

By: Representative Warren

To: Agriculture

HOUSE BILL NO. 117  
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 73-39-51 THROUGH 73-39-93,  
2 MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE MISSISSIPPI  
3 VETERINARY PRACTICE ACT; TO AMEND REENACTED SECTION 73-39-57,  
4 MISSISSIPPI CODE OF 1972, TO ESTABLISH A FEE FOR INSPECTIONS OF  
5 VETERINARY CLINICS; TO AMEND REENACTED SECTION 73-39-63,  
6 MISSISSIPPI CODE OF 1972, TO DELETE REFERENCE TO ANIMAL  
7 TECHNICIAN; TO AMEND REENACTED SECTION 73-39-73, MISSISSIPPI CODE  
8 OF 1972, TO AUTHORIZE THE BOARD OF VETERINARY MEDICINE TO ISSUE  
9 VETERINARY FACULTY LICENSES TO FACULTY EMPLOYED BY THE COLLEGE OF  
10 VETERINARY MEDICINE; TO PROVIDE CRITERIA BY WHICH INELIGIBLE  
11 FACULTY MAY OBTAIN A LICENSE; TO AMEND REENACTED SECTION 73-39-75,  
12 MISSISSIPPI CODE OF 1972, TO REMOVE THE EXEMPTION PROVIDED FOR  
13 LICENSEES ON FEDERAL ACTIVE DUTY IN COMPLYING WITH RENEWAL  
14 REQUIREMENTS; TO REPEAL SECTION 73-39-95, MISSISSIPPI CODE OF  
15 1972, WHICH REPEALS THOSE REENACTED SECTIONS; AND FOR RELATED  
16 PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** Section 73-39-51, Mississippi Code of 1972, is  
19 reenacted as follows:

20 73-39-51. This chapter shall be known as the "Mississippi  
21 Veterinary Practice Act."

22 **SECTION 2.** Section 73-39-53, Mississippi Code of 1972, is  
23 reenacted as follows:

24 73-39-53. When used in this chapter, these words and phrases  
25 shall be defined as follows:

26 (a) "Abandoned" means to forsake entirely, to neglect  
27 or refuse to provide or perform legal obligations for the care and  
28 support of an animal or to refuse to pay for treatment or other  
29 services without an assertion of good cause.

30 (b) "Accredited college of veterinary medicine" means  
31 any veterinary college, school or division of a university or  
32 college that offers the degree of doctor of veterinary medicine or



33 its equivalent and that is accredited by the Council on Education  
34 of the American Veterinary Medical Association (AVMA).

35 (c) "Accredited program in veterinary  
36 technology/technician" means any postsecondary educational program  
37 that is accredited by the Committee on Veterinary Technician  
38 Education and Activities of the AVMA.

39 (d) "Animal" means any animal other than a human.

40 (e) "Board" means the Board of Veterinary Medicine.

41 (f) "Client" means the patient's owner, owner's agent  
42 or other person responsible for the patient.

43 (g) "Complementary, alternative and integrative  
44 therapies" means a heterogeneous group of preventive, diagnostic,  
45 and therapeutic philosophies and practices, which at the time they  
46 are performed may differ from current scientific knowledge, or  
47 whose theoretical basis and techniques may diverge from veterinary  
48 medicine routinely taught in accredited veterinary medical  
49 colleges, or both. These therapies include, but are not limited  
50 to, veterinary acupuncture, acutheraPy and acupressure; veterinary  
51 homeopathy; veterinary manual or manipulative therapy (therapies  
52 based on techniques practiced in osteopathy, chiropractic medicine  
53 or physical medicine and therapy); veterinary nutraceutical  
54 therapy; and veterinary phytotherapy.

55 (h) "Consultation" means when a licensed veterinarian  
56 receives advice in person, telephonically, electronically or by  
57 any other method of communication, from a veterinarian licensed in  
58 this or any other state or other person whose expertise, in the  
59 opinion of the licensed veterinarian, would benefit a patient.

60 (i) "Certified veterinary technician" means a  
61 veterinary technician certified by the board.

62 (j) "Direct supervision" means a licensed veterinarian  
63 is readily available on the premises where the patient is being  
64 treated.



65           (k) "Educational equivalence" means the holder has  
66 demonstrated knowledge and skill equivalent to that possessed by a  
67 graduate of an accredited college of veterinary medicine.

68           (l) "Extralabel use" means actual use or intended use  
69 of a drug in an animal in a manner that is not in accordance with  
70 the approved labeling. This includes, but is not limited to, use  
71 in species not listed in the labeling, use for indications  
72 (disease or other conditions) not listed in the labeling, use at  
73 dosage levels, frequencies, or routes of administration other than  
74 those stated in the labeling, and deviation from the labeled  
75 withdrawal time based on these different uses.

