

45:16-1.1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:16-1.1 et al (Veterinary medicine - updates statutes)

LAWS OF: 1983

CHAPTER: 98

Bill No: A1619

Sponsor(s): D. Gallo and others

Date Introduced: June 14, 1982

Committee: Assembly: Higher Education and Regulated Professions

Senate: \_\_\_\_\_

Amended during passage: Yes // Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly: Oct. 25, 1982 Re-enacted 2-14-83

Senate: Nov. 8, 1982 Re-enacted 3-7-83

Date of Approval: March 11, 1983

Following statements are attached if available:

Sponsor statement:		Yes	//
Committee statement:	Assembly	Yes	//
	Senate	///	No
Fiscal Note:		///	No
Veto Message:		Yes	//
Message on Signing:		yes ///	<del>No</del>
Following were printed:			
Reports:		///	No
Hearings:		///	No

Do Not Remove From Library  
DEPOSITION COPY

3-11-83

[THIRD OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 1619

## STATE OF NEW JERSEY

INTRODUCED JUNE 14, 1982

By Assemblymen D. GALLO, VAN WAGNER, GORMLEY, BROWN,  
Assemblywoman MUHLER and Assemblyman JACKMAN

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. (New section) As used in this act:

2 a. "Animal or veterinary facility" means any fixed or mobile  
2A establishment, veterinary hospital, animal hospital or premises  
3 wherein or whereon the practice of veterinary medicine or any  
4 part thereof is conducted.

5 b. "Person" means any individual, firm, partnership, association,  
6 joint venture, cooperative, corporation *\*\*incorporated under Title*  
6A *14A of the New Jersey Statutes\*\**, or any other group or com-  
7 bination acting in concert; and whether or not acting as a principal,  
8 trustee, fiduciary, receiver, or as any other kind of legal or personal  
9 representative, or as the successor in interest, assignee, agent,  
10 factor, servant, employee, director, officer, or any other repre-  
11 sentative of any person.

12 c. "Qualified veterinary graduate" means a graduate of a vet-  
13 erinary **\*\*[school]\*\*** *\*\*college or university\*\** approved by the  
14 board *\*\**, *a graduate of a veterinary college or university which is*  
15 *not approved by the board but who has received a certificate from*  
16 *an accrediting or qualifying body recognized by the board for the*  
17 *purpose of licensure examination,\*\** or a veterinarian who has  
18 qualified under the provisions of the American Veterinary Medical  
19 Association's Education Commission for the Foreign Veterinary  
20 Graduate.

**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.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

\*—Assembly committee amendments adopted October 18, 1982.

\*\*—Senate amendments adopted November 8, 1982.

\*\*\*—Assembly amendments adopted in accordance with Governor's recom-  
mendations January 27, 1983.

1 2. (New section) The provisions of this act shall apply to any  
2 person practicing veterinary medicine and any animal or veterinary  
3 facilities.

1 3. 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.  
8 36), as amended and supplemented, is continued. The board shall  
9 consist of [5] **\*\*[at least six]\*\*** **\*\*five\*\*** members, each of whom  
10 shall be a person of recognized professional ability and honor in  
11 the veterinary profession in this State [and] **\*\*[. Five]\*\*** **\*\*and\*\***  
12 shall have practiced veterinary medicine and surgery *in the State*  
13 for at least [10] 5 years immediately preceding [his] appoint-  
14 ment *to the board* [of which at least 5 years immediately preceding  
15 his appointment shall have been spent in the State of New Jersey].  
16 *The **\*\*[sixth]\*\*** **\*\*fifth\*\*** member of the board shall be a*  
17 *veterinarian from a regulatory agency of the State.* Upon the  
18 expiration of the term of office *or resignation* of a member, [his]  
19 a successor shall be appointed **\*\*[within 60 days]\*\*** by the Gover-  
20 nor[, subject to the provisions of section 45:1-2 of this Title,] for  
21 a term of 3 years from the first Monday of May of the year of  
22 appointment. *The board shall additionally consist of any members*  
23 *who may be required by P. L. 1971, c. 60 (C. 45:1-2.2). No member*  
24 *shall be appointed to more than three successive full terms.* Each  
25 member shall hold [his] office until [his] a successor has qualified.

