

Chapter 686

2003 EDITION

Veterinarians; Veterinary Technicians

GENERAL PROVISIONS		686.240	Employment of investigator and other employees
686.010	Definitions	686.246	Disposition of receipts
686.020	License required to practice veterinary medicine; title and abbreviations usable by licensees	686.255	Fees; how determined
686.030	Acts constituting the practice of veterinary medicine	ENFORCEMENT	
686.040	Application of ORS 686.020 (1); consultation with individual licensed in other state	686.260	Investigation of violations; informing district attorney or Attorney General
LICENSING		686.270	Injunction against violations
686.045	Qualifications for license	686.290	Courts having jurisdiction
686.055	Application for license; retaining application and examination papers	VETERINARY TECHNICIANS	
686.065	Issuance of temporary license to certain applicants	686.360	Duties that may be performed by veterinary technician; rules
686.075	Examination of applicants; rules	686.370	Examination for license
686.085	Serving internship before being eligible for license	686.375	Veterinary technician license; fee; rules
686.095	Issuance of licenses	CONTINUING EDUCATION	
686.110	Renewal of licenses or permits	686.410	Continuing education required; rules
686.120	Grounds for discipline	686.420	Notice of license expiration; effect of failure to comply with criteria for continuing education; waiver
686.130	"Unprofessional or dishonorable conduct" defined	MISCELLANEOUS PROVISIONS	
686.132	Refusal to issue or renew license or permit for unprofessional or dishonorable conduct	686.440	Immunity from civil liability for emergency treatment
686.135	License or permit denial and discipline procedures; rules; confidential information	REPORTING ANIMAL ABUSE	
686.150	Disciplinary sanctions	686.442	Legislative findings
686.160	Reapplication after license withheld or revoked; commencing practice after suspension	686.445	Reporting of abandoned, neglected or abused animals; immunity from liability for report; reporting animals injured by trapping device
686.170	Appointment of committee to investigate alleged violations of chapter	686.450	Definitions
STATE BOARD		686.455	Duty to report aggravated animal abuse
686.210	Oregon State Veterinary Medical Examining Board; appointment; qualifications; term; confirmation; executive director; rulemaking authority	686.460	Duty of law enforcement agency after receiving report of aggravated animal abuse
686.220	Officers; quorum	686.465	Immunity for reporting in good faith
686.230	Compensation and expenses of members	EUTHANASIA TASK FORCE	
		686.510	Euthanasia Task Force; fees; use
		PENALTIES	
		686.990	Penalties

OCCUPATIONS AND PROFESSIONS

GENERAL PROVISIONS

686.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Animal medical problem" means any wound, injury, disease, discomfort, abnormality, deformity or defect of an animal.

(2) "Board" means the Oregon State Veterinary Medical Examining Board.

(3) "Veterinary college, or veterinary department of a university or college, of good standing and repute," means any veterinary college or department of a university or college, legally organized, which is approved and placed on the accredited list by the board, but in any event the accreditation requirements of the board shall be no more restrictive than the accreditation standards of the American Veterinary Medical Association.

(4) "Veterinary technician" means an individual who has received a certificate in veterinary technology, or a comparable certificate, from a recognized college or university approved by the Oregon State Veterinary Medical Examining Board or an individual employed as a veterinary technician who has had at least four calendar years of on-the-job training in the technical procedures certified by a licensed veterinarian who presented the instruction. [Amended by 1967 c.334 §1; 1975 c.619 §1; 1987 c.651 §1; 2003 c.178 §2]

686.020 License required to practice veterinary medicine; title and abbreviations usable by licensees. Except as otherwise provided by this chapter, no person shall:

(1) Practice veterinary medicine, surgery or dentistry, in this state unless the person holds a valid license issued by the Oregon State Veterinary Medical Examining Board and the license is not expired, revoked or suspended at the time of practice.

