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A294, R336, H3615

STATUS INFORMATION

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Summary: Practice of Veterinary Medicine

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
2/23/2005	House	Introduced and read first time HJ-9
2/23/2005	House	Referred to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-10
4/20/2005	House	Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs HJ-5
4/25/2005		Scrivener's error corrected
4/26/2005	House	Member(s) request name added as sponsor: Mahaffey
4/27/2005	House	Amended HJ-86
4/27/2005	House	Read second time HJ-91
4/28/2005	House	Read third time and sent to Senate HJ-12
5/3/2005	Senate	Introduced and read first time SJ-20
5/3/2005	Senate	Referred to Committee on Labor, Commerce and Industry SJ-20
5/18/2006	Senate	Recalled from Committee on Labor, Commerce and Industry SJ-8
5/18/2006	Senate	Amended SJ-8
5/18/2006	Senate	Read second time SJ-8
5/18/2006	Senate	Unanimous consent for third reading on next legislative day SJ-8
5/19/2006	Senate	Read third time and returned to House with amendments SJ-1
5/19/2006		Scrivener's error corrected
5/24/2006	House	Concurred in Senate amendment and enrolled HJ-41
5/25/2006		Ratified R 336
5/31/2006		Signed By Governor
6/2/2006		Copies available
6/2/2006		Effective date 05/31/06
6/8/2006		Act No. 294

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VERSIONS OF THIS BILL

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(A294, R336, H3615)

AN ACT TO AMEND CHAPTER 69, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRACTICE OF VETERINARY MEDICINE, SO AS TO CONFORM THE CHAPTER TO THE STATUTORY ORGANIZATIONAL FRAMEWORK OF CHAPTER 1, TITLE 40 FOR BOARDS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF VETERINARIANS AND VETERINARY TECHNICIANS INCLUDING, BUT NOT LIMITED TO, ESTABLISHING AN INVESTIGATIVE REVIEW COMMITTEE, REVISING PROCEDURES FOR CONDUCTING HEARINGS, AUTHORIZING STUDENT PRECEPTOR PROGRAMS, PROVIDING PROCEDURES FOR VETERINARIANS IF AN ANIMAL IS ABANDONED IN THEIR CUSTODY, PROVIDING FOR A LIEN ON AN ANIMAL WHEN PAYMENT FOR CARE IS NOT MADE, AND ESTABLISHING CERTAIN REQUIREMENTS FOR EMERGENCY VETERINARY CARE FACILITIES AND MOBILE VETERINARY FACILITIES.

Be it enacted by the General Assembly of the State of South Carolina:

Licensure and regulation of veterinarians; chapter revised

SECTION 1. Chapter 69, Title 40 of the 1976 Code is amended to read:

“CHAPTER 69

Veterinarians

Article 1

General Provisions

Section 40-69-5. Unless otherwise provided for in this chapter, Article 1, Chapter 1 of Title 40 applies to licensed veterinarians and veterinary technicians regulated by the Department of Labor, Licensing and Regulation. If there is a conflict between this chapter and Article 1, Chapter 1 of Title 40, the provisions of this chapter control.

Section 40-69-10. (A) There is created the State Board of Veterinary Medical Examiners to be composed of nine members, one of whom must be a consumer member from the State at large, one of whom must be a licensed veterinary technician practicing in this State, one of whom must be a veterinarian from the State at large, and six of whom must be veterinarians representing each of the six congressional districts. Each veterinarian and veterinary technician must be a resident of the State, licensed by the State, and currently practicing with at least five years of clinical experience. Each veterinarian representing a congressional district must reside in the district that he represents. The consumer member must be a resident of this State. The terms of the members are for six years and until their successors are appointed and qualify. The chairman may only vote in the case of a tie vote by the board.

(B) The veterinarian at large, the veterinary technician, and the consumer member must be appointed by the Governor. The board shall conduct an election to nominate two veterinarians from each congressional district. The election must provide for participation by all veterinarians currently licensed and residing in the respective nominating district. The South Carolina Veterinary Technician Association shall submit up to two names to the Governor as recommendations for the veterinary technician member. The Governor shall also consider nominations from any other individual, group, or association. The names of the nominees must be forwarded to the Governor by the board and the Governor may appoint one of the nominees as the member; however, the Governor may reject any or all of the nominees upon satisfactory showing of the unfitness of those rejected. If the Governor declines to appoint any of the nominees submitted, additional nominees must be submitted in the same manner. All appointments by the Governor must be made with the advice and consent of the Senate. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term.

