

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 670 (formerly HSB 139)	House Committee:	PASSED 2/28/2023	23-0
Committee:	Ways & Means	House Ways/Means	PASSED 3/16/2023	24-0
Floor Manager:	Rep. Sexton	House Floor:		
Date:	April 12, 2023	Senate Floor:		
Staff:	Lew Olson (1-3096)	Governor:		

Veterinary Practice Code Changes & Updates

Code Chapter 169

House Study Bill 670 proposes to make a number of changes and updates to the Veterinary Code Chapter (169).

- Most of the bill involves codifying existing administrative rules concerning veterinary: technicians, assistants, auxiliary personnel and graduates of foreign colleges of veterinary medicine and their scope of veterinary practice and level of supervision by a licensed veterinarian.
 - The bill defines animal massage as not a veterinary practice when it involves by-hand or machine tissue manipulation.
 - But animal massage does not include acupuncture, chiropractic care, diagnosis, diagnostic treatment, prescription or surgery which are veterinary practice.
- The measure went before the Ways & Means Committee because the bill authorizes/codifies the ability of the Board of Veterinary Medicine to assess a registration fee (amount not specified but currently set by administrative rule) as part of an application for certificate of registration for a registered veterinary technician (page 7, lines 19 and 20).

Fiscal Note— A fiscal note for this legislation was issued on march 20, 2023 and essentially stated—‘...the fiscal impact cannot be estimated due to a lack of existing conviction data.’

Section by Section Analysis of HF 670

Section 1—Changes to Veterinary Practice Chapter Definition of ‘Animal’

Amends section 169.3, subsection 3.a, Code 2023, to remove exception of domestic poultry from animal definition and to add new paragraph 169.3.b to provide/expand the definition of ‘livestock’ to—...include a group of livestock such as a herd or flock.’

Section 2— Creation of a Definition of ‘Animal Massage’

Creates new section 169.3, Subsection **3A** that creates a new definition of ‘animal message’ which is a method of treating the body of an animal (through tissue manipulation that may include massage device) but that does not include acupuncture, chiropractic care, diagnosis, diagnostic treatment, prescription or surgery.

Section 3—Clarification of the Definition of ‘Veterinary Practice’

Amends section 169.3, subsection 10, Code 2023, to add new subparagraphs clarifying the definition of veterinary practice to explicitly include the performance or use of complimentary, alternative or integrated therapies including—acupuncture, acuthery, acupressure, manipulative therapy based on techniques practiced in osteopathy and chiropractic medicine. Explicitly state that Veterinary Practice does not include providing authorized veterinary medical services to an animal patient by veterinary auxiliary personnel under the supervision of a supervising veterinary.

Sections 4—Strike Existing Definition of ‘Veterinary Assistant’ that is Moved by Section 10

Strikes section 169.3, subsection 12, Code 2023, that is the definition of ‘Veterinary assistant’ that is moved by section 10 of this bill to section 169.31, subsection 7.

Section 5—Verbiage Changes Concerning Veterinary Practice Restriction

Amends section 169.4 unnumbered paragraph a, Code 2023, to replace a may with shall regarding the prohibition not to practice veterinary medicine without a license or valid temporary permit. It also adds the verbiage any of the following after existing language ‘...shall not be construed to prohibit:’

Section 6-- Verbiage Changes Concerning Veterinary Practice Restriction Exceptions

Amends section 169.4 subsections 2, 9, and 10, Code 2023, to clarify veterinarian practice restrictions exception concerning (2) veterinary student qualified provisions, (9) rewrites/adds ‘veterinary auxiliary personnel’ working on delegated task under the supervision of a supervising veterinary, and (10) rewrites provisions dealing with graduates of foreign colleges of veterinary medicine.

Section 7—Exempts Animal Message from Veterinary Practice Scope

Creates new section 169.4, subsection **16** that explicitly exempts animal message from scope of veterinary practice.

Section 8—Board of Veterinary Medicine to Devise Rules Concerning ‘Auxiliary Personnel’

Amends section 169.5 subsection 7, paragraph i, Code 2023, to direct the Board of Veterinary Medicine to devise administrative rules concerning the licensing and disciplinary action for ‘auxiliary personnel which may include testing and issuance of certification.

Section 9—Board of Veterinary Medicine to Devise Rules Concerning Valid Veterinarian-Client-Patient Relationship

Creates new section 169.5 subsection 7, paragraph **k**, Code 2023, to direct the Board of Veterinary Medicine to devise (adopt, amend, repeal) administrative rules concerning valid veterinarian-client-patient relationship, excepting emergency, including acting as a supervising veterinarian.