1 4. R. S. 45:16-4 is amended to read as follows:

2 45:16-4. The board shall hold 2 or more meetings for examina-  
3 tions each year at such time and place as it shall determine, due  
4 notice of which shall be made public. At all meetings a majority of  
5 the members of the board shall constitute a quorum, but the exam-  
6 ination of applicants for a license may be conducted by a committee  
7 of one or more *veterinary* members duly authorized by the board.  
8 The board shall examine all diplomas and credentials as to their  
9 authenticity. Each applicant for a license shall submit to a theo-  
10 retical and practical examination, to be written, oral, or both,  
11 *designed to test the examinee's knowledge of and proficiency in the*  
12 *subjects and techniques **\*\*[commonly taught in veterinary schools]\*\****  
13 *\*deemed by the board to be necessary for the practice of veterinary*  
14 *medicine including any laws, rules and regulations applicable in*  
15 *this State\** [and may include the following subjects: Veterinary

16 anatomy, physiology and biochemistry, surgery, dentistry, veteri-  
 17 nary medicine, obstetrics and gynecology, pathology, microbiology,  
 18 parasitology, pharmacotherapeutics, meat and milk hygiene, veteri-  
 19 nary jurisprudence and ethics, animal husbandry or such other  
 20 subject material as may be determined by the board].

1 5. R. S. 45:16-7 is amended to read as follows:

2 45:16-7. A person desiring to commence the practice of veter-  
 3 inary medicine, surgery and dentistry in this State shall deliver to  
 4 the secretary of the board a fee [of \$5.00] *to be determined by the*  
 5 *board* for filing *the* application for examination and a fee [of  
 6 \$40.00] *to be determined by the board* for the examination, together  
 7 with satisfactory proof that the applicant [is a citizen of the  
 8 United States, is more than 21 years of age, is of good moral  
 9 character, has obtained a high school diploma or its equivalent,  
 10 and] \*\* [has received a diploma conferring the degree of veterinary  
 11 medicine from a veterinary college or university approved by the  
 12 board *or who has graduated from a veterinary college or university*  
 13 *which is not approved by the board but who has received a certifi-*  
 14 *cate from an accrediting or qualifying body recognized by the board*  
 15 *for this purpose]* \*\* *is a qualified veterinary graduate as defined*  
 16 *in this act* \*\* *or who shall provide a certification acceptable to the*  
 17 *board that the applicant has completed all but the last portion of*  
 18 *the last semester* \*\* *of a veterinary college or university* \*\* *and will*  
 19 *be awarded a degree in veterinary medicine at the next graduation.*  
 20 *\*\*No applicant, however, shall be licensed prior to graduation from*  
 21 *a veterinary college or university.* \*\*

1 6. (New section) The board may waive *\*\*all but the law por-*  
 2 *tion of* \*\* the examination of and issue a license to practice vet-  
 3 erinary medicine and surgery to any person who *\*\*[either]* \*\*  
 4 has been actively engaged in the practice of veterinary medicine  
 5 and, at the time of the application, holds a valid, unsuspended  
 6 and unrevoked license to practice veterinary medicine and surgery  
 7 issued by or under the authority of any state, territory, or the  
 8 District of Columbia which has education and examination re-  
 9 quirements which are substantially equivalent to the requirements  
 10 of this act for the issuance of a license \*\* [ , or who has been prac-  
 11 ticing veterinary medicine for at least 5 years and, at the time of  
 12 the application, holds a valid, unsuspended and unrevoked license  
 13 to practice medicine and surgery issued by or under the authority  
 14 of any state, territory, or the District of Columbia upon the  
 15 certification of that state, territory, or the District of Columbia  
 16 that the applicant's license has never been suspended or revoked,  
 17 and that, insofar as the records of that authority are concerned,  
 18 the applicant is entitled to its endorsement] \*\*.

