

COMMITTEE ON HEALTH, HOSPITALS AND
HUMAN SERVICES

02/22/18-AMENDED AND REPORTED OUT TO THE FLOOR

01/31/18-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND THE
JUDICIARY

BILL NO. 32-0026

Thirty-Second Legislature of the Virgin Islands

February 23, 2017

An Act amending title 27 Virgin Islands Code, chapter 3 by establishing the Virgin Islands Veterinary Practice Act; repealing title 3 Virgin Islands Code, section 415a; adding a chapter 68 to title 19 Virgin Islands Code addressing matter related to pet shops, pet groomers, and animal shelters; and for other related purposes

PROPOSED BY: Senators Nereida Rivera O'Reilly, Janette Millin Young
and Sammuel Sanes

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** This Act may be cited as the “Virgin Islands Veterinary Practice Act
3 of 2017.”

4 **SECTION 2.** Title 3 Virgin Islands Code, chapter 23, section 415a is repealed.

5 **SECTION 3.** Title 27 Virgin Islands Code, chapter 3 is repealed and reenacted
6 with amendments to read as follows:

7 **“Chapter 3. The practice of veterinary medicine in the Virgin Islands.**

8 **§ 171. Purpose of chapter.**

9 In order to promote the public health, safety, and welfare by safeguarding the
10 people of this Territory against unqualified or incompetent practitioners of veterinary
11 medicine, the Legislature of the Virgin Islands declares that the practice veterinary

1 medicine is a privilege conferred by legislative grant to persons having the personal and
2 professional qualifications specified in this chapter. This chapter does not diminish the
3 statutory authority as established under any sections of title 19, chapters 63 or 65 or title
4 14, chapter 7.

5 **§ 172. Definitions.**

6 When used in this chapter, these words and phrases have the following meaning:

7 (1) "Accredited college of veterinarian medicine" means any veterinarian
8 college, school, or division of a university or college that offers the degree of Doctor of
9 Veterinary Medicine or its equivalent and is accredited by the Council of Education of the
10 American Veterinary Medical Association ("AVMA").

11 (2) "AVMA" means the American Veterinary Medical Association

12 (3) "AVMA accredited program in veterinary technology" means any
13 postsecondary educational program that is accredited by the Committee on Veterinary
14 Technician Education and Activities of the AVMA.

15 (4) "American Veterinary Medical Association Accredited Program in
16 Veterinary Technology" means any postsecondary educational program that has fulfilled
17 the essential criteria established by the Committee on Veterinary Technician Education and
18 Activities and approved by the AMVA House of Delegates.

19 (5) "Animal" means any living organism, other than human, having sensation
20 and the power of voluntary movement and requiring for its existence oxygen and organic
21 nutrients.

22 (6) "Board" means the Virgin Islands Board of Veterinary Medicine.

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

25 (8) "Commissioner" means the Commissioner of the Virgin Islands Department
26 of Health.

1 (9) “Consultation” means when a licensed veterinarian receives advice in
2 person, telephonically, or electronically, or by any other method of communication from a
3 veterinarian licensed in this or any other jurisdiction or other person whose expertise, in
4 the opinion of the licensed veterinarian, would benefit the patient. The licensed
5 veterinarian receiving consultation maintains the veterinarian-client-patient-relationship.

6 (10) "Credentialed veterinary technician or technologist" means a veterinary
7 technician or veterinary technologist who is currently registered, certified, or licensed by
8 the Board.

9 (11) "ECFVG® certificate" means the certificate issued by the Educational
10 Commission for Foreign Veterinary Graduates® of the AVMA indicating that the holder
11 has demonstrated knowledge and skills equivalent to that possessed by a graduate of an
12 accredited college of veterinary medicine.

13 (12) "Examination" means a qualifying, territorial licensure test as defined by
14 the regulations governing the practice of veterinary medicine in the Virgin Islands.

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

21 (14) "Licensed veterinarian" means a person who is currently licensed to practice
22 veterinarian medicine in the Virgin Islands.

23 (15) "Owner consent" means the veterinarian has informed the client, in a
24 manner that would be understood by a reasonable person, of the diagnostic and treatment
25 options, risk assessment, and prognosis and has provided the client with an estimate of the

1 fees expected for the provision of veterinary services and the client has consented to the
2 recommended treatment.

3 (16) "Patient" means an animal or group of animals examined or treated by a
4 veterinarian.

5 (17) "Person" means any individual; firm; partnership -- general, limited, or
6 limited liability; association; joint venture; cooperative; corporation; limited liability
7 company; or any other group or combination acting in concert; and whether or not acting
8 as a principal, partner, member, trustee, fiduciary, receiver, or as any other kind of legal or
9 personal representative, or as the successor in interest, assignee, agent, factor, servant,
10 employee, director, officer, or any other representative of such person.

11 (18) "Practice of veterinary medicine" means:

12 (A) To diagnose, prognose, treat, correct, change, alleviate, or prevent
13 animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or
14 mental conditions by any method or mode; including the:

15 (i) performance of any medical or surgical procedure, or

16 (ii) prescription, dispensing, administration, or application of
17 any drug, medicine, biologic, apparatus, anesthetic, or other therapeutic or
18 diagnostic substance, or

19 (iii) use of complementary, alternative, and integrative therapies,
20 or

21 (iv) use of any procedure for reproductive management,
22 including but not limited to the diagnosis or treatment of pregnancy,
23 fertility, sterility, or infertility, or

24 (v) determination of the health, fitness, or soundness of an
25 animal, or

1 (vi) rendering of advice or recommendation by any means
2 including telephonic and other electronic communications with regard to
3 any of the above.

4 (B) To represent, directly or indirectly, publicly or privately, an ability
5 and willingness to do an act described in subsection (a).

6 (C) To use any title, words, abbreviation, or letters in a manner or under
7 circumstances that induce the belief that the person using them is qualified to do
8 any act described in subsection (a).

