

**HOUSE . . . . . No. 1017**

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**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:	DATE ADDED:
<i>Vincent A. Pedone</i>	<i>15th Worcester</i>	<i>1/20/2011</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/4/2011</i>

**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.