

By: Representative Creekmore IV

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 514

1 AN ACT TO AMEND SECTION 73-39-53, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF "VETERINARIAN-CLIENT-PATIENT
3 RELATIONSHIP" AS USED IN THE MISSISSIPPI VETERINARY PRACTICE ACT;
4 TO AMEND SECTION 73-39-55, MISSISSIPPI CODE OF 1972, TO ADD ONE
5 CERTIFIED VETERINARY TECHNICIAN AND ONE PUBLIC MEMBER TO THE BOARD
6 OF VETERINARY MEDICINE; TO PROVIDE CERTAIN QUALIFICATIONS FOR THE
7 PUBLIC MEMBER OF THE BOARD; TO AMEND SECTION 73-39-57, MISSISSIPPI
8 CODE OF 1972, TO AUTHORIZE THE BOARD TO DETERMINE THE AMOUNT OF
9 INSPECTION FEES TO BE PAID BY EACH LICENSED VETERINARIAN EMPLOYED
10 BY THE INSPECTED VETERINARY ESTABLISHMENT; TO AMEND SECTION
11 73-39-63, MISSISSIPPI CODE OF 1972, TO PROHIBIT A PERSON FROM
12 USING THE TITLE OF VETERINARY TECHNOLOGIST OR TECHNICIAN UNLESS
13 CREDENTIALLED BY THE BOARD; TO AMEND SECTION 73-39-69, MISSISSIPPI
14 CODE OF 1972, TO REMOVE THE REQUIREMENT FOR THE BOARD TO PROVIDE
15 AT LEAST ONE EXAMINATION FOR LICENSING EACH YEAR AND TO GIVE
16 PUBLIC NOTICE OF THE TIME AND PLACE OF EACH EXAMINATION; TO AMEND
17 SECTION 73-39-71, MISSISSIPPI CODE OF 1972, TO REMOVE PROVISIONS
18 AUTHORIZING THE BOARD TO ISSUE A LICENSE BY ENDORSEMENT; TO AMEND
19 SECTION 73-39-75, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD
20 TO DETERMINE THE AMOUNT OF THE FEE FOR LICENSE RENEWAL; TO
21 INCREASE THE AGE OF LICENSED VETERINARIANS EXEMPT FROM PAYMENT OF
22 THE RENEWAL FEE FROM SIXTY-FIVE YEARS OF AGE OR OLDER TO SEVENTY
23 YEARS OF AGE OR OLDER; TO AMEND SECTION 73-39-77, MISSISSIPPI CODE
24 OF 1972, TO AUTHORIZE THE BOARD TO REVOKE OR SUSPEND THE
25 CERTIFICATION OF A VETERINARY TECHNICIAN OR TECHNOLOGIST; TO AMEND
26 SECTION 73-39-91, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD
27 TO DETERMINE THE AMOUNT OF THE FINE FOR A PERSON WHO PRACTICES
28 VETERINARY MEDICINE WITHOUT A VALID LICENSE OR USING THE TITLE
29 CERTIFIED VETERINARY TECHNICIAN OR CERTIFIED VETERINARY
30 TECHNOLOGIST; TO AUTHORIZE THE BOARD TO BRING AN ACTION TO ENJOIN
31 ANY PERSON FROM PRACTICING VETERINARY TECHNOLOGY WITHOUT A VALID
32 CERTIFICATION; AND FOR RELATED PURPOSES.

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



34 **SECTION 1.** Section 73-39-53, Mississippi Code of 1972, is
35 amended as follows:

36 73-39-53. When used in this chapter, these words and phrases
37 shall be defined as follows:

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

42 (b) "Accredited college of veterinary medicine" means
43 any veterinary college, school or division of a university or
44 college that offers the degree of doctor of veterinary medicine or
45 its equivalent and that is accredited by the Council on Education
46 of the American Veterinary Medical Association (AVMA).

47 (c) "Accredited program in veterinary
48 technology/technician" means any postsecondary educational program
49 that is accredited by the Committee on Veterinary Technician
50 Education and Activities of the AVMA.