(C) The Governor may remove a member of the board based on grounds provided for in Section 1-3-240. No member may be removed without first giving the member an opportunity to refute the charges filed against that member, and the member must be given a copy of the charges at the time they are filed.

(D) If a board member is disqualified and the member's absence results in the lack of a quorum or an adequate number of members to perform official functions, the Governor may appoint an individual to replace the member during the period of disqualification. This individual shall meet the same qualifications as the member being

replaced and shall take the same oath as required of other members of the board.

Section 40-69-20. As used in this chapter, unless the context clearly indicates otherwise:

(1) 'Animal' means an animal that is not a human and includes fowl, birds, reptiles, and fish which are wild or domestic, living or dead.

(2) 'Board' means the South Carolina State Board of Veterinary Medical Examiners.

(3) 'Direct supervision' means that a veterinarian currently licensed to practice veterinary medicine in this State is available on the premises and within immediate vocal communication of the supervisee.

(4) 'Emergency clinic' means a facility having as its primary function the receiving, treatment, and monitoring of emergency patients during its specified hours of operation.

(5) 'Emergency hospital' means a facility whose primary function is the receiving, treatment, and monitoring of emergency patients during its specified hours of operation and includes the confinement of emergency patients.

(6) 'Immediate supervision' means that a licensed veterinarian is within direct eyesight and hearing range.

(7) 'Indirect supervision' means the supervising licensed veterinarian is available for immediate voice contact by telephone, radio, or other means, and shall provide consultation and review of cases at the veterinary facility.

(8) 'Investigative Review Committee' (IRC) means an investigative review panel appointed by the board chairman, in consultation with the other members of the board. The IRC must be comprised of four members who are former board members or other experienced licensed veterinarians. The board chairman must appoint the Chairman of the IRC. Veterinarian members of the IRC must have a current license issued pursuant to this chapter to be eligible to serve. The IRC shall review any complaint against a licensed veterinarian or veterinary technician and make a recommendation as to whether the board should proceed with formal action. The board must consider the recommendation of the IRC, but the final determination whether to proceed with formal action must be made by the board.

(9) 'License' means any permit, approval, registration, or certificate issued by the board.

(10) 'Licensed veterinarian' means a person who is licensed pursuant to this chapter to practice veterinary medicine in this State.

(11) 'Licensed veterinary technician' means a person who has received a degree in animal health technology from an American Veterinary Medical Association accredited school offering a program in animal health technology and who has been licensed to practice in this State. This person must be knowledgeable in the care and handling of animals, in the basic principles of normal and abnormal life processes, and in routine laboratory and clinical procedures. The performance of the licensed veterinary technician must be under the supervision of a veterinarian licensed to practice in this State.

(12) 'Mobile facility' means a vehicle with special medical or surgical facilities or a vehicle suitable only for making house or farm calls.

(13) 'Practice of veterinary medicine' means to:

(a) diagnose, prescribe, or administer a drug, medicine, biologic, appliance, or application or treatment of whatever nature for the cure, prevention, or relief of a wound, fracture, or bodily injury or disease of an animal;

(b) perform a surgical operation, including cosmetic surgery, upon an animal;

(c) perform a manual procedure for the diagnosis or treatment for sterility or infertility of an animal, including embryo transplants;

(d) offer, undertake, represent, or hold oneself out as being qualified to diagnose, treat, operate, or prescribe for an animal disease, pain, injury, deformity, or physical condition;

(e) use words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine.

(14) 'School of veterinary medicine' means a veterinary school or college that offers the D.V.M. or equivalent degree and whose course of study conforms to the standards required for accreditation by the American Veterinary Medical Association and approved by the board.

(15) 'Telemedicine' is an audio, video, or data communication of medical information.

(16) 'Temporary license' means temporary permission to practice veterinary medicine or animal technology issued pursuant to this chapter.

(17) 'Therapeutic options or alternate therapies' means, but is not limited to, the veterinary practice of acupuncture, manipulation and adjustment, magnetic field therapy, holistic medicine, homeopathy, herbology/naturopathy, massage, and physical therapy.

(18) 'Veterinarian' means a person who has received a doctor's degree or equivalent in veterinary medicine.

(19) 'Veterinary aide' means a nurse, attendant, intern, technician, or other employee of a veterinarian, other than a licensed veterinary technician.