1   \*\*[7. (New section) The board may issue, upon satisfactory  
2 compliance with all other requirements of this chapter, a license  
3 limited to a specialty in which a veterinarian maintains a diplomate  
4 status.]\*\*

1   \*\*[8.]\*\* \*\*7.\*\* R. S. 45:16-8 is amended to read as follows:

2   45:16-8. Upon making such payment and exhibiting the proof  
3 required by section 45:16-7 of this Title, the board, if satisfied with  
4 the same, shall issue to such applicant an order for examination.  
5 In case of failure at such examination, the candidate may have  
6 additional examinations by the board upon the payment of an addi-  
7 tional application fee [of \$5.00] *to be determined by the board* and  
8 an additional examination fee [of \$25.00] *to be determined by the*  
9 *board* for each additional examination. [If a candidate fails in only  
10 one subject and is thereby deemed a "conditional" candidate and is  
11 permitted to take a re-examination in but one subject, the fee for  
12 each subsequent examination on such subject shall be \$15.00.]

1   \*\*[9.]\*\* \*\*8.\*\* 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-  
7A vention of or to test the presence of any disease, or who cuts [the]  
8 tissue, [tissues, muscle or muscles of the tail or ear of any animal  
9 or otherwise operates upon such tail or ear in any manner for the  
10 purpose or with the effect of altering the natural carriage of such  
11 tail or ear,] or who holds himself out as being able or legally au-  
12 thorized to do so.

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

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

19   (2) The practice of veterinary medicine by any veterinarian in  
20 the performance of his official duties in the service of the State of  
21 New Jersey or the United States Government, either civil or  
22 military;

23   (3) The experimentation and scientific research activities of  
24 physiologists, bacteriologists, biologists, pathologists, bio-  
25 logical chemists, chemists, or persons under the direct supervision  
26 thereof when engaged in the study and development of methods

27 and techniques directly or indirectly applicable to the problems of  
28 veterinary medical practice;

29 (4) The administration to the ills and injuries to their own  
30 animals by persons owning such animals; provided, however, that  
31 they otherwise comply with all laws, rules and regulations relative  
32 to the use of medicines and biologics used in so doing.

33 (5) Persons gratuitously giving aid, assistance or relief in emer-  
34 gency or accident cases if they do not represent themselves to be  
35 veterinarians or use any title or degree appertaining to the practice  
36 thereof.

37 (6) \***[Persons employed by and under the responsible supervision**  
38 *and direction of a licensed veterinarian who assist in the practice*  
39 *of veterinary medicine, if the assistants do not represent them-*  
40 *selves as veterinarians or use any title or degree pertaining to the*  
41 *practice thereof and do not diagnose, prescribe, or perform surgery*  
42 *or initiate treatment.]* \* *Any properly trained animal health tech-*  
42A *nician or other properly trained assistant who is \*\*\*[employed by*  
42B *and]*\*\*\* *under the responsible supervision and direction of a*  
42C *licensed veterinarian in his practice of veterinary medicine, if the*  
42D *technician or assistant does not represent himself as a veterinarian*  
42E *or use any title or degree pertaining to the practice thereof and*  
42F *does not diagnose, prescribe, or perform surgery \*\*\*[or \*\*[in-*  
42G *stitute]*\*\* *initiate*\*\* *treatment]*\*\*\*.\*

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

1 **\*\*[10.]\*\*** **\*\*9.\*\*** (New section) Facilities maintained and used  
2 in connection with the practice of veterinary medicine shall be  
3 clean and sanitary.

1 **\*\*[11.]\*\*** **\*\*10.\*\*** (New section) No veterinary facility *\*\*\*in-*  
2 *cluded under section 6 of this act\*\*\** shall be designated by any  
3 name or title which in any way misleads or tends to deceive the  
4 public as to the nature or extent of the services rendered. If the  
4A title of a veterinary facility includes the term:

5 a. "Hospital **\*\*[or clinic]**\*\*\*", then the facility shall be able to  
6 provide examination, diagnostic and prophylactic services and  
7 medical and surgical treatment, shall be equipped to provide hous-  
8 ing and nursing care during illness and convalescence or major  
9 surgery, and shall be solidly constructed with adequate space and  
10 safeguards for patients, clients, and personnel;

11 **\*\*b.** "Clinic", then the facility shall be able to provide examina-  
12 tion, diagnostic and prophylactic services and medical and surgical  
13 treatment on an out-patient basis;\*\*

14     **[b.]** *c.* “Mobile”, then the facility shall be movable,  
 15 shall be directed by a veterinarian or group of veterinarians, and  
 16 shall be associated with **[an accredited]** *a* clinic or hos-  
 17 pital within reasonable proximity to the area served by the facility;