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

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

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

55 (g) "Complementary, alternative and integrative
56 therapies" means a heterogeneous group of preventive, diagnostic,
57 and therapeutic philosophies and practices, which at the time they
58 are performed may differ from current scientific knowledge, or



59 whose theoretical basis and techniques may diverge from veterinary
60 medicine routinely taught in accredited veterinary medical
61 colleges, or both. These therapies include, but are not limited
62 to, veterinary acupuncture, acutheraPy and acupressure; veterinary
63 homeopathy; veterinary manual or manipulative therapy (therapies
64 based on techniques practiced in osteopathy, chiropractic medicine
65 or physical medicine and therapy); veterinary nutraceutical
66 therapy; and veterinary phytotherapy.

67 (h) "Consultation" means when a licensed veterinarian
68 receives advice in person, telephonically, electronically or by
69 any other method of communication, from a veterinarian licensed in
70 this or any other state or other person whose expertise, in the
71 opinion of the licensed veterinarian, would benefit a patient.

72 (i) "Certified veterinary technician" means a
73 veterinary technician certified by the board.

74 (j) "Direct supervision" means a licensed veterinarian
75 is readily available on the premises where the patient is being
76 treated.

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

80 (l) "Extralabel use" means actual use or intended use
81 of a drug in an animal in a manner that is not in accordance with
82 the approved labeling. This includes, but is not limited to, use
83 in species not listed in the labeling, use for indications



84 (disease or other conditions) not listed in the labeling, use at
85 dosage levels, frequencies, or routes of administration other than
86 those stated in the labeling, and deviation from the labeled
87 withdrawal time based on these different uses.

88 (m) "Impaired veterinarian" means a veterinarian who is
89 unable to practice veterinary medicine with reasonable skill and
90 safety because of a physical or mental disability as evidenced by
91 a written determination from a competent authority or written
92 consent based on clinical evidence, including deterioration of
93 mental capacity, loss of motor skills, or abuse of drugs or
94 alcohol of sufficient degree to diminish the person's ability to
95 deliver competent patient care.

96 (n) "Indirect supervision" means a veterinarian has
97 given either written or oral instructions for treatment of the
98 patient and is readily available by telephone or other form of
99 communication.

100 (o) "Informed consent" means the veterinarian has
101 informed the client, in a manner that would be understood by a
102 reasonable person, of the diagnostic and treatment options, risk
103 assessment and prognosis and has provided the client with an
104 estimate of the charges for veterinary services to be rendered and
105 the client has consented to the recommended treatment.

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



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

110 (r) "Person" means any individual, firm, partnership
111 (general, limited or limited liability), association, joint
112 venture, cooperative, corporation, limited liability company or
113 any other group or combination acting in concert and whether or
114 not acting as a principal, partner, member, trustee, fiduciary,
115 receiver or as any other kind of legal or personal representative
116 or as the successor in interest, assignee, agent, factor, servant,
117 employee, director, officer or any other representative of such
118 person.

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

120 (i) To diagnose, treat, correct, change, alleviate
121 or prevent animal disease, illness, pain, deformity, defect,
122 injury or other physical, dental or mental conditions by any
123 method or mode, including:

124 1. The prescribing, dispensing, administering
125 or applying of any drug, medicine, biologic, apparatus, anesthetic
126 or other therapeutic or diagnostic substance or medical or
127 surgical technique; or

128 2. The using of complementary, alternative
129 and integrative therapies; or

130 3. The rendering of advice or recommendation
131 by any means including telephonic and other electronic
132 communications with regard to any of the above.



133 (ii) To represent, directly or indirectly,
134 publicly or privately, an ability and willingness to do an act
135 described in this paragraph.

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

140 (t) "Practice of veterinary technology" means to
141 perform patient care or other services that require a technical
142 understanding of veterinary medicine on the basis of written or
143 oral instruction of a veterinarian, excluding diagnosing,
144 prognosing, performing surgery or prescribing drugs, medicine or
145 appliances.

146 (u) "Veterinarian" means a person who has received a
147 professional veterinary medical degree from a college of
148 veterinary medicine.

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

151 (i) The veterinarian has assumed the
152 responsibility for making clinical judgments regarding the health
153 of the animal and the need for medical treatment, and the client
154 has agreed to follow the veterinarian's instructions.

155 (ii) The veterinarian has sufficient knowledge of
156 the animal to initiate at least a general or preliminary diagnosis
157 of the medical condition of the animal because the veterinarian



158 has * * * seen the animal within the immediately preceding twelve
159 (12) months and is personally acquainted with the keeping and care
160 of the animal either by virtue of an examination of the animal or
161 by medically appropriate and timely visits to the premises where
162 the animal is kept.

