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New York State Consolidated Laws

Education

ARTICLE 135

VETERINARY MEDICINE AND ANIMAL HEALTH TECHNOLOGY

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S 6700. Introduction. This article applies to the profession of veterinary medicine and veterinary technology. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

S 6701. Definition of practice of veterinary medicine. The practice of the profession of veterinary medicine is defined as diagnosing, treating, operating, or prescribing for any animal disease, pain, injury, deformity or physical condition, or the subcutaneous insertion of a microchip intended to be used to identify an animal. "Animal" includes every living creature except a human being.

S 6702. Practice of veterinary medicine and use of title "veterinarian".

1. Only a person licensed or exempt under this article shall practice veterinary medicine or use the title "veterinarian".

2. A licensed veterinarian or a professional service corporation organized for the practice of veterinary medicine may employ veterinary technicians to assist them in the practice of their profession in such capacities as are prescribed by law and as from time to time may be set by the commissioner or the state board of veterinary medicine. A veterinarian or professional service corporation may not employ veterinary technicians in a ratio exceeding three technicians per supervising licensed veterinarian. Nothing in this section shall be construed as prohibiting a veterinarian from employing unlicensed lay persons for the performance of non-technical duties.

S 6703. State board for veterinary medicine. A state board for veterinary medicine shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than seven veterinarians licensed in the state and not more than two veterinary technicians licensed in the state. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner. The participation of the licensed veterinary technicians shall be limited to issues concerning the licensure of veterinary technology including but not limited to qualifications, employment, scope of practice, and discipline.

S 6704. Requirements for a professional license as a veterinarian. To qualify for a license as a veterinarian, an applicant shall fulfill the following requirements:

- (1) Application: file an application with the department;
- (2) Education: have received an education, including a doctoral degree in veterinary medicine, in

accordance with the commissioner's regulations;

(3) Experience: have experience satisfactory to the board and in accordance with the commissioner's regulations;

(4) Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;

(5) Age: be at least twenty-one years of age;

* (6) Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States; provided, however that the board of regents may grant a one-time three-year waiver for a veterinarian who otherwise meets the requirements of this article and provided further that the board of regents may grant an extension of such three-year waiver of not more than one year; * NB Effective until December 31, 2003

* (6) Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States; * NB Effective December 31, 2003

(7) Character: be of good moral character as determined by the department; and

(8) Fees: pay a fee of two hundred sixty dollars to the department for admission to a department conducted examination and for an initial license, a fee of one hundred thirty-five dollars for each reexamination, a fee of one hundred thirty dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of two hundred ten dollars for each triennial registration period.

S 6705. Exempt persons. The following persons under the following limitations may practice veterinary medicine within the state without a license:

1. Any commissioned veterinary medical officer serving in the United States armed forces or in the United States Agricultural Research Service while so commissioned, provided such practice is limited to such service;

2. Any person rendering gratuitous services in cases of emergency;

3. Any veterinarian who is licensed in another state or country and who is meeting a veterinarian licensed in this state for purposes of consultation provided such practice is limited to such consultation;

4. Any veterinarian who is licensed in a bordering state and who resides near a border of this state, provided such practice is limited in this state to the vicinity of such border and provided such veterinarian does not maintain an office or place to meet patients or receive calls within this state;

5. Any intern or resident who practices veterinary medicine in any college in this state offering a program in veterinary medicine registered by the department, and who is a graduate of a school of veterinary medicine accredited in any state or country, provided such practice is limited to such duties as intern or resident and is under the supervision of a licensed or otherwise authorized veterinarian.

6. Any faculty member who is a graduate of a school of veterinary medicine accredited in any state or country and whose practice of veterinary medicine is incidental to his or her course of instruction while serving as a faculty member in a veterinary college offering a program registered by the department;

7. Any student who engages in clinical practice under supervision of a licensed or otherwise authorized veterinarian in a school of veterinary medicine in this state registered by the department.

8. Any dentist duly licensed in this state who provides dental care to an animal at the request and under the immediate personal supervision of a licensed veterinarian.

9. Any student enrolled and in good standing in a school of veterinary medicine approved by the commissioner, who practices under the general supervision of a veterinarian licensed and registered under this article; provided however, that only such students who have completed at least two and one-half years in an approved veterinary program and completed all core didactic training may assist in diagnosis, treatment and surgery in such practice, subject to the following requirements: (a) assisting in diagnosis and surgery be under the immediate personal supervision of such veterinarian; (b) assisting in treatment be under the direct supervision of such veterinarian; and (c) only one such student shall be supervised, as specified in clauses (a) and (b) of this subdivision, by one such veterinarian.

10. Any employee of a not-for-profit pound, shelter, duly incorporated society for the prevention of cruelty to animals, humane society or dog or cat protective association may insert a microchip for the purposes of identification of any animal being held for adoption by such organization.