(2) Affix or append any letters to the name of the person, indicating a degree in medicine, such as V.S., V.D., D.V.S., M.D.C., D.M.C., D.V.M., or use the word doctor, veterinary, veterinarian, professor, animal doctor, animal surgeon, or any abbreviation or combination thereof of similar import in connection with the name of the person, or any trade name with which the person is interested, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of animal diseases or conditions mentioned in this chapter, unless such person is legally entitled to use such designation. [Amended by 1987 c.651 §2]

686.030 Acts constituting the practice of veterinary medicine. A person practices veterinary medicine, surgery or dentistry

when the person does any of the following in this state:

(1) Diagnoses, treats or prognosticates an animal medical problem.

(2) Prescribes or administers a drug, medicine or treatment for the prevention, cure, amelioration, correction or modification of an animal problem or for euthanasia.

(3) Induces anesthesia in an animal.

(4) Performs a surgical or dental operation or procedure upon an animal.

(5) Performs an embryo transfer or pregnancy, sterility or fertility evaluation.

(6) Gives an instruction or demonstration regarding the acts described in this section, except as an agent or employee of this state or of the federal government.

(7) Advertises or represents in any manner, publicly or privately, that the person is willing to do any of the acts described in this section. [Amended by 1987 c.651 §2a]

686.040 Application of ORS 686.020 (1); consultation with individual licensed in other state. (1) ORS 686.020 (1) does not apply to commissioned veterinary officers of the United States Army, or those in the employ of other United States Government agencies while engaged in their official capacity, unless they enter into a private practice.

(2) Nothing in ORS 686.020 (1) shall be so construed as to prevent any person or the agent or employee of the person from practicing veterinary medicine and surgery or dentistry in a humane manner on any animal belonging to the person, agent or employee or for gratuitous services or from dehorning and vaccinating cattle for the person, agent or employee.

(3) Nothing in ORS 686.020 (1) shall be so construed as to prevent the selling of veterinary remedies and instruments by a licensed pharmacist at the regular place of business of the licensed pharmacist.

(4) A practitioner of allied health methods may practice that method on animals without violating ORS 686.020 (1), so long as the practice is in conformance with laws and rules governing the practitioner's practice and the practice is upon referral from a licensed veterinarian for treatment or therapy specified by the veterinarian.

(5) ORS 686.020 (1) does not apply to the lay testing of poultry by the whole blood agglutination test.

(6) A certified euthanasia technician holding an active, current certificate may inject sodium pentobarbital, and any other euthanasia substance approved by the Ore-

gon State Veterinary Medical Examining Board without violating ORS 686.020 (1).

(7) The board by rule may specify circumstances under which unlicensed persons may give vaccinations, administer an anesthetic or otherwise assist in the practice of veterinary medicine.

(8) Any individual licensed as a veterinarian in another state may be used in consultation in this state with a person licensed to practice veterinary medicine in this state provided the consultation does not exceed 30 days in any 365 consecutive days.

(9) ORS 686.020 (1) does not apply to authorized representatives of the State Department of Agriculture in the discharge of any duty authorized by the department.

(10) ORS 686.020 (1) does not apply to an unlicensed representative of a livestock association, cow-testing association, or poultry association who, for the benefit of the association, takes blood samples for laboratory tests for the diagnosis of livestock or poultry diseases, but only if this person has received authorization from the State Department of Agriculture following a written request to the department.

(11) ORS 686.020 (1) does not apply to persons permitted by the State Department of Fish and Wildlife to rehabilitate orphaned, sick or injured wildlife, as defined in ORS 496.004, for the purpose of restoring the animals to the wild.

(12) ORS 686.020 (1) does not apply to students, agents or employees of public or private educational or medical research institutions involved in educational or research activities under the auspices of those institutions.

(13) ORS 686.020 (1) does not apply to veterinarians employed by Oregon State University, instructors of veterinary courses, or to students of veterinary science who participate in the diagnosis and treatment of animals, including those in off-campus educational programs who are under the direct supervision of Oregon licensed veterinarians. [Amended by 1975 c.619 §2; 1987 c.651 §3; 1993 c.491 §1; 1993 c.571 §29]

LICENSING

686.045 Qualifications for license. No person shall be licensed to practice veterinary medicine in this state unless the person:

(1) Is a graduate of a veterinary college or a veterinary department of a university or college of good standing and repute.

