

ARKANSAS VETERINARY MEDICAL PRACTICE ACT

**Title 17 Professions, Occupations, and Businesses
Subtitle 3. Medical Professions
Chapter 101 Veterinarians and Veterinary Technicians
Subchapter 1 – General Provisions**

§ 17-101-101. Short title.

This chapter shall be known as the “Arkansas Veterinary Medical Practice Act”.

§ 17-101-102. Definitions.

As used in this chapter:

(1) “Accredited or approved college of veterinary medicine” means any veterinary college or any division of a university or college that offers the degree of Doctor of Veterinary Medicine, or its equivalent, and that conforms to the standards required for accreditation or approval by the American Veterinary Medical Association;

(2) “Animal” means any member of the animal kingdom, other than humans, whether living or dead;

(3) “Direct supervision” or “direct personal supervision” means the licensed veterinarian must be on-site and instantly available for consultation;

(4) “Educational Commission for Foreign Veterinary Graduates Certificate” means a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates indicating that the holder has demonstrated knowledge and skills equivalent to those possessed by a graduate of an accredited or approved college of veterinary medicine;

(5) “Immediate supervision” means observation, in the immediate vicinity, with the opportunity for the licensed veterinarian to advise or physically intervene in each procedure;

(6)

(A) “Indirect supervision” means the licensed veterinarian is not physically present but has given written or oral instructions for the treatment of the animal and is readily available for communication either in person or through use of electronic information and communication technology.

(B) “Indirect supervision” does not include the administration of a Schedule II controlled substance.

(C) A veterinarian shall retain control of and authority over the care of the animal during indirect supervision;

(7) “Licensed veterinarian” means a person who is validly and currently licensed to practice veterinary medicine in this state as a general practitioner or in a specialty area as the Veterinary Medical Examining Board may by rule provide;

(8) “Person” means any individual, firm, partnership, association, joint venture, cooperative, or corporation, or any other group or combination acting in concert, and whether or not acting as principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assigning agent, factor, servant, employee, director, officer, or any other representative of such a person;

(9) “Practice of veterinary medicine” means:

(A) The diagnosis, treatment, correction, change, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental condition, including the prescribing or administration of any prescription drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique on any animal, including, but not limited to, acupuncture, dentistry, animal psychology, animal chiropractic, theriogenology, surgery, including cosmetic surgery, any manual, mechanical, biological, or chemical procedure for testing for pregnancy or for correcting sterility or infertility or to tender service or recommendations with regard to any of the above;

(B) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subdivision (9)(A) of this section;

(C) The use of 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 (9)(A) of this section. Such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine; and

(D) Collecting blood or other samples for the purpose of diagnosing disease or other conditions. This shall not apply to:

(i) Unlicensed personnel employed by the United States Department of Agriculture or the Arkansas Livestock and Poultry Commission in disease control programs carried out under the authority of the United States Department of Agriculture or the State of Arkansas; and

(ii) Veterinary technicians or veterinary technologists acting under the indirect supervision of a veterinarian as set forth in § 17-101-306(d) except for collecting samples for state or federal tests requiring that the licensed veterinarian draw the sample;

(10) “Veterinarian” means a person who has received a professional degree from a college of veterinary medicine or any person who is licensed to practice veterinary medicine in this state;

(11) “Veterinarian-client-patient relationship” means:

(A) The veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical treatment, and the client, that is, the owner or caretaker, has agreed to follow the instruction of the veterinarian;

(B)

(i) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal.

(ii) 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

(C) The practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen or therapy;

(12) “Veterinary medicine” includes veterinary surgery, theriogenology, dentistry, acupuncture, animal psychology, chiropractic, and all other branches or specialties of veterinary practice;

(13) “Veterinary premises” means any place or unit from which the practice of veterinary medicine is conducted;

(14) “Veterinary technician” means a person who:

(A) Has received an associate degree or its equivalent from a college-level program accredited by the American Veterinary Medical Association; and

(B) Provides veterinary services under the supervision and direction of a licensed veterinarian who is responsible for the performance of that veterinary technician;

(15) “Veterinary technician specialist” means a veterinary technician or veterinary technologist who has completed a formal process of education, training, experience, and testing through a specialty academy approved by the Committee on Veterinary Technician Specialties of the National Association of Veterinary Technicians in America;

(16) “Veterinary technologist” means a person who performs veterinary technology services and is a graduate of a four-year baccalaureate program accredited by the American Veterinary Medical Association; and

(17)

(A) “Veterinary technology” means the performance of all aspects of medical care, services, and treatment of an animal where a veterinary-client-patient relationship has been established.

(B) “Veterinary technology” does not include diagnosis, prognosis, surgery, or the prescription of appliances, drugs, medications, or treatment unless otherwise determined by the board.