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

165 (x) "Veterinary premises" means any premises or
166 facility where the practice of veterinary medicine occurs,
167 including, but not limited to, a mobile clinic, outpatient clinic,
168 satellite clinic or veterinary hospital or clinic, but shall not
169 include the premises of a veterinary client, research facility, a
170 federal military base or an accredited college of veterinary
171 medicine.

172 (y) "Veterinary prescription drug" means a drug that
173 may not be dispensed without the prescription of a veterinarian
174 and that bears the label statement: "CAUTION: Federal law
175 restricts this drug to use by or on the order of a licensed
176 veterinarian."

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

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

181 **SECTION 2.** Section 73-39-55, Mississippi Code of 1972, is
182 amended as follows:



183 73-39-55. (1) A Board of Veterinary Medicine shall be
184 appointed by the Governor and shall consist of five (5) licensed
185 veterinarians, one (1) Certified Veterinary Technician, and one
186 (1) public member with at least one (1) member from each of the
187 Supreme Court districts of the state and not more than * * * three
188 (3) members from the same Supreme Court district. All
189 professional members of the Board of Veterinary Medicine
190 shall * * * have * * * been licensed to practice in this state for
191 a period of not less than five (5) years * * *. Appointments
192 shall be for a five-year term or to fill an unexpired term. The
193 Governor shall fill all vacancies on the board as they shall occur
194 by appointment from a list of three (3) eligible veterinarians
195 submitted by the Mississippi Veterinary Medical Association * * *
196 for veterinarian members and a list of three (3) eligible
197 certified veterinary technicians submitted by the Mississippi
198 Association of Veterinary Technicians for veterinary technician
199 members. For the appointment of the public member of the board,
200 the public member shall be, at the time of the appointment, a
201 citizen of the United States; a resident of Mississippi for a
202 period of not less than one (1) year and a registered voter; a
203 person who is not and has never been a member of any profession
204 licensed or regulated under the Mississippi Veterinary Practice
205 Act, Section 73-39-51 et seq. or the spouse of such person; and a
206 person who does not have and has never had a material financial
207 interest in either the providing of the professional services



208 regulated by the Mississippi Veterinary Practice Act, or an
209 activity or organization directly related to any profession
210 licensed or regulated under the Mississippi Veterinary Practice
211 Act. The duties of the public member shall not include the
212 determination of the technical requirements to be met for
213 licensure, whether any person meets such technical requirements,
214 or the technical competence or technical judgment of a licensee or
215 candidate for licensure. If the vacancy to be filled is caused by
216 expiration of the term, death, resignation or inability to serve
217 as a board member whose residence is in a Supreme Court district
218 having two (2) members on the board, the Mississippi Veterinary
219 Medical Association shall submit six (6) names: three (3) from
220 the Supreme Court district in which the former board member
221 resided and three (3) from the Supreme Court district which had
222 only one (1) member on the board, and the Governor shall fill the
223 vacancy by appointment of one (1) of the six (6) nominees. All
224 appointments shall be with the advice and consent of the Senate.

225 Members of the board serving on the predecessor board under
226 Section 73-39-5 on July 1, * * * 2008, may continue as members of
227 the board until the expiration of the term for which they were
228 appointed. Vacancies due to death, resignation or removal shall
229 be filled for the remainder of the unexpired term in the same
230 manner as regular appointments.

231 (a) A licensed veterinarian or certified veterinary
232 technician shall be qualified to serve as a member of the board if



233 he or she has been licensed to practice veterinary medicine or
234 certified to practice veterinary technology, respectively, in this
235 state for the five (5) years immediately preceding the time of his
236 or her appointment.

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

242 (2) The board shall meet at least once each year at the time
243 and place fixed by rule of the board. Other necessary meetings
244 may be called by the board by giving notice as may be required by
245 rule. Except as may otherwise be provided, a majority of the
246 board constitutes a quorum. Meetings shall be open and public
247 except that the board may meet in closed session to prepare,
248 approve, administer or grade examinations or to deliberate the
249 qualification of an applicant for license or the disposition of a
250 proceeding to discipline a licensed veterinarian or certified
251 veterinary technician in accordance with Section 25-41-7.