9 (19) "Practice of veterinary technology" means:

10 (A) To perform patient care or other services that require a technical
11 understanding of veterinary medicine on the basis of written or oral instruction of
12 a veterinarian, excluding diagnosing, prognosing, performing surgery, or
13 prescribing.

14 (B) To represent, directly or indirectly, publicly or privately, an ability
15 and willingness to do an act described in subsection (a).

16 (C) To use any title, words, abbreviation, or letters in a manner or under
17 circumstances that induce the belief that the person using them is qualified to do
18 any act described in subsection (a).

19 (20) "Supervision" includes direct and indirect supervision:

20 (A) "Direct supervision" means a licensed veterinarian is readily
21 available on the premises where the patient is being treated and has assumed
22 responsibility for the veterinary care given to the patient by a person working under
23 a licensed veterinarian direction.

24 (B) "Indirect supervision" means that a licensed veterinarian is not
25 necessarily on the premises, but has given either written or oral instructions for
26 treatment of the patient and is readily available by telephone or other forms of

1 immediate communication; and has assumed responsibility for the veterinary care
2 given to the patient by a person working under the licensed veterinarian direction.

3 (21) "Veterinarian," means a person who has received a doctor's degree in
4 veterinary medicine from an accredited school of veterinary medicine and licensed
5 under this chapter.

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

8 (A) The veterinarian has assumed the responsibility for making medical
9 judgments regarding the health of the patient and the client has agreed to follow the
10 veterinarian's instructions;

11 (B) The veterinarian has sufficient knowledge of the patient to initiate
12 at least a general or preliminary diagnosis of the medical condition of the patient.
13 This means that the veterinarian is personally acquainted with the keeping of the
14 patient by a timely examination of the patient or by medically appropriate and
15 timely visits by the veterinarian to the premises where the patient is managed;

16 (C) The veterinarian is readily available for follow-up evaluation or has
17 arranged for veterinary emergency coverage and continued care and treatment;

18 (D) The veterinarian provides oversight of treatment, compliance and
19 outcome; and

20 (E) Patient records are maintained.

21 (23) "Veterinary assistant" means an employee of a licensed veterinarian who
22 has not received a degree in veterinary technology from an accredited program, or has
23 received a degree in veterinary technology from an accredited program, but is not licensed
24 in the Virgin Islands.

25 (24) "Veterinary license" or "license" means a license to practice veterinary
26 medicine issued by the Board.

1 (25) "Veterinary medicine" means the branch of medicine that deals with the
2 causes, diagnosis, and treatment of diseases and injuries of animals, and includes veterinary
3 surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.

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

7 (27) "Veterinary specialist" means a veterinarian who has been awarded and
8 maintains certification from an AVMA-recognized veterinary specialty organization.

9 (28) "Veterinary technician" means a graduate of a two or three-year accredited
10 program in veterinary technology.

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

13 **§ 173. Practice of veterinary medicine.**

14 (a) A person is regarded as practicing veterinary medicine within the meaning
15 of this chapter who represents himself, directly or indirectly, publicly or privately, as a
16 veterinary doctor or uses any title, words, abbreviation or letters in a manner or under
17 circumstances that may reasonably induce the belief that the person using them is qualified
18 to practice veterinary medicine.

19 (b) A person is considered to be practicing veterinary medicine if the person
20 performs the diagnosis, treatment, correction, change, relief or prevention of animal
21 disease, deformity, defect, injury, or other physical or mental conditions; including the
22 performance of surgery or dentistry, the prescription or administration of any drug,
23 medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic
24 substance or technique, and the use of any manual or mechanical procedure for embryo
25 transfer, for testing for pregnancy, or for correcting sterility or infertility, or to render
26 advice or recommendation with regard to any of activities described in this subsection.

§ 174. Veterinarian-client-patient relationship requirement.

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

(b) A veterinarian-client-patient relationship may not be established solely by telephonic or other electronic means.

§ 175. Exemptions.

(a) This chapter may not be construed to prohibit:

(1) A federal or local government employee from performing the employee's official duties.

(2) A student who is enrolled in:

(A) an accredited college of veterinary medicine from performing duties or actions assigned by instructors or working under the direct supervision of a licensed veterinarian, or

(B) an accredited program of veterinary technology from performing duties or actions other than diagnosis, prognosis, prescription, or surgery, as assigned by instructors or working under the direct supervision of a licensed veterinarian.

(3) A person from advising the Board with respect to, or performing acts that, the Board has designated by rule as accepted livestock management practices.

(4) Any person from providing consultation to a licensed veterinarian in the Territory on the care and management of a patient.

(5) A licensed individual of a licensed or regulated profession in the Virgin Islands from providing assistance when requested by a veterinarian licensed in the Virgin Islands, acting with owner consent from the client, and acting under the supervision of the

1 licensed veterinarian. The licensed veterinarian maintains responsibility for the
2 veterinarian-client-patient relationship.

3 (6) A veterinarian employed by an accredited college of veterinary medicine
4 from providing assistance when requested by a veterinarian licensed in the Virgin Islands,
5 acting with owner consent from the client, and acting under the direct or indirect
6 supervision of the licensed veterinarian. The licensed veterinarian maintains responsibility
7 for the veterinarian-client-patient relationship.

8 (7) A pharmacist, merchant, or manufacturer from selling at his regular place
9 of business medicines, feed, appliances, or other products used in the prevention or
10 treatment of animal diseases as permitted by law.

11 (8) A person from lawfully engaging in the art or profession of farriery.

12 (9) Subject to the Virgin Islands animal cruelty laws, 14 V.I.C., chapter 7, an
13 owner of an animal and any of the owner's regular employees from caring for and treating
14 the animal belonging to such owner, except where the ownership of the animal was
15 transferred for purposes of circumventing this chapter. Individuals shall comply with all
16 laws and regulations relative to the use of medicines and biologics.