76           (m) "Impaired veterinarian" means a veterinarian who is  
77 unable to practice veterinary medicine with reasonable skill and  
78 safety because of a physical or mental disability as evidenced by  
79 a written determination from a competent authority or written  
80 consent based on clinical evidence, including deterioration of  
81 mental capacity, loss of motor skills, or abuse of drugs or  
82 alcohol of sufficient degree to diminish the person's ability to  
83 deliver competent patient care.

84           (n) "Indirect supervision" means a veterinarian has  
85 given either written or oral instructions for treatment of the  
86 patient and is readily available by telephone or other form of  
87 communication.

88           (o) "Informed consent" means the veterinarian has  
89 informed the client, in a manner that would be understood by a  
90 reasonable person, of the diagnostic and treatment options, risk  
91 assessment and prognosis and has provided the client with an  
92 estimate of the charges for veterinary services to be rendered and  
93 the client has consented to the recommended treatment.

94           (p) "Licensed veterinarian" means a person licensed to  
95 practice veterinary medicine in this state.

96           (q) "Patient" means an animal that is examined or  
97 treated by a veterinarian.



98                   (r) "Person" means any individual, firm, partnership  
99 (general, limited or limited liability), association, joint  
100 venture, cooperative, corporation, limited liability company or  
101 any other group or combination acting in concert and whether or  
102 not acting as a principal, partner, member, trustee, fiduciary,  
103 receiver or as any other kind of legal or personal representative  
104 or as the successor in interest, assignee, agent, factor, servant,  
105 employee, director, officer or any other representative of such  
106 person.

107                   (s) "Practice of veterinary medicine" means:

108                               (i) To diagnose, treat, correct, change, alleviate  
109 or prevent animal disease, illness, pain, deformity, defect,  
110 injury or other physical, dental or mental conditions by any  
111 method or mode, including:

112                                       1. The prescribing, dispensing, administering  
113 or applying of any drug, medicine, biologic, apparatus, anesthetic  
114 or other therapeutic or diagnostic substance or medical or  
115 surgical technique; or

116                                       2. The using of complementary, alternative  
117 and integrative therapies; or

118                                       3. The rendering of advice or recommendation  
119 by any means including telephonic and other electronic  
120 communications with regard to any of the above.

121                               (ii) To represent, directly or indirectly,  
122 publicly or privately, an ability and willingness to do an act  
123 described in this paragraph.

124                               (iii) To use any title, words, abbreviation or  
125 letters in a manner or under circumstances that induce the belief  
126 that the person using them is qualified to do any act described in  
127 this paragraph.

128                   (t) "Practice of veterinary technology" means to  
129 perform patient care or other services that require a technical  
130 understanding of veterinary medicine on the basis of written or



131 oral instruction of a veterinarian, excluding diagnosing,  
132 prognosing, performing surgery or prescribing drugs, medicine or  
133 appliances.

134 (u) "Veterinarian" means a person who has received a  
135 professional veterinary medical degree from a college of  
136 veterinary medicine.

137 (v) "Veterinarian-client-patient relationship" means  
138 that all of the following are required:

139 (i) The veterinarian has assumed the  
140 responsibility for making clinical judgments regarding the health  
141 of the animal and the need for medical treatment, and the client  
142 has agreed to follow the veterinarian's instructions.

143 (ii) The veterinarian has sufficient knowledge of  
144 the animal to initiate at least a general or preliminary diagnosis  
145 of the medical condition of the animal because the veterinarian  
146 has recently seen and is personally acquainted with the keeping  
147 and care of the animal either by virtue of an examination of the  
148 animal or by medically appropriate and timely visits to the  
149 premises where the animal is kept.

150 (w) "Veterinary medicine" means all branches and  
151 specialties included within the practice of veterinary medicine.

152 (x) "Veterinary premises" means any premises or  
153 facility where the practice of veterinary medicine occurs,  
154 including, but not limited to, a mobile clinic, outpatient clinic,  
155 satellite clinic or veterinary hospital or clinic, but shall not  
156 include the premises of a veterinary client, research facility, a  
157 federal military base or an accredited college of veterinary  
158 medicine.

159 (y) "Veterinary prescription drug" means a drug that  
160 may not be dispensed without the prescription of a veterinarian  
161 and that bears the label statement: "CAUTION: Federal law  
162 restricts this drug to use by or on the order of a licensed  
163 veterinarian."



164 (z) "Veterinary technician" means a person certified by  
165 the board as a veterinary technician.

166 (aa) "Veterinary technologist" means a graduate of a  
167 four-year accredited program in veterinary technology.

