

45:16-1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:16-1 et al (Veterinary medicine--amendments)

LAWS OF: 1985 CHAPTER: 495

BILL NO: S3150

Sponsor(s): Russo

Date Introduced: June 20, 1985

Committee: Assembly: Higher Education and Regulated Professions
Senate: -----

Amended during passage: No

Date of Passage: Assembly: January 13, 1986
Senate: June 24, 1985

Date of Approval: January 21, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes
Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

DO NOT WRITE IN THESE SPACES

SENATE, No. 3150

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1985

By Senator RUSSO

(Without Reference)

AN ACT concerning the practice of veterinary medicine and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 45:16-1 is amended to read as follows:

2 45:16-1. The State Board of Veterinary Medical Examiners,
3 hereinafter in this chapter designated as the "board," created and
4 established by an act entitled "An act to regulate the practice of
5 veterinary medicine, surgery and dentistry in the State of New
6 Jersey, to license veterinarians and to punish persons violating the
7 provisions thereof," approved March 17, 1902 (L. 1902, c. 18, p.36),
8 as amended and supplemented, is continued. The board shall
9 consist of five members, each of whom shall be a person of recog-
10 nized professional ability and honor in the veterinary profession in
11 this State and shall have practiced veterinary medicine and surgery
12 in the State for at least five years immediately preceding appoint-
13 ment to the board. **[The fifth member of the board shall be a**
14 **veterinarian from a regulatory agency of the State.]** Upon the
15 expiration of the term of office or resignation of a member, a succes-
16 sor shall be appointed by the Governor for a term of three years
17 from the first Monday of May of the year of appointment. The board
18 shall additionally consist of any members who may be required by
19 *section 2 of P. L. 1971, c. 60 (C. 45:1-2.2)*. No member shall be
20 appointed to more than three successive full terms. Each member
21 shall hold office until a successor has qualified.

1 2. Section 6 of P. L. 1983, c. 98 (C. 45:16-7.2) is amended to read
2 as follows:

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics thus is new matter.**

3 6. The board may waive all but the law portion of the examination
 4 of and issue a license to practice veterinary medicine and surgery
 5 to any person who [has been actively engaged in the practice of
 6 veterinary medicine and] at the time of the application[,]: a. holds
 7 a valid, unsuspended and unrevoked license to practice veterinary
 8 medicine and surgery issued by or under the authority of any state,
 9 territory, or the District of Columbia, which has education and
 10 examination requirements which are substantially equivalent to the
 11 requirements of this act for the issuance of a license and b. insofar
 12 as the records of that authority are concerned: (1) has been en-
 13 gaged in the clinical practice of veterinary medicine for three
 14 consecutive years immediately prior to application and (2) is
 15 entitled to its endorsement. No person shall seek licensure under
 16 this section sooner than three years after failure to be licensed
 17 under any other section of P. L. 1952, c. 198 (C. 45:16-9.1 et al.).

1 3. R. S. 45:16-8.1 is amended to read as follows:

2 45:16-8.1. Any person shall be regarded as practicing veterinary
 3 medicine within the meaning of this chapter, who, either directly or
 4 indirectly, diagnoses, prognoses, treats, administers, prescribes,
 5 operates on, manipulates, or applies any apparatus or appliance
 6 for any disease, pain, deformity, defect, injury, wound or physical
 7 condition of any animal, including poultry and fish, or [for the pre-
 8 vention of or to test] who prevents or tests for the presence of any
 9 disease in animals, [or who cuts tissue] or who performs embryo
 10 transfers and related reproductive techniques, or who holds himself
 11 out as being able or legally authorized to do so.

12 The term "practice of veterinary medicine, surgery, and den-
 13 tistry" does not include:

14 (1) The calling into this State for consultation of a duly licensed
 15 veterinarian of any other state with respect to any case under
 16 treatment by a veterinarian registered under the provisions of this
 17 act;

18 (2) The practice of veterinary medicine by any veterinarian in
 19 the performance of his official duties in the service of the State of
 20 New Jersey or the United States Government, either civil or mili-
 20A tary;

21 (3) The experimentation and scientific research activities of
 22 physiologists, bacteriologists, biologists, pathologists, biological
 23 chemists, chemists, or persons under the direct supervision thereof,
 24 when engaged in the study and development of methods and tech-
 25 niques directly or indirectly applicable to the problems of vet-
 26 erinary medical practice;

27 (4) The administration to the ills and injuries to their own

28 animals by persons owning such animals; provided, however, that
 29 they otherwise comply with all laws, rules and regulations relative
 30 to the use of medicines and biologics used in so doing;

31 (5) Persons gratuitously giving aid, assistance or relief in emer-
 32 gency or accident cases, if they do not represent themselves to be
 33 veterinarians or use any title or degree appertaining to the prac-
 34 tice thereof;

35 (6) Any properly trained animal health technician or other prop-
 36 erly trained assistant, who is under the responsible supervision and
 37 direction of a licensed veterinarian in his practice of veterinary
 38 medicine, if the technician or assistant does not represent himself
 39 as a veterinarian or use any title or degree pertaining to the prac-
 40 tice thereof and does not diagnose, prescribe, or perform sur-
 41 gery;