(2) Has satisfactorily passed the examination provided in ORS 686.075.

(3) Has completed at least one year in active practice in any state or territory of the United States or has completed at least a one-year internship in the State of Oregon, as provided in ORS 686.085. [1953 c.624 §3; 1967 c.334 §2; 1973 c.827 §72; 1985 c.112 §3; 1997 c.241 §1]

686.050 [Repealed by 1953 c.624 §9]

686.055 Application for license; retaining application and examination papers.

(1) A person desiring to practice veterinary medicine, dentistry or surgery in this state shall make a written application to the executive director of the Oregon State Veterinary Medical Examining Board for a license to practice. The application shall be on a form provided by the board.

(2) Except examination papers which may be destroyed after a five-year period, all applications and papers in connection therewith shall be permanently filed in the office of the executive director of the board. [1953 c.624 §4; 1967 c.334 §5; 2003 c.163 §3]

686.060 [Repealed by 1953 c.624 §9]

686.065 Issuance of temporary license to certain applicants. (1) An applicant for a license may be issued a temporary license by the Oregon State Veterinary Medical Examining Board who at the time of application:

(a) Holds a valid current license to practice veterinary medicine in another state or territory of the United States; and

(b) Has been actively engaged in some form of veterinary medicine practice for at least one year preceding the date of application.

(2) The temporary license issued under the provisions of this section entitles the applicant to engage in the active practice of veterinary medicine in this state and the applicant shall be eligible for the next examination. No temporary license shall be valid beyond the time for the next license examination for which the applicant is qualified. In the event any such applicant failed for good and sufficient reason to take the examination or was unable to pass it, and in the unanimous opinion of the board the applicant is sufficiently qualified to entitle the applicant to a second examination, the board, by unanimous consent, may extend the temporary license until the next succeeding examination. Except as otherwise provided in this section, the holder of a temporary license must be examined and satisfactorily pass the license examination next following the issuance of the temporary license and duly receive a license in order to continue active professional practice. [1953 c.624 §7; 1977 c.399 §1; 1985 c.112 §4; 1993 c.491 §2]

686.070 [Repealed by 1953 c.624 §9]

686.075 Examination of applicants; rules. (1) All applicants for a license shall be given a written examination which may, in the Oregon State Veterinary Medical Examining Board's discretion, be supplemented by an oral examination to determine their knowledge of veterinary and comparative anatomy, physiology, histology, pathology, materia medica, therapeutics, sanitary and preventive medicine, surgery, bacteriology, milk and meat inspection, practice of veterinary medicine, physical diagnosis, poisonous plants and toxicology and such other subjects as the board deems advisable.

(2) In addition to preparing its own examination, the board may adopt by rule and use a written or oral examination or any part thereof prescribed by a nationally recognized professional veterinary organization.

(3) The examination shall be designed to test both the scientific and practical knowledge of applicants and sufficiently exacting to test the applicant's fitness to practice veterinary medicine, surgery and dentistry. The written examination shall be so conducted that the members of the board do not know the name of the applicant whose answers are being graded or judged until after the judging or grading is completed. [1953 c.624 §5; 1977 c.399 §2; 1987 c.651 §4; 1993 c.491 §3]

686.080 [Amended by 1963 c.134 §1; 1975 c.619 §3; 1977 c.399 §3; 1987 c.651 §5; renumbered 686.255 in 1987]

686.085 Serving internship before being eligible for license. (1) Except as provided in subsections (3) and (4) of this section, an applicant for a license shall serve an internship of not less than one year following passage of the examination required under ORS 686.075 before receiving a license. The internship period may be served in any one of the following ways:

(a) By association with and under the supervision of a licensed veterinarian engaged in the active practice of veterinary medicine, surgery or dentistry in this state.

(b) By engaging in some special form of educational, regulatory or research work under the supervision of a veterinarian licensed to engage in the practice of veterinary medicine, dentistry or surgery in this state.

(c) By engaging in livestock sanitary control work pursuant to employment by the state, the federal government or a municipality of this state.