168 **SECTION 3.** Section 73-39-55, Mississippi Code of 1972, is  
169 reenacted as follows:

170 73-39-55. (1) A Board of Veterinary Medicine shall be  
171 appointed by the Governor and shall consist of five (5) licensed  
172 veterinarians, with at least one (1) member from each of the  
173 Supreme Court districts of the state and not more than two (2)  
174 members from the same Supreme Court district. All members of the  
175 Board of Veterinary Medicine shall be veterinarians who have  
176 practiced in this state for a period of not less than five (5)  
177 years and shall be graduates of a school of veterinary medicine  
178 recognized by the American Veterinary Medical Association.  
179 Appointments shall be for a five-year term or to fill an unexpired  
180 term. The Governor shall fill all vacancies on the board as they  
181 shall occur by appointment from a list of three (3) eligible  
182 veterinarians submitted by the Mississippi Veterinary Medical  
183 Association for each vacancy. If the vacancy to be filled is  
184 caused by expiration of the term, death, resignation or inability  
185 to serve as a board member whose residence is in a Supreme Court  
186 district having two (2) members on the board, the Mississippi  
187 Veterinary Medical Association shall submit six (6) names: three  
188 (3) from the Supreme Court district in which the former board  
189 member resided and three (3) from the Supreme Court district which  
190 had only one (1) member on the board, and the Governor shall fill  
191 the vacancy by appointment of one (1) of the six (6) nominees.  
192 All appointments shall be with the advice and consent of the  
193 Senate.

194 Members of the board serving on the predecessor board under  
195 Section 73-39-5 on July 1, 2005, may continue as members of the  
196 board until the expiration of the term for which they were



197 appointed. Vacancies due to death, resignation or removal shall  
198 be filled for the remainder of the unexpired term in the same  
199 manner as regular appointments.

200 (a) A licensed veterinarian shall be qualified to serve  
201 as a member of the board if he has been licensed to practice  
202 veterinary medicine in this state for the five (5) years  
203 immediately preceding the time of his appointment.

204 (b) Each member of the board shall be paid in  
205 accordance with Section 25-3-69 for each day or substantial  
206 portion thereof if he is engaged in the work of the board, in  
207 addition to such reimbursement for travel and other expenses as is  
208 allowed under Section 25-3-41.

209 (2) The board shall meet at least once each year at the time  
210 and place fixed by rule of the board. Other necessary meetings  
211 may be called by the board by giving notice as may be required by  
212 rule. Except as may otherwise be provided, a majority of the  
213 board constitutes a quorum. Meetings shall be open and public  
214 except that the board may meet in closed session to prepare,  
215 approve, administer or grade examinations or to deliberate the  
216 qualification of an applicant for license or the disposition of a  
217 proceeding to discipline a licensed veterinarian in accordance  
218 with Section 25-41-7.

219 (3) The board annually shall elect officers from its  
220 membership as may be prescribed by rule. Officers of the board  
221 serve for terms of one (1) year and until a successor is elected,  
222 without limitation on the number of terms an officer may serve.  
223 The duties of officers shall be prescribed by rule.

224 **SECTION 4.** Section 73-39-57, Mississippi Code of 1972, is  
225 reenacted and amended as follows:

226 73-39-57. The board may:

227 (a) Adopt, amend or repeal all rules necessary for its  
228 government and all regulations necessary to implement this  
229 chapter, including the establishment and publication of standards



230 of practice and professional conduct for the practice of  
231 veterinary medicine.

232 (b) Adopt, promulgate and enforce rules and regulations  
233 relating to specific duties and responsibilities; certification,  
234 registration or licensure; and other matters pertaining to  
235 veterinary technicians or nonlicensed persons consistent with this  
236 chapter.

237 (c) Initiate disciplinary procedures, hold hearings,  
238 reprimand, suspend, revoke or refuse to issue or renew credentials  
239 and perform any other acts that may be necessary to regulate  
240 veterinary technicians and technologists.

241 (d) Examine by established protocol the qualifications  
242 and fitness of applicants for a license to practice veterinary  
243 medicine in this state.

244 (e) Issue, renew or deny the licenses and temporary  
245 permits to practice veterinary medicine.

246 (f) Limit, suspend or revoke the licenses of  
247 disciplined veterinarians or otherwise discipline licensed  
248 veterinarians consistent with this chapter and applicable rules  
249 and regulations.

250 (g) Establish and publish annually a schedule of fees  
251 for licensing and certification.

252 (h) Conduct investigations of suspected violations of  
253 this chapter to determine whether there are sufficient grounds to  
254 initiate disciplinary proceedings.

255 (i) Inspect veterinary premises and equipment,  
256 including practice vehicles, on a triennial basis and assess an  
257 inspection fee in the amount of One Hundred Dollars (\$100.00) per  
258 inspection and an additional fee of Fifty Dollars (\$50.00) for  
259 each licensed veterinarian employed by the inspected veterinary  
260 establishment.

261 (j) Hold hearings on all matters properly brought  
262 before the board, to administer oaths, receive evidence, make





263 necessary determinations and enter orders consistent with the  
264 findings. The board may require by subpoena the attendance and  
265 testimony of witnesses and the production of papers, records or  
266 other documentary evidence and commission depositions. The board  
267 may designate one or more of its members to serve as its hearing  
268 officer. The board shall adopt rules and regulations for hearings  
269 before the board and the rules shall afford any person appearing  
270 before the board the safeguards of procedural due process. Formal  
271 rules of evidence shall not apply.