17 (10) A person from providing training for animals that does not include
18 diagnosing or the prescribing or dispensing of any therapeutic agent.

19 (11) An instructor at an accredited college of veterinary medicine or accredited
20 program in veterinary technology from performing his regular functions or a person from
21 lecturing or giving instructions or demonstrations at an accredited college of veterinary
22 medicine or accredited program in veterinary technology or in connection with a veterinary
23 or veterinary technology continuing education course or seminar.

24 (12) A person from selling or applying pesticides, insecticides, or herbicides as
25 permitted by law.

1 (13) A credentialed veterinary technician, veterinary technologist, or other
2 employee of a licensed veterinarian from performing lawful duties under the direction and
3 supervision of such veterinarian who is responsible for the performance of the employee.

4 (14) A veterinarian licensed or a veterinary technician credentialed in any other
5 state, commonwealth, district, territory or possession of the United States, or foreign
6 country from practicing in the Virgin Islands during an emergency or natural disaster
7 within the scope and location of assigned veterinary medical duties of the response efforts
8 without written examination or other qualification if:

9 (A) an official declaration of the disaster or emergency has been made
10 by the Governor; and

11 (B) an official invitation has been extended to the veterinarian or
12 veterinary technician for a specified time by the authority that has jurisdiction for
13 coordinating the animal/agricultural issues in the Virgin Islands during
14 emergencies.

15 (15) A person who, without expectation of compensation, from providing
16 immediate veterinary care in the event of an emergency or accident situation.

17 (16) A person from acting under the direct or indirect supervision of a licensed
18 veterinarian to provide care to animals that are the property of an animal shelter when the
19 three following conditions are met:

20 (A) the person is an employee of an animal shelter or its associated
21 agencies;

22 (B) the person is performing tasks in compliance with a written protocol
23 developed in consultation with a licensed veterinarian; and

24 (C) the person has received proper training.

25 These persons are not allowed to diagnose, prescribe or perform surgery.

1 (17) A person from lawfully providing care and rehabilitation of wildlife species
2 under the supervision of a licensed veterinarian; and

3 (18) Veterinarians providing free care in underserved areas of the Virgin Islands
4 who:

5 (A) do not regularly practice veterinary medicine in the Virgin Islands;

6 (B) hold a current valid license or certificate to practice veterinary
7 medicine in another state, commonwealth, territory, district or possession of the
8 United States;

9 (C) volunteer to provide free care in an underserved area of the Virgin
10 Islands under the auspices of a publicly supported all volunteer, nonprofit
11 organization that sponsors the provision of health care to populations of
12 underserved people;

13 (D) file required license documentation issued in such other jurisdiction
14 with the Board;

15 (E) notify the Board at least five business days prior to the voluntary
16 provision of services of the dates and location of such service; and

17 (F) acknowledge, in writing, that such licensure exemption is only valid,
18 in compliance with the Board's regulations, during the limited period that such free
19 health care is made available through the volunteer, nonprofit organization on the
20 dates and at the location filed with the Board.

21 (b) The Board may deny the right to practice in the Virgin Islands to any
22 veterinarian whose license has been previously suspended or revoked, who has been
23 convicted of a felony or who is otherwise found to be in violation of applicable laws or
24 regulations.

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§ 176. Practice facility; names and levels of service.

(a) In order to accurately inform the public of the levels of service offered, a veterinary practice facility must use in its name one of the descriptive terms defined in subsection (b) of this section. The name of a veterinary practice facility must, at all times, accurately reflect the level of service being offered to the public. If a veterinary facility or practice offers on-call emergency service, that service must be as that term is defined in subsection (b) of this section.

(b) The following definitions are applicable to this chapter:

(1) "Animal health center" or "animal medical center" means a veterinary practice facility in which consultative, clinical, and hospital services are rendered and in which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs.

(2) "Emergency facility" means a veterinary medical facility whose primary function is the receiving, treatment, and monitoring of emergency patients during its specified hours of operation. At these facilities, a veterinarian is in attendance at all hours of operation and sufficient staff is available to provide timely and appropriate emergency care. An emergency facility may be an independent veterinary medical after-hours facility, an independent veterinary medical 24-hour facility, or part of a full-service hospital or large teaching institution.

(3) "Mobile facility" means a veterinary practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls; provided, the veterinary medical practice must have a permanent base of operation with a published address and telephone facilities for making appointments or responding to emergency situations.

1 (4) "Office" means a veterinary practice facility where a limited or
2 consultative practice is conducted and which provides no facilities for the housing
3 of patients.

4 (5) "On-call emergency service" means a veterinary medical service at
5 a practice facility, including a mobile facility, where veterinarians and staff are not
6 on the premises during all hours of operation or where veterinarians leave after a
7 patient is treated. A veterinarian must be available to be reached by telephone for
8 after-hours emergencies.

9 (6) "Veterinary clinic" or "animal clinic" means a veterinary practice
10 facility in which the practice conducted is essentially an outpatient practice.

11 (7) "Veterinary hospital" or "animal hospital" means a veterinary
12 practice facility in which the practice conducted includes the confinement as well
13 as the treatment of patients.

14 (c) If a veterinary practice facility uses as its name the name of the veterinarian
15 or veterinarians owning or operating the facility, the name of the veterinary practice facility
16 must also include a descriptive term from those listed in subsection (b) to disclose the level
17 of service being offered.

18 (d) Facilities existing and approved by the Board, as of the date of the passage
19 of this act, may continue to use their approved name or designation until there is a partial
20 or total change of ownership of the facility, at which time the name of the veterinary
21 practice facility must be changed, as necessary, to comply with this section.

22 **§ 177. Virgin Islands Board of Veterinary Medicine; appointment, membership,**
23 **organization.**

24 (a) In order to properly regulate the practice of veterinary medicine, there is
25 established a Board within the Department of Health to be known as the Virgin Islands
26 Board of Veterinary Medicine.