(C) A veterinarian shall retain control of and authority over the care of the animal during the practice of veterinary technology.

§ 17-101-103. Applicability to pharmacists.

This chapter does not apply to any person licensed under § 17-92-101 et seq.

Title 17 Professions, Occupations, and Businesses
Subtitle 3. Medical Professions
Chapter 101 Veterinarians and Veterinary Technicians
Subchapter 2 – Veterinary Medical Examining Board

§ 17-101-201. Creation – Members – Organization.

- (a) There is created the Veterinary Medical Examining Board.
- (b)
- (1) The board shall consist of five (5) members appointed by the Governor for terms of five (5) years.
- (2) Four (4) members shall:
- (A) Be licensed to practice veterinary medicine in the State of Arkansas;
- (B) Be in good standing and members of the Arkansas Veterinary Medical Association;
- (C) Be graduates of an accredited or approved college of veterinary medicine or holders of an Educational Commission for Foreign Veterinary Graduates Certificate;
- (D) Be actively engaged in the practice of veterinary medicine in this state; and
- (E) Have at least five (5) years of experience in the practice of veterinary medicine.
- (3) One (1) member shall be a public member who:
- (A) Shall be a resident of this state who has attained the age of majority; and
- (B) Shall not be, nor shall ever have been, a veterinarian or the spouse of a veterinarian, or a person who has:
- (i) Ever had any material financial interest in the provision of veterinarian services; or
- (ii) Engaged in any activity directly related to the practice of veterinary medicine.
- (c)
- (1) A board member's term of office shall expire on March 1 of the last year of the term of appointment.
- (2) Each member shall serve until his or her successor has been appointed and qualified.
- (d) The board shall elect from its membership a chair and a secretary-treasurer.
- (e) A majority of the members of the board constitutes a quorum for the transaction of business, except that the vote of four (4) members is required for suspension or revocation of a license.

(f) The members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

§ 17-101-202. (Repealed.)

§ 17-101-203. Powers and duties.

The Veterinary Medical Examining Board shall have the power to:

(1) Examine and determine the qualifications and fitness of applicants for a license to practice general veterinary medicine or any specialty area thereof, and the certification of veterinary technicians in Arkansas, and issue, renew, deny, suspend, or revoke licenses or certificates, or otherwise discipline veterinarians or veterinary technicians;

(2) Subpoena witnesses and take testimony bearing on the records of applicants for permits or for licenses to practice veterinary medicine in the State of Arkansas;

(3) Establish annually a schedule of license and permit fees based on the board's financial requirements for the ensuing year;

(4) Conduct investigations into matters brought before the board and proceed on the board's own motion to a hearing or other disciplinary action;

(5) [Repealed.]

(6) Purchase or rent necessary office space, equipment, and supplies;

(7) Promulgate and enforce rules necessary to establish recognized standards for the practice of veterinary medicine and to carry out the provisions of this chapter. The board shall make available to interested members of the public copies of this chapter and all rules promulgated by the board;

(8) Examine and evaluate qualifications of education, skill, and experience for certification of a person as a veterinary technician and for annual registration of employment;

(9) Regulate all veterinarians in a corporate practice and prevent corporate or noncorporate holdings from being sold to, directed by, or controlled by a nonveterinarian;

(10)

(A) Hold hearings on all matters properly brought before the board and, in connection thereto, administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings.

(B) The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions;

(11) Bring proceedings in the courts for the enforcement of this chapter or any rules made pursuant thereto; and

(12) Promulgate rules limiting the amount of Schedule II narcotics that may be prescribed and dispensed by licensees of the board.

§ 17-101-204. Director.

The Secretary of the Department of Agriculture may employ a Director of the Veterinary Medical Examining Board.

Title 17 Professions, Occupations, and Businesses
Subtitle 3. Medical Professions
Chapter 101 Veterinarians and Veterinary Technicians
Subchapter 3 – Licensing

§ 17-101-301. Veterinarians – Application – Qualifications.

(a) Any veterinarian or licensed veterinarian desiring a license to practice veterinary medicine in this state may make written application to the Veterinary Medical Examining Board showing that he or she is:

(1) At least twenty-one (21) years of age; and

(2) A person of moral integrity and acceptable ethical standards.

(b) The application for licensure to practice veterinary medicine in the State of Arkansas shall:

(1) Be written;

(2) Be signed by the applicant;

(3) Be submitted to the board at least thirty (30) days before the exam;

(4) Be accompanied by a nonrefundable application fee established by the board; and

(5) Include, but not be limited to, the information set forth below:

(A) A current photograph of the applicant;

(B) A certified transcript of the applicant's veterinary school records;

(C) A copy of the applicant's diploma from an accredited veterinary school or an affidavit from the dean of an accredited veterinary school certifying the applicant's ability to graduate if he or she has not graduated at the time of application. However, a copy of the diploma must be submitted upon availability and before the exam date;

(D) An Educational Commission for Foreign Veterinary Graduates Certificate or an equivalent program approved by the board, if applicable; and

(E)

(i) A National Board Exam score and Clinical Competency Test score or the North American Veterinary Licensing Examination score, or its future equivalent, reported through the Veterinary Information Verification Agency, or its future equivalent.