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



257 **SECTION 3.** Section 73-39-57, Mississippi Code of 1972, is
258 amended as follows:

259 73-39-57. The board may:

260 (a) Adopt, amend or repeal all rules necessary for its
261 government and all regulations necessary to implement this
262 chapter, including the establishment and publication of standards
263 of practice and professional conduct for the practice of
264 veterinary medicine.

265 (b) Adopt, promulgate and enforce rules and regulations
266 relating to specific duties and responsibilities; certification,
267 registration or licensure; and other matters pertaining to
268 veterinary technicians or nonlicensed persons consistent with this
269 chapter.

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

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

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

279 (f) Limit, suspend or revoke the licenses of
280 disciplined veterinarians or otherwise discipline licensed



281 veterinarians consistent with this chapter and applicable rules
282 and regulations.

283 (g) Establish and publish annually a schedule of fees
284 for licensing * * *, certification and inspection.

285 (h) Conduct investigations of suspected violations of
286 this chapter to determine whether there are sufficient grounds to
287 initiate disciplinary proceedings.

288 (i) Inspect veterinary premises and equipment,
289 including practice vehicles, on a * * * regular basis to be
290 determined by the board and assess an inspection fee * * * to be
291 determined by the board and an additional fee * * * to be
292 determined by the board for each licensed veterinarian employed by
293 the inspected veterinary establishment.

294 (j) Hold hearings on all matters properly brought
295 before the board, to administer oaths, receive evidence, make
296 necessary determinations and enter orders consistent with the
297 findings. The board may require by subpoena the attendance and
298 testimony of witnesses and the production of papers, records or
299 other documentary evidence and commission depositions. The board
300 may designate one or more of its members to serve as its hearing
301 officer. The board shall adopt rules and regulations for hearings
302 before the board and the rules shall afford any person appearing
303 before the board the safeguards of procedural due process. Formal
304 rules of evidence shall not apply.



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

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

311 (m) Bring proceedings in the courts against any person
312 for the enforcement of this chapter or any regulations made
313 pursuant thereto.

314 The powers enumerated herein are granted for the purpose of
315 enabling the board to supervise effectively the practice of
316 veterinary medicine and veterinary technology and are to be
317 construed liberally to accomplish this objective.

318 **SECTION 4.** Section 73-39-63, Mississippi Code of 1972, is
319 amended as follows:

320 73-39-63. (1) The practice of veterinary technology is a
321 privilege granted by legislative authority to maintain public
322 health, safety and welfare and to protect the public from being
323 misled by unauthorized individuals.

324 (2) An individual who has graduated from a veterinary
325 technology or technician program that is accredited according to
326 the standards adopted by the American Veterinary Medical
327 Association's Committee on Veterinary Technician/Technology
328 Education and Activities, and who has filed the application and



329 the requisite fees shall be eligible to take the examination for
330 certification as an animal technician.

331 (3) Veterinary technicians and technologists applying for
332 certification shall be required to pass the Veterinary Technician
333 National Examination, with scores as set by the board, before
334 receiving certification.

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

338 (5) * * * The board may suspend, revoke or deny the issuance
339 or renewal of certification of any veterinary technician or
340 technologist who is found guilty of any of the following:

341 (a) Fraud or misrepresentation in applying for
342 certification.

343 (b) Criminal offense relating to veterinary medicine.

344 (c) Any violation of the Uniform Controlled Substances
345 Law.

346 (d) Convicted of cruelty to animals.

347 (e) Violation of any of the rules or regulations of the
348 board.

349 (6) A certified veterinary technician or technologist is an
350 individual who has been credentialed to practice veterinary
351 technology in the State of Mississippi. A person shall not use
352 the title "veterinary technologist", "veterinary technician", "vet
353 tech" or the abbreviation "CVT" unless credentialed by the board.



354 **SECTION 5.** Section 73-39-69, Mississippi Code of 1972, is
355 amended as follows:

356 73-39-69. * * *

357 (* * *1) The preparation, administration, grading and
358 criterion for passing examinations shall be governed by * * * an
359 agency approved by the board. Examinations for veterinary * * *
360 credentials shall be designed to test the examinee's knowledge of
361 and proficiency in the subjects and techniques pertaining to the
362 practice of veterinary medicine commonly taught in an accredited
363 college of veterinary medicine. The passing score shall be
364 determined by the testing entity. The board may adopt and use the
365 results of a nationally recognized testing entity such as
366 the * * * International Council for Veterinary Assessment or
367 American Association of Veterinary State Boards.