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

(21) 'Veterinary student preceptee' means a person who is a student enrolled and in good standing in a recognized college of veterinary medicine. The student's presence in a practice may be as part of a normal preceptorship program of the college or as an informal arrangement between the student and a veterinarian licensed by the board.

Section 40-69-30. A person may not practice veterinary medicine without a license issued in accordance with this chapter. A person who uses in connection with his name the words or letters 'D.V.M.', 'V.M.D.', 'Doctor of Veterinary Medicine', 'Veterinary Medical Doctor', or other letters, words, or insignia indicating or implying that one is engaged in the practice of veterinary medicine or who in any other way, orally or in writing or in print or by sign directly or by implication, represents oneself as engaged in the practice of a veterinary medicine without being licensed by the board is subject to the penalties provided for in this chapter.

Section 40-69-40. In addition to the powers and duties enumerated in Section 40-1-50, the board, at the first board meeting in each calendar year, shall elect from the veterinarian members a chairman, vice chairman, and any other officer it considers necessary. The board shall meet at least twice a year and upon the call of the chairman or any two members of the board. Action of the board may be taken at regular or special meetings, and a majority of the appointed members of the board constitutes a quorum.

Section 40-69-50. The board must be administered by the Department of Labor, Licensing and Regulation as a revenue funded board in accordance with Section 40-1-50.

Section 40-69-60. The board may adopt rules governing its proceedings and internal operations, and may promulgate regulations necessary to carry out the provisions of this chapter.

Section 40-69-70. The board shall regulate the issuance of licenses and temporary licenses and shall discipline veterinarians and veterinary

technicians in any manner authorized by this chapter. The powers and duties of this board include, but are not limited to:

- (1) determining the eligibility of applicants for examination and licensure;
- (2) examining applicants for licensure including, but not limited to:
 - (a) prescribing the subjects, character, and manner of licensing examinations;
 - (b) preparing, administering, and grading the examination or assisting in the selection of a contractor for the preparation, administration, or grading of the examination.
- (3) establishing criteria for issuing, renewing, and reactivating authorizations to practice to qualified applicants, including the issuance of active or permanent, temporary, limited, and inactive licenses, or other categories as may be created;
- (4) adopting the American Veterinary Medical Association Code of Professional Ethics and any additional standard of professional conduct the board deems appropriate;
- (5) evaluating and approving continuing education course hours and programs;
- (6) conducting hearings on alleged violations of this chapter and regulations promulgated under this chapter;
- (7) resolving consumer complaints, where appropriate and possible;
- (8) disciplining persons licensed under this chapter in a manner provided for in this chapter;
- (9) promulgating regulations which have been submitted to the Director of the Department of Labor, Licensing and Regulation at least thirty days in advance of filing with the Legislative Council pursuant to Section 1-23-30;
- (10) adopting and enforcing regulations for selling and dispensing prescriptions and controlled veterinary drugs, pharmaceuticals, and biologics in accordance with federal and state laws; and
- (11) adopting and enforcing regulations setting minimum standards for all facilities where veterinary medicine is practiced.

Section 40-69-80. As provided in Section 40-1-80, for the purpose of conducting an investigation under this chapter, the board or a person designated by the board may subpoena witnesses, take evidence, and require the production of documents or records which the board considers relevant to the inquiry.

Section 40-69-90. (A) The department may receive complaints against a licensee from any person, including the board, and shall require the complaints to be submitted in writing and to be signed by

the complainant. The person who is the subject of the complaint must be provided a notice of the complaint including the substance of the allegations within five days after the department begins its investigation. The department shall investigate the allegations in the complaint to the extent that there is a potential violation of this chapter. The department must submit its investigative findings to the IRC, as provided for in Section 40-69-20(8), along with any other additional information related to the investigation requested by any IRC member. The IRC must review the investigation and recommend to the board whether to proceed with formal action. If the board desires to proceed further, it may direct the department to file a formal complaint charging the licensee with a violation of this chapter or a regulation promulgated pursuant to this chapter. If the department files a formal complaint, the department must make the formal complaint and any answer filed by the licensee available for public inspection. The licensee must be provided a copy of the formal complaint prior to making any complaint available for public inspection. The board administrator shall notify the licensee in writing not less than sixty days before the disciplinary hearing. The formal complaint and the hearing notice must be served personally or sent to the licensee by mail, return receipt requested, directed to the last mailing address furnished to the board. The post office receipt signed by the licensee, the licensee's agent, or a responsible member of the licensee's household or office staff or if not accepted by the person to whom addressed, the postal authority stamp showing the notice refused is prima facie evidence of service of the notice. Informal disposition may be made of any complaint, formal or otherwise, by stipulation or consent agreement. No stipulation or consent agreement is final until it has been submitted to and approved by the board.

