

Mississippi Veterinary Practice Act 2008

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

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

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

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

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

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

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

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

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

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

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

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

(g) "Complementary, alternative and integrative therapies" means a heterogeneous group of preventive, diagnostic, and therapeutic philosophies and practices, which at the time they are performed may differ from current scientific knowledge, or whose theoretical basis and techniques may diverge from veterinary medicine routinely taught in accredited veterinary medical colleges, or both. These therapies include, but are not limited to, veterinary acupuncture, acupressure and acupressure; veterinary homeopathy; veterinary manual or manipulative therapy (therapies based on techniques practiced in

osteopathy, chiropractic medicine or physical medicine and therapy); veterinary nutraceutical therapy; and veterinary phytotherapy.

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

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

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

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

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

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

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

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

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

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

(r) "Person" means any individual, firm, partnership (general, limited or limited liability), association, joint venture, cooperative, corporation,

limited liability company or any other group or combination acting in concert and whether or not acting as a principal, partner, member, trustee, fiduciary, receiver or as any other kind of legal or personal representative or as the successor in interest, assignee, agent, factor, servant, employee, director, officer or any other representative of such person.

(s) "Practice of veterinary medicine" means:

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

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

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

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

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

(iii) To use any title, words, abbreviation or letters in a manner or under circumstances that induce

the belief that the person using them is qualified to do any act described in this paragraph.

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

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

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

(i) 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.

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

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

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

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

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

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

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

73-39-55. (1) A Board of Veterinary Medicine shall be appointed by the Governor and shall consist of five (5) licensed veterinarians, with at least one (1) member from each of the Supreme Court districts of the state and not more than two (2) members from the same Supreme Court district. All members of the Board of Veterinary Medicine

shall be veterinarians who have practiced in this state for a period of not less than five (5) years and shall be graduates of a school of veterinary medicine recognized by the American Veterinary Medical Association. Appointments shall be for a five-year term or to fill an unexpired term. The Governor shall fill all vacancies on the board as they shall occur by appointment from a list of three (3) eligible veterinarians submitted by the Mississippi Veterinary Medical Association for each vacancy. If the vacancy to be filled is caused by expiration of the term, death, resignation or inability to serve as a board member whose residence is in a Supreme Court district having two (2) members on the board, the Mississippi Veterinary Medical Association shall submit six (6) names: three (3) from the Supreme Court district in which the former board member resided and three (3) from the Supreme Court district which had only one (1) member on the board, and the Governor shall fill the vacancy by appointment of one (1) of the six (6) nominees. All appointments shall be with the advice and consent of the Senate.

Members of the board serving on the predecessor board under Section 73-39-5 on July 1, 2005, may continue as members of the board until the expiration of the term for which they were appointed. Vacancies due to death, resignation or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments.

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

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

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

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

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

73-39-57. The board may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Any veterinarian employed by an accredited college of veterinary medicine providing assistance requested by a veterinarian licensed in the state, acting

with informed consent from the client, and acting under the direct or indirect supervision and control of the licensed veterinarian. Providing assistance involves hands-on active participation in the treatment and care of the patient. The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.

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

(h) Any person lawfully engaged in horseshoeing.

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

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

(k) Any instructor at an accredited college of veterinary medicine or accredited program in veterinary technology performing his regular functions or any person lecturing or giving instructions or demonstrations at an accredited college of veterinary medicine, accredited

program in veterinary technology or in a veterinary or veterinary technology continuing education course or seminar.

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

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

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

(o) Any graduate of a nonaccredited college of veterinary medicine who is in the process of obtaining educational equivalence and is performing duties or actions assigned by instructors in an accredited college of veterinary medicine.

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

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

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

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

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

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

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

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

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

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

(a) Fraud or misrepresentation in applying for certification.

(b) Criminal offense relating to veterinary medicine.

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

(d) Convicted of cruelty to animals.