42 (7) Emergency paramedical services rendered during the trans-
 43 portation of an animal to an animal or veterinary facility, when the
 44 transportation is provided by any person providing the service for
 45 hire as a business[.];

46 (8) *The care, repair and rehabilitation of wildlife species by*
 47 *wildlife rehabilitators under the responsible supervision of a*
 48 *licensed veterinarian; and*

49 (9) *Artificial insemination.*

1 4. Section 6 of P. L. 1952, c. 198 (C. 45:16-9.6) is amended to read
 2 as follows:

3 6. Wherever the profession of veterinary medicine, surgery and
 4 dentistry is carried on by a partnership, corporation incorporated
 5 under Title 14A of the New Jersey Statutes or professional asso-
 6 ciation, all partners or shareholders must be licensed veterinar-
 7 ians. [However, this section shall not apply to corporations
 8 incorporated under Title 14A of the New Jersey Statutes, which
 9 limit the scope of their function to providing the animal health care
 10 services of spaying, castration, anesthetization and inoculation.]

1 5. This act shall take effect immediately.

STATEMENT

1. Section 1 of this bill makes a technical correction in R. S. 45:16-1 having to do with composition of the State Board of Veterinary Medical Examiners.

2. Section 2 of this bill would require that any out-of-State veterinarian to be eligible to be licensed in New Jersey under the reciprocity section of the "veterinary practice act law," P. L. 1952, c. 198 (C. 45:16-9.1 et al.) would have to have practiced clinical

veterinary medicine for three consecutive years immediately prior to application and would have to be endorsed by the licensing board of his home state. Also, anyone failing the regular licensing examination of this act could not be licensed by reciprocity for at least three years after failing the licensing examination.

3. Section 3 of this bill redefines the practice of veterinary medicine to include embryo transfers and related reproductive techniques and it excludes from the definition of the practice of veterinary medicine artificial insemination. It also excludes from the definition the services of wildlife rehabilitators under the responsible supervision of practicing veterinarians. Under current law, they could be charged with practicing veterinary medicine without a license since they work with animals which are "not their own" and they do not fall within the definition of "animal health technicians." This amendment would allow them to continue their extremely worthwhile services without violating the law.

4. Section 4 of this bill deletes language in section 6 of P. L. 1952, c. 198 (C. 45:16-9.6) which renders meaningless other amendatory language in the same law.

ASSEMBLY HIGHER EDUCATION AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 3150

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 1985

This bill amends the "veterinary practice law" and provides the following:

a. To be licensed without examination, in addition to holding a valid veterinarian license in another state, the individual must also have been engaged in the clinical practice of veterinary medicine for at least three consecutive years prior to application and be entitled to receive the endorsement of the licensing authority in that state. Also, an individual may not be licensed by endorsement within three years of failing to be licensed under any other section of the veterinary statutes;

b. Includes in the definition of veterinary practice, the performance of embryo transfers and related reproductive techniques;

c. Excludes from the definition of the practice of veterinary medicine, the care, repair and rehabilitation of wildlife species by wildlife rehabilitators under the responsible supervision of licensed veterinarians, and the performance of artificial insemination; and

d. Eliminates the exemption which provided that the shareholders of for-profit corporations incorporated under Title 14A of the New Jersey Statutes which limited the scope of their services to the spaying, castration, anesthetization and inoculations of animals were not required to be licensed veterinarians.

The committee favorably reports this bill without amendment.

S-1764, sponsored by Senator John Russo, D-Ocean, which places the Police Training Commission within the Department of Law and Public Safety, includes special investigators in county prosecutors' offices within the training provisions, and adds the President of the County Prosecutors' Association and the President of the Sheriffs' Association of New Jersey to the Commission membership.

S-2519, sponsored by Senator Frank Graves, D-Passaic, to enable a processor of goods to assert a lien over goods in his possession on the basis of prior indebtedness or of credit issued to the owner of the goods.

S-2907, sponsored by Senator Edward O'Connor, D-Hudson, to establish the Vietnam Veterans' Memorial Committee of 14 members to select a design and a site for a memorial in honor of Vietnam veterans.

S-3150, sponsored by Senator John Russo, D-Ocean, to require that any out of state veterinarian to be eligible for licensing in New Jersey under a reciprocity agreement to have practiced clinical veterinary medicine for three consecutive years prior to application for the license.

S-3330, sponsored by Senator Wynona Lipman, D-Essex, to extend to January 1, 1988, the authority of the City of Newark to impose a payroll and parking tax and for Jersey City to impose a parking tax.

S-3424, sponsored by Senator Paul Contillo, D-Bergen, to appropriate \$15,000 to the Department of Environmental Protection to reimburse the Borough of Maywood for expenses incurred in employing an environmental health physicist to aid in resolving a thorium contamination problem.

S-3438, sponsored by Senator Carmen Orechio, D-Essex, to transfer certain responsibilities from the legislative counsel in the Office of Legislative Services to the New Jersey Law Revision Commission.