368 (* * *2) Any person, not licensed to practice veterinary
369 medicine or veterinary technology under the laws of Mississippi,
370 shall be required to take the state board examination. This
371 examination shall be designed to test the applicant's knowledge of
372 the Mississippi Veterinary Practice Act and Principles of
373 Veterinary Medical Ethics as set forth by the American Veterinary
374 Medical Association. * * * The application fee and time and
375 location of the examination shall be determined by the board.

376 (* * *3) After examination, each examinee shall be notified
377 of the result of the examination, and the board shall issue a
378 license signed by members of the board. Any person who fails an



379 examination may be admitted to any subsequent examination on
380 payment of the application fee.

381 **SECTION 6.** Section 73-39-71, Mississippi Code of 1972, is
382 amended as follows:

383 73-39-71. * * * The issuance of a license * * * to a
384 military-trained applicant, military spouse or person who
385 establishes residence in this state shall be subject to the
386 provisions of Section 73-50-1 or 73-50-2, as applicable. An
387 applicant seeking licensure in this state who is licensed to
388 practice veterinary medicine in another jurisdiction must show
389 that he or she is a person of good moral character and is licensed
390 to practice veterinary medicine in at least one (1) state,
391 territory or district and has practiced veterinary medicine in all
392 of those same named jurisdictions without disciplinary action by
393 any state or federal agency immediately before filing the
394 application.

395 **SECTION 7.** Section 73-39-75, Mississippi Code of 1972, is
396 amended as follows:

397 73-39-75. (1) All licenses shall expire August 1 of each
398 year but may be renewed by registration with the board and payment
399 of the license renewal fee. At least thirty (30) days in advance,
400 the board shall mail an expiration notice to each licensed
401 veterinarian and include a form for renewal.

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



404 (3) Any person may renew an expired license within five (5)
405 years of the date of its expiration by making written application
406 for renewal, paying the current renewal fee and a reinstatement
407 fee * * * as determined by the board, plus all delinquent renewal
408 fees and complying with continuing education requirements.

409 (4) The board may waive the payment of the registration
410 renewal fee of a licensed veterinarian or certified veterinary
411 technician during the period when he or she is on active duty with
412 any branch of the armed services of the United States.

413 (5) Any licensed veterinarian who is * * * seventy (70)
414 years of age or older and who is employed as a veterinarian on a
415 part-time basis * * * (less than twenty (20) hours per week) shall
416 be exempt from payment of such renewal fee.

417 * * *

418 **SECTION 8.** Section 73-39-77, Mississippi Code of 1972, is
419 amended as follows:

420 73-39-77. (1) Upon a written complaint sworn to by any
421 person, the board, in its sole discretion, may * * * revoke,
422 suspend or limit for a certain time a license or certification,
423 impose an administrative fine * * * to be determined by the board,
424 or otherwise discipline any licensed veterinarian or certified
425 veterinary technician for any of the following reasons:

426 (a) The employment of fraud, misrepresentation or
427 deception in obtaining a license or certification.



428 (b) The inability to practice veterinary medicine or
429 veterinary technology with reasonable skill and safety because of
430 a physical or mental disability, including deterioration of mental
431 capacity, loss of motor skills or abuse of drugs or alcohol of
432 sufficient degree to diminish the person's ability to deliver
433 competent patient care.

434 (c) The use of advertising or solicitation that is
435 false or misleading.

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

439 (i) Any felony;

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

442 (iii) Any crime of moral turpitude;

443 (iv) Any crime involving unlawful sexual contact,
444 child abuse, the use or threatened use of a weapon, the infliction
445 of injury, indecent exposure, perjury, false reporting, criminal
446 impersonation, forgery and any other crime involving a lack of
447 truthfulness, veracity or honesty, intimidation of a victim or
448 witness, larceny, or alcohol or drugs.

449 For the purposes of this paragraph, a plea of guilty or a
450 plea of nolo contendere accepted by the court shall be considered
451 as a conviction.



452 (e) Incompetence, gross negligence or other malpractice
453 in the practice of veterinary medicine or veterinary technology.