1 (b) The Board consists of seven members appointed by the Governor for terms
2 of three years.

3 (1) Four members, two residents from the district of St. Thomas/St.
4 John and two residents from the district of St. Croix, must be licensed to practice
5 veterinary medicine in the Virgin Islands, in good standing, actively engaged in the
6 practice of veterinary medicine, and have at least one year of experience in the
7 practice of veterinary medicine within the Virgin Islands.

8 (2) One member must be a credentialed veterinary technician or
9 technologist who is not employed by a veterinarian on the Board.

10 (3) Two members who are at least twenty-one years of age and who are
11 not and have ever been a veterinarian or the spouse of a veterinarian, or who have
12 never had any material financial interest in the provision of veterinarian services or
13 who have never engaged in any activity directly related to the practice of veterinary
14 medicine.

15 (4) All non-veterinarians appointed to the Board must have been
16 residents of the Virgin Islands for at least six months immediately preceding
17 appointment.

18 (c) Each member is appointed for a term of three years or until a successor is
19 appointed, except that the terms of the first appointees may be for shorter periods to permit
20 a staggering of terms. Members of the predecessor board, Board of Examiners for the
21 Practice of Veterinary Medicine, may continue as members of the Virgin Islands Board of
22 Veterinary Medicine until the expiration of the term for which they were appointed.

23 (d) Vacancies due to death, resignation, or removal must be filled for the
24 remainder of the unexpired term in the same manner as regular appointments. Not more
25 than 30 days after a vacancy, the Board shall nominate two qualified persons to the

1 Governor to fill each vacancy. The Governor is not bound to make an appointment from
2 the nominees submitted by the Board.

3 (e) No person who has been appointed to the Board shall continue his
4 membership on the Board if during the term he:

5 (1) transfers legal residence outside of the Virgin Islands; or

6 (2) owns or is employed by any wholesale business dealing in supplies,
7 equipment, or instruments used or useful in the practice of veterinary medicine; or

8 (3) has had his license to practice veterinary medicine revoked for any
9 of the causes listed in § 189 of this chapter.

10 (f) The Board shall elect officers annually from its membership as may be
11 prescribed by regulations. Officers of the Board serve for terms of one year and until a
12 successor is elected, without limitation on the number of terms an officer may serve. The
13 duties of officers shall be prescribed by regulations.

14 (g) The Governor may remove an appointee for the reasons specified in
15 subsection (f) or for any good cause shown and may appoint members to fill the unexpired
16 terms.

17 (h) A Board member shall be reimbursed pursuant to 3 V.I.C. § 65 and for
18 expenses incurred for activities related to the business of the Board, subject to approval by
19 the Commissioner.

20 (i) At the end of each fiscal year, the Commissioner of Health shall submit to
21 the Governor the annual report of the transactions of the Board.

22 **§ 178. Board meetings.**

23 The Board shall meet at least quarterly each year at the time and place fixed by
24 rules of the Board. Other necessary meetings may be called by the Board by giving notice
25 as may be required by its rules. Except as may otherwise be provided, a majority of the
26 Board constitutes a quorum to transact business, except that the vote of five members is

1 required for suspension or revocation of a license. Meetings must be open and public,
2 except that the Board may meet in closed session to prepare, approve, administer, or grade
3 examinations or to deliberate the qualifications of an applicant for license or the disposition
4 of a proceeding to discipline a licensed veterinarian, veterinary technician or technologist.

5 **§ 179. General powers of the Board.**

6 (a) The Board shall:

7 (1) Examine and determine the qualifications and fitness of applicants for a
8 license to practice veterinary medicine in the Virgin Islands.

9 (2) Adopt, promulgate, and enforce regulations relating to specific duties and
10 responsibilities; certification, registration, or licensure; and other matters pertaining to
11 veterinarians, veterinary technicians, veterinary technologists, or non-licensed persons
12 consistent with the provisions of this act.

13 (3) Issue, renew, deny, limit, suspend, or revoke licenses and temporary permits
14 to practice veterinary medicine in the Virgin Islands; and discipline veterinarians,
15 veterinarian technicians or veterinary technologists consistent with the provisions of this
16 chapter and the regulations adopted pursuant to this act.

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

19 (5) Inspect veterinary premises and equipment, including practice vehicles, at
20 any time in accordance with protocols established by regulation.

21 (6) Initiate disciplinary proceedings and hold hearings on all matters properly
22 brought before the Board and in connection thereto to administer oaths, receive evidence,
23 make necessary determinations, and enter orders consistent with the findings. The Board
24 may commission depositions and require by subpoena the attendance and testimony of
25 witnesses and the production of papers, records, or other documentary evidence. The Board
26 may designate one or more of its members to serve as its hearing officer.

1 (7) Bring proceedings to the Commissioner for the enforcement of this chapter
2 or any regulations promulgated pursuant to this chapter.

3 (8) Bring proceedings in the courts against any person for the enforcement of
4 this chapter or any regulations promulgated pursuant to this chapter.

5 (9) Upon the approval of the Commissioner, employ full-time or part-time
6 personnel - professional, clerical, or special - necessary to effectuate the provisions of this
7 chapter, and purchase or rent necessary office space, equipment, and supplies.

8 (10) Appoint from its own membership one or more members to act as
9 representatives of the Board at any meeting within or without the Virgin Islands where
10 such representation is desirable.

11 (11) Adopt, amend, or repeal all rules necessary for its governance and all
12 regulations necessary to carry into effect the provisions of this chapter, including the
13 establishment and publication of standards of practice and professional conduct for the
14 practice of veterinary medicine.

15 (12) Establish and publish annually a schedule of fees for licensing and
16 registration of veterinarians.

17 (b) The powers enumerated in subsection (a) are granted for the purpose
18 of enabling the Board to effectively supervise the practice of veterinary medicine and
19 veterinary technology and are to be construed liberally to accomplish this objective.