272 (k) Employ full- or part-time personnel necessary to  
273 implement this chapter and purchase or rent necessary office  
274 space, equipment and supplies.

275 (l) Appoint from its own membership one or more members  
276 to act as representatives of the board at any meeting within or  
277 outside the state.

278 (m) Bring proceedings in the courts against any person  
279 for the enforcement of this chapter or any regulations made  
280 pursuant thereto.

281 The powers enumerated herein are granted for the purpose of  
282 enabling the board to supervise effectively the practice of  
283 veterinary medicine and veterinary technology and are to be  
284 construed liberally to accomplish this objective.

285 **SECTION 5.** Section 73-39-59, Mississippi Code of 1972, is  
286 reenacted as follows:

287 73-39-59. (1) No person may practice veterinary medicine in  
288 the state who is not a licensed veterinarian or the holder of a  
289 valid temporary permit issued by the board unless otherwise exempt  
290 under this chapter.

291 (2) No person may practice veterinary medicine in the state  
292 except within the context of a veterinarian-client-patient  
293 relationship.

294 (3) A veterinarian-client-patient relationship cannot be  
295 established solely by telephonic or other electronic means.



296           **SECTION 6.** Section 73-39-61, Mississippi Code of 1972, is  
297 reenacted as follows:

298           73-39-61. This chapter shall not be construed to prohibit:

299                   (a) Any employee of the federal, state or local  
300 government performing his official duties.

301                   (b) Any student in an accredited college of veterinary  
302 medicine or an accredited program in veterinary technology  
303 performing duties or actions assigned by instructors or working  
304 under the direct supervision of a licensed veterinarian.

305                   (c) Any person advising or performing acts that the  
306 board has designated by rule as accepted livestock management  
307 practices.

308                   (d) Any person providing consultation to a licensed  
309 veterinarian in this state on the care and management of a  
310 patient.

311                   (e) Any member in good standing of another licensed or  
312 regulated profession within any state, or any member of an  
313 organization or group approved by the board, providing assistance  
314 requested by a veterinarian licensed in the state, acting with  
315 informed consent from the client, and acting under the direct or  
316 indirect supervision and control of the licensed veterinarian.  
317 Providing assistance involves hands-on active participation in the  
318 treatment and care of the patient. The licensed veterinarian  
319 shall maintain responsibility for the veterinarian-client-patient  
320 relationship.

321                   (f) Any veterinarian employed by an accredited college  
322 of veterinary medicine providing assistance requested by a  
323 veterinarian licensed in the state, acting with informed consent  
324 from the client, and acting under the direct or indirect  
325 supervision and control of the licensed veterinarian. Providing  
326 assistance involves hands-on active participation in the treatment  
327 and care of the patient. The licensed veterinarian shall maintain  
328 responsibility for the veterinarian-client-patient relationship.



329 (g) Any pharmacist, merchant or manufacturer selling at  
330 his regular place of business medicines, feed, appliances or other  
331 products used in the prevention or treatment of animal diseases as  
332 permitted by law.

333 (h) Any person lawfully engaged in horseshoeing.

334 (i) Any person rendering advice without expectation of  
335 compensation.

336 (j) Any owner of an animal and any of the owner's  
337 regular employees caring for and treating the animal belonging to  
338 such owner, except when the ownership of the animal was  
339 transferred for purposes of circumventing this chapter. A  
340 veterinarian-client-patient relationship must exist when  
341 prescription drugs or nonprescription drugs intended for  
342 extralabel use are administered, dispensed or prescribed.

343 (k) Any instructor at an accredited college of  
344 veterinary medicine or accredited program in veterinary technology  
345 performing his regular functions or any person lecturing or giving  
346 instructions or demonstrations at an accredited college of  
347 veterinary medicine, accredited program in veterinary technology  
348 or in a veterinary or veterinary technology continuing education  
349 course or seminar.

350 (l) Any person selling or applying pesticides,  
351 insecticides or herbicides as permitted by law.

352 (m) Any person engaging in bona fide scientific  
353 research that reasonably requires experimentation involving  
354 animals.

355 (n) Any certified veterinary technician or other  
356 employee of a licensed veterinarian performing duties other than  
357 diagnosis, prognosis, prescription or surgery under the direction  
358 and supervision of the veterinarian who shall be responsible for  
359 the performance of the employee.

360 (o) Any graduate of a nonaccredited college of  
361 veterinary medicine who is in the process of obtaining educational



362 equivalence and is performing duties or actions assigned by  
363 instructors in an accredited college of veterinary medicine.

364 (p) Any person who, without expectation of  
365 compensation, provides emergency veterinary care in an emergency  
366 or disaster situation.

367 (q) Any animal shelter employee acting under the  
368 supervision of a licensed veterinarian or authorized by the board  
369 to perform euthanasia in the course and scope of employment.

370 (r) Any wildlife rehabilitator that is licensed by a  
371 federal or state agency performing duties in accordance with its  
372 licensure authority.