(ii) The Clinical Competency Test is not required for a poultry specialty license.

(c)

(1) The board by rule may require that all applicants for licensure by examination complete a preceptorship program during their senior year under the supervision of a veterinarian licensed and in good standing in any state, territory, or district of the United States.

(2) The supervising veterinarian shall submit an affidavit to the board stating that the applicant has satisfactorily completed the preceptorship.

(d)

(1) If the board finds that the applicant possesses the proper qualifications, it shall admit him or her to the next examination.

(2) If an applicant is found unqualified to take the examination or to receive a license without examination, the board shall immediately notify the applicant in writing of its findings and the grounds for same.

§ 17-101-302. Veterinarians – Examinations.

(a)

(1) The Veterinary Medical Examining Board, at such times as it may designate, shall conduct an examination of applicants for license to practice veterinary medicine in the State of Arkansas.

(2) All examinations shall be:

(A) In writing, supplemented by oral interviews and practical examinations as the board may deem necessary; and

(B) So conducted as to ensure absolute impartiality in grading.

(b) The board hereby adopts the National Board Examination and the Clinical Competency Test, or the North American Veterinary Licensing Examination, or its future equivalent, as a basis for licensure in the State of Arkansas, along with a written examination conducted by the board.

(c) The board requires that all applicants for licensure to practice veterinary medicine in the State of Arkansas shall pass the National Board Examination and the Clinical Competency Test, or the North American Veterinary Licensing Examination, or its future equivalent, in addition to any and all state examinations, written examinations, oral interviews, and practical demonstrations as the board may request or require.

(d) All applicants are required to complete a written examination conducted by the board composed of, but not limited to:

(1) The Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.;

(2) State and federal statutes relating to prescription and controlled drugs;

(3) Ethics of veterinary medicine; and

(4) Rules and regulations of the Arkansas Livestock and Poultry Commission, the United States Department of Agriculture, the United States Animal and Plant Health Inspection Service, and Rabies Control.

(e)

(1) Poultry specialty applicants shall sit for a written examination conducted by the board on poultry veterinary medicine.

(2) A license will be issued to poultry specialty applicants with a seventy percent (70%) or better score on the Veterinary Medical Examining Board examination and a passing score on the National Board Examination, or its equivalent.

§ 17-101-303. License without examination or license by endorsement.

(a) The Veterinary Medical Examining Board, at its discretion, may issue a license without written examination to any qualified applicant who furnishes satisfactory evidence that he or she is a veterinarian and has:

(1) For the five (5) years before filing his or her application, been a practicing veterinarian and licensed in a state, territory, or district of the United States having license requirements at the time the applicant was first licensed which are substantially equivalent to the requirements of this chapter;

(2) Qualified as a diplomate of a specialty board approved by the American Veterinary Medical Association;

(3) Been awarded a postgraduate degree in veterinary medicine; or

(4) Been recognized as an expert in the veterinary profession.

(b) At its discretion, the board may examine, orally or practically, any person applying for a license under this section, provided that the applicant has had no disciplinary proceedings pending or completed in another jurisdiction.

§ 17-101-304. Veterinarians – Temporary permit.

(a) The Secretary-treasurer of the Veterinary Medical Examining Board may issue without examination a temporary permit to practice veterinary medicine in this state to a qualified

applicant for a license pending examination and provided that the temporary permit shall expire the day after the notice or results of the first examination given after the permit is issued.

(b) A temporary permit may be issued or revoked by majority vote of the Veterinary Medical Examining Board.

§ 17-101-305. Veterinarians – Denial, suspension, or revocation of license.

(a) Upon written complaint by any person or on the Veterinary Medical Examining Board's own motion and after notice and hearing as prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the board may deny, suspend for a definite period, or revoke the license of any veterinarian, and/or impose a civil penalty for:

(1) Fraud, misrepresentation, or deception in obtaining a license or permit;

(2) Adjudication of insanity;

(3) Use of advertising or solicitation which is false, misleading, or otherwise deemed unprofessional under rules promulgated by the board;

(4)

(A) Conviction of a felony listed under § 17-3-102.