(B) A licensee has the right to be present and present evidence and argument on all issues involved, to present and to cross-examine witnesses, and to be represented by counsel at the licensee's expense. For the purpose of these hearings, the board may require by subpoena the attendance of witnesses and the production of documents and other evidence and may administer oaths and hear testimony, either oral or documentary, for and against the licensee.

Section 40-69-100. In addition to other remedies provided for in this chapter or Section 40-1-100, the board may issue a cease and desist order or may petition an administrative law judge for a temporary restraining order or other equitable relief to enjoin a violation of this chapter.

Section 40-69-110. (A) In addition to other grounds provided in Section 40-1-110, the board, after notice and a hearing conducted in accordance with the Administrative Procedures Act, may restrict or refuse to grant a license to an applicant or may refuse to renew the license of a licensed person or may suspend, revoke, or restrict a veterinarian or veterinary technician who has:

(1) violated this chapter or a regulation promulgated by the board;

(2) used a false, fraudulent, or forged statement or document or performed a fraudulent, deceitful, or dishonest act by the holder of a license in connection with a license requirement;

(3) failed to display a license;

(4) caused to be published or circulated directly or indirectly a fraudulent, false, or misleading statement as to the skill or methods of practice of a licensee;

(5) misrepresented the inspection of food for human consumption;

(6) used a false or fraudulent statement in a document connected with the practice of veterinary medicine;

(7) obtained fees or assisted in obtaining fees under deceptive, false, or fraudulent circumstances;

(8) failed to provide and maintain facilities as directed by regulation of the board;

(9) refused to allow the board or an authorized representative of the board to inspect the business premises of the licensee during regular business hours;

(10) circulated knowingly untrue, fraudulent, misleading, or deceptive advertising;

(11) engaged in unprofessional or unethical conduct in violation of the American Veterinary Medical Association Code of Professional Ethics or any other standards of professional conduct defined in this chapter or prescribed by regulations of the board;

(12) engaged in conduct determined by the board to be incompetent or negligent in the practice of veterinary medicine;

(13) made a false statement in an oath or affidavit which is required by this chapter;

(14) had another state revoke a license to practice veterinary medicine in that state, pursuant to a disciplinary proceeding;

(15) been convicted on a charge of cruelty to animals;

(16) been convicted of a federal or state law relating to narcotic drugs;

(17) a physical or mental impairment or disability which renders practice dangerous to the public;

(18) performed an act which in any way assists a person to practice in violation of this chapter;

(19) used a controlled substance for other than specific treatment of an animal patient in an illegal manner;

(20) has employed or permitted a person who does not hold a license to practice veterinary medicine in this State to perform work which, under this chapter, can lawfully be done only by a person holding a license to practice veterinary medicine;

(21) practiced veterinary medicine while under the influence of alcohol or any drug to such a degree as to adversely affect the performance of a veterinarian's professional obligations and duties;

(22) been adjudged mentally incompetent by a court of competent jurisdiction; upon notice of a legal determination of incompetency, an individual's license is automatically suspended until the individual is adjudged legally competent;

(23) failed to report, as required by law, or made a false report of a contagious or infectious disease;

(24) been convicted of a felony or a crime involving moral turpitude; forfeiture of a bond or a plea of nolo contendere is considered the equivalent of a conviction;

(25) been disciplined by a licensing or disciplinary authority of a state, country, or nationally recognized professional organization or convicted or disciplined by a court of a state or country for an act that would be grounds for disciplinary action under this section;

(26) has engaged in a pattern or practice of violations of this chapter or regulations promulgated under this chapter.

