



Updates to the Indiana Veterinary Practice Act

Senate Bill 316 was signed by Governor Mitch Daniels on March 6, 2008, and will become law on July 1, 2008. Below is a brief synopsis of the changes. *This information is not meant to provide legal advice.*

DEFINITIONS (new or updated definitions in the practice act):	
Abandoned Animal	An animal placed in the custody of a veterinarian is considered to be abandoned five (5) days after the veterinarian has given written notice to the individual who delivered the animal to the veterinarian that the animal should be reclaimed by the individual. Written notice must be delivered by <u>certified mail</u> to the place given by the individual as the individual's mailing address at the time the individual delivered the animal to the veterinarian.
Client	Client means the owner, the owner's agent, or other person who is responsible for an animal that is examined or treated by a veterinarian.
Consultation	Consultation means a licensed veterinarian receiving advice by any means from: <ol style="list-style-type: none"> (1) a veterinarian licensed in Indiana or another jurisdiction; or (2) a person whose expertise, in the opinion of the licensed veterinarian, would benefit an animal.
Contract Operator	Contract operator means an individual who contracts with the owner of an animal to provide complete care for the animal twenty-four (24) hours a day, seven (7) days a week.
Direct Supervision	Direct supervision means a supervisor is readily available on the premises where the animal is being treated.
Impaired Veterinary Health Care Provider	Impaired veterinary health care provider means a veterinarian or registered veterinary technician who has been affected by the use or abuse of alcohol or other drugs.

Indirect Supervision	<p>Indirect supervision means a supervising veterinarian is not on the premises but:</p> <p>(1) is present within the veterinarian's usual practice area;</p> <p>(2) has given written protocols or oral instructions for the treatment of an animal for which a veterinarian-client-patient relationship exists; and</p> <p>(3) is readily available by telephone or other means of immediate communication.</p>
Patient	<p>Patient means an animal that is examined or treated by a veterinarian.</p>
Practice of Veterinary Medicine	<p>Practice of veterinary medicine means:</p> <p>(1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry or any of their branches or specialties;</p> <p>(2) using words, letters, or titles in a connection or under circumstances that may induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;</p> <p>(3) accepting compensation for doing any of the things described in subdivisions (4) through (8);</p> <p>(4) providing the diagnosis, treatment, correction, or prevention of any disease, defect, injury, deformity, pain, or condition of animals;</p> <p>(5) prescribing, dispensing, or ordering the administration of a drug, a medicine, a biologic, a medical appliance, an application, or treatment of whatever nature for the prevention, cure, or relief of any disease, ailment, defect, injury, deformity, pain, or other condition of animals;</p> <p>(6) performing a:</p> <p>(A) surgical or dental operation; or</p> <p>(B) complimentary or alternative therapy;</p> <p>upon an animal;</p> <p>(7) certifying the health, fitness, or soundness of an animal; or</p> <p>(8) performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals.</p> <p>However, the term does not include administering a drug, medicine, appliance, application, or treatment that is administered at the direction and under the direct supervision of a veterinarian licensed under this article.</p>
Registered Veterinary Technician	<p>Registered veterinary technician means a veterinary technician registered under this article to work under the direct or indirect supervision of a licensed veterinarian.</p>

Veterinarian-Client-Patient Relationship	<p>Veterinarian-client-patient relationship means a relationship between a veterinarian and client that meets the following conditions:</p> <p>(1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions.</p> <p>(2) The veterinarian has sufficient knowledge of the animal to initiate a diagnosis of the medical condition of the animal. The veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by either of the following:</p> <p>(A) An examination of the animal.</p> <p>(B) By recently seeing and being personally acquainted with the keeping and care of representative animals and associated husbandry practices by making medically appropriate and timely visits to the premises where the animal is kept.</p> <p>(3) The veterinarian is readily available or has arranged for emergency coverage for follow-up evaluation if there is an adverse reaction or failure of the treatment regimen.</p> <p>(4) When appropriate, the veterinarian has arranged for continuing care with another licensed veterinarian who has access to the animal's medical record.</p>
Veterinary Assistant	<p>Veterinary assistant means an individual who is not a licensed veterinarian or registered veterinary technician who performs tasks related to animal health care under the direct supervision of a licensed veterinarian or registered veterinary technician.</p>
UPDATES/CHANGES TO THE LAW:	
EXEMPTION TO PRACTICE VETERINARY MEDICINE WITHOUT A LICENSE	<p>A member in good standing of another licensed or regulated profession within Indiana who:</p> <p>(A) provides assistance requested by a veterinarian licensed under this article;</p> <p>(B) acts with the consent of the client;</p> <p>(C) acts within a veterinarian-client-patient relationship; and</p> <p>(D) acts under the direct or indirect supervision of the licensed veterinarian.</p>
RVT REGISTRATION	<p>An individual may not act as a registered veterinary technician unless the person is registered as a veterinary technician in Indiana or has been issued a special permit by the board.</p>
SUPERVISING VETERINARIAN	<p>A supervising veterinarian shall determine and is responsible for determining the appropriate level</p>