(2) Internship permits shall be issued for the purpose set forth in this section. No internship permit shall be valid for more than two years but the period may be extended by the Oregon State Veterinary Medical Examining Board for reason.

(3) Time spent by an applicant while a veterinary student engaged in any of the activities listed in subsection (1) of this section may be counted toward the one-year internship required in subsection (1) of this section, subject to the approval of the board.

(4) The requirements of this section shall not apply to applicants who come within the provisions of ORS 686.065, or applicants who hold a valid current license to practice veterinary medicine in another state or territory of the United States and who have actively practiced veterinary medicine in such state or territory for not less than one year. [1953 c.624 §6; 1977 c.399 §4; 1993 c.491 §4; 1997 c.241 §2]

686.090 [Repealed by 1953 c.624 §9]

686.095 Issuance of licenses. If upon an examination judged by the Oregon State Veterinary Medical Examining Board sufficiently comprehensive to enable the applicant to actively engage in the practice of veterinary medicine in this state, the applicant demonstrates a scientific and practical knowledge of the art of veterinary medicine, and the applicant complies with the other provisions of this chapter, the board shall issue a license to the applicant to practice veterinary medicine in this state. The license shall be signed by the president and executive director of the board, and attested by the board's seal. [1953 c.624 §8; 2003 c.163 §2]

686.100 [Repealed by 1953 c.624 §9]

686.110 Renewal of licenses or permits.

(1) A license or permit shall be renewed when the holder:

(a) Requests renewal;

(b) Pays a fee to the Oregon State Veterinary Medical Examining Board to be determined pursuant to ORS 686.255; and

(c) Presents evidence of participation in approved professional educational activities during the previous year to the extent established by the board.

(2) Upon failure to pay renewal fees due to absence from the state or for other reasons, a license may be renewed upon payment of late fees set by the board. [Amended by 1963 c.133 §1; 1967 c.191 §2; 1975 c.619 §4; 1979 c.65 §1; 1979 c.743 §1; 1987 c.651 §6; 1993 c.491 §5]

686.120 Grounds for discipline. (1) With the consent of four members, the Oregon State Veterinary Medical Examining Board may discipline in accordance with ORS 686.150 any permit or license holder under this chapter for unprofessional or dishonorable conduct.

(2) The board may discipline in accordance with ORS 686.150 any permit or license holder who:

(a) Publicly professes to cure or treat diseases of a highly contagious, infectious and incurable nature;

(b) In any way cares or treats injury and deformity in such a way as to deceive the public; or

(c) Tests any horse, mule or ass for glanders, cow or cattle for tuberculosis, and knowingly, wrongfully and maliciously states verbally or in writing that the animals are diseased or in a disease-free condition contrary to the indication of the test made. [Amended by 1977 c.399 §5; 1985 c.112 §13; 1993 c.491 §6]

686.130 “Unprofessional or dishonorable conduct” defined. “Unprofessional or dishonorable conduct,” as used in this chapter, includes:

(1) The fraudulent use or misuse of any health certificate, shipping certificate, brand inspection certificate, or other blank forms used in practice, that might lead to the dissemination of disease or the transportation of diseased animals or the sale of inedible food products of animal origin for human consumption.

(2) Dilatory methods, willful neglect or misrepresentation in the inspection of meat.

(3) Misrepresentation of services rendered.

(4) Failure to report, or the negligent handling of the serious epidemic diseases of animals, such as anthrax, rabies, glanders, brucellosis, tuberculosis, foot and mouth disease, hog cholera, blackleg, and any other communicable disease known to medical science as being a menace to human and animal health.

(5) The dispensing or giving to anyone live culture or attenuated live virus vaccine to be administered by a layman without providing instruction as to its administration and use and without prior written authorization from the State Veterinarian when such product is declared to be prohibited under ORS 596.075.

(6) Having professional connection with, or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof.

(7) Chronic alcohol abuse or habitual use of controlled substances.

(8) Fraud or dishonesty in applying or reporting on any test for disease in animals.

(9) False or misleading advertising.

(10) Conviction of a crime involving moral turpitude or conviction of a felony. The record of the conviction is conclusive evidence.