373 **SECTION 7.** Section 73-39-63, Mississippi Code of 1972, is  
374 reenacted and amended as follows:

375 73-39-63. (1) The practice of veterinary technology is a  
376 privilege granted by legislative authority to maintain public  
377 health, safety and welfare and to protect the public from being  
378 misled by unauthorized individuals.

379 (2) An individual who has graduated from a veterinary  
380 technology or technician program that is accredited according to  
381 the standards adopted by the American Veterinary Medical  
382 Association's Committee on Veterinary Technician/Technology  
383 Education and Activities \* \* \*, and who has filed the application  
384 and the requisite fees shall be eligible to take the examination  
385 for certification as an animal technician.

386 (3) Veterinary technicians and technologists applying for  
387 certification shall be required to pass the Veterinary Technician  
388 National Examination, with scores as set by the board, before  
389 receiving certification.

390 (4) All certified veterinary technicians and technologists  
391 shall be required to complete continuing professional education as  
392 prescribed by rule to renew their credentials.

393 (5) After a hearing, the board may suspend, revoke or deny  
394 the issuance or renewal of certification of any veterinary



395 technician or technologist who is found guilty of any of the  
396 following:

397 (a) Fraud or misrepresentation in applying for  
398 certification.

399 (b) Criminal offense relating to veterinary medicine.

400 (c) Any violation of the Uniform Controlled Substances  
401 Law.

402 (d) Convicted of cruelty to animals.

403 (e) Violation of any of the rules or regulations of the  
404 board.

405 **SECTION 8.** Section 73-39-65, Mississippi Code of 1972, is  
406 reenacted as follows:

407 73-39-65. Any person who holds a valid license to practice  
408 veterinary medicine in this state on July 1, 2005, shall be  
409 recognized as a licensed veterinarian and shall be entitled to  
410 retain this status so long as he complies with this chapter.

411 **SECTION 9.** Section 73-39-67, Mississippi Code of 1972, is  
412 reenacted as follows:

413 73-39-67. (1) To obtain a license to practice veterinary  
414 medicine, a person shall file a written application and  
415 application fee with the board. The application shall show that  
416 the applicant is a graduate of an accredited college of veterinary  
417 medicine or has the educational equivalence as set by the board.  
418 The application shall also show that the applicant is a person of  
419 good moral character and any other information and proof as the  
420 board may require.

421 (2) If the board determines that the applicant possesses the  
422 proper qualifications, it shall admit the applicant to the next  
423 examination, or if the applicant is eligible for license by  
424 endorsement, the board may grant him a license. If an applicant  
425 is found not qualified to take the examination or for a license by  
426 endorsement, the board shall notify the applicant in writing  
427 within thirty (30) days of its finding and the grounds for its



428 findings. An applicant found unqualified may request a hearing  
429 before the board.

430 (3) The board may grant a temporary license to an applicant  
431 to practice veterinary medicine until the scheduled state board  
432 examination, if the applicant pays the application fee, provides  
433 sufficient evidence that he meets the qualifications for  
434 licensure, and provides evidence that he resides in the State of  
435 Mississippi. The board may grant a second temporary permit, but  
436 the board may not grant more than two (2) temporary permits to any  
437 one (1) person.

438 (4) A person licensed by the board shall display the license  
439 in the facility in which the licensee practices.

440 **SECTION 10.** Section 73-39-69, Mississippi Code of 1972, is  
441 reenacted as follows:

442 73-39-69. (1) The board shall provide for at least one (1)  
443 examination for licensing, certification or registration during  
444 each calendar year and may provide for such additional  
445 examinations as are necessary. The board shall give public notice  
446 of the time and place of each examination at least one hundred  
447 twenty (120) days before the date of the examination.

448 (2) The preparation, administration, grading and criterion  
449 for passing examinations shall be governed by rules prescribed by  
450 the board. Examinations for veterinary licensure shall be  
451 designed to test the examinee's knowledge of and proficiency in  
452 the subjects and techniques pertaining to the practice of  
453 veterinary medicine commonly taught in an accredited college of  
454 veterinary medicine. The passing score shall be determined by the  
455 testing entity. The board may adopt and use the results of a  
456 nationally recognized testing entity such as the National Board of  
457 Veterinary Medical Licensing Examiners.

458 (3) Any person, not licensed to practice veterinary medicine  
459 under the laws of Mississippi, shall be required to take the state  
460 board examination. This examination shall be designed to test the



461 applicant's knowledge of the Mississippi Veterinary Practice Act  
462 and Principles of Veterinary Medical Ethics as set forth by the  
463 American Veterinary Medical Association. Notice of this  
464 examination shall be given one hundred twenty (120) days in  
465 advance, and application must be made at least thirty (30) days  
466 before the examination. The examination shall be administered  
467 annually on the second Tuesday of June. The application fee and  
468 time and location of the examination shall be determined by the  
469 board.

470 (4) After examination, each examinee shall be notified of  
471 the result of the examination, and the board shall issue a license  
472 signed by members of the board. Any person who fails an  
473 examination may be admitted to any subsequent examination on  
474 payment of the application fee.