11. A veterinary graduate of an approved program engaging in clinical practice under the supervision, but not necessarily direct personal supervision, of a licensed veterinarian, provided the graduate has passed the required state licensing examination and applied and paid a fee for the licensing. This

exemption shall not extend beyond sixty days after graduation.

S 6705-a. Emergency veterinarian service; limited liability. Notwithstanding any inconsistent provision of any general, special or local law, any licensed veterinarian who voluntarily, and without the expectation of monetary compensation, renders first aid or emergency treatment to an animal that is ill or injured at the scene of an accident or other emergency, outside of an animal hospital, clinic, veterinarian's office or other place having proper and necessary equipment for the practice of veterinary medicine, shall not be liable for damages for injuries alleged to have been sustained by such animal or for damages for the death of such animal alleged to have occurred by reason of an act or omission in the rendering of such first aid or emergency treatment unless it is established that such injuries were or such death was caused by gross negligence on the part of such veterinarian. Nothing in this section shall be deemed or construed to relieve a licensed veterinarian from liability for damages for injuries or death caused by an act or omission on the part of a veterinarian while rendering professional services in the normal and ordinary course of his or her business.

Sec. 6706. Corporate practice. 1. No business corporation, other than a professional service corporation organized under the business corporation law, shall hereafter be organized for the practice of veterinary medicine; no business corporation, other than a professional service corporation, hereafter organized shall be granted a license to practice veterinary medicine; and no business corporation, other than a professional service corporation, hereafter organized shall provide veterinary medical services.

2. Any not-for-profit corporation may own property in connection with an animal hospital or shelter provided that all veterinary practice conducted in such facilities shall be performed by a veterinarian licensed and registered under this article.

S 6707. Limited permits to engage in the practice of veterinary medicine. Permits limited as to eligibility, practice, and duration, shall be issued by the department to eligible applicants as follows:

1. Eligibility. The following persons shall be eligible for a limited permit:

(1) A person who fulfills all requirements for a license as a veterinarian except those relating to the examination and citizenship or permanent residence in the United States;

(2) A foreign veterinarian who is in this country on a non-immigration visa for the continuation of veterinary medical study in a college of veterinary medicine.

2. Limit of practice. A permittee shall be authorized to practice veterinary medicine only under the supervision of a licensed veterinarian in accordance with regulations of the commissioner. A licensed veterinarian shall supervise one permittee.

3. Duration. A limited permit issued pursuant to paragraph one of subdivision one of this section shall be valid for one year or until the individual has had the opportunity to take the state veterinarian licensing examination and receive the results of this examination, whichever shall occur first. It may be renewed once at the discretion of the department if the permit holder has not had a reasonable opportunity to take the state veterinarian licensing examination during the period for which such limited permit was originally issued. A limited permit may also be issued or extended for not more than one year to afford an applicant or permit holder a second opportunity to successfully complete such examination if such applicant or permit holder has successfully completed the written subjects and all except one of the practical subjects of such examination. A limited permit issued pursuant to paragraph two of subdivision one of this section shall be valid for one year, and may be renewed at the discretion of the department so long as the permit holder is a bona fide student at a college of veterinary medicine, in this state.

4. Fees. The fee for each limited permit and for each renewal shall be one hundred five dollars.

S 6708. Definition of practice of veterinary technology. 1. The practice of the profession of veterinary technology is defined as the performance of services within the field of veterinary medicine by a person who, for compensation or personal profit, is employed by or under the supervision of a veterinarian to perform such duties as are required in carrying out medical orders as prescribed by a licensed veterinarian requiring an understanding of veterinary science, but not requiring professional service as set forth in section sixty-seven hundred one of this article.

2. The commissioner shall promulgate regulations defining the functions an veterinary technician may perform that are consistent with the training and qualifications for a license as an veterinary technician. The commissioner may further require that a licensee may practice within an area of specialization only upon the successful completion of an examination established for the purpose of establishing competence in a specific area of practice in the field of veterinary technology.

S 6709. Practice of veterinary technology and use of title "veterinary technician". Only a person

licensed under sections sixty-seven hundred eleven and sixty-seven hundred eleven-a of this article or exempted from its provisions by section sixty-seven hundred twelve shall practice veterinary technology or use the title "veterinary technician".

