

SENATE BILL No. 228

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-38.1.

Synopsis: Practice of veterinary medicine. Changes the definition of "accredited veterinary technology program" to include a veterinary nursing program. Makes various changes to how a veterinarian-client-patient relationship is established. Provides that a veterinarian and a registered veterinary technician must complete a required number of hours of continuing education each renewal period. Provides that a veterinarian may extend the veterinarian-client-patient relationship to another veterinarian. Provides that a veterinarian shall reasonably assure confidentiality is maintained when a veterinarian initiates communication to a client under a veterinarian-client-patient relationship. Provides that the establishment of a veterinarian-client-patient relationship does not require a veterinarian to provide treatment to a patient.

Effective: July 1, 2021.

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January 7, 2021, read first time and referred to Committee on Agriculture.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 228

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-38.1-1-3.5, AS ADDED BY P.L.58-2008,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 3.5. "Accredited veterinary technology program"
4 means a program in veterinary technology **or veterinary nursing** that
5 (1) ~~conforms to the standards required for accreditation by the~~
6 ~~American Veterinary Medical Association; and~~
7 (2) is accredited by the American Veterinary Medical Association
8 or an accrediting agency that has been approved by the United
9 States Department of Education or its successor.
10 SECTION 2. IC 25-38.1-1-14.5, AS ADDED BY P.L.58-2008,
11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 14.5. "Veterinarian-client-patient relationship"
13 means a relationship between a veterinarian and client that meets the
14 following conditions:
15 (1) The veterinarian **and client have voluntarily entered into an**
16 **agreement in which the veterinarian** has assumed the
17 responsibility for making clinical judgments regarding the health



of the animal and the need for medical treatment and ~~the client~~
~~has agreed to follow the veterinarian's instructions.~~ **has advised**
the client on an appropriate diagnostic or therapeutic plan.

(2) The veterinarian has sufficient knowledge of the animal to
~~initiate a~~ **provide an initial** diagnosis of the **current** medical
condition of the animal. ~~The veterinarian has recently seen and is~~
~~personally acquainted with the keeping and care of the animal by~~
~~either of the following:~~ **Sufficient knowledge of an animal is**
established when a licensed veterinarian has performed one

(1) of the following:

(A) ~~An examination of the animal.~~ **A recent assessment of**
the current medical condition of the animal by physical
examination or the use of diagnostic instrumentation or
other means by which an accurate representation of the
animal's relevant health parameters or medical
information is acquired.

(B) ~~By recently seeing and being personally acquainted with~~
~~the keeping and care of representative animals and associated~~
~~husbandry practices by making medically appropriate and~~
~~timely visits to the premises where the animal is kept.~~ **A**
recent assessment of the current medical condition of an
animal representative of a group of animals, and a
medically appropriate assessment of the premises,
husbandry practices, and care for the group of animals
where the animal or group of animals is kept.

(3) The veterinarian is readily available or has arranged for
emergency coverage for follow-up evaluation if ~~there is an~~
~~adverse reaction or failure of the treatment regimen.~~ **necessary.**

(4) When appropriate, the veterinarian has arranged for
continuing care with another licensed veterinarian who has access
to the animal's medical record.

(5) The animal is physically located in Indiana at the time the
veterinarian-client-patient relationship is established with an
Indiana licensed veterinarian.

SECTION 3. IC 25-38.1-3-11, AS AMENDED BY P.L.177-2015,
SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2021]: Sec. 11. (a) Subject to IC 25-1-2-6(e), a license issued
under this chapter is valid until the next renewal date described under
subsection (b).

(b) All licenses expire on a date set by the agency in each
odd-numbered year but may be renewed by application to the board
and payment of the proper renewal fee. In accordance with



1 IC 25-1-5-4(c), the agency shall mail a notice ninety (90) days before
 2 the expiration to each licensed veterinarian. The agency shall issue a
 3 license renewal to each individual licensed under this chapter if the
 4 proper fee has been received and all other requirements for renewal of
 5 the license have been satisfied. Failure to renew a license on or before
 6 the expiration date automatically renders the license invalid without
 7 any action by the board.

8 **(c) A licensed veterinarian must complete forty (40) hours of**
 9 **continuing education in the area of veterinary medicine each**
 10 **renewal period. A licensed veterinarian may complete hours of**
 11 **continued education by distance learning methods.**

12 SECTION 4. IC 25-38.1-3-12, AS AMENDED BY P.L.177-2015,
 13 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 12. (a) Subject to IC 25-1-2-6(e), a registration
 15 certificate issued under this chapter is valid until the next renewal date
 16 described under subsection (b).

17 (b) Subject to IC 25-1-2-6(e), all registration certificates expire on
 18 a date set by the agency of each even-numbered year but may be
 19 renewed by application to the board and payment of the proper renewal
 20 fee. In accordance with IC 25-1-5-4(c), the agency shall mail a notice
 21 ninety (90) days before the expiration to each registered veterinary
 22 technician. The agency shall issue a registration certificate renewal to
 23 each individual registered under this chapter if the proper fee has been
 24 received and all other requirements for renewal of the registration
 25 certificate have been satisfied. Failure to renew a registration certificate
 26 on or before the expiration date automatically renders the license
 27 invalid without any action by the board.