475 **SECTION 11.** Section 73-39-71, Mississippi Code of 1972, is  
476 reenacted as follows:

477 73-39-71. (1) The board may issue a license by endorsement  
478 to an applicant who furnishes satisfactory proof that he is a  
479 graduate of an accredited college of veterinary medicine or the  
480 educational equivalence. The applicant must also show that he is  
481 a person of good moral character and is licensed to practice  
482 veterinary medicine in at least one (1) state, territory or  
483 district of the United States and has practiced veterinary  
484 medicine in one or more of those states without disciplinary  
485 action by any state or federal agency for at least the three (3)  
486 years immediately before filing the application.

487 (2) The board may examine any person qualifying for  
488 licensing under this section.

489 **SECTION 12.** Section 73-39-73, Mississippi Code of 1972, is  
490 reenacted and amended as follows:

491 73-39-73. (1) Faculty members employed at the College of  
492 Veterinary Medicine who are eligible for licensure shall obtain a  
493 Mississippi veterinary license. Faculty members not eligible for



494 a Mississippi license may qualify for a Mississippi faculty  
495 license under one (1) of the following criterion:

496 (a) Graduate veterinarians who have completed an  
497 advanced degree at a college of veterinary medicine accredited by  
498 the American Veterinary Medical Association Council on Education  
499 (AVMA-COE); \* \* \*

500 (b) Graduate veterinarians who have completed a formal  
501 residency from an AVMA-COE accredited college of veterinary  
502 medicine, or other residency approved by the AVMA;

503 (c) Graduate veterinarians who are board certified in a  
504 specialty recognized by the AVMA-COE; or

505 (d) Graduate veterinarians who are board certified by  
506 the European Board of Veterinary Specialization.

507 (2) Possession of a Mississippi faculty license shall enable  
508 the holder of such license to operate as a veterinarian under the  
509 auspices of the institution for which the person is licensed. Any  
510 person holding a Mississippi faculty license desiring to practice  
511 veterinary medicine outside of the authority given by the  
512 institution shall be required to meet the requirements of the  
513 board for obtaining a valid Mississippi veterinary license.

514 **SECTION 13.** Section 73-39-75, Mississippi Code of 1972, is  
515 reenacted and amended as follows:

516 73-39-75. (1) \* \* \* All licenses shall expire August 1 of  
517 each year but may be renewed by registration with the board and  
518 payment of the license renewal fee. At least thirty (30) days in  
519 advance, the board shall mail an expiration notice to each  
520 licensed veterinarian and include a form for renewal.

521 (2) The board shall establish the continuing education  
522 requirements that must be met for license renewal.

523 (3) Any person may renew an expired license within five (5)  
524 years of the date of its expiration by making written application  
525 for renewal, paying the current renewal fee and a reinstatement





526 fee of Five Hundred Dollars (\$500.00), plus all delinquent renewal  
527 fees and complying with continuing education requirements.

528 (4) The board may waive the payment of the registration  
529 renewal fee of a licensed veterinarian during the period when he  
530 is on active duty with any branch of the armed services of the  
531 United States.

532 (5) Any licensed veterinarian who is sixty-five (65) years  
533 of age or older and who is employed as a veterinarian on a  
534 part-time basis only shall be exempt from payment of such renewal  
535 fee.

536 (6) The payment of the annual license renewal fee shall be  
537 optional for all veterinarians seventy (70) years and older.

538 **SECTION 14.** Section 73-39-77, Mississippi Code of 1972, is  
539 reenacted as follows:

540 73-39-77. (1) Upon a written complaint sworn to by any  
541 person, the board, in its sole discretion, may, after a hearing,  
542 revoke, suspend or limit for a certain time a license, impose an  
543 administrative fine not to exceed One Thousand Dollars (\$1,000.00)  
544 for each separate offense, or otherwise discipline any licensed  
545 veterinarian for any of the following reasons:

546 (a) The employment of fraud, misrepresentation or  
547 deception in obtaining a license.

548 (b) The inability to practice veterinary medicine with  
549 reasonable skill and safety because of a physical or mental  
550 disability, including deterioration of mental capacity, loss of  
551 motor skills or abuse of drugs or alcohol of sufficient degree to  
552 diminish the person's ability to deliver competent patient care.

553 (c) The use of advertising or solicitation that is  
554 false or misleading.

555 (d) Conviction of the following in any federal court or  
556 in the courts of this state or any other jurisdiction, regardless  
557 of whether the sentence is deferred:

558 (i) Any felony;



559 (ii) Any crime involving cruelty, abuse or neglect  
560 of animals, including bestiality;

561 (iii) Any crime of moral turpitude;

562 (iv) Any crime involving unlawful sexual contact,  
563 child abuse, the use or threatened use of a weapon, the infliction  
564 of injury, indecent exposure, perjury, false reporting, criminal  
565 impersonation, forgery and any other crime involving a lack of  
566 truthfulness, veracity or honesty, intimidation of a victim or  
567 witness, larceny, or alcohol or drugs.