(11) Conviction of a charge of cruelty to animals in Oregon or any other state,

county, or municipal court. The record of conviction is conclusive evidence.

(12) The revocation, suspension or refusal to issue or renew a license or practice credential to practice veterinary medicine in any other state, territory or foreign jurisdiction if the cause of that revocation, suspension or refusal to issue or renew is cause in this state. The record of revocation, suspension or refusal to issue or renew is conclusive evidence.

(13) Failure to keep one's premises and equipment therein in a clean and sanitary condition.

(14) Gross ignorance, incompetence or inefficiency in the profession. In determining what constitutes “gross ignorance, incompetence or inefficiency in the profession,” the Oregon State Veterinary Medical Examining Board may take into account all relevant factors, and practices, including but not limited to the practices generally and currently followed and accepted by the persons licensed to practice veterinary medicine in this state, the current teaching at accredited veterinary schools, relevant technical reports published in recognized veterinary medical journals and the desirability of reasonable experimentation in the furtherance of the veterinary medicine arts.

(15) Permitting the veterinary technician, preceptee, or student intern to perform a duty, task or procedure not specifically permitted by the board. [Amended by 1975 c.619 §5; 1979 c.744 §57; 1993 c.491 §7]

686.132 Refusal to issue or renew license or permit for unprofessional or dishonorable conduct. The Oregon State Veterinary Medical Examining Board may refuse to issue or renew a license or permit if it finds that the applicant has committed any act or omission which if committed by a licensee or permittee would constitute unprofessional or dishonorable conduct under ORS 686.120, 686.130 or any rule of the board. [1993 c.491 §16]

686.135 License or permit denial and discipline procedures; rules; confidential information. (1) When the Oregon State Veterinary Medical Examining Board proposes to refuse to issue or renew a license or permit under ORS 686.110 (1)(c), 686.120 or 686.130 or proposes to discipline any permit or license holder in accordance with the provisions of ORS 686.150, opportunity for hearing shall be accorded as provided in ORS chapter 183.

(2) Adoption of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS chapter 183.

(3) Information that the board or a committee appointed by the board obtains as part of an investigation into licensee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175. [1971 c.734 §136; 1977 c.399 §6; 1979 c.743 §5; 1993 c.491 §8; 1997 c.791 §40]

686.140 [Repealed by 1971 c.734 §21]

686.150 Disciplinary sanctions. If, pursuant to ORS 686.120 and 686.135, the Oregon State Veterinary Medical Examining Board determines that disciplinary action is necessary, the board may take any or all of the following actions:

- (1) Revoke, suspend or refuse to renew the license;
- (2) Place the person on probation;
- (3) Suspend execution of an order of the board;
- (4) Place limitations on an individual's license or permit to practice veterinary medicine in Oregon;
- (5) Issue a reprimand or assess to the individual the costs of the disciplinary proceedings;
- (6) Require board-approved community services; or
- (7) Impose a civil penalty not to exceed \$1,000 for each violation. [Amended by 1977 c.399 §7; 1979 c.743 §6; 1985 c.112 §5; 2003 c.178 §3]

686.160 Reapplication after license withheld or revoked; commencing practice after suspension. (1) If a license is withheld, not renewed, or revoked for a violation of ORS 686.120 or 686.130, the practitioner may not again apply for a license until after a period of six months has elapsed, and then only by paying the regular examination fee, and again complying with the requirements for obtaining a license in accordance with ORS 686.045.

(2) If a license has been suspended and time of suspension has elapsed, permission to practice shall be given only upon the payment of the regular annual renewal fee. [Amended by 1979 c.743 §7]

686.170 Appointment of committee to investigate alleged violations of chapter.

(1) The Oregon State Veterinary Medical Examining Board is authorized to appoint a committee of not less than three licensed, practicing veterinarians to investigate any charge made accusing any person of violating any of the provisions of this chapter, and to report to the board any facts concerning the charge, together with any recommendations the committee sees fit to make. No member of the committee shall reside in the same territory served by the accused person. The

expenses of the committee shall be paid out of the Oregon State Veterinary Medical Fund.