18     **[c.]** *d.* “Medical center”, then the facility shall be  
 19 staffed by one or more veterinarians who **[are accredited to]**  
 20 perform scientific research and **[to]** conduct advanced educa-  
 21 tion programs and shall provide all services available in hospital  
 22 or clinical facilities;

23     **[d.]** *e.* “Emergency”, then the facility shall be open  
 24 **[during all evenings]** *after hours, as defined by the board*,  
 25 weekends, and bank holidays and shall have a veterinarian on the  
 26 premises and all standards applying to animal hospitals shall  
 27 apply.

1     **[12.]** *11.* R. S. 45:16-9 is amended to read as follows:

2     45:16-9. **(a)** No person shall enter upon or continue the prac-  
 3 tice of veterinary medicine, surgery or dentistry in any of their  
 4 branches, unless he has complied with the provisions of this  
 5 chapter *and has been licensed by the board* **[**, and shall have  
 6 exhibited to the clerk of the county in which he desires to so practice,  
 7 a license duly granted to him as hereinabove provided. Upon the  
 8 exhibition of a license as aforesaid, a person shall be entitled, upon  
 9 the payment of \$1.00, to be duly registered in the office of the county  
 10 clerk of such county. Any**]**. No person **[using]** *shall use* any title  
 11 or degree appertaining to the veterinary profession or practicing  
 12 veterinary medicine, surgery or dentistry in any of their branches  
 13 without being licensed and registered in conformity with the pro-  
 14 visions of this chapter **[or otherwise violating any of its provisions,**  
 15 shall be liable to a penalty of not less than \$100.00 and not more  
 16 than \$500.00 for the first offense, which penalty shall be sued for  
 17 and recovered by and in the name of the board.

18     (b) The penalty shall be collected and enforced by summary pro-  
 19 ceedings pursuant to the Penalty Enforcement Law (N. J. S.  
 20 2A:58-1 et seq.). Process shall issue at the suit of the board, as  
 21 plaintiff, and shall be either in the nature of a summons or warrant.  
 22 If judgment be rendered for the plaintiff the court shall cause  
 23 any defendant, who refuses or neglects to pay forthwith the amount  
 24 of the judgment rendered against him and all the costs and charges  
 25 incident thereto, to be committed to the county jail for a period of  
 26 not less than 10 days and not exceeding 100 days.

27     (c) In case a person shall, after conviction of any violation of  
 28 this chapter, be again convicted of another violation thereof or of  
 29 continuing the violation for which he was previously convicted, he

30 shall be liable to a penalty of not less than \$500.00 and not more  
 31 than \$1,000.00 for each subsequent violation or continuation, to be  
 32 sued for and recovered in the manner above set forth. In case any  
 33 defendant against whom judgment has been recovered for a  
 34 penalty as herein stated shall fail or neglect to forthwith pay the  
 35 amount of said penalty, the court shall commit him to jail in the  
 36 manner above set forth, for a period of not less than 30 days and  
 37 not exceeding 200 days. A penalty recovered for any violation of  
 38 this chapter shall be paid to the State Board of Veterinary Medical  
 39 Examiners to be applied by the board to the same purposes as  
 40 other funds of the board collected in accordance with the pro-  
 41 visions of this chapter].

1     \*\*[13.]\*\* \*\*12.\*\* (New section) It shall be unlawful for a li-  
 2 censee to advertise falsely, fraudulently or in a manner likely to  
 3 mislead the public or in a manner which violates the rules and  
 4 regulations of the board.

1     \*\*[14.]\*\* \*\*13.\*\* Section 4 of P. L. 1952, c. 198 (C. 45:16-9.4)  
 2 is amended to read as follows:

3     4. Every person licensed to practice veterinary medicine, sur-  
 4 gery and dentistry shall procure [each year from the secretary of  
 5 the board on or before July 1 an annual] a certificate of registra-  
 6 tion which shall be issued [by said secretary] upon the payment of  
 7 a fee [of \$10.00] *determined by the board for a 2 year period.* A  
 8 registrant not residing and not practicing in this State shall pay  
 9 [an annual] a fee [of \$5.00] *determined by the board.* The secre-  
 10 tary shall mail to each person licensed to practice veterinary medi-  
 11 cine, surgery and dentistry [on or before June 1 of each year]  
 12 *at least 30 days prior to the deadline for registration* a printed  
 13 blank form to be properly filled in and returned to said secretary  
 14 by such licensed person on or before the [succeeding July 1]  
 15 *deadline for registration*, together with such fee. Upon the receipt  
 16 of said form properly filled in, and such fee, the [annual] certificate  
 17 of registration shall be issued and transmitted.