568 For the purposes of this paragraph, a plea of guilty or a  
569 plea of nolo contendere accepted by the court shall be considered  
570 as a conviction.

571 (e) Incompetence, gross negligence or other malpractice  
572 in the practice of veterinary medicine.

573 (f) Aiding the unlawful practice of veterinary  
574 medicine.

575 (g) Fraud or dishonesty in the application or reporting  
576 of any test for disease in animals.

577 (h) Failure to report, as required by law, or making  
578 false or misleading report of, any contagious or infectious  
579 disease.

580 (i) Failure to keep accurate patient records.

581 (j) Dishonesty or gross negligence in the performance  
582 of food safety inspections or in the issuance of any health or  
583 inspection certificates.

584 (k) Failure to keep veterinary premises and equipment,  
585 including practice vehicles, in a clean and sanitary condition.

586 (l) Failure to permit the board or its agents to enter  
587 and inspect veterinary premises and equipment, including practice  
588 vehicles, as set by rules promulgated by the board.

589 (m) Revocation, suspension or limitation of a license  
590 to practice veterinary medicine by another state, territory or  
591 district of the United States.



592           (n) Loss or suspension of accreditation by any federal  
593 or state agency.

594           (o) Unprofessional conduct as defined in regulations  
595 adopted by the board.

596           (p) The dispensing, distribution, prescription or  
597 administration of any veterinary prescription drug, or the  
598 extralabel use of any drug in the absence of a  
599 veterinarian-client-patient relationship.

600           (q) Violations of state or federal drug laws.

601           (r) Violations of any order of the board.

602           (s) Violations of this chapter or of the rules  
603 promulgated under this chapter.

604           (2) A certified copy of any judgment of conviction or  
605 finding of guilt by a court of competent jurisdiction or by a  
606 governmental agency, or agency authorized to issue licenses or  
607 permits, including the United States Department of Agriculture,  
608 Animal and Plant Health Inspection Service, the Mississippi Board  
609 of Animal Health and the Mississippi Board of Health, of a  
610 veterinarian or veterinary technician of any matters listed in  
611 this section shall be admissible in evidence in any hearing held  
612 by the board to discipline such veterinarian or technician and  
613 shall constitute prima facie evidence of the commission of any  
614 such act.

615           **SECTION 15.** Section 73-39-79, Mississippi Code of 1972, is  
616 reenacted as follows:

617           73-39-79. (1) The board shall establish a program of care,  
618 counseling or treatment for impaired veterinarians.

619           (2) The program of care, counseling or treatment shall  
620 include a written schedule of organized treatment, care,  
621 counseling, activities or education satisfactory to the board  
622 designed for the purposes of restoring an impaired person to a  
623 condition whereby the impaired person can practice veterinary



624 medicine with reasonable skill and safety of a sufficient degree  
625 to deliver competent patient care.

626 (3) All persons authorized to practice by the board shall  
627 report in good faith any veterinarian they reasonably believe to  
628 be impaired as defined in Section 73-39-53.

629 **SECTION 16.** Section 73-39-81, Mississippi Code of 1972, is  
630 reenacted as follows:

631 73-39-81. Any person aggrieved by a decision of the board  
632 may appeal to the Circuit Court of the First Judicial District of  
633 Hinds County, Mississippi, in accordance with the Uniform Rules of  
634 Circuit and County Court Practice governing appeals from  
635 administrative agencies. The appeal shall be made solely on the  
636 record before the board.

637 **SECTION 17.** Section 73-39-83, Mississippi Code of 1972, is  
638 reenacted as follows:

639 73-39-83. (1) No licensed veterinarian shall disclose any  
640 information concerning the licensed veterinarian's care of a  
641 patient except on written authorization or by waiver by the  
642 licensed veterinarian's client or by court order, by subpoena, or  
643 as otherwise provided in this section.

644 (2) Copies of or information from veterinary records shall  
645 be provided without the owner's consent to public, animal health,  
646 animal welfare, wildlife or agriculture authorities employed by  
647 federal, state or local governmental agencies who have a legal or  
648 regulatory interest in the contents of the records for the  
649 protection of animal and public health.

650 (3) Any licensed veterinarian releasing information under  
651 written authorization or other waiver by the client or under court  
652 order, by subpoena, or as otherwise provided by this section shall  
653 not be liable to the client or any other person.

654 (4) The privilege provided by this section shall be waived  
655 to the extent that the licensed veterinarian's client or the owner  
656 of the patient places the licensed veterinarian's care and



657 treatment of the patient or the nature and extent of injuries to  
658 the animal at issue in any civil criminal proceeding.

