

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1173

Introduced by Dierks, 40; Langemeier, 23.

Read first time January 23, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to animals; to amend sections 38-3301,
2 38-3302, 38-3314, 38-3326, and 38-3329, Revised Statutes
3 Supplement, 2007; to provide for certification of animal
4 therapists; to change provisions relating to supervision
5 of licensed veterinary technicians and unlicensed
6 assistants; to harmonize provisions; to provide an
7 operative date; and to repeal the original sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-3301, Revised Statutes Supplement,
2 2007, is amended to read:

3 38-3301 Sections 38-3301 to 38-3330 and sections 3, 4,
4 and 6 to 9 of this act shall be known and may be cited as the
5 Veterinary Medicine and Surgery Practice Act.

6 Sec. 2. Section 38-3302, Revised Statutes Supplement,
7 2007, is amended to read:

8 38-3302 For purposes of the Veterinary Medicine and
9 Surgery Practice Act and elsewhere in the Uniform Credentialing
10 Act, unless the context otherwise requires, the definitions found
11 in sections 38-3303 to 38-3318 and sections 3 and 4 of this act
12 apply.

13 Sec. 3. Animal therapy means providing treatment to
14 animals involving the manipulation of body parts.

15 Sec. 4. Certified animal therapist means an individual
16 who is certified to perform animal therapy.

17 Sec. 5. Section 38-3314, Revised Statutes Supplement,
18 2007, is amended to read:

19 38-3314 Unlicensed assistant means an individual who is
20 not a licensed veterinarian, ~~or~~ a licensed veterinary technician,
21 or a certified animal therapist and who is working in veterinary
22 medicine, performing particular animal health care tasks delegated
23 and supervised by a licensed veterinarian or a licensed veterinary
24 technician.

25 Sec. 6. Each applicant for certification as an animal

1 therapist in this state shall present to the department:

2 (1) Satisfactory evidence that the applicant is eighteen
3 years of age;

4 (2) Proof that the applicant has a current, valid
5 credential under the Uniform Credentialing Act other than a license
6 under the Veterinary Medicine and Surgery Practice Act;

7 (3) Proof that the applicant has completed additional
8 training approved by the board; and

9 (4) Such other information and proof as the department,
10 with the recommendation of the board, may require by rule and
11 regulation.

12 Sec. 7. The department, with the recommendation of the
13 board, shall adopt and promulgate rules and regulations providing
14 for (1) certification of animal therapists meeting the requirements
15 of section 6 of this act and (2) standards for practice under
16 section 9 of this act.

17 Sec. 8. A certificate as an animal therapist may be
18 denied, refused renewal, limited, revoked, or suspended or have
19 other disciplinary measures taken against it in accordance with
20 section 38-196 when the applicant or licensee is guilty of any of
21 the acts or offenses specified in sections 38-178 and 38-179 and
22 for any of the following reasons:

23 (1) Disciplinary action against the certificate holder's
24 other credential under the Uniform Credential Act; or

25 (2) Failure to comply with standards adopted under

1 section 7 of this act.

2 Sec. 9. (1) No person shall perform animal therapy in
3 the state who is not a certified animal therapist. This section
4 shall not be construed to prohibit a licensed veterinarian or a
5 licensed veterinary technician from engaging in veterinary medicine
6 and surgery, to prohibit an unlicensed assistant from performing
7 delegated animal health care tasks as provided in section 38-3326,
8 or to prohibit the owner of an animal from performing animal
9 therapy on his or her own animal.

10 (2) A certified animal therapist may perform therapy
11 on an animal only if (a) the therapy is consistent with the
12 therapist's training required for the credential presented to the
13 department pursuant to subdivision (2) of section 6 of this act,
14 (b) the owner of the animal presents to the animal therapist a
15 letter of referral for therapy that includes a veterinary medical
16 diagnosis and evaluation completed by a licensed veterinarian who
17 has a veterinarian-client-patient relationship with the owner and
18 animal and has made the diagnosis and evaluation within ninety
19 days immediately preceding the date of the initiation of therapy,
20 and (c) the animal therapist provides treatment reports to the
21 referring veterinarian.

22 (3) The referring veterinarian shall not be liable for
23 any damages caused to the animal as a result of the therapy
24 performed by the animal therapist.

25 Sec. 10. Section 38-3326, Revised Statutes Supplement,

1 2007, is amended to read:

2 38-3326 The department, with the recommendation of
3 the board, shall adopt and promulgate rules and regulations
4 providing for (1) licensure of veterinary technicians meeting
5 the requirements of section 38-3325 and (2) standards for the
6 level of supervision required for particular delegated animal
7 health care tasks and which determine which tasks may be
8 performed by a licensed veterinary technician and by unlicensed
9 assistants. The level of supervision may be immediate supervision,
10 direct supervision, or indirect supervision as determined by the
11 department, with the recommendation of the board, based upon the
12 complexity and requirements of the task and the level of training
13 attained by the licensed veterinary technician or unlicensed
14 assistant.

15 Sec. 11. Section 38-3329, Revised Statutes Supplement,
16 2007, is amended to read:

17 38-3329 (1) Only a licensed veterinarian may advertise or
18 offer his or her services in a manner calculated to lead others to
19 believe that he or she is a licensed veterinarian.

20 (2) Only a licensed veterinary technician may advertise
21 or offer his or her services in a manner calculated to lead others
22 to believe that he or she is a licensed veterinary technician.

23 (3) Only a certified animal therapist may advertise or
24 offer his or her services in a manner calculated to lead others to
25 believe that he or she is a certified animal therapist.

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1 Sec. 12. This act becomes operative on December 1, 2008.

2 Sec. 13. Original sections 38-3301, 38-3302, 38-3314,
3 38-3326, and 38-3329, Revised Statutes Supplement, 2007, are
4 repealed.