18     The failure on the part of the licensee to renew his certificate  
 19 [annually on or before July 1,] as required, shall not deprive such  
 20 person of the right of renewal. [However, the] *The* fee to be paid  
 21 if the certificate be renewed after the expiration date shall be  
 22 [\$25.00, and if the annual certificate be not renewed within the first  
 23 year after the expiration date, the licensee shall pay, in addition  
 24 to the reinstatement fee of \$25.00, a fee of \$5.00 for each year in  
 25 which the licensee has not renewed his license] *determined by the*  
 26 *board.* Notice to the licensee by mail on or before [July 1] *the*  
 27 *deadline for registration*, addressed to his last post-office address

28 known to the board, informing him of his failure to have applied  
 29 for a renewal of his license certificate, shall constitute legal notifica-  
 30 tion of such delinquency by the board.

31 Applications for renewal of certificate shall be in writing to the  
 32 board, accompanied by the required fees. The license of any per-  
 33 son who fails to procure a renewal of certificate at the time and  
 34 in the manner required by this section **[may]** *shall* be suspended  
 35 by the board *upon notice* **[in the manner provided by section**  
 36 **45:16-6 of this Title]**. Any license so suspended shall be rein-  
 37 stated at any time upon the payment of all past-due annual registra-  
 38 tion fees and an additional reinstatement fee **[of \$25.00]** *deter-*  
 39 *mined by the board. The board may require that any applicant for*  
 40 *registration who has ceased the practice of veterinary medicine for*  
 41 *a period in excess of 5 years be reexamined by the board and be*  
 42 *required to complete additional continuing education requirements*  
 43 *as a prerequisite to relicensure by the board.* Any person whose  
 44 license shall have been suspended for such cause shall, during the  
 45 period of such suspension, be regarded as an unlicensed person  
 46 and, in case he shall continue or engage in the practice of veterinary  
 47 medicine, surgery or dentistry during such period, shall be liable to  
 48 **\*[the]\*** penalties **\*[prescribed by section 45:16-9 of this Title for**  
 49 **practicing veterinary medicine, surgery and dentistry without a**  
 49A **license]\*** *\*pursuant to the provisions of P. L. 1978, c. 73 (C. 45:1-14*  
 49B *et seq.)\*.*

50 Every duly licensed person before commencing the practice of  
 51 veterinary medicine, surgery and dentistry in this State shall, within  
 52 30 days of the commencement of such practice, procure the cer-  
 53 tificate of registration required in this act**[,** which certificate shall  
 54 expire on June 30 following**].**

55 Every person practicing veterinary medicine, surgery and  
 56 dentistry in this State shall conspicuously display at all times his  
 57 *license and* registration certificate for the **[current year]** *effective*  
 58 *2 year period* in his main office. **[Certificates issued by the board**  
 59 **for branch offices shall also be conspicuously displayed where the**  
 60 **same shall be in plain view of clients.]** Every person who practices  
 61-62 veterinary medicine, surgery and dentistry without having such  
 63 certificate on display, as herein required, shall be liable to a penalty  
 64 **\*[as hereinafter prescribed]\*** *\*pursuant to section 12 of P. L. 1978,*  
 64A *c. 73 (C. 45:1-25)\*.*

65 Every licensee holding an active registration certificate who may  
 66 practice at any place other than that address for which his active  
 67 registration certificate is issued, **[shall be required to]** **\*[may]\***  
 68 **\*shall\*** obtain from the Secretary, **[upon payment of a fee of \$2.00,**

69 a branch office registration certificate for each and every location  
70 wherein he practices] *a duplicate certificate for a fee determined*  
71 by the board to be displayed at the place of practice.