	<p>of supervision, except where prohibited by law, if the tasks being delegated are commensurate with employee's training, experience, and skills.</p> <p>(b) Registered veterinary technicians may, under direct or indirect supervision, perform routine food animal management practices if a valid veterinarian-client-patient relationship exists.</p> <p>(c) A registered veterinary technician or veterinary assistant may not receive a fee or compensation for veterinary services other than salary or compensation paid by the establishment where the individual is employed.</p> <p>(d) In the performance of delegated veterinary tasks, a registered veterinary technician and veterinary assistant shall do the following:</p> <p>(1) Accept only those delegated veterinary tasks for which there are mutually approved protocols, written standing orders, or verbal directions.</p> <p>(2) Accept only those delegated veterinary tasks that:</p> <p>(A) the registered veterinary technician or veterinary assistant is competent to perform based on education, training, or experience; and</p> <p>(B) are not prohibited by law.</p> <p>(3) Consult with the supervising veterinarian in cases where the registered veterinary technician or veterinary assistant knows or should have known that a delegated veterinary task may harm an animal.</p>
<p>VETERINARY PRESCRIPTIONS</p>	<p>(a) A licensed veterinarian may write prescriptions. Pharmacists shall give the prescriptions written by a licensed veterinarian the same recognition given the prescriptions of persons holding an unlimited license to practice medicine or osteopathic medicine.</p> <p>(b) A valid veterinarian-client-patient relationship must exist before a licensed veterinarian dispenses or prescribes a prescription product.</p> <p>(c) Veterinary prescription products, including drugs and immunizing products restricted by state and federal law for use by licensed veterinarians, may not be diverted or transferred to an individual for use on an animal if there is not a current veterinarian-client-patient relationship with the original prescribing veterinarian.</p> <p>(d) If a veterinarian prescribes a drug for the client's animal, upon request, the veterinarian shall provide the prescription to the client, unless prohibited by state or federal law or to prevent inappropriate use.</p>

<p>ANIMAL HEALTH RECORDS</p>	<p>(a) Each person who provides veterinary medical services shall maintain medical records, as defined by rules adopted by the board.</p> <p>(b) Veterinary medical records include the following:</p> <p>(1) Written records and notes, radiographs, sonographic images, video recordings, photographs or other images, and laboratory reports.</p> <p>(2) Other information received as the result of consultation.</p> <p>(3) Identification of any designated agent of the owner for the purpose of authorizing veterinary medical or animal health care decisions.</p> <p>(4) Any authorizations, releases, waivers, or other related documents.</p> <p>(c) The client is entitled to a copy or summary of the veterinary medical records. A veterinarian may charge a reasonable fee for copying or summarizing the requested veterinary medical record. The veterinarian may require that the request be in writing.</p> <p>(d) Except as provided in subsection (e) or upon written authorization of the client, an animal's veterinary medical record and medical condition is confidential and may not be:</p> <p>(1) furnished to; or</p> <p>(2) discussed with;</p> <p>any person other than the client or other veterinarians involved in the care or treatment of the animal.</p> <p>(e) An animal's veterinary medical records and medical condition may be furnished without written client authorization under the following circumstances:</p> <p>(1) Access to the records is specifically required by a state or federal statute.</p> <p>(2) An order by a court with jurisdiction in a civil or criminal action upon the court's issuance of a subpoena and notice to the client or the client's legal representative.</p> <p>(3) For statistical and scientific research, if the information is abstracted in a way as to protect the identity of the animal and the client.</p> <p>(4) As part of an inspection or investigation conducted by the board or an agent of the board.</p> <p>(5) As part of a request from a regulatory or health authority, physician, or veterinarian:</p> <p>(A) to verify a rabies vaccination of an animal; or</p> <p>(B) to investigate a threat to human or animal health, or for the protection of animal or public health and welfare.</p> <p>(6) As a part of an animal cruelty report and</p>
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	<p>associated applicable records that are part of an abuse investigation by law enforcement or a governmental agency.</p> <p>(7) To a law enforcement agency as part of a criminal investigation.</p> <p>(8) To the School of Veterinary Medicine at Purdue University, the animal disease diagnostic laboratory, or a state agency or commission. However, an animal's veterinary medical records remain confidential unless the information is disclosed in a manner allowed under this section.</p> <p>(9) Veterinary medical records that are released by the board of animal health when in the judgment of the state veterinarian the disclosure is necessary or helpful in advancing animal health or protecting public health.</p> <p>(f) An animal's veterinary medical records must be kept and maintained by the veterinarian for at least three (3) years after the veterinarian's last encounter with the animal.</p>
<p>IMMUNITY FROM REPORTING ANIMAL CRUELTY</p>	<p>A veterinarian or registered veterinary technician who reports in good faith and in the normal course of business a suspected incident of animal cruelty under IC 35-46-3-12 to a law enforcement officer is immune from liability in any civil or criminal action brought for reporting the incident.</p>
<p>PRACTICING VETERINARY MEDICINE WITHOUT A LICENSE</p>	<p>A person who knowingly:</p> <p>(1) practices veterinary medicine without a license or special permit to practice veterinary medicine issued by the board; or</p> <p>(2) supplies false information on an application for a license as a veterinarian; commits a Class A misdemeanor.</p>
<p>IMPAIRED VETERINARY HEALTH CARE PROVIDERS – Board defined here is the Indiana Board of Veterinary Medical Examiners</p>	<p>The board shall assist in the rehabilitation of an impaired veterinary health care provider.</p> <p>(b) The board may do the following:</p> <p>(1) Enter into agreements, provide grants, and make other arrangements with statewide nonprofit professional associations, foundations, or other entities specifically devoted to the rehabilitation of impaired health care professionals to identify and assist impaired veterinary health care providers.</p> <p>(2) Accept and designate grants and public and private financial assistance to fund programs under subdivision (1) to assist impaired veterinary health care providers.</p> <p>Sec. 2. (a) Except as provided in section 3 of this chapter, all:</p> <p>(1) information furnished to a nonprofit professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals, including interviews, reports, statements, and memoranda; and</p>

	<p>(2) findings, conclusions, or recommendations that result from a proceeding of the professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals;</p> <p>are privileged and confidential. (b) The records of a proceeding under subsection (a)(2) may be used only in the exercise of proper functions of the board, and may not become public records or subject to a subpoena or discovery proceeding.</p>
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