(B) A copy of the record of conviction certified by the clerk of the court entering the conviction shall be conclusive evidence;

(5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

(6) Having professional association with or employing any person practicing veterinary medicine unlawfully;

(7) Fraud or dishonesty in the application or reporting of any test for disease in animals;

(8) Failure to maintain professional premises and equipment in a clean and sanitary condition in compliance with rules promulgated by the board;

(9) Dishonesty or gross negligence in the inspection of foodstuffs or in the issuance of health or inspection certificates;

(10) Cruelty to animals;

(11) Unprofessional conduct by violation of a rule promulgated by the board under this chapter;

(12) Being unable to practice as a veterinarian with reasonable skill and safety to patients because of illness, the use of drugs, alcohol, narcotics, or chemicals, or as a result of any mental or physical condition;

(13) Revocation, suspension, surrender, or other disciplinary sanction of a license to practice veterinary medicine by another state, territory, or district of the United States on grounds other than nonpayment of a registration fee or suspension of privileges by any other regulatory agency including the failure to report any such adverse action to the board within sixty (60) days of the final action;

(14) The use, prescription, or sale of any veterinary prescription drug or the prescription of an extra-label use of any over-the-counter drug in the absence of a valid veterinarian-client-patient relationship;

(15) Overtreating patients or charging for services which did not occur unless the services were contracted for in advance or for services which were not rendered or documented in the patient's records or charging for services which were not consented to by the owner of the patient or the owner's agent;

(16)

(A) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent or failing to comply with any other law relating to medical records.

(B) However, X-rays prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;

(17) Failure of any applicant or licensee to cooperate with the board during any investigation, if the investigation does not concern the applicant or licensee;

(18) Failure to comply with any subpoena or subpoena duces tecum from the board, or an order of the board;

(19) Failure to timely pay license or registration renewal fees as specified in § 17-101-309;

(20) Violating a probation agreement with the board or any other licensing authority of this state, another state or territory of the United States, or a federal agency; or

(21) Violating any informal consent agreement for discipline entered into by an applicant or licensee with the board or any other licensing authority of this state, another state or territory of the United States, or a federal agency.

(b) At the discretion of the board, any person whose license is suspended or revoked by the board under this section may be relicensed or reinstated by the board at any time upon written application to the board showing cause to justify relicensing or reinstatement.

(c)

(1) Upon suspension or revocation of a license, the actual license certificate must be surrendered to the board within thirty (30) days of the board's order unless the action is appealed and a stay is issued.

(2) If the board prevails upon appeal or the stay is lifted, the license certificate shall be surrendered within ten (10) days of the final order of the court.

§ 17-101-306. Veterinary technician, veterinary technologist, and veterinary technician specialist – Certification.

(a) A person shall not assist in the practice of veterinary medicine as a veterinary technician or veterinary technologist without first applying for and obtaining a certification from the Veterinary Medical Examining Board and having his or her employment with a licensed veterinarian registered with the Veterinary Medical Examining Board.

(b)

(1) An applicant for certification as a veterinary technician or veterinary technologist in this state may make written application to the Veterinary Medical Examining Board showing that he or she is:

(A) A citizen of the United States or an applicant for citizenship; and

(B) A person of moral integrity and acceptable ethical standards.

(2) The application for certification as a veterinary technician or veterinary technologist in the State of Arkansas shall be written, signed by the applicant, and submitted to the Veterinary Medical Examining Board at least thirty (30) days before the examination, including without limitation the information set forth in this subdivision (b)(2), and the application shall be accompanied by a nonrefundable application fee established by the Veterinary Medical Examining Board:

(A) A current photograph of the applicant;

(B)

(i) A copy of the applicant's diploma or its equivalent from a college-level program accredited by the American Veterinary Medical Association.

(ii) If the applicant has not graduated at the time of application, an affidavit from the program certifying the applicant's ability to graduate may be accepted with a copy of the diploma or its equivalent submitted upon availability;

(C) A certified copy of college transcripts;

(D) A passing score on the National Board Examination or Veterinary Technician National Examination, or future equivalent, reported through the American Association of Veterinary State Boards or its successor; and

(E) A letter of recommendation signed by a veterinarian who is licensed in this state or another state, territory, or district of the United States and notarized.

(3) This section does not prevent the Veterinary Medical Examining Board from issuing a certification by endorsement to an applicant who:

(A) Holds a certification, or its equivalent, as a veterinary technician or veterinary technologist in another state, territory, or district of the United States;

(B) Is not a respondent in any pending or unresolved board action in any state, territory, or district of the United States;

(C) Has a passing score on the National Board Examination or Veterinary Technician National Examination, or its future equivalent, reported through the American Association of Veterinary State Boards or its successor;

(D) Submits a completed application, including without limitation a letter of recommendation that is:

(i) Signed by a veterinarian;

(ii) Notarized by a notary public; and

(iii) Accompanied by a nonrefundable application fee established by the Veterinary Medical Examining Board; and

(E) Signs a statement attesting that he or she has read and understands this chapter and the rules adopted by the Veterinary Medical Examining Board governing the practice of veterinary medicine in Arkansas.