28 **(c) A registered veterinary technician must complete sixteen**
 29 **(16) hours of continuing education in the area of veterinary**
 30 **medicine each renewal period. A registered veterinary technician**
 31 **may complete hours of continued education by distance learning**
 32 **methods.**

33 SECTION 5. IC 25-38.1-4-5, AS AMENDED BY P.L.78-2017,
 34 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 5. (a) A licensed veterinarian may write
 36 prescriptions. Pharmacists shall give the prescriptions written by a
 37 licensed veterinarian the same recognition given the prescriptions of
 38 persons holding an unlimited license to practice medicine or
 39 osteopathic medicine.

40 (b) A valid veterinarian-client-patient relationship must exist before
 41 a licensed veterinarian dispenses or prescribes a prescription product.

42 (c) Veterinary prescription products, including drugs and



immunizing products restricted by state and federal law for use by licensed veterinarians, may not be diverted or transferred to an individual for use on an animal if there is not a current veterinarian-client-patient relationship with the original prescribing veterinarian. **A veterinarian may extend the veterinarian-client-patient relationship to another veterinarian.**

(d) If a veterinarian prescribes a drug for the client's animal, upon request, the veterinarian shall provide the prescription to the client, unless prohibited by state or federal law or to prevent inappropriate use.

(e) This subsection does not apply to:

- (1) livestock (as defined by IC 15-11-5-1); or
- (2) an animal immunized by its owner.

An individual may not immunize an animal for a fee unless the individual is a veterinarian or under the direct supervision of a veterinarian.

SECTION 6. IC 25-38.1-4-5.5, AS AMENDED BY P.L.9-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.5. (a) Each person who provides veterinary medical services shall maintain medical records, as defined by rules adopted by the board.

(b) Veterinary medical records include the following:

- (1) Written records and notes, radiographs, sonographic images, video recordings, photographs or other images, and laboratory reports.
- (2) Other information received as the result of consultation.
- (3) Identification of any designated agent of the owner for the purpose of authorizing veterinary medical or animal health care decisions.
- (4) Any authorizations, releases, waivers, or other related documents.

(c) The client is entitled to a copy or summary of the veterinary medical records. A veterinarian may charge a reasonable fee for copying or summarizing the requested veterinary medical record. The veterinarian may require that the request be in writing.

(d) Except as provided in subsections (e) and (f) or upon written authorization of the client, an animal's veterinary medical record and medical condition is confidential and may not be:

- (1) furnished to; or
- (2) discussed with;

any person other than the client or other veterinarians involved in the care or treatment of the animal. **When a veterinarian initiates**



1 **communication to a client under a veterinarian-client-patient**
 2 **relationship, the veterinarian shall reasonably assure**
 3 **confidentiality is maintained.**

4 (e) An animal's veterinary medical records and medical condition
 5 must be furnished within five (5) business days without written client
 6 authorization under the following circumstances:

7 (1) Access to the records is specifically required by a state or
 8 federal statute.

9 (2) An order by a court with jurisdiction in a civil or criminal
 10 action upon the court's issuance of a subpoena and notice to the
 11 client or the client's legal representative.

12 (3) As part of an inspection or investigation conducted by the
 13 board or an agent of the board.

14 (4) As part of a request from a regulatory or health authority,
 15 physician, or veterinarian:

16 (A) to verify a rabies vaccination of an animal; or

17 (B) to investigate a threat to human or animal health, or for the
 18 protection of animal or public health and welfare.

19 (5) As a part of an animal cruelty report and associated applicable
 20 records that are part of an abuse investigation by law enforcement
 21 or a governmental agency.

22 (6) To a law enforcement agency as part of a criminal
 23 investigation.

24 (f) An animal's veterinary medical records and medical condition
 25 may be furnished without written client authorization under the
 26 following circumstances:

27 (1) To the School of Veterinary Medicine at Purdue University,
 28 the animal disease diagnostic laboratory, or a state agency or
 29 commission. However, an animal's veterinary medical records
 30 remain confidential unless the information is disclosed in a
 31 manner allowed under this section.

32 (2) Veterinary medical records that are released by the board of
 33 animal health when in the judgment of the state veterinarian the
 34 disclosure is necessary or helpful in advancing animal health or
 35 protecting public health.

36 (3) For statistical and scientific research, if the information is
 37 abstracted in a way as to protect the identity of the animal and the
 38 client.

39 (g) An animal's veterinary medical records must be kept and
 40 maintained by the veterinarian for at least three (3) years after the
 41 veterinarian's last encounter with the animal.

42 SECTION 7. IC 25-38.1-4-7, AS ADDED BY P.L.2-2008,



1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 7. **(a)** A licensed veterinarian or a registered
3 veterinary technician who, on the veterinarian's or technician's own
4 initiative, gives emergency treatment to a sick or injured animal is not
5 liable in damages to the owner of the animal in the absence of gross
6 negligence. If a licensed veterinarian performs euthanasia on the
7 animal, there is a presumption that performing euthanasia was a
8 humane act, necessary to relieve the animal of pain and suffering.

9 **(b) A licensed veterinarian or a registered veterinary technician**
10 **who in good faith engages in the practice of veterinary medicine by**
11 **rendering or attempting to render emergency or urgent care to an**
12 **animal when a veterinarian-client-patient relationship has not been**
13 **established shall not be subject to discipline or penalty solely**
14 **because the veterinarian rendered treatment to the animal without**
15 **first establishing a veterinarian-client-patient relationship.**

16 SECTION 8. IC 25-38.1-4-13 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2021]: Sec. 13. **The establishment of a**
19 **veterinarian-client-patient relationship does not obligate a**
20 **veterinarian to provide treatment to a patient.**

