

PUBLIC CHAPTER NO. 804

HOUSE BILL NO. 3491

**By Representatives McDaniel, Shaw, Faulkner, Bone, Borchert, Marsh,
Harrison, Watson, Fraley, Maggart, Ty Cobb, Sontany, Swafford, Lollar,
Casada**

Substituted for: Senate Bill No. 3060

By Senators Woodson, Black, Tracy, Overbey, Ketron, Marrero, Ford

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 12, relative to the practice of veterinary medicine.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-12-103, is amended by deleting subdivision (9) in its entirety and by substituting instead the following:

(9) "Practice of veterinary medicine" means to:

(A) 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:

(i) The prescription, dispensing, administration or application of any drug, medicine, biologic, apparatus, anesthetic, or other therapeutic or diagnostic substance or medical or surgical, including cosmetic, technique;

(ii) The use of complementary, alternative, and integrative therapies;

(iii) The use of any manual, mechanical, biological, or chemical procedure for the testing of pregnancy, or for the management or treatment of sterility or infertility;

(iv) The rendering of advice or recommendation by any means including telephonic and other electronic communications with regard to subdivisions (a)(A)(i)-(iii);

(v) The collection of blood or other samples for the purpose of diagnosing disease or other conditions. This shall not apply to:

() Any unlicensed personnel employed by the United States department of agriculture or the Tennessee department of agriculture who are engaged in animal

disease control programs, or who perform laboratory examinations. This section does not prohibit extension personnel or vocational agriculture teachers from doing educational work that is considered normal to their profession in their government positions; or

(vi) The removal of an embryo from livestock or companion animal for the purpose of transplanting such embryo into another female animal or for the purpose of cryopreserving such embryo;

(B) Represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subdivision (9)(A); and

(C) 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 subdivision (9)(A). Such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine.

SECTION 2. Tennessee Code Annotated, Section 63-12-103, is amended by adding the following as new, appropriately designated subdivisions thereto:

() "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. Under all circumstances, the responsibility for the welfare of the patient remains with the licensed veterinarian receiving consultation; and

() "Veterinarian-client-patient relationship" means:

(A) The veterinarian has assumed responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, has obtained informed consent, and the client has agreed to follow the veterinarian's instructions;

(B) The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal;

(C) The veterinarian has seen the animal within the last twelve (12) months or is personally acquainted with the keeping and care of the animal, either by virtue of an examination of the animal or by medically appropriate visits to the premises where the animals are maintained within the last twelve (12) months;

(D) The veterinarian is readily available or has arranged for emergency coverage for follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen;

(E) The veterinarian must maintain medical records as required by the board of veterinary medical examiners; and

(F) The veterinarian-client-patient relationship cannot be established or maintained solely by telephone or other electronic means.

SECTION 3. Tennessee Code Annotated, Section 63-12-133(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Any lawfully qualified veterinarian residing in another state or country, when meeting in consultation with a licensed veterinarian of this state, who:

(A) Does not open an office or appoint a place to do business within this state;

(B) Does not print or use letterhead or business cards reflecting addresses in this state;

(C) Does not establish answering services or advertise the existence of a practice's address within this state; and

(D) Practices veterinary medicine as a consultant while rendering services directly to the public, under the direction of and in consultation with licensees of this state, for less than twelve (12) days per calendar year.

SECTION 4. Tennessee Code Annotated, Section 63-12-133(a), is amended by deleting subdivision (7) in its entirety and by renumbering the subsequent subdivisions accordingly.

SECTION 5. Tennessee Code Annotated, Section 63-12-133(a), is amended by adding the following as new, appropriately designated subdivisions:

() Any person or such person's employees when removing an embryo from the person's own food animal for the purpose of transplanting or cryopreserving such embryo; and

() The use of any manual procedure for the testing of pregnancy in bovine animals when performed by a farmer as defined in § 67-6-207(e)(1),(3),(4) and (5), only if:

(A) Such farmer testing for pregnancy is not compensated by the person who owns such animals, other than by the exchange of services for or the use of equipment by such farmer performing the pregnancy test; and

(B) The results of such testing are for the owner's use only and not to affect commerce.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 5, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 19th day of April 2010



PHIL BREDESEN, GOVERNOR