S 6711. Requirements for a professional license as an veterinary technician. To qualify for licensure as an veterinary technician, an applicant shall fulfill the following requirements:

1. Application: file an application with the department;
2. Education: have successfully completed a four-year course of study in a secondary school approved by the board of regents or its equivalent;
3. Have completed a college-level course of study in, and hold a diploma from a school of veterinary science technology for the training of animal health technicians, giving a course of not less than eighteen months, registered by the department as maintaining at the time, a satisfactory standard, or has completed a college-level course of study determined by the department to be the equivalent thereof;
4. Any person who submits an application prior to January first, nineteen hundred eighty-three and who submits evidence of employment by a veterinarian or a veterinary facility prior to that date may be licensed on the basis of this experience if acceptable in the discretion of the board in accordance with the commissioner's regulations and upon the successful completion of the licensing examination required by this section;
5. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;
- * 6. Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States; provided, however that the board of regents may grant a one-time three-year waiver for an animal health technician who otherwise meets the requirements of this article and provided further that the board of regents may grant an extension of such three-year waiver of not more than one year; * NB Effective until December 31, 2003
- * 6. Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States; * NB Effective December 31, 2003
7. Character: be of good moral character as determined by the department; and
8. Fees: pay a fee to the department for admission to the examination and for initial licensure of eighty-five dollars, for each reexamination forty-five dollars, and a fee of eighty dollars for each triennial registration period.

S 6711-a. Limited permits to engage in the practice of veterinary technology. Permits limited as to eligibility, practice, and duration, shall be issued by the department to eligible applicants as follows:

1. Eligibility. Persons shall be eligible for a limited permit who fulfill all requirements for a license as a veterinary technician except those relating to the examination and citizenship or permanent residence in the United States.
2. Duration. A limited permit issued pursuant to subdivision one of this section shall be valid for one year or until the individual has had the opportunity to take the state veterinary technician licensing examination and receive the results of this examination, whichever shall occur first. It may be renewed once at the discretion of the department if the permit holder has not had a reasonable opportunity to take the state veterinary technician licensing examination during the period for which such limited permit was originally issued.
3. Fees. The fee for each limited permit and for each renewal shall be fifty dollars.

S 6712. Exempt persons. Nothing in this article shall be construed to affect or prevent the following persons under the following limitations from practicing veterinary technology within the state without a license:

1. Technicians in the performance of more technical procedures in a research facility, on animals owned by that institution when such work is under the direct supervision of a qualified professional;
2. Technicians in the military or naval service of the United States, United States Department of Agriculture, the United States Veterans Administration or the United States Public Health Service, in the practice of such technical procedures in obedience to the requirements of the laws of the United States, while engaged in the performance of the actual duties prescribed under the appropriate statutes of the United States;
3. Any student engaging in clinical practice under the supervision of a licensed veterinarian in pursuance of an approved program for the training of veterinary technology.

S 6713. Special provisions. 1. An unlicensed person may provide supportive services to a

veterinarian, including but not limited to administering oral or topical medications, incidental to and/or concurrent with such veterinarian personally performing a service or procedure, provided such supportive services do not require a knowledge of veterinary science.

2. A certified emergency medical technician may perform endotracheal intubation on an animal under the immediate personal supervision of a licensed veterinarian or a licensed veterinary technician acting under the direct supervision of a veterinarian, in lieu of the licensed veterinarian personally performing the procedure, provided: a. the emergency medical technician is enrolled in a course in advanced emergency medical technology approved under article thirty of the public health law in which pediatric endotracheal intubation training is included;

b. the procedure is performed as part of pediatric endotracheal intubation training in that course, after didactic and manikin training in human intubation, and instruction in animal anatomy and the proper method of animal intubation have been received; c. the procedure is medically indicated as part of treating or operating for any non-emergency disease, pain, injury, deformity, or physical condition of the animal; d. the procedure is performed only when the animal is properly sedated or anesthetized; e. the procedure is performed no more than once per animal by no more than one certified emergency medical technician; f. the animal owner, or where such owner is unknown, the person having lawful charge or custody of the animal, consents in writing to the performance of the procedure by a person meeting the qualifications of this subdivision; and g. records kept by the commissioner of health on courses in advanced emergency medical technology meeting the requirements of this subdivision indicate whether pediatric endotracheal intubation training conducted in accordance with the provisions of this subdivision was part of a course in advanced emergency medical technology; provided, however, that this subdivision shall not be construed to require endotracheal intubation on animals, and the commissioner of health shall have discretion to determine whether endotracheal intubation training on animals shall be required for accreditation of such courses or for certification of advanced emergency medical technicians.

S 6714. Treatment records. Upon written request from the owner of an animal which has received treatment from or under the supervision of a veterinarian, such veterinarian shall provide to such owner within a reasonable time period a copy of all records relating to the treatment of such animal. For the purposes of this section, the term "records" shall mean all information concerning or related to the examination or treatment of the animal kept by the veterinarian in the course of his or her practice. A veterinarian may impose a reasonable charge for providing copies of such records. A veterinarian may make available to the owner either the original or a copy of such record or document including x-rays, electrocardiograms and other diagnostic tests and may impose a reasonable fee for the reproduction of such copies.