(2) Upon receipt of a complaint under this chapter, the board and any committee shall conduct an investigation as described under ORS 676.165. [Amended by 1997 c.791 §41]

STATE BOARD

686.210 Oregon State Veterinary Medical Examining Board; appointment; qualifications; term; confirmation; executive director; rulemaking authority. (1) There is created the Oregon State Veterinary Medical Examining Board, which shall carry out the purposes and enforce the provisions of this chapter. The board shall consist of eight members appointed by the Governor for a term of four years. Appointments made by the Governor to the board may be selected from a list of five names for each appointment suggested by the Oregon Veterinary Medical Association. Five members shall be licensed to practice veterinary medicine, surgery and dentistry in this state. Two members shall be public members. One member shall be a certified veterinary technician. Any appointments to fill vacancies by reason of death, resignation or removal shall be made by the Governor for the residue of the term of the retiring member. All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(2) The board may appoint an executive director. Nothing in this chapter shall be construed to prevent assistance being rendered by the executive director of the board in any hearing called by it.

(3) Pursuant to ORS chapter 183 the board may adopt rules necessary for the administration of this chapter. [Amended by 1953 c.624 §9; 1967 c.334 §3; 1971 c.650 §35; 1973 c.792 §41; 1975 c.619 §6; 1985 c.112 §6; 1987 c.651 §7; 1995 c.79 §346; 2003 c.163 §1]

686.220 Officers; quorum. There shall be elected by the Oregon State Veterinary Medical Examining Board at its first meeting from its members, a president who shall preside at all meetings. In the absence of the president, the members present shall elect a temporary chairperson, who shall preside at the meeting. A majority of the board constitutes a quorum to transact any business coming before it. [Amended by 1967 c.334 §4; 1985 c.112 §7; 1993 c.491 §9]

686.230 Compensation and expenses of members. A member is entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1963 c.58 §1; 1967 c.191 §3; 1969 c.314 §87]

686.240 Employment of investigator and other employees. When it is considered necessary by the Oregon State Veterinary Medical Examining Board for the proper execution of the duties imposed upon it, the board may employ an investigator or other employees, with payment to such employees to be made out of the funds of the board. [Amended by 1953 c.624 §9; 1983 c.389 §5]

686.245 [Formerly 686.280; repealed by 1973 c.427 §30 (686.246 enacted in lieu of 686.245)]

686.246 Disposition of receipts. All moneys received by the Department of Human Services under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Public Health Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter. [1973 c.427 §31 (enacted in lieu of 686.245)]

686.250 [Amended by 1967 c.334 §6; repealed by 1973 c.829 §71]

686.252 [1985 c.112 §10; repealed by 1993 c.491 §17]

686.255 Fees; how determined. (1) The Oregon State Veterinary Medical Examining Board may impose fees for the following:

- (a) License or permit issuance or renewal.
- (b) Examination for licensure.
- (c) Temporary license.
- (d) Duplicate license.
- (e) Veterinary technician license.
- (f) Delinquent renewal.
- (g) Application and certification fee for certified euthanasia technicians and employers.
- (h) Verification of a license of a veterinarian applying for license under reciprocity with another state.

(2) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board. [Formerly 686.080; 1989 c.171 §77; 1991 c.703 §29; 1993 c.491 §10]

ENFORCEMENT

686.260 Investigation of violations; informing district attorney or Attorney General. (1) Upon the complaint of any citizen of this state, or upon its own initiative,

the Oregon State Veterinary Medical Examining Board may investigate any alleged violation of this chapter.

(2) While conducting an investigation, the board may:

- (a) Take evidence;
- (b) Take depositions of witnesses, including the deposition of the person who is the subject of the investigation, in the manner provided by law in civil cases;
- (c) Compel the appearance of witnesses, including the person who is the subject of the investigation, in the manner provided by law in civil cases;
- (d) Require answers to interrogatories;
- (e) Compel the production of books, papers, electronic files, accounts and other documents pertaining to the investigation; and
- (f) Issue subpoenas.