Section 10—New Code Section 169.31: Accredited or Approved Veterinary Technology Programs Definitions

Creates new section 169.**31** that specifies definitions for the establishment of accredited or approved veterinary technology programs. These include—‘Accredited or approved veterinary technology program’, ‘Direct supervision’, ‘Immediate supervision’, ‘Indirect supervisions’, ‘Registered veterinary technician’, ‘Supervising veterinarian’, ‘Veterinary assistant’, ‘Veterinary auxiliary personnel’, ‘Veterinary student’, and ‘Veterinary technician student’.

Section 11— New Code Section 169.32: Supervising Veterinarian Provisions

Creates new section 169.**32** that specifies duties and obligation of supervising veterinarians when supervising auxiliary personnel activities/practice.

Section 12 – New Code Section 169.33: Veterinary Auxiliary Personnel Employment

Creates new section 169.**33** that specifies the role, scope and supervision of auxiliary personnel providing authorized veterinary medical services employed by licensed veterinarians.

Section 13— New Code Section 169.34: Registered Veterinary Technician Certification

Creates new section 169.34 that specifies the criteria for issuance by the Board of Veterinary Medicine of a registered veterinary technician certification. This includes waivers for individuals and spouses who were in active military service, and endorsed certificates of registration if the individuals hold comparable license/certificate/registration/other-authorizations substantially equivalent to Iowa equivalents.

Section 14— New Code Section 169.35: Registered Veterinary Technician Credentials

Creates new section 169.35 that specifies that a person shall not use any recognized title, abbreviation or sign to indicate that such a person is a registered veterinary technician unless they have been issued a certificate of registration of veterinary technician.

Section 15— New Code Section 169.36: Registered Veterinary Technician Scope of Authority

Creates new section 169.36 that specifies the scope of authority for registered veterinary technicians under the supervision of a licensed veterinarian.

Section 16— New Code Section 169.37: Veterinary Assistant Scope of Authority

Creates new section 169.37 that specifies the scope of authority for veterinary assistants under the direct supervision of a licensed veterinarian.

Section 17— New Code Section 169.38: Veterinary Technician Student Scope of Authority

Creates new section 169.38 that specifies the scope of authority for veterinary technician students under the supervision of a licensed veterinarian provided the required level of supervision.

Section 18— New Code Section 169.39: Veterinary Student Scope of Authority

Creates new section 169.39 that specifies the scope of authority for veterinary student assistants under the supervision of a supervising veterinarian according to rules adopted by the Board of Veterinary Medicine.

Section 19—New Code Section 169.40: Graduate of Foreign Veterinary School Scope of Authority

Creates new section 169.40 that specifies the scope of authority for graduate of foreign colleges of veterinary medicine under the supervision of a supervising veterinarian according to rules adopted by the Board of Veterinary Medicine.

Sections 20—Practice of Veterinary Medicine without Valid License or Temporary Permits is a Fraudulent Practice

Amends section 714.8 Code 2023, by creating a new subsection **22**, that adds the practice of veterinary medicine without valid license or temporary permits by the Board of veterinary medicine to a list of Fraudulent Practices.

Section 21—Repeal of Existing Veterinary Technician Section (169.20)

This Code section is replaced with greater detail by Sections 14 and 15 of this bill.

Section 22—Code Editor Directives

Directs the Code editor to bifurcate chapter 169 with 169.1 through 169.30 as a new subchapter and 169.31 through 169.40 of this act as another subchapter.

Section 23—Board of Veterinary Practice to Devise Administrative Rules to Implement this Legislation

The Board of Veterinary medicine is directed to submit notice of intended action to implement this legislation no later than January 1, 2024

Section 24—Effective Dates

This section provides for:

- a delayed effective date of July 1, 2024,

- except for the portion of the bill (section 23) that directs that the Board of Veterinary Medicine to submit a notice of rule-making for adoption of rules which is effective upon enactment.

Amendment Analysis

H 1212 by Rep. Sexton proposes to add additional details concerning the regulation of certification of registration of veterinary technicians, including three-year registration that will be renewed in a staged triennial annual groups to even out regulatory efforts. Veterinary technicians must apply to the Board of Veterinary Medicine by application and show that they are current on their continuing education requirements. Veterinary technicians having a certificate of registration issued prior to July 1, 2024, remain valid and do not expire. The Board of Veterinary Medicine is directed to adopt all rules required to administer the certification of veterinary technicians.