72 Every practitioner of veterinary medicine, surgery and dentistry,  
73 licensed under the provisions of this chapter, shall report to the  
74 said board in writing any change in his place of practice, whether  
75 same be his main office or branch office, within 30 days of such  
76 change.

1 **\*\*[15.]\*\*** **\*\*14.\*\*** Section 6 of P. L. 1952, c. 198 (C. 45:16-9.6)  
2 is amended to read as follows:

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

1 **\*\*[16.]\*\*** **\*\*15.\*\*** Section 10 of P. L. 1952, c. 198 (C. 45:16-9.7)  
2 is amended to read as follows:

3 10. A qualified licensed practitioner of the profession may  
4 **[employ an assistant]** **\*\*[use]\*\*** **\*\*employ\*\*** **\*\*\*as assistants\*\*\***  
5 *not more than two qualified veterinary graduates* who **[has]** *have*  
6 obtained a temporary permit provided that the **\*\*\*[assistant**  
7 **has]\*\*\*** **\*\*\*assistants have\*\*\*** met all the requirements of the  
8 board as set forth in the practice act. An applicant for such a  
9 temporary permit must associate himself with a qualified licensed  
10 veterinarian and his labors shall be limited to the practice of the  
11 qualified veterinarian **[and he shall not participate in the practice**  
12 **or operation of a branch office, clinic or allied establishment].**  
13 **\*\*[Said]\*\*** **\*\*Each\*\*** assistant shall be under the **[immediate]**  
14 *responsible* supervision of a licensed practicing veterinarian. Said  
15 applicant must present himself for examination at the next  
16 scheduled examination of the board. There shall be a **[\$25.00]** fee  
17 *determined by the board* for the aforementioned permit, which fee  
18 shall be applied toward the examination fee, but shall be forfeited  
19 if the applicant fails to present himself at the next scheduled  
20 examination. If the applicant does not pass the examination, addi-  
21 tional permits may be issued but not to exceed 3. Application for  
22 such permit shall be countersigned by the registered licensed  
23 veterinarian with whom the candidate will be associated. A can-  
24 didate who has failed to appear **[at]** *for* an examination or who  
25 has failed an examination and who has subsequent thereto failed to

25A renew his permit is disqualified to practice the profession of  
 25B veterinary medicine, surgery, and dentistry.

26 A lawfully qualified veterinarian of another State who meets the  
 27 requirements of this State for admission by examination may take  
 28 charge temporarily of the practice of a lawfully qualified veter-  
 29 inarian of this State during his absence from such practice, not to  
 30 exceed 90 days unless renewed, upon written request to the board  
 31 for permission so to do and upon payment of a fee **[of \$25.00]**  
 32 **\*[of up to \$50.00]\*** as determined by the board. The board shall  
 33 have the right to suspend or revoke any such temporary permit for  
 34 a violation of this chapter by either the permittee or licensee-em-  
 35 ployer; provided that before any such permit shall be suspended  
 36 or revoked, the accused person shall be afforded a hearing before  
 37 the board as provided in section 45:16-6 of this chapter.

38 *A licensed practitioner may also use a veterinarian who is*  
 39 *qualified under the provisions of the American Veterinary Medical*  
 40 *Association's Educational Commission for the Foreign Veterinary*  
 41 *Graduate \*\*or who is qualified under any other training program*  
 42 *approved by the board\*\* who shall have obtained a training certif-*  
 43 *icate from the board for this purpose. That person shall be under*  
 44 *the direct and immediate supervision of the licensed practitioner.*

1 **\*\*[17.]\*\* \*\*16.\*\*** (New section) The provisions of this act and  
 2 the act to which this act is amendatory and supplementary shall be  
 3 enforced pursuant to P. L. 1978, chapter 73 (C. 45:1-14 et seq.).

1 **\*\*[18.]\*\* \*\*17.\*\*** The following are repealed.

2 Section 1 of P. L. 1953, c. 359 (C. 45:16-7.1); Section 3 of P. L.  
 3 1952, c. 198 (C. 45:16-9.3); and Section 12 of P. L. 1965, c. 216  
 4 (C. 45:16-12).

1 **\*\*[19.]\*\* \*\*18.\*\*** This act shall take effect immediately.