(c)

(1) A veterinary technician or veterinary technologist shall annually register his or her employment with the Veterinary Medical Examining Board, stating:

(A) His or her name and current address;

(B) The name and office address of both his or her employer and the supervising licensed veterinarian; and

(C) Any additional information required by the Veterinary Medical Examining Board.

(2) Upon any change of employment as a veterinary technician or veterinary technologist, the certification is inactive until:

(A) New employment as a veterinary technician or veterinary technologist has been obtained; and

(B) The Veterinary Medical Examining Board has been notified in writing of the new employment.

(d)

(1) A veterinary technician or veterinary technologist shall perform veterinary technology under the direction, supervision, and responsibility of the licensed veterinarian with whom he or she is employed.

(2) Supervision of a veterinary technician or veterinary technologist may be direct supervision, indirect supervision, or immediate supervision.

(3) A veterinarian who utilizes indirect supervision of a veterinary technician or veterinary technologist shall:

(A) Retain control of and authority over the care of the animal; and

(B) Review all recordkeeping and notes documented by the veterinary technician or veterinary technologist on the charts regarding the care of the animal.

(e) The Veterinary Medical Examining Board shall promulgate rules to establish the appropriate level of supervision under which a veterinary technician or veterinary technologist can perform veterinary technology.

(f)

(1) A licensed veterinarian using, supervising, or employing a veterinary technician or veterinary technologist is individually responsible and liable for the performance of the acts and omissions delegated to the veterinary technician or veterinary technologist.

(2) This subsection does not relieve a veterinary technician or veterinary technologist of any responsibility and liability for any of his or her own acts and omissions.

(g) A licensed veterinarian shall not establish a separate office or clinic in a location other than his or her regular office and place the separate office or clinic under the control or supervision of a veterinary technician or veterinary technologist.

(h)

(1) This section does not prevent a licensed veterinarian from utilizing the services of an employee to perform services not requiring the skill and judgment of a veterinary technician, veterinary technologist, or veterinary technician specialist, if the services performed by the employee are under the direct personal supervision of a licensed veterinarian.

(2) An employee described under subdivision (h)(1) of this section shall not be identified as a “veterinary technician”, “animal technician”, “technician”, “veterinary technologist”, “animal technologist”, “technologist”, or “veterinary technician specialist”.

(i) A veterinary technician, veterinary technologist, or veterinary technician specialist shall not receive a fee or other compensation for veterinary services or veterinary technology services other than the salary or other compensation paid to the veterinary technician, veterinary technologist, or veterinary technician specialist by the veterinary clinic, veterinary practice, or veterinarian by which he or she is employed.

(j)

(1) The Veterinary Medical Examining Board may issue additional certifications for a veterinary technician specialist.

(2) For an applicant seeking certification as a veterinary technician specialist, the Veterinary Medical Examining Board may require an initial application, application fee as determined by the Veterinary Medical Examining Board, renewal application, renewal application fee as determined by the Veterinary Medical Examining Board, and any other relevant information determined by the Veterinary Medical Examining Board.

§ 17-101-307. License required – Exemptions.

(a) No person may practice veterinary medicine in this state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the Veterinary Medical Examining Board.

(b) This chapter shall not be construed to prohibit:

(1) Employees of the federal or state government or employees of local government who are certified by an agency approved by the board to perform euthanasia from performing their official duties;

(2) Regular students in a veterinary school or college from performing duties or actions assigned by the school or college or working under the direct personal supervision of a veterinarian licensed in the State of Arkansas;

(3) Reciprocal aid of neighbors in performing routine accepted livestock management practices without compensation;

(4) Any veterinarian licensed in any foreign jurisdiction from consulting with a licensed veterinarian;

(5) The owner of an animal, his or her consignees, and their employees from performing routine accepted livestock management practices in the care of animals belonging to the owner;

(6) A member of the faculty of a veterinary school from performing his or her regular functions or a person from lecturing or giving instruction or demonstration at a veterinary school or in connection with a continuing education course or seminar for licensed veterinarians, veterinary technicians, or veterinary technologists;

(7) A person from engaging in bona fide scientific research that reasonably requires experimentation involving animals;

(8) Any person:

(A) Engaging in the art or profession of horseshoeing;

(B) Training, except that the training shall not include diagnosing, prescribing, or dispensing of any therapeutic agent;

(C) Selling medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases as permitted by law, by any pharmacist, merchant, or manufacturer at his or her regular place of business;

(D) Collecting, preparing, or freezing semen; and

(E) Performing nonsurgical artificial insemination;

(9)

(A) Any act, task, or function performed by a veterinary technician or veterinary technologist at the direction of and under the supervision of a licensed veterinarian, when:

(i) The veterinary technician or veterinary technologist is certified by the board as being qualified by training or experience to function as an assistant to a veterinarian;

(ii) The act, task, or function is performed at the direction of and under the supervision of a licensed veterinarian in accordance with rules promulgated by the board; and

(iii) The services of the veterinary technician or veterinary technologist are limited to assisting the veterinarian in the particular fields for which he or she has been trained and certified.