659 **SECTION 18.** Section 73-39-85, Mississippi Code of 1972, is  
660 reenacted as follows:

661 73-39-85. Any member of the board, any witness testifying in  
662 a proceeding or hearing authorized under this chapter, any person  
663 who lodges a complaint pursuant to this chapter and any person  
664 reporting an impaired veterinarian shall be immune from liability  
665 in any civil or criminal action brought against him for any action  
666 occurring while he was acting in his capacity as a board member,  
667 witness, complainant or reporting party, if the person was acting  
668 in good faith within the scope of his capacity.

669 **SECTION 19.** Section 73-39-87, Mississippi Code of 1972, is  
670 reenacted as follows:

671 73-39-87. Any veterinarian licensed in this state who  
672 reports, in good faith and in the normal course of business, a  
673 suspected incident of animal cruelty to the proper authorities  
674 shall be immune from liability in any civil or criminal action  
675 brought against the veterinarian for reporting the incident.

676 **SECTION 20.** Section 73-39-89, Mississippi Code of 1972, is  
677 reenacted as follows:

678 73-39-89. (1) Any animal placed in the custody of a  
679 licensed veterinarian for treatment, boarding or other care which  
680 is unclaimed by the client for more than ten (10) days after  
681 written notice by certified mail, return receipt requested, or  
682 United States priority mail, confirmation of receipt, is sent to  
683 the client at the client's last known address shall be deemed to  
684 be abandoned. The abandonment shall constitute the relinquishment  
685 of all rights and claims by the client to the animal. The  
686 abandoned animal may be turned over to the nearest humane society  
687 or animal shelter or otherwise disposed of or destroyed by the  
688 licensed veterinarian in a humane manner.



689 (2) If a licensed veterinarian follows the procedures of  
690 this section, the veterinarian is relieved of any further  
691 liability for disposal and shall not be subject to disciplinary  
692 action under this chapter.

693 (3) The disposal of an abandoned animal shall not relieve  
694 the client of any financial obligation incurred for treatment,  
695 boarding or other care provided by the licensed veterinarian.

696 **SECTION 21.** Section 73-39-91, Mississippi Code of 1972, is  
697 reenacted as follows:

698 73-39-91. (1) Any person who practices veterinary medicine  
699 without a valid license or temporary permit issued by the board is  
700 guilty of a misdemeanor and, upon conviction, shall be fined an  
701 amount of not more than Five Hundred Dollars (\$500.00) nor less  
702 than One Hundred Dollars (\$100.00) per violation if each act of  
703 such unlawful practice constitutes a distinct and separate  
704 offense.

705 (2) Any person not licensed under this chapter is considered  
706 to have violated this chapter and may be subject to all the  
707 penalties provided for such violations if he:

708 (a) Performs any of the functions described as the  
709 practice of veterinary medicine as defined in this chapter;

710 (b) Represents, directly or indirectly, publicly or  
711 privately, an ability and willingness to perform any of the  
712 functions described as the practice of veterinary medicine as  
713 defined in this chapter; or

714 (c) Uses any title, words, abbreviation or letters in a  
715 manner or under circumstances that induces the belief that the  
716 person using them is qualified to perform any of the functions  
717 described as the practice of veterinary medicine as defined in  
718 this chapter.

719 (3) The board may bring an action to enjoin any person from  
720 practicing veterinary medicine without a valid license or  
721 temporary permit issued by the board. If the court finds that the



722 person is violating or is threatening to violate this chapter, it  
723 shall enter an injunction restraining him from the unlawful acts.

724 (4) Notwithstanding any other provisions of this chapter,  
725 the board may take immediate action if there is an imminent threat  
726 to the health, safety or welfare of the public. The board shall  
727 find that this action is necessary for the protection of the  
728 public and necessary to effectively enforce this chapter. If the  
729 board takes immediate action under this subsection, efforts shall  
730 be made as soon as possible to proceed in accordance with a  
731 hearing under Section 73-39-81.

732 (5) In addition to any other penalty or remedy provided by  
733 law, the board may implement a system of cite and fine procedures  
734 for licensed and nonlicensed persons who violate the state  
735 veterinary practice act. The board may also impose a civil  
736 penalty, upon conviction, for each separate violation. This civil  
737 penalty shall be in an amount not to exceed Five Hundred Dollars  
738 (\$500.00) for each violation and shall be assessed by the board in  
739 accordance with the provisions set forth in Section 73-39-81.

740 (6) The success or failure of an action based on any one (1)  
741 of the remedies set forth in this section shall in no way  
742 prejudice the prosecution of an action based on any other of the  
743 remedies.

744 **SECTION 22.** Section 73-39-93, Mississippi Code of 1972, is  
745 reenacted as follows:

746 73-39-93. Any person whose license is suspended, revoked or  
747 limited may be reinstated at any time, with or without an  
748 examination, by approval of the board after written application is  
749 made to the board showing cause justifying relicensing or  
750 reinstatement.

751 **SECTION 23.** Section 73-39-95, Mississippi Code of 1972,  
752 which repeals Sections 73-39-51 through 73-39-95 is repealed.

753 **SECTION 24.** This act shall take effect and be in force from  
754 and after its passage.