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

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

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

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

73-39-67. (1) To obtain a license to practice veterinary medicine, a person shall file a written application and application fee with the board. The application shall show that the applicant is a graduate of an accredited college of veterinary medicine or has the educational equivalence as set by the board. The application shall also show that the applicant is a person

of good moral character and any other information and proof as the board may require.

(2) If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for license by endorsement, the board may grant him a license. If an applicant is found not qualified to take the examination or for a license by endorsement, the board shall notify the applicant in writing within thirty (30) days of its finding and the grounds for its findings. An applicant found unqualified may request a hearing before the board.

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

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

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

73-39-69. (1) The board shall provide for at least one (1) examination for licensing, certification or

registration during each calendar year and may provide for such additional examinations as are necessary. The board shall give public notice of the time and place of each examination at least one hundred twenty (120) days before the date of the examination.

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

(3) Any person, not licensed to practice veterinary medicine under the laws of Mississippi, shall be required to take the state board examination. This examination shall be designed to test the applicant's knowledge of the Mississippi Veterinary Practice Act and Principles of Veterinary Medical Ethics as set forth by the American Veterinary Medical Association. Notice of this examination shall be given one hundred twenty (120) days in advance, and application must be made at least thirty (30) days before the examination. The examination shall be administered annually on the second Tuesday of June. The

application fee and time and location of the examination shall be determined by the board.

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

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

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

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

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

73-39-73. (1) Faculty members employed at the College of Veterinary Medicine who are eligible for licensure shall obtain a Mississippi veterinary license.

Faculty members not eligible for a Mississippi license may qualify for a Mississippi faculty license under one (1) of the following criterion:

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

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

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

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

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

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

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

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

(3) Any person may renew an expired license within five (5) years of the date of its expiration by making written application for renewal, paying the current renewal fee and a reinstatement fee of Five Hundred Dollars (\$500.00), plus all delinquent renewal fees and complying with continuing education requirements.

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

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

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

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

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

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

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

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

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

(i) Any felony;

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

(iii) Any crime of moral turpitude;

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

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

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

(f) Aiding the unlawful practice of veterinary medicine.

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

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

(i) Failure to keep accurate patient records.

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

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

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

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

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

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

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

(q) Violations of state or federal drug laws.

(r) Violations of any order of the board.

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

(2) A certified copy of any judgment of conviction or finding of guilt by a court of competent jurisdiction or by a governmental agency, or agency authorized to issue licenses or permits, including the United States Department of Agriculture, Animal and Plant Health Inspection Service, the Mississippi Board of Animal Health and the Mississippi Board of Health, of a veterinarian or veterinary technician of any matters listed in this section shall be admissible

in evidence in any hearing held by the board to discipline such veterinarian or technician and shall constitute prima facie evidence of the commission of any such act.

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

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

(2) The program of care, counseling or treatment shall include a written schedule of organized treatment, care, counseling, activities or education satisfactory to the board designed for the purposes of restoring an impaired person to a condition whereby the impaired person can practice veterinary medicine with reasonable skill and safety of a sufficient degree to deliver competent patient care.

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

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

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

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

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

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

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

(4) The privilege provided by this section shall be waived to the extent that the licensed veterinarian's client or the owner of the patient places the licensed veterinarian's care and treatment of the patient or the nature and extent of injuries to the animal at issue in any civil criminal proceeding.

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

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

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

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

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

73-39-89. (1) Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care which is unclaimed by the client for more than ten (10) days after written notice by certified mail, return receipt requested, or United States priority mail, confirmation of receipt, is sent to the client at the client's last known

address shall be deemed to be abandoned. The abandonment shall constitute the relinquishment of all rights and claims by the client to the animal. The abandoned animal may be turned over to the nearest humane society or animal shelter or otherwise disposed of or destroyed by the licensed veterinarian in a humane manner.

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

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

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

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

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

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

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

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

(3) The board may bring an action to enjoin any person from practicing veterinary medicine without a valid license or temporary permit issued by the board. If the court finds that the person is violating or is threatening to violate this chapter, it shall enter an injunction restraining him from the unlawful acts.

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

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

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

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

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

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

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