(B) Subdivision (b)(9)(A) of this section shall not limit or prevent any veterinarian from delegating to a qualified person any acts, tasks, or functions which are otherwise permitted by law but which do not include diagnosis, prescribing medication, or surgery;

(10) A chiropractor licensed in this state and certified by the American Veterinary Chiropractic Association from performing chiropractic upon animals;

(11) The practice of veterinary medicine through a program in partnership with federal Innovative Readiness Training if the veterinarian or veterinary technician has obtained a license to practice from another state, commonwealth, territory, or the District of Columbia; or

(12) A person from practicing or performing equine massage therapy or animal massage therapy.

§ 17-101-308. Veterinary technicians – Denial, suspension, or revocation of certificate.

(a) The Veterinary Medical Examining Board may deny or suspend any registration or deny or revoke any certificate of qualification upon the grounds that the applicant or veterinary technician is guilty of:

(1) Soliciting patients for any practitioner of the veterinary healing arts;

(2) Soliciting or receiving any form of compensation from any person other than his or her registered employer for performing as a veterinary technician;

(3) Willfully or negligently divulging a professional secret or discussing a veterinarian's diagnosis or treatment without the express permission of the veterinarian;

(4)

(A) Any offense punishable by incarceration in the Division of Correction or federal prison.

(B) A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence;

(5) Being unable to practice as a veterinary technician with reasonable skill and safety to patients because of illness, the use of drugs, alcohol, narcotics, or chemicals, or as a result of any mental or physical condition;

(6) Fraud or misrepresentation in applying for or procuring:

(A) A certificate of qualification to perform as a veterinary technician in Arkansas; or

(B) An annual registration;

(7) Impersonating another person registered as a veterinary technician or allowing any person to use his or her certificate of qualification or registration;

(8) Aiding or abetting the practice of veterinary medicine by a person not licensed by the board;

(9) Gross negligence in the performance of duties, tasks, or functions assigned to him or her by a licensed veterinarian;

(10) Manifesting incapacity or incompetence to perform as a veterinary technician; or

(11) Conduct unbecoming a person registered as a veterinary technician or detrimental to the best interests of the public.

(b) At the discretion of the board, any person whose certificate of qualification is suspended or revoked by the board under this section may be recertified or reinstated by the board at any time upon written application to the board showing cause to justify recertification or reinstatement.

§ 17-101-309. License, certificate, and registration renewal – Reinstatement.

(a)

(1) All licenses, certificates, and registrations expire on March 31 each year and may be renewed by payment of the annual renewal fee established by rule of the Veterinary Medical Examining Board.

(2) Not later than March 1 each year, the board shall mail a notice to each licensed veterinarian, veterinary technician, and veterinary technologist that his or her license or certificate will expire on March 31 and shall provide a renewal application form.

(b)

(1) Any person may reinstate an expired license or certificate within five (5) years of its expiration by making application to the board for renewal and paying the current renewal fee along with all delinquent renewal fees.

(2) After five (5) years have elapsed since the date of expiration, a license or certificate may not be renewed, and the holder must apply for a new license or certificate and take the required examinations.

(c) The board may provide by rule for waiver of payment of any renewal fee of a licensed veterinarian, veterinary technician, or veterinary technologist during any period when he or she is on active duty with any branch of the United States Armed Forces for not to exceed three (3) years or for the duration of a national emergency, whichever is longer.

(d) The board may provide by rule for waiver of payment of any renewal fee of a licensed veterinarian or veterinary technician during any period when he or she is a member of the Arkansas National Guard called into state active duty.

§ 17-101-310. Continuing education required – Exemptions.

(a)

(1) A veterinarian, veterinary technician, or veterinary technologist under this chapter is required to attend an educational program in the twelve (12) months preceding each renewal date.

(2) The postgraduate study or attendance at an institution or at an educational session approved by the Veterinary Medical Examining Board shall be considered equivalent to continuing education requirements.

(3) The board shall have the right, for good cause shown, to prescribe the type and character of postgraduate study to be done by any licensed veterinarian in order to comply with the requirements of this chapter.

(b) The board shall excuse licentiates or certificate holders, as a group or as individuals, from the annual educational requirements in any of the following instances:

(1) When no educational program meeting the requirements approved by the board is conducted within the state;

(2) When an affidavit is submitted to the board evidencing that the licensee, for good cause assigned, was prevented from attending an educational program at the proper time;

(3) In the event of an unusual emergency; or

(4) If that person holds an inactive license or certificate.