20 **§ 180. Additional powers of the Board.**

21 (a) In addition to the general powers set forth in § 179, the Board shall:

22 (1) Fix minimum standards for continuing veterinary medical education for
23 veterinarians and technicians, which shall be a condition precedent to the renewal of a
24 veterinary license, limited license, veterinary faculty certificate, or veterinary technician
25 registration, respectively;

1 (2) Inspect any hospitals, clinics, mobile units or other facilities used by any
2 practicing veterinarian, either by a member of the Board or its authorized representatives,
3 for the purpose of reporting the results of the inspection to the Board on a form prescribed
4 by the Board and seeking disciplinary action for violations of health, sanitary, and medical
5 waste disposal rules of the Board, affecting the practice of veterinary medicine, or
6 violations of regulation or laws of any territorial or federal department or agency having
7 jurisdiction in these areas of health, sanitation, and medical waste disposal that relate to or
8 affect the practice of veterinary medicine;

9 (3) Upon complaint or information received by the Board, prohibit through
10 summary emergency order of the Board, prior to a hearing, the operation of any veterinary
11 practice facility that the Board determines is endangering, or may endanger, the public
12 health or safety or the welfare and safety of animals, and suspend the license of the
13 veterinarian operating the veterinary practice facility, provided that upon the issuance of
14 any summary emergency order, the Board shall initiate, within ten days, a notice of hearing
15 under the administrative rules issued pursuant to this chapter;

16 (4) Provide special registration for veterinary technicians and adopt regulations
17 concerning the training, registration and service limits of such assistants while employed
18 by and acting under the supervision and responsibility of veterinarians. The Board has
19 exclusive jurisdiction in determining eligibility and qualification requirements for these
20 assistants. Renewals of registrations for veterinary technicians are required at least every
21 twenty-four months, provided that the certificate of registration for the veterinary
22 technician is otherwise eligible for renewal;

23 (5) Provide, pursuant to regulations, requirements for the inactive status of
24 license and limited veterinary licenses; and

25 (6) Pursuant to regulations, to assess and recover against persons holding
26 licenses, limited licenses, temporary permits or any certificates issued by the Board, costs

1 reasonably incurred by the Board in the investigation, prosecution, hearing, or other
2 administrative action of the Board in final decisions or orders where those persons are
3 found to have violated the Veterinary Practice Act or regulations of the Board issued
4 pursuant to the act.

5 (b) All costs recovered is property of the Board.

6 **§ 181. License required.**

7 No person is allowed to practice veterinary medicine or practice as a veterinary
8 technician in the Virgin Islands unless that person has been licensed by the Board.

9 **§ 182. Application for license qualifications.**

10 (a) A person desiring a license to practice veterinary medicine in the Virgin
11 Islands must make written application to the Board.

12 (b) By way of application, an applicant must establish that he is a graduate of
13 an AVMA accredited or approved college of veterinary medicine or the holder of an
14 equivalent certificate as defined in the regulations governing the practice of veterinary
15 medicine in the Virgin Islands; a person of good moral character; and provided other
16 information and proof as may be provided for by regulations.

17 (c) The application must be accompanied by a fee established and published by
18 the Board.

19 (d) If necessary, the applicant must submit with the application proof of
20 professional veterinary malpractice insurance.

21 **§ 183. Examinations.**

22 (a) The Board shall administer or cause to be administered at least two
23 examinations annually and may hold such additional examinations as are necessary to
24 avoid delay in issuing licenses to qualified applicants. The Board shall give public notice
25 of the time and place for each examination not less than 90 days prior to the date of the

1 examination. A person desiring to take an examination shall make application not less than
2 30 days before the date of the examination.

3 (b) The Board may employ, cooperate, and contract with any organization or
4 consultant in the preparation, administration and grading of the examination.

5 (c) After each examination, the Board shall notify each examinee of the result
6 of the examination. The Board shall issue licenses to the persons successfully completing
7 the requirements for licensure.

8 (d) Notwithstanding this section, the Board shall waive the requirement that a
9 veterinarian pass an examination if the Board is unable to provide an examination as
10 provided in this section or for a veterinarian who:

11 (1) has submitted a complete application;

12 (2) holds a license issued by another state, district, commonwealth,
13 territory or possession of the United States;

14 (3) is in good standing;

15 (4) shows that he is a person of good moral character;

16 (5) has actively practiced clinical veterinary medicine for 3,000 hours
17 during the 5 years preceding the application for licensure; and

18 (6) submits an affidavit that states substantially the following:

19 "I _____ am not addicted to the intemperate use of alcohol, illicit drugs,
20 any prescription medications including controlled substances or any mind altering
21 substances that may alter or impair my judgment and ability to carry out the duties
22 of the profession."

23 **§ 184. Temporary permit.**

24 (a) The Board shall issue a temporary permit to practice veterinary medicine:

25 (1) To a qualified applicant pending examination, provided that the
26 temporary permit expires upon applicant's failure to pass the examination;

1 (2) To a nonresident veterinarian validly licensed in another state,
2 commonwealth, district, territory, or possession of the United States, provided that
3 the temporary permit is issued for a period of no more than 60 days;

4 (3) In the case of need for disaster emergency relief as declared by the
5 Governor;

6 (b) Temporary permits, as provided in (a) (1), (2) and (3), may contain
7 restrictions as to time, place, or supervision that the Board considers appropriate. The
8 Board shall notify the Commissioner of Health of all temporary permits issued and the
9 restrictions, if any.

10 (c) The Board may promulgate such regulations as may be necessary to carry
11 out the provisions of this section, including regulations addressing renewal, duration,
12 termination, and fees for temporary permits.

13 **§ 185. License renewal.**

14 (a) A license expires two years after its issuance, but may be renewed by
15 application to the Board and payment of the renewal fee as established and published by
16 the Board.