(3) If after such investigation the board has reason to believe that any person is subject to prosecution criminally for the violation of this chapter, the board shall report the case to the appropriate district attorney or to the Attorney General. [Amended by 2003 c.164 §1; 2003 c.178 §4]

686.270 Injunction against violations. If at any time the Oregon State Veterinary Medical Examining Board concludes that any person is violating the Oregon veterinary medical laws the board may, in its own name, bring an action to enjoin that person from continuing such practice. The action shall be commenced and prosecuted in the same manner as an action not triable by right to a jury. If, after trial, the court finds that the defendant has been or is violating, or is threatening to violate, the Oregon veterinary medical laws it shall enter a permanent injunction restraining the defendant from so doing. In any such action it shall not be necessary to show that any person is especially injured by the acts complained of. The violation of any such temporary or permanent injunction may be punished by contempt as in other cases. Neither the bringing of such action nor any injunction entered therein, nor the punishment for contempt for violating any order or judgment entered in such action, shall prevent or prejudice the prosecution of any criminal action for any violation of this chapter. [Amended by 1979 c.284 §193]

686.280 [Renumbered 686.245]

686.290 Courts having jurisdiction. Justice courts and circuit courts have concurrent jurisdiction of prosecutions for the violation of this chapter. [Amended by 1979 c.562 §31; 1993 c.491 §11]

VETERINARY TECHNICIANS

686.350 [1975 c.619 §7; 1987 c.651 §8; 1989 c.171 §78; 1993 c.491 §12; repealed by 2003 c.178 §11]

686.360 Duties that may be performed by veterinary technician; rules. All duties of a veterinary technician must be performed under the supervision of a licensed veterinarian. The Oregon State Veterinary Medical Examining Board shall promulgate rules regarding the services a veterinary technician may perform, including, but not limited to:

- (1) Obtaining and recording information cases.
- (2) Preparation of patients, instruments, equipment, and medicants for surgery.
- (3) Collection of specimens and performance of certain laboratory procedures.
- (4) Application of wound dressings.
- (5) Assisting the veterinarian in diagnostic, medical and surgical proceedings. [1975 c.619 §8; 1989 c.171 §79; 1993 c.491 §13]

686.370 Examination for license. (1) All applicants for a veterinary technician license shall be given a written examination to determine their knowledge of animal care, handling, basic comparative mammalian health records, applied clinical laboratory procedures and basic animal diseases and such other subjects as the Oregon State Veterinary Medical Examining Board deems advisable. The examination shall be designed to test both the scientific and practical knowledge of the applicants. The written examination shall be so conducted that the members of the board do not know the name of the applicant whose answers are being graded until after the judging or grading is completed.

(2) Veterinary technicians must have successfully passed an examination administered by the board. The board by rule may establish deadlines, scores, application procedures and other details. [1975 c.619 §9; 1987 c.651 §9; 1993 c.491 §14; 2003 c.178 §5]

686.375 Veterinary technician license; fee; rules. Upon application, accompanied by payment of the fee adopted by the Oregon State Veterinary Medical Examining Board by rule, the board shall issue a veterinary technician license to any applicant who furnishes satisfactory evidence that the applicant has met the requirements for licensure as a veterinary technician established by the board by rule. [2003 c.178 §1]

Note: 686.375 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 686 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

686.380 [1975 c.619 §10; 1977 c.399 §8; repealed by 1985 c.112 §8]

686.390 [1975 c.619 §11; repealed by 1977 c.399 §9]

CONTINUING EDUCATION

686.410 Continuing education required; rules. (1) Each veterinarian or veterinary technician licensed in this state shall satisfactorily continue professional education in subjects related to the practice of veterinary medicine or the duties of a veterinary technician in order to be eligible for the renewal of a license to practice veterinary medicine or to act as a veterinary technician.

(2)(a) A person who is not actively practicing veterinary medicine may be issued an inactive license without meeting the requirements of ORS 686.110 (1)(c). An inactive license does not permit the holder to practice veterinary medicine actively.

(b) A person who practices veterinary medicine for more than 30 days in a calendar year is actively practicing veterinary medicine within the meaning of this subsection.