(c)

(1) A veterinarian, veterinary technician, or veterinary technologist shall fulfill his or her annual education requirements at his or her own expense.

(2) The fee for his or her annual education requirements is not included in the license fee.

§ 17-101-311. Civil penalty – Appeals and disposition of funds.

(a)

(1) Whenever the Veterinary Medical Examining Board determines that any provision of this chapter or any rule promulgated by the board pursuant to this chapter has been violated, the board may impose a civil penalty not to exceed five thousand dollars (\$5,000) per violation.

(2) The board may file an action in the Pulaski County Circuit Court to collect any civil penalty not paid within thirty (30) days of service of the order assessing the penalty, unless the circuit court enters a stay of the board's order.

(3) If the board prevails in the action, the defendant shall be directed to pay reasonable attorney's fees and costs incurred by the board in prosecuting the action in addition to the civil penalty.

(b) Any person aggrieved by the action of the board imposing civil penalties may appeal the decision in the manner and under the procedure prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for appeals from administrative decisions.

(c) All funds derived from civil penalties imposed by the board shall be deposited into one (1) or more depositories qualifying for the deposit of public funds. The funds shall be used by the board for administering the provisions of this chapter.

§ 17-101-312. Unlawful practice – Penalties – Injunctions.

(a) Any person who shall practice or attempt to practice veterinary medicine in this state without having been duly licensed in accordance with the provisions of this chapter shall be deemed guilty of a misdemeanor. Upon conviction, the person shall be fined in any sum of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250) for each and every offense or imprisoned for a term of not less than six (6) months nor more than one (1) year, or shall be both fined and imprisoned in the discretion of the court.

(b) Each day of the unlawful practice shall constitute a separate offense.

(c) One-half (½) of the sums assessed as fines under this chapter shall be paid into the general fund of the county wherein it is assessed, and one-half (½) of the sums assessed as fines under this chapter shall be deposited with the Secretary-treasurer of the Veterinary Medical Examining Board and credited to the account of the Veterinary Medical Examining Board.

(d) The unlawful practice of veterinary medicine is declared to be a public nuisance.

(e) In addition to the penalties provided in this section, the board may institute legal proceedings to enjoin the violation of the provisions of this chapter or the rules of the board in any court of competent jurisdiction, and the court may grant a temporary or permanent injunction restraining the violation thereof.

§ 17-101-313. Abandoned animals.

Unless otherwise provided by contract between the veterinarian and his or her client, a veterinarian may dispose of any animal abandoned in his or her care if he or she gives notice of his or her intention to do so by certified mail sent to the last known address of the client. The veterinarian must allow the client twelve (12) days from the mailing of the certified letter in which to retrieve the animal.

§ 17-101-314. Practicing without a license – Board penalties.

(a)

(1)

(A) If upon completion of an investigation the Executive Secretary of the Veterinary Medical Examining Board has probable cause to believe that a veterinarian or an unlicensed person acting as a veterinarian has violated the provisions of this chapter, he or she may issue a citation to the veterinarian or unlicensed person, as provided in this section.

(B) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of this chapter alleged to have been violated.

(C) Each citation may also contain an order of abatement fixing a reasonable time for abatement of the violation and may contain an assessment of a civil penalty not to exceed five thousand dollars (\$5,000).

(2) The citation shall be served upon the veterinarian or unlicensed individual personally or by any type of mailing requiring a return receipt.

(b) Before any citation may be issued, the executive secretary shall submit the alleged violation for review to at least one (1) member of the board.

(c)

(1) Upon conclusion of the board designee's review, the designee shall prepare a finding of fact and a recommendation.

(2) If the board designee concludes that the veterinarian or unlicensed person has violated any provision of this chapter, a civil citation shall be issued to the veterinarian or unlicensed person.

(d)

(1) If a veterinarian or unlicensed person desires to administratively contest a civil citation or the proposed assessment of a civil penalty, he or she shall notify within ten (10) business days after service of the citation the executive officer in writing of his or her request.

(2) Upon receipt of the request, a hearing on the matter shall be scheduled before the board.

(e) Any administrative hearing shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(f) In addition to the penalties provided in this section, the board may institute legal proceedings to enjoin the violation of the provisions of this chapter or the rules of the board in any court of competent jurisdiction, and the court may grant a temporary or permanent injunction restraining the violation thereof.

§ 17-101-315. Equine teeth floating.

(a) The Veterinary Medical Examining Board is prohibited from enforcing board policy regarding equine teeth floating by either investigating or prosecuting an individual practitioner engaged in equine teeth floating until July 1, 2013.

(b)

(1) Before engaging in the practice of equine teeth floating in the state, an individual practitioner shall present to the board signed letters of recommendation from two (2) clients who have previously employed the individual practitioner and who bear witness to the individual practitioner's ability to perform equine teeth floating.