---

## STATEMENT

This bill represents a thorough review and modernization of the statutes which govern the practice of veterinary medicine in New Jersey, the first review and modernization in 80 years. Many changes are technical in nature and designed to make the act consistent with other provisions of the general statutory law governing the regulated professions, rules and regulations promulgated pursuant thereto, and rules and regulations promulgated by the State Board of Veterinary Medical Examiners.

Highlights of the substantive changes include:

a. An increase in the number of veterinary members on the State Board of Veterinary Medical Examiners from five to six. Five members would be required to have at least five (rather than the current six) years of experience to be eligible for appointment, while the sixth member would be a veterinarian serving with a regulatory agency of the State (Section 3);

b. More flexible proof-of-eligibility requirements with respect to licensure by the board (Section 5);

c. Licensure "reciprocity" for veterinarians from other states with educational and examination requirements substantially equivalent to the requirements of New Jersey (Section 6);

d. Provision for the issuance of a "diplomate status" license (Section 7);

e. Amplification of services not to be included in the meaning of the term "practice of veterinary medicine," such as those performed by veterinary assistants and emergency paramedics (Section 9);

f. More consumer oriented guidelines with respect to the use of titles on veterinary facilities and the advertising of veterinary services (Sections 11-13); and

g. Clarification with respect to the use by licensed practitioners of (1) qualified veterinary graduates who have temporary permits and (2) veterinarians who are qualified under the provisions of the American Veterinary Medical Association's Educational Commission for the Foreign Veterinary Graduate who has a training permit.

A1619 (1982)

ASSEMBLY HIGHER EDUCATION AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1619**  
with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 15, 1982

The Assembly Higher Education and Regulated Professions Committee favorably reports Assembly Bill No. 1619 which makes a number of substantive and technical changes in the statute governing the practice of veterinary medicine in New Jersey (R. S. 45:16-1 et seq.).

PROVISIONS:

1. Increases the number of veterinarians on the State Board of Veterinary Medical Examiners from five to six, but decreases the amount of experience required for board membership from 10 to 5 years. The additional board member is to be a veterinarian from a regulatory agency of the State (section 3).
2. Deletes some of the current requirements for examination (age, citizenship, character) and allows the examination of an individual who has graduated from a veterinary college which is not board approved if he has received a certificate from an accrediting body recognized by the board. Also allows the examination of an individual who presents the board with acceptable certification that he will receive a degree in veterinary medicine at the next graduation (section 5).
3. Grants licensure reciprocity to persons practicing veterinary medicine in a state with educational requirements substantially equivalent to New Jersey's (section 6).
4. Allows licensure limited to a particular specialty (section 7).
5. Includes in the list of services not to be considered the "practice of veterinary medicine," services performed by veterinary assistants and emergency transport personnel (section 9).
6. Defines the services which particular classifications of veterinary facilities must provide (section 11).
7. Deletes the requirement for veterinarians to register with the county clerk (section 12).
8. Delineates guidelines for the use of veterinary graduates and veterinarians qualified under the provisions of the American Veterinary Medical Association's Educational Commission for the Foreign Veterinary Graduate (section 16).

AMENDMENTS:

The committee made a number of amendments designed to clarify the bill and to correct certain technical deficiencies.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

January 27, 1983

ASSEMBLY BILL NO. 1619 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 1619 (2nd OCR) with my recommendations for reconsideration.

This bill makes a number of substantive and technical changes in the statute governing the practice of veterinary medicine in New Jersey (N.J.S. 45:16-1 et seq.).

I am concerned that while this bill attempts to modernize the New Jersey Veterinary Practice Act, the enactment of certain provisions would be contrary to New Jersey's public interest in the safety, health and welfare of its animal population.

There are currently 801 veterinarians in New Jersey. Therefore, based on a figure of approximately 3,000,000 owned cats and dogs in this State, there is only one veterinarian per 3,750 pets. New Jersey is not the only state which suffers from a deficiency in number of veterinarians; this is a nationwide dilemma. In response to the veterinary medicine profession's slow rate of membership growth, as compared to animal population growth, there have been established "humane societies," owned and operated as profit or nonprofit organizations by both veterinarians and non-veterinarians alike. These organizations provide for the much needed services of anesthetization, inoculation, spaying and castration of cats and dogs by licensed veterinarians and by graduates of animal technician schools when performed under a licensed veterinarian's reasonable supervision. There is a clear national trend favoring humane societies, with 900 such organizations currently existing across the nation. New Jersey presently has several such organizations, which perform spaying, castrations and inoculations, and their vital role should be continued.