(B) In enforcing subsection (A), items (16), (17), (19), (21), or (22), the board upon reasonable grounds may require a licensee or applicant to submit to a mental or physical examination by physicians designated by the board. The results of an examination are admissible in a hearing before the board, notwithstanding a claim of privilege under a contrary rule of law or statute. For purposes of this section, a person who accepts the privilege of practicing veterinary medicine in this State or who files an application for a license to practice veterinary medicine in this State is deemed to have consented to submit to a mental or physical examination and to have waived all objections to the admissibility of the results in a hearing before the board upon the grounds that the same constitutes a privileged communication. If a licensee or applicant fails to submit to an examination when properly directed to do so by the board, unless the failure was due to circumstances beyond the person's control, the board shall enter an order automatically suspending or denying the license pending compliance and further order of the board. A licensee or applicant who is prohibited from practicing veterinary

medicine under this subsection must be afforded at reasonable intervals an opportunity to demonstrate to the board the ability to resume or begin the practice of veterinary medicine with reasonable skill and safety to patients.

(C) In enforcing subsection (A), items (16), (17), (19), (21), or (22), the board upon reasonable grounds may obtain records relating to the mental or physical condition of a licensee or applicant including, but not limited to, psychiatric records; and these records are admissible in a hearing before the board, notwithstanding any other provision of law. For purposes of this section, a person who accepts the privilege of practicing veterinary medicine in this State, or who files an application to practice veterinary medicine in this State, is deemed to have consented to the board obtaining these records and to have waived all objections to the admissibility of these records in a hearing before the board upon the grounds that the same constitutes a privileged communication. If a licensee or applicant refuses to sign a written consent for the board to obtain these records when properly requested by the board, unless the failure was due to circumstances beyond the person's control, the board shall enter an order automatically suspending or denying the license pending compliance and further order of the board. A licensee or applicant who is prohibited from practicing veterinary medicine under this subsection must be afforded at reasonable intervals an opportunity to demonstrate to the board the ability to resume or begin the practice of veterinary medicine with reasonable skill and safety to patients.

Section 40-69-115. The board has jurisdiction over the actions of licensees and former licensees as provided for in Section 40-1-115.

Section 40-69-120. Upon a determination by the board, after a disciplinary hearing conducted pursuant to the requirements of this chapter, that one or more of the grounds for discipline of a licensee exists, the board may impose sanctions as provided in Section 40-1-120, including imposing a fine of not more than one thousand dollars for each violation.

Section 40-69-130. As provided for in Section 40-1-130, the board may deny licensure to an applicant based on the same grounds for which the board may take disciplinary action against a licensee.

Section 40-69-140. A license may be denied based on a person's prior criminal record only as provided for in Section 40-1-140.

Section 40-69-150. A licensee under investigation for a violation of this chapter or a regulation promulgated under this chapter may voluntarily surrender the license in accordance with Section 40-1-150.

Section 40-69-160. A person aggrieved by a final action of the board may seek review of the decision in accordance with Section 40-1-160.

Section 40-69-170. A person found in violation of this chapter or a regulation promulgated under this chapter may be required to pay costs associated with the investigation and prosecution of the case in accordance with Section 40-1-170.

Section 40-69-180. All costs and fines imposed pursuant to this chapter must be paid in accordance with and are subject to the collection and enforcement provisions of Section 40-1-180.

Section 40-69-190. (A) The board shall provide written acknowledgement of every initial complaint and notify the initial complainant in writing of the disposition of the matter. Although entitled to notice, an initial complainant is not a party to the proceeding and is not entitled to appeal or otherwise seek review of the dismissal or other disposition of the matter. The complainant has the right to be present at any disciplinary hearing but may only participate as a witness. The disciplinary hearing must be open to the public. The board may deliberate in executive session but must not take any final action during the executive session.

(B) Except as otherwise provided in this chapter, a person connected with any complaint, investigation, or other proceeding before the board, including, but not limited to, the complainant, any witness, counsel, counsel's secretary, board member, board employee, court reporter, or investigator, must not mention the existence of the complaint, investigation, or other proceeding, disclose any information pertaining to the complaint, investigation, or other proceeding, or discuss any testimony or other evidence in the complaint, investigation, or other proceeding, except to persons involved and having a direct interest in the complaint, investigation, or other proceeding, and then only to the extent necessary for the proper disposition of the complaint, investigation, or other proceeding. This prohibition does not apply to any matter contained in a formal complaint and answer made available for public inspection by this chapter or any matter or document disclosed in a public hearing. However, whenever the board receives information in any complaint, investigation, or other proceeding before it indicating a violation of state or federal law, the board may provide

that information, to the extent the board considers necessary, to the appropriate state or federal law enforcement agency or regulatory body.