(2) The letters of recommendation shall be presented to the board before providing service to a client or performing any procedure on any animal.

§ 17-101-316. Livestock embryo transfer or transplant and livestock pregnancy determination.

(a) Until July 1, 2019, the Veterinary Medical Examining Board is prohibited from investigating or prosecuting under a board rule or policy an individual technician who engages in both:

(1) Livestock embryo transfer or transplant; and

(2) Livestock pregnancy determination.

(b) Before engaging in livestock embryo transfer or transplant and livestock pregnancy determination in the state, an individual technician shall obtain a certification from the board.

(c)

(1) An applicant for certification shall submit the following information to the board with an application and application fee of one thousand dollars (\$1,000):

(A)

(i) One (1) letter from a licensed veterinarian who has witnessed the applicant's ability to perform livestock embryo transfer or transplant and livestock pregnancy determination on at least three (3) occasions within six (6) consecutive months.

(ii) The letter described in subdivision (c)(1)(A)(i) of this section shall include the dates that the veterinarian spent with the applicant and an endorsement certifying that the applicant is proficient in the following areas:

(a) Basic knowledge, skills, and abilities required to proficiently extract, grade, freeze, thaw, and transfer livestock embryos; and

(b) The ability to properly use ultrasound equipment in determining pregnancy status with at least ninety percent (90%) accuracy beginning at sixty (60) days of pregnancy and with at least ninety percent (90%) accuracy when identifying trimester;

(B) A record of successfully completing a qualified course taught by a livestock reproduction specialist on both livestock embryo transfer and livestock pregnancy determination;

(C) Proof that the applicant has at least fifty percent (50%) financial interest in livestock management equipment, including without limitation ultrasound equipment, microscope, embryo freezer, and other required transfer tools; and

(D) Proof of membership in either the International Embryo Technology Society or the American Embryo Transfer Association.

(2) The board shall approve or deny certification within thirty (30) days of receiving an application.

(d)

(1) A certification under this section expires after two (2) years.

(2) An individual technician shall submit a renewal application and renewal application fee of two hundred fifty dollars (\$250) to the board along with a record of completion of a continuing education course on bovine reproduction within the United States or Canada.

(3) The board shall approve or deny recertification within thirty (30) days of receiving a renewal application.

(e) An embryo transfer technician may only administer to livestock prescription drugs that have been prescribed by a licensed veterinarian who has a valid veterinarian-client-patient relationship.

§ 17-101-317. Veterinary technologist and veterinary technician specialist – Grounds for denial, suspension, or revocation.

(a) Upon written complaint by any person or on the Veterinary Medical Examining Board's own motion and after notice and hearing as prescribed in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., the board may deny or suspend any certification or deny or revoke any certificate of qualification of the applicant, veterinary technologist, or veterinary technician specialist for the following conduct:

(1) Solicitation of patients on behalf of a veterinarian or veterinary technician;

(2) Solicitation or receiving any form of compensation from any person other than his or her registered employer for his or her employment;

(3) Willful or negligent disclosure of a professional secret or discussing a veterinarian's diagnosis or treatment without the express permission of the veterinarian;

(4)

(A) Any offense punishable by incarceration in the Division of Correction or federal prison.

(B) A copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be evidence;

(5) Inability to practice as a veterinary technologist or a veterinary technician specialist with reasonable skill and safety to patients due to illness, the use of drugs, alcohol, narcotics, or chemicals, or as a result of any mental or physical condition;

(6) Fraud or misrepresentation in applying for or procuring:

(A) A certificate of qualification to perform as a veterinary technologist or veterinary technician specialist in Arkansas; or

(B) An annual employment registration;

(7) Impersonation of another person registered as a veterinary technologist or veterinary technician specialist or authorization of any person to use his or her certificate of qualification or registration;

(8) Aids or abets the practice of veterinary medicine by a person not licensed by the board;

(9) Incompetence, gross negligence, or other malpractice in the performance of duties, tasks, or functions assigned to him or her by a licensed veterinarian;

(10) Incapacity or incompetence to perform as a veterinary technologist or veterinary technician specialist;

(11) Cruelty to animals;

(12) Failure:

(A) Of any applicant or licensee to cooperate with the board during any investigation, if the investigation does not concern the applicant or licensee;

(B) To comply with any subpoena or subpoena duces tecum from the board or an order of the board; or

(C) To timely pay certification or renewal fees; or

(13) Unprofessional conduct or conduct that is detrimental to the best interests of the public.

(b) At the discretion of the board, a person whose certificate of qualification is suspended or revoked by the board under this section may be:

(1) Recertified or reinstated by the board at any time upon written application to the board showing cause to justify recertification or reinstatement; and

(2) Subject to civil penalties under § 17-101-311 as determined by the board.