17 (b) The Board shall establish the continuing education requirements that must
18 be met for license renewal. The Board shall also publish the types of continuing education
19 that will meet its requirements. The Department of Health shall maintain a record of all
20 continuing education credits submitted by licensees and report the credits earned by each
21 licensee to the Board.

22 (c) The Board shall issue a new license to all persons registering under this
23 chapter. Failure to apply for a renewal license later than 30 days after expiration of a
24 license results in the automatic revocation of the license, and any person who practices
25 veterinary medicine after revocation is practicing in violation of this chapter.

1 (d) Any person may renew an expired license at any time not later than three
2 years following the license expiration upon application and compliance with the Board's
3 requirements and the payment of all applicable fees allowed by this chapter or by
4 regulations promulgated by the Board, but the applicant must be otherwise eligible to have
5 the license renewed.

6 (e) As provided by Board regulations, the Board may, after giving due
7 consideration to the protection of the public, waive examination if that renewal application
8 is received, together with all fees by Board rule as may apply, not later than three years
9 from the date of the expiration, providing that the applicant has complied with the
10 continuing education requirements.

11 (f) A licensed veterinarian may place his or her license in inactive status by
12 written notification to the Board. The Board shall issue a renewal license upon written
13 request and payment of all applicable fees and if the qualifications set forth in § 182 are
14 met.

15 (g) The Board may waive the payment of the license renewal fee of a licensed
16 veterinarian during the period when he is on active duty with any branch of the armed
17 services of the United States, not to exceed the longer of three years or the duration of a
18 national emergency.

19 **§ 186. Continuing education.**

20 The Board shall adopt regulations that provide for continuing education
21 requirements for re-licensure and licensure by endorsement of veterinarians, veterinary
22 technicians, and veterinary technologists. Upon the passage of this act, a veterinarian is
23 required to complete a minimum of 15 hours of approved continuing education annually,
24 and veterinary technicians and veterinary technologists are required to complete a
25 minimum of six hours of approved continuing education annually as a condition for
26 renewal of a license. The Commissioner must approve education courses.

§ 187. Licensed veterinary technicians.

(a) No person shall assist in the practice of veterinary medicine under the direction, supervision and responsibility of a veterinarian as a veterinary technician, or veterinary technologists without first applying for and obtaining a certificate of qualification as a veterinary technician or veterinary technologist from the Board and registering his employment in accordance with Board regulations.

(b) A veterinary technician or veterinary technologist may perform only those acts and duties assigned to him by a supervising veterinarian that are within the scope of practice of the supervising veterinarian, but those acts may not include the diagnosis, prescribing of medication, treatment or surgery in the practice of animal husbandry.

(c) An applicant applying for a certificate of qualification as a veterinary technician or veterinary technologist in the Virgin Islands may make written application to the Board showing that the applicant is a person of moral integrity and acceptable ethical standards.

(d) The application for certification as a veterinary technician or veterinary technologist must be written, signed by the applicant, include a non-refundable application fee, and submitted to the Board not later than 30 days before the examination and must also include, but is not limited to, the following:

(1) A current photograph of the applicant;

(2) A copy of the diploma or its equivalent from a college level program accredited by the American Veterinary Medical Association;

(3) the National Board Examinations passing score provided by the national testing agency; and

(4) A notarized letter of recommendation from by a licensed veterinarian.

1 (e) Each certified veterinary technician must annually register his employment
2 with the Board, providing his name, current address, the name and office address of both
3 his employer and the supervising licensed veterinarian and veterinary technologist, and
4 additional information the Board considers necessary. Upon any change of employment,
5 the registration is automatically suspended until written notification to the Board that new
6 employment has been obtained.

7 (f) Nothing in this section prevents a veterinarian from using the services of an
8 employee to perform services not requiring the skill and judgment of a veterinary
9 technician or veterinary technologist, and the services are performed under the direct
10 personal supervision of the veterinarian. The employee may not be identified as a
11 veterinary technician or veterinary technologist, animal technician or technician, or animal
12 technologist or technologist.

13 (g) A licensed veterinarian may not establish a separate office or clinic in a
14 location other than his regular office and place that separate office or clinic under the
15 control or supervision of a veterinary technician or veterinary technologist.

16 (h) After obtaining a degree from an accredited program in veterinary
17 technology, and upon completing the application for certification in the Virgin Islands, an
18 applicant will be issued a certificate of qualification.

19 (i) Every veterinarian using, supervising, or employing a registered veterinary
20 technician or veterinary technologist, is individually responsible and liable for the acts and
21 omissions for duties to the veterinary technician and veterinary technologist. Nothing in
22 this subsection may be construed to relieve the veterinary technician of any responsibility
23 and liability of any of his or her own acts or omissions.

24 (j) A veterinary technician or veterinary technologist who performs veterinary
25 technology contrary to this chapter is subject to disciplinary actions in a manner consistent
26 with the provisions of this chapter applicable to veterinarians.

1 (k) To renew their license, veterinary technicians and veterinary technologists
2 are required to complete continuing education as prescribed in this act or by regulations.

3 (l) No person licensed as a veterinary technician may perform surgery,
4 diagnose or prescribe medication for any animal.

