require in 108 direct supervision:-

120 109 (i) administration and application of treatments, drugs, medications and
121 immunological agents by 110 parental and injectable routes, subcutaneous, intramuscular, and
122 intravenous, except when conflict with 111 government regulations;

123 112 (ii) initiation of parental fluid administration;

124 113 (iii) intravenous catheterizations;

125 114 (iv) radiography including settings, positioning, processing and safety procedures

126 115 (v) collection of blood; collection of urine by expression, cystocentesis, or catheterization;

127 collection and 116 preparation of tissue, cellular, or microbiological samples by skin scrapings,

128 impressions, or other non- 117 surgical methods except when in conflict with government

129 regulations;

130 118 (vi) routine laboratory test procedures; and

131 119 (vii) supervision of the handling of biohazardous materials.

132 120 (b) Under emergency conditions, a licensed veterinary technician may render the
133 following life-saving aid 121 and treatment:-

134 122 (i) applications of tourniquets or pressure bandages to control hemorrhage;

135 123 (ii) administration of pharmacological agents and parental fluids shall only be
136 performed after direct 124 communication with a licensed veterinarian in the commonwealth and
137 such veterinarian is either present 125 or in route to the location of the distressed animal;

138 126 (iii) Resuscitative procedures;

139 127 (iv) application of temporary splints or bandages to prevent further injury to bones or
140 soft tissues; or

141 128 (v) external supportive treatment in heat prostration cases.

142 129 (c) A licensed veterinary technician shall be prohibited from conducting the
143 following:

144 130 (i) Offering any diagnosis or prognosis;

145 131 (ii) Prescribing any treatments, drugs, medications, or appliances; or

146 132 (ii) Performing surgery.

147 133 (d) Veterinary assistants may perform animal husbandry and animal health care tasks
148 under the 134 supervision of a licensed veterinarian or licensed veterinary
149 technician/technologist.

150 135 SECTION 3. Notwithstanding the foregoing, all veterinary technicians, so-called,
151 certified by the 136 Massachusetts Veterinary Technicians Association on or before the effective
152 date of this act and in good 137 standing shall be grand fathered in bearing all the rights,
153 privileges, and responsibilities as described in 138 said chapter and shall be known as licensed
154 veterinary technicians or licensed veterinary technologists.

155 139 SECTION 4. Any student enrolled in a veterinary technology program in a school or
156 college accredited 140 by the American Veterinary Medical Association, who is engaged in
157 clinical training under the direct 141 supervision and control of a veterinary
158 technician/technologist or veterinarian otherwise licensed to 142 practice in the commonwealth
159 and who is duly registered with an accredited school or college of 143 veterinary technology
160 under its clinical training and externship programs shall be exempt from the 144 veterinary
161 technician licensing provisions of sections one through three, inclusive.