Section 8 of this bill amends N.J.S. 45:16-8.1 to provide that "properly trained animal health technicians or other properly trained technicians" may perform medical functions only under the employ of a licensed veterinarian; and that they may not initiate treatment. If this were to become law, it would eliminate all humane societies owned by non-veterinarians with paraprofessionals functioning under supervision of licensed veterinarians. It should only matter

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

2

that a paraprofessional be under the immediate and responsible supervision of a licensed veterinarian, not that he be employed by him. It should also only matter that a paraprofessional limit his function to that which the law allows, not that he be prohibited from initiating the services for which he is trained, such as giving inoculations.

As originally written, section 14 of this bill would have required all corporations, including "not for profits," to be owned exclusively by licensed veterinarians. Most humane societies which offer basic services at reduced costs are not owned by veterinarians, and due to objections raised, this has been amended to exempt nonprofit organizations. However, as now amended, this bill still prohibits ownership by non-veterinarians in all corporations operating "for profit." This poses a great problem also. Many humane societies cannot financially withstand the continual lawsuits filed against them challenging their tax exempt status. They give up their nonprofit benefits to continue to exist. If this bill is enacted, as written, should an incorporated humane society not owned by licensed veterinarians lose its tax exempt status and be re-incorporated as a profit corporation, it will be forced to cease operation. Further, there are currently existing in this State "for profit" corporations, with non-veterinarian shareholders and partners, which operate to offer the services of spaying, castration and inoculations. They provide "humane society" services, but operate as profit corporations. These corporations should be exempted from coverage in section 14.

Accordingly, I herewith return Assembly Bill No. 1619 (2nd OCR) and recommend that it be amended as follows:

Page 2, Section 3, line 16: Delete "sixth" and insert "fifth"

Page 5, Section 8, line 42A: Delete "employed by and"

Page 5, Section 8, lines 42F-6: Delete "or initiate treatment"

Page 5, Section 10, line 1: After "facility" insert "included under section 6 of this Act, as amended,"

Page 9, Section 14, line 7: At end of section insert "However, this section shall not apply to corporations incorporated under Title 14A of the New Jersey Statutes, which limit the scope of their function to providing the animal health care services of spaying, castration, anesthesia and inoculations."

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

3

Page 9, Section 15, line 4: After "employ" insert "as assistants"

Page 9, Section 15, line 6: Delete "assistant has" and insert "assistants have"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: PAUL WOLCOTT

FRIDAY, MARCH 11, 1983

Governor Thomas H. Kean has signed the following bills:

A-717, sponsored by Assemblyman John O. Bennett, (R-Monmouth), the Public Utility Accident Fault Determination Act, which establishes a procedure for allocating the cost of accidents or other mishaps at electric power facilities. The bill requires the Board of Public Utilities to conduct a fault investigation to determine the causes and responsibilities for any accident at an electric generating or transmission facility for which a utility has made a rate increase request in excess of \$10 million. The bill provides that a utility found at fault may not recover the costs of remedying the accident from ratepayers. It also provides that the Board may authorize as expenses, without regard to fault, costs that are certified by the Board as an appropriate contribution to a national cost sharing formula. This provision will allow a clean-up at Three Mile Island under the plan proposed by Pennsylvania Governor Dick Thornburgh.

A-1619, sponsored by Assemblyman Dean A. Gallo, (R-Morris), which revises statutes governing the practice of veterinary medicine.

A-770, sponsored by Assemblyman Richard VanWagner, (D-Monmouth), which exempts utilities from paying gross receipts and franchise taxes on payments for electricity which was originally produced through cogeneration and resold to the cogenerator.

A-384, sponsored by Assemblyman Harry A. McEnroe, (D-Essex), which requires all solid waste disposal facilities to install and utilize scales to determine the weight of all vehicles disposing of solid waste at these facilities.

~~SECRET~~