5 **§ 188. Veterinary technician and veterinary technologist; denial, suspension, or**
6 **revocation of certificate or license.**

7 (a) The Board may deny or suspend any registration or deny or revoke any
8 certificate of qualification upon a finding that the applicant or veterinary technician or
9 veterinary technologist:

10 (1) solicited patients for any practitioner of the veterinary healing arts;

11 (2) solicited or received any form of compensation from any person
12 other than the person's registered employer for performing as a veterinary
13 technician or veterinary technologist;

14 (3) willfully or negligently divulged a professional secret or discussing
15 a veterinarian's diagnosis or treatment without the express permission of the
16 veterinarian;

17 (4) was convicted of any offense punishable by incarceration in a
18 territorial, state or federal prison. A copy of the record of conviction, certified by
19 the clerk of the court entering the conviction, is conclusive evidence;

20 (5) is unable to practice as a veterinary technician or veterinary
21 technologist with reasonable skill and safety to patients because of illness or the
22 use of drugs, alcohol, narcotics, or other chemicals, or as a result of any mental or
23 physical condition;

24 (6) committed fraud or make a misrepresentation in applying for or
25 procuring a certificate of qualification to perform as a veterinary technician or

1 veterinary technologist in the Virgin Islands, or in applying for or procuring a bi-
2 annual registration;

3 (7) impersonated another person registered as a veterinary technician or
4 veterinary technologist, or allowing any person to use his certificate of qualification
5 or registration;

6 (8) aided and abetted the practice of veterinary medicine by a person
7 not licensed by the Board;

8 (9) committed gross negligence in the performance of duties, tasks or
9 functions assigned to him by a licensed veterinarian;

10 (10) manifested incapacity or incompetence to perform as a veterinary
11 technician or veterinary technologist; or

12 (11) engaged in conduct unbecoming a person registered as a veterinary
13 technician or veterinary technologist or detrimental to the best interests of the
14 public.

15 (b) A person whose certificate of qualification was suspended or revoked may
16 be recertified or reinstated at any time upon written application to the Board showing cause
17 to justify recertification or reinstatement.

18 **§ 189. Discipline of licensees.**

19 (a) Upon receipt of a written, sworn complaint, the Board may, after a fair
20 hearing and by a majority vote, revoke or suspend a license pursuant to this
21 chapter, may otherwise discipline a person licensed under this chapter, or
22 may deny a license for any of the following reasons:

23 (1) the use of fraud, misrepresentation, or deception in obtaining
24 a license;

25 (2) an adjudication of insanity or incompetence;

1 (3) the impairment of a person holding a license issued by the
2 Board, when the impairment is caused by that person's use of alcohol, drugs,
3 or controlled substances, and the impairment interferes with that person's
4 ability to practice within the scope of the license with reasonable skill and
5 safety and in a manner not harmful to the public or to animals under the
6 person's care;

7 (4) the use of advertising or solicitation which is false,
8 misleading or deceptive;

9 (5) conviction of a felony or other public offense involving
10 moral turpitude;

11 (6) incompetence, gross negligence, or other malpractice in the
12 practice of veterinary medicine;

13 (7) having professional association with or knowingly
14 employing any person practicing veterinary medicine unlawfully;

15 (8) fraud or dishonesty in the application or reporting of any test
16 for disease in animals;

17 (9) failure to keep veterinary premises and equipment in a clean
18 and sanitary condition, violating an administrative rule of the Board
19 concerning the minimum sanitary requirements of veterinary hospitals,
20 veterinary clinics, or other practice facilities, or violating other territorial,
21 state or federal statutes, rules, or regulations concerning the disposal of
22 medical waste;

23 (10) failure to report, as required by the laws and regulations of
24 the Virgin Islands, or making false report of, any contagious or infectious
25 disease;

1 (11) dishonesty or gross negligence in the inspection of
2 foodstuffs or the issuance of health or inspection certificates;

3 (12) conviction of a criminal offense involving cruelty to animals
4 or the act of cruelty to animals;

5 (13) revocation of a license to practice veterinary medicine by
6 another state, territory or district of the United States, or foreign country
7 only if the grounds for revocation in the other jurisdiction would also result
8 in revocation of the practitioner's license in the Virgin Islands;

9 (14) unprofessional conduct as defined in regulations adopted by
10 the Board;

11 (15) conviction of a federal or territorial criminal offense
12 involving the illegal use, prescription, sale, or handling of controlled
13 substances, other drugs, or medicines;

14 (16) the illegal use, dispensing, prescription, sale, or handling of
15 controlled substances or other drugs and medicines;

16 (17) failure to comply with regulations of the United States Food
17 and Drug Administration regarding biologics, controlled substances, drugs,
18 or medicines;

19 (18) selling, dispensing, prescribing, or allowing the sale,
20 dispensing, or prescription of biologics, controlled substances, drugs, or
21 medicines without a veterinarian-client-patient relationship with respect to
22 the sale, dispensing, or prescription; or

23 (19) acts or behavior constituting fraud, dishonesty, or
24 misrepresentation in dealing with the Board or in the veterinarian-client-
25 patient relationship.
26

1 **§ 190. Reinstatement.**

2 On written application made to the Board showing cause justifying relicensing or
3 reinstatement, a person whose license was suspended or revoked may, at the discretion of
4 the Board, be relicensed or reinstated at any time without an examination by majority vote
5 of the Board.

6 **§ 191. Appeal.**

7 Any party aggrieved by a decision of the Board may appeal the matter to the
8 Commissioner not later than 30 days after notification of the Board's decision. The
9 Commissioner shall act on the appeal not later than 30 days following receipt of the appeal.
10 If the aggrieved is not satisfied with the Commissioner's decision, the aggrieved may file
11 action in the Superior Court of the Virgin Islands and shall serve upon the Commissioner
12 written notice of the appeal. The court shall review the decision of the Commissioner as it
13 would the decision of any court. The decision of the reviewing court is final, and no further
14 appeal may be taken.

15 **§192. Release of records.**

16 (A) A veterinarian licensed by the Board shall release or authorize the release
17 of rabies immunization records and other relevant treatment data of an animal under the
18 veterinarian's care to (i) a requesting physician, physician assistant, or nurse practitioner
19 who is contemplating the administration of the rabies treatment protocol to any person
20 under the requesting caregivers' care who has been the victim of a bite or other possible
21 rabies exposure from such animal; (ii) a requesting animal control officer or law-
22 enforcement officer who needs to identify the owner of such animal or verify the rabies
23 vaccination history of such animal; or (iii) a requesting animal control officer or an official
24 of the Department of Health who is investigating the incident.

25 (B) Any veterinarian licensed by the Board who in good faith releases or
26 authorizes the release of an animal's rabies immunization records and other relevant data

pursuant to this section is immune from civil damages resulting from the release of such information.