(C) The board must make its final order, finding that a licensee has violated a provision of this chapter, available for public inspection. The final order must include any facts or circumstances necessary to explain or support the board's findings and describe any sanction imposed. The board's final order must not identify a complainant or witness involved in any disciplinary proceeding alleging sexual misconduct by the licensee upon request of the complainant or witness.

Section 40-69-200. (A) A person who practices or offers to practice veterinary medicine or veterinary technology in violation of this chapter, or who knowingly presents to or files false information with the board for the purpose of obtaining a license, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or more than twenty-five hundred dollars or imprisoned for not less than thirty days. Each act of unlawful practice constitutes a separate offense.

(B) A person performing acts as a licensed veterinary technician in compliance with this chapter may not be deemed to be engaging in the practice of veterinary medicine.

Section 40-69-210. (A) If the board has reason to believe that a person is violating or intends to violate a provision of this chapter, it may, in addition to all other remedies, order the person to immediately desist and refrain from that conduct.

(B) The board may apply to an administrative law judge, as provided under Article 5, Chapter 23, Title 1, for an injunction restraining the person from that conduct. An administrative law judge may issue a temporary injunction ex parte and upon notice and full hearing may issue any other order in the matter as it considers proper. A bond may not be required of the board by an administrative law judge as a condition to the issuance of an injunction or order contemplated by the provisions of this section.

(C) A member of the board or its committees, special examiners, agents, and employees may not be held liable for acts performed in the course of official duties, except where actual malice is shown. For the purpose of an investigation or proceeding under the provisions of this chapter, the board or any person designated by it may administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of documents or records which the board considers relevant to the inquiry.

Section 40-69-215. The board shall not issue a cease and desist notice to an individual who has been hired solely for the act of 'floating' teeth in an equine. If that animal requires sedation or anesthesia, a licensed professional holding a Drug Enforcement Administration and South Carolina drug license must administer the controlled substance in accordance with state and federal law.

Section 40-69-220. (A) An applicant for a veterinary license examination shall submit to the board, on or before a specified date to be determined by the board, a completed application on forms prescribed by the board and supported by proper credentials and the payment of a fee to be set by the board in regulation.

(B) Fees must not be returned under any circumstances, regardless of whether the applicant is accepted for examination, fails the examination, withdraws an application, or is issued or denied a license. If an applicant fails to take the examination for a legitimate reason, the board may allow the applicant to take the examination at a later date without having to pay another fee.

(C) After the board accepts the application and finds that the applicant is otherwise qualified to meet the requirements necessary to practice veterinary medicine, the applicant may be examined by the board at its next scheduled examination date. The board shall give notice to the applicant of the exact time and place of the examination.

(D) The board shall conduct examinations of all applicants, and the board may examine a veterinary applicant who submits satisfactory evidence that the applicant:

(1) is a graduate of a school or college of veterinary medicine accredited by the American Veterinary Medical Association or holds a certificate issued by the Education Commission of Foreign Veterinary Graduates or credentials issued by a credentialing entity approved by the board; and

(2) has paid the required fee.

(E) The board, except as otherwise provided for in this chapter, shall require the applicant to take a written examination to test the applicant's knowledge of and proficiency in subjects and techniques commonly taught in veterinary schools, or the board may accept the results of the written examinations conducted by the National Board of Veterinary Examiners or other nationally recognized examination organizations approved by the board. The board may administer an additional examination to determine an applicant's familiarity with applicable state law.

(F) The board shall establish a minimum passing grade for each examination given by the board. If the applicant makes the minimum

passing grade on the examination as established by the board and the board finds that the applicant is otherwise worthy, competent, and qualified, the board shall issue the applicant a license to practice veterinary medicine in this State.

(G) The examination of applicants for licenses to practice veterinary medicine must be conducted in accordance with regulations promulgated by the board.

Section 40-69-230. (A) An applicant for a veterinary technician license examination shall submit to the board, on or before a specified date to be determined by the board, a completed application on forms prescribed by the board and supported by proper credentials and the payment of a fee to be set by the board in regulation.

(B) Fees must not be returned under any circumstances, regardless of whether the applicant is accepted for examination, fails the examination, withdraws the application, or is issued or denied a license. If an applicant fails to take the examination for a legitimate reason, the board may allow the applicant to take the examination at a later date without having to pay another fee.

(C) After the board accepts the application and finds that the applicant is otherwise qualified to meet the requirements necessary to practice veterinary technology, the applicant may be examined by the board at its next scheduled examination date. The board shall give notice to the applicant of the exact time and place of the examination.