454 (f) Aiding the unlawful practice of veterinary medicine
455 or veterinary technology.

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

458 (h) Failure to report, as required by law, or making
459 false or misleading report of, any contagious or infectious
460 disease.

461 (i) Failure to keep accurate patient records.

462 (j) Dishonesty or gross negligence in the performance
463 of food safety inspections or in the issuance of any health or
464 inspection certificates.

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

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

470 (m) Revocation, suspension or limitation of a license
471 to practice veterinary medicine or certification as a veterinary
472 technician or technologist by another state, territory or district
473 of the United States.

474 (n) Loss or suspension of accreditation by any federal
475 or state agency.



476 (o) Unprofessional conduct as defined in regulations
477 adopted by the board.

478 (p) The dispensing, distribution, prescription or
479 administration of any veterinary prescription drug, or the
480 extralabel use of any drug in the absence of a
481 veterinarian-client-patient relationship.

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

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

484 (s) Violations of this chapter or of the rules
485 promulgated under this chapter.

486 (t) Violation(s) of the provisions of Sections 41-121-1
487 through 41-121-9 relating to deceptive advertisement by health
488 care practitioners.

489 (2) A certified copy of any judgment of conviction or
490 finding of guilt by a court of competent jurisdiction or by a
491 governmental agency, or agency authorized to issue licenses,
492 certifications or permits, including the United States Department
493 of Agriculture, Animal and Plant Health Inspection Service, the
494 Mississippi Board of Animal Health and the Mississippi Board of
495 Health, of a veterinarian or veterinary technician of any matters
496 listed in this section shall be admissible in evidence in any
497 hearing held by the board to discipline such veterinarian or
498 technician and shall constitute prima facie evidence of the
499 commission of any such act.



500 **SECTION 9.** Section 73-39-91, Mississippi Code of 1972, is
501 amended as follows:

502 73-39-91. (1) Any person who practices veterinary medicine
503 without a valid license * * * issued by the board or using the
504 title Certified Veterinary Technician or Certified Veterinary
505 Technologist is guilty of a misdemeanor and, upon conviction,
506 shall be fined an amount * * * to be determined by the board.

507 (2) Any person not licensed or certified under this chapter
508 is considered to have violated this chapter and may be subject to
509 all the penalties provided for such violations if he or she:

510 (a) Performs any of the functions described as the
511 practice of veterinary medicine or veterinary technology as
512 defined in this chapter;

513 (b) Represents, directly or indirectly, publicly or
514 privately, an ability and willingness to perform any of the
515 functions described as the practice of veterinary medicine or
516 veterinary technology as defined in this chapter; or

517 (c) Uses any title, words, abbreviation or letters in a
518 manner or under circumstances that induces the belief that the
519 person using them is qualified to perform any of the functions
520 described as the practice of veterinary medicine or veterinary
521 technology as defined in this chapter.

522 (3) The board may bring an action to enjoin any person from
523 practicing veterinary medicine or veterinary technology without a
524 valid license or * * * certification issued by the board. If the



525 court finds that the person is violating or is threatening to
526 violate this chapter, it shall enter an injunction restraining him
527 from the unlawful acts.

528 (4) Notwithstanding any other provisions of this chapter,
529 the board may take immediate action if there is an imminent threat
530 to the health, safety or welfare of the public. The board shall
531 find that this action is necessary for the protection of the
532 public and necessary to effectively enforce this chapter. If the
533 board takes immediate action under this subsection, efforts shall
534 be made as soon as possible to proceed in accordance with a
535 hearing under Section 73-39-81.

536 (5) In addition to any other penalty or remedy provided by
537 law, the board may implement a system of cite and fine procedures
538 for licensed and nonlicensed persons who violate the state
539 veterinary practice act. The board may also impose a civil
540 penalty, upon conviction, for each separate violation. This civil
541 penalty shall be in an amount * * * to be determined by the board
542 and shall be assessed by the board in accordance with the
543 provisions set forth in Section 73-39-81.

544 (6) The success or failure of an action based on any one (1)
545 of the remedies set forth in this section shall in no way
546 prejudice the prosecution of an action based on any other of the
547 remedies.

548 **SECTION 10.** This act shall take effect and be in force from
549 and after July 1, 2026.