§ 193. Reporting of animal cruelty.

(a) Every person licensed under this chapter shall report to the Commissioner, the Board, and the Virgin Islands Police Department suspected animal cruelty including cases of an animal exhibiting injuries consistent with dog fighting or injuries due to the administration of improper dosages of any drug or medicine.

(b) A person licensed under this chapter who makes a report of suspected animal cruelty or who provides records or information related to a report of suspected cruelty or testifies in any judicial proceeding arising from such report, records, or information is immune from any civil or criminal liability or administrative penalty or sanction on account of the report, records, information, or testimony, unless such person acted in bad faith or with a malicious purpose.

§ 193. Severability.

If any part of this chapter is held invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part remain in effect.”

SECTION 4. STATUS OF PERSONS PREVIOUSLY LICENSED.

(a) A person holding a valid license to practice veterinary medicine in the Virgin Islands on the effective date of this act is recognized as a licensed veterinarian and is entitled to retain this status so long as the person complies with this chapter, including annual renewal of the license.

(b) Persons serving as members of the Board on the effective date of this act may continue serving until a new Board is appointed by the Governor.

SECTION 5. This act takes effect 30 days after enactment.

BILL SUMMARY

Section 1 names this Act the “Virgin Islands Veterinary Practice Act of 2017”.

Section 2 repeals legislation which established the Board of Examiners for the Practice of Veterinary Medicine and the composition of that Board.

Section 3 repeals legislation which sets forth the duties and responsibilities of the Board of Examiners for the Practice of Veterinary Medicine and establishes the Virgin Islands Board of Veterinary Medicine and sets forth its responsibilities and duties:

Internal section 171 states the purpose of this legislation, which is to promote public health, safety welfare by safeguarding the people of the Virgin Islands from unqualified and incompetent practitioners of veterinary medicine.

Internal section 172 defines terms used throughout the legislation.

Internal section 173 sets forth the parameters within which a person is regarded as practicing veterinary medicine.

Internal section 174 requires that there be a veterinarian-client-patient relationship before a person may practice veterinary medicine.

Internal section 175 sets forth exemptions to this chapter.

Internal section 176 sets forth the descriptive terms that a veterinary practice (“practice”) must include in its name in order to be recognized by the public as such; and requires that the name of the practice reflects the level of service being provided.

Internal section 177 establishes the Virgin Islands board of Veterinary Medicine, states how much members will comprise the board and requires that they be appointed by the Governor for three-year terms. It, also, states that four members will be veterinarians licensed in the Virgin Islands and how much of these members will be from each district; mandates that two members be from non-profit animal care organizations and how much of these members will be from each district; and requires that one member be at least 21

1 years of age, representing the community. Finally, it requires that all non-veterinarian
2 members must have resided in the Virgin Islands six months before appointment

3 Internal section 178 provides how often the board must meet; that the meetings
4 shall be opened to the public with certain enumerated exceptions; that a majority constitutes
5 a quorum, with the exception that five members is necessary for suspension or revocation
6 of a license.

7 Internal section 179 states the **general** powers of the Board.

8 Internal section 180 lists additional powers of the Board in addition to those in
9 section 179, which allows it to set minimum standards, perform inspections, prohibit the
10 operation of any veterinary practice prior to a hearing if it determines that continued
11 operation of the practice prior to hearing may endanger the public and suspend the
12 veterinarian's license, allowing for due process.

13 Internal section 181 mandates that anyone who desires to practice veterinary
14 medicine or practice as a veterinary technician in the Virgin Islands must be licensed by
15 the Board.

16 Internal section 182 requires that a person who desires a license to practice
17 veterinary medicine in the Virgin Islands must submit a written application to the Board,
18 and sets forth the qualifications that must be met before a license is issued.

19 Internal section 183 specifies that the board must conduct examinations twice a
20 year and give 60 days notice of the exam. It also mandates that the applicant for an exam
21 submit an application at least 30 days before the examination. There are also exemptions
22 wherein someone may not have to take the examination.

23 Internal section 184 states provisions within which someone may be granted a
24 temporary permit.

1 Internal section 185 sets the time of expiration of a license and the process for
2 renewal of the license. This section, also, allows a process wherein a licensed veterinarian
3 may place himself in an inactive status.

4 Internal section 186 provides that the Board shall adopt regulations that provide for
5 continuing legal education and that upon passage of this act requires a veterinarian and a
6 veterinary technician to complete a certain amount of continuing education hours.

7 Internal section 187 sets forth the standards for the practice of a licenses veterinary
8 technician.

9 Internal section 188 set forth the circumstances under which a veterinary
10 technician's license may be suspended.

11 Internal section 189 lists impermissible acts that will subject a person to
12 disciplinary action by the Board.

13 Internal section 190 specifies how a person may have their license reinstated.

14 Internal section 191 describes the process for appeal from an adverse Board's
15 decision.

16 Internal section 192 provides those circumstances under which a licensed
17 veterinarian will be required to release rabies immunization records and other related data
18 of an animal under his care and that veterinarian will be immune from liability if release of
19 the documents were in good faith.

20 Internal section 193 imposes a duty upon those persons licensed under this chapter
21 to report suspected cases of animal cruelty and they will be immune from liability if release
22 of the documents were in good faith.

23 Internal section 194 dictates that each section of this chapter is severable from each
24 other, such that if any part of the chapter is held invalid the other sections of the act are not
25 affected and remain in full force and effect.

Section 4 allows that any veterinarian who is licensed on the effective date of this act will be recognized as a licensed veterinarian and will retain this status as long as he complies with the provisions of the chapter, including annual renewal of the license. This section also allows that any persons who are serving as members of the currently existing Board of Examiners on the effective date of this act, shall continue to serve until the members of the Virgin Islands Board of Veterinary Medicine is appointed by the Governor.

BR17-0245/February1, 2018/

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