(D) The board shall conduct examinations of all applicants, and the board may examine an applicant who submits satisfactory evidence that the applicant:

- (1) is at least eighteen years of age;
- (2) is a graduate of an American Veterinary Medical Association accredited school of animal technology;
- (3) has paid the required fee; and
- (4) has provided other documents as the board may require.

(E) The examination of an applicant for licensure must be conducted in accordance with regulations promulgated by the board. The board shall require the applicant to take a written examination in subjects relating to veterinary technology as the board may require. The board shall accept the Veterinary Technician National Examination or other nationally recognized examinations approved by the board. The board may administer an additional examination to determine an applicant's familiarity with applicable state law.

(F) The board shall establish a minimum passing grade for each examination given and shall hold at least one examination annually. Each applicant is entitled to at least one reexamination.

(G) A person previously issued a certificate to work as a veterinary technician before August 2, 1981, by the South Carolina State Board of Veterinary Medical Examiners, upon payment of the required fee must be issued a certificate by the board.

Section 40-69-240. (A) The board may issue a temporary license to practice veterinary medicine or veterinary technology to an applicant if the applicant has satisfied:

- (1) the qualifications and requirements of Section 40-69-220 or Section 40-69-230, as applicable;
- (2) filed an application, including any other required documentation, to take the examination;
- (3) paid a temporary license fee which must be set by the board in regulation, in addition to the examination fee; and
- (4) has been granted a degree from an accredited veterinary college or degree in veterinary technology.

(B) A temporary license entitles the holder to practice only until the board has acted upon the application for a permanent license after the applicant successfully completes the next regularly scheduled examination. A temporary license is not renewable. Only one temporary license may be issued to a person. The board may renew a temporary license of a person who is unable to attend the examination because of illness, accident, or other reasonable condition beyond the person's control until the board is able to act on the application after the person completes the required examination.

(C) A temporary license entitles the holder to practice with supervision in accordance with the following:

(1) A veterinarian holding a current and valid license and who has been practicing for a period of not less than sixty days in another state, postgraduation, may practice with indirect supervision as defined in this chapter.

(2) A veterinarian who has been granted a degree from a veterinary college but who cannot provide evidence of sixty days of clinical practice, postgraduation, may practice with direct supervision as defined in this chapter.

(3) A veterinary technician holding a current and valid license in another state may practice with direct or indirect supervision at the discretion of the licensed veterinarian and in compliance with this chapter or as set forth in regulation.

(4) A veterinary technician who does not hold a current and valid license in another state may practice with direct supervision of a licensed veterinarian.

Section 40-69-250. (A) A license issued pursuant to this chapter is valid for a period of time not to exceed two years. The license may be renewed in accordance with procedures promulgated by the board through regulation upon the payment of a renewal fee and upon fulfillment of continuing education, as required by the board through regulation. Failure to pay the renewal fee, including any late fees, before the first day of February of the renewal year renders the license void.

(B) A licensee who allows the license to lapse by failing to renew the license in accordance with this section may be reinstated by the board upon payment of renewal fees and satisfaction of continuing education requirements, if required, by the board through regulation. The board may assess a reinstatement fee and impose additional requirements for reinstatement as may be established by regulation.

(C) The board also may issue a duplicate license to replace one that has been lost or destroyed upon payment of a fee established in regulation. A duplicate license must have the word 'Duplicate' typed or printed across the face of the license.

(D) A person licensed pursuant to this chapter must display the license in a prominent and conspicuous place in the person's primary place of practice.

(E) A licensee shall notify the board in writing of a change in name or mailing address within thirty days and, when requesting a name change on a license, shall submit legal documentation indicating the name change.

Section 40-69-260. (A) The board may issue a license to a qualified applicant who:

(1) is licensed to practice veterinary medicine in another state if the applicant furnishes satisfactory proof that he is a graduate of an approved veterinary college and is in good standing in his respective state; and

(2) has passed the National Board Examination and the Clinical Competency Test as prepared under the authority of the National Board Examination Committee for Veterinary Medicine (NBEC), or its predecessor organization, the National Board of Veterinary Medical Examiners, or any subsequent national licensing examination prepared under the authority of the NBEC or the American Association of Veterinary State Boards; and

(3) has passed the state licensing exam; and

(4) has completed thirty qualifying continuing education hours within the previous two years.

(B) A person may not be licensed under this section except upon proof that he has taken and passed a written examination in at least one of the states in which he is licensed.

(C) The board shall use the examination prepared by the National Board Examination Committee or other nationally recognized veterinary examinations approved by the board in lieu of a state written and practical examination. The board may administer an additional examination to determine an applicant's familiarity with applicable state law.

Section 40-69-270. (A) A person may not engage in the practice of veterinary medicine in this State without a current and valid license issued by the board pursuant to this chapter. Nothing in this chapter may be construed to prohibit:

(1) a person who is a regular student, technician, or instructor in a legally chartered educational institution from the performance of those duties and actions conducted as a responsibility in teaching and research or a veterinary student preceptee working under the direct supervision of a licensed veterinarian during a school vacation period or in a preceptorship program;

(2) a veterinarian holding a current and valid license in another state from acting as a consultant with a licensed veterinarian of this State;

(3) a veterinarian who is a member of the Armed Forces of the United States or who is an employee of the United States Department of Agriculture, the United States Public Health Service, or other federal agencies or the State of South Carolina or political subdivisions of this State from performing official duties in accordance with employment;

(4) a person or a regular employee from administering to the person's own animals, except when the ownership is so vested for the purpose of circumventing the provisions of this chapter or except when the employee is so employed for the purpose of circumventing the provisions of this chapter; however, the administration to the animals must be in compliance with all federal, state, and local laws;

(5) state or federal agencies, accredited schools, research institutions, foundations, corporations, or employees of these, which or who conduct experiments and scientific research using animals, if the research or testing is performed in compliance with all federal, state, and local laws;

(6) a person from performing artificial insemination to animals;

(7) initiation of prescribed emergency procedures in life threatening situations by a veterinary technician employed by a licensed veterinarian;

(8) a merchant from selling, at a regular place of business, medicines, feed, appliances, or other animal health products if all sales are done in compliance with all federal, state, and local laws and in accordance with regulations promulgated by the board.

(B) Nothing in this chapter limits or affects the practice of a person who is licensed in this State and who is acting within the scope of another licensed practice or profession.

(C) Nothing in this chapter affects the practice of qualified persons to whom a licensed veterinarian has delegated the performance of procedures, therapeutic options, and alternate therapies. The delegating veterinarian must verify the qualifications of these persons and their competencies before delegation. The delegating veterinarian remains responsible for the general care of the patient.

Section 40-69-280. (A) An animal is considered abandoned when the animal has been placed in the custody of a licensed veterinarian for boarding, treatment, or other care and is unclaimed by its owner or the owner's agent and the owner or the owner's agent has not paid the charges for the boarding, treatment, or other care within ten days of notice of these charges being provided to the owner or the owner's agent in accordance with this section and no other payment agreement with the owner or the owner's agent has been reached.

(B) The notice required in subsection (A) must be given to the owner of the animal or the owner's agent at his last known address by registered mail or by certified mail, return receipt requested, and must contain a statement that if the animal is not claimed and if the charges are not paid within ten days after receipt of the notice, the animal may be sold, donated, turned over to the nearest humane society or animal shelter or otherwise disposed of as the person having custody of the animal considers proper.

(C) The owner of an abandoned animal is deemed to have relinquished all rights and claims to the animal by virtue of the abandonment.

(D) Providing notice to the owner or the owner's agent pursuant to this section relieves the custodian of the animal of any liability for the sale, donation, euthanasia, or other disposal of the animal.

Section 40-69-285. A licensed veterinarian has a lien on each animal treated, boarded, or cared for while in the veterinarian's custody for payment of charges for treatment, board, or care of the animal. The veterinarian has the right to retain the animal until the charges are paid by the owner of the animal.

Section 40-69-290. An emergency clinic or emergency hospital is a facility which advertises or otherwise purports to provide veterinary medical services during specified hours of operation or during periods when these services are not normally available through other facilities. Nothing contained in this chapter is intended to prohibit a facility from providing services of an emergency nature.

A licensed veterinarian must be in attendance at the emergency facility at all hours of operation and have sufficient staff always available to provide timely and appropriate care.

Section 40-69-295. Regardless of mode of transportation, a mobile facility must have a permanent base of operation with a published address and telephone facilities for making appointments or responding to emergency situations.”

Severability

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 25th day of May, 2006.

Approved the 31st day of May, 2006.