(3) The Oregon State Veterinary Medical Examining Board shall make rules:

(a) Prescribing the procedure and criteria for approval of continuing professional educational activities, including the number of hours of study necessary to constitute a professional educational unit and the number of professional educational units required annually for renewal of a license to practice veterinary medicine or to act as a veterinary technician.

(b) Prescribing the content of the form to be submitted to the board certifying completion of an approved professional educational activity.

(4) In adopting rules pursuant to subsection (3) of this section, the board shall consider:

(a) The need for formal, regularly scheduled professional educational activities.

(b) Alternate methods of study, including home study courses, seminars or other such activities for those persons who are unable to attend regularly scheduled activities.

(c) The necessity for examinations or other evaluation methods used to ensure satisfactory completion of the professional educational activity. [1979 c.743 §3; 2003 c.178 §6]

686.420 Notice of license expiration; effect of failure to comply with criteria for continuing education; waiver. (1) By November 1 of each year, the Oregon State Veterinary Medical Examining Board shall mail notification to each holder of a license to practice veterinary medicine or to act as a veterinary technician that the license expires on the December 31 next following. This notice shall be sufficient if mailed to the last address filed with the board by the

license holder. Appropriate forms for the presentation of evidence of professional activity shall be mailed with the notice of expiration.

(2) The board shall determine whether the professional educational activity participated in by each applicant for license renewal is within the criteria established under ORS 686.410. The board may excuse any applicant for license renewal from the professional educational activity requirement when the applicant makes a showing satisfactory to the board of exceptional circumstances which have prevented compliance.

(3) Any person may renew a license that has expired for failure to comply with ORS 686.410 (1) by making written application for license renewal, presenting evidence of professional educational activity equivalent to that which would have been required had the license been renewed annually, and paying the current license renewal fee plus the delinquent fee set by the board. [1979 c.743 §4; 1997 c.241 §3; 2003 c.178 §7]

MISCELLANEOUS PROVISIONS

686.440 Immunity from civil liability for emergency treatment. (1) A veterinarian or veterinary technician is not civilly liable for the acts or omissions described in subsection (2) of this section if:

(a) The animal has been brought to the veterinarian or veterinary technician by a person other than the owner of the animal; and

(b) The veterinarian or veterinary technician does not know who owns the animal or is unable to contact an owner of the animal before a decision must be made with respect to emergency treatment or euthanasia.

(2) The immunity granted by this section applies to:

(a) Any injury to an animal or death of an animal that results from acts or omissions of the veterinarian or veterinary technician in providing treatment to the animal; and

(b) The euthanasia of a seriously injured or seriously ill animal.

(3) Except as provided in subsection (4) of this section, this section does not apply to any act or omission of a veterinarian or veterinary technician that constitutes gross negligence in providing treatment to an animal.

(4) A veterinarian is completely immune from any civil liability for the decision to euthanize an animal under the circumstances described in subsection (1) of this section. [1997 c.243 §2]

REPORTING ANIMAL ABUSE

686.442 Legislative findings. The Legislative Assembly finds that there is a direct link between the problems of animal abuse and human abuse and further finds that for the purposes of identifying and prosecuting individuals who have committed crimes against animals, preventing further abuse of animals and preventing animal abuse from escalating to abuse against humans, it is necessary and in the public interest to require mandatory reporting of aggravated animal abuse by veterinarians. [2003 c.275 §1]

Note: 686.442 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 686 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

686.445 Reporting of abandoned, neglected or abused animals; immunity from liability for report; reporting animals injured by trapping device. (1) Except as provided in ORS 686.455, licensed veterinarians and veterinary technicians may report to peace officers, animal control officers or officers of private organizations devoted to humane treatment of animals any animal that the veterinarian or veterinary technician knows or reasonably believes to be abandoned, neglected or abused. Any veterinarian or veterinary technician making a report under this section is immune from any civil or criminal liability by reason of making the report.

(2) Veterinarians licensed and practicing in Oregon shall report to the Dean of the College of Veterinary Medicine, Oregon State University, in a form established by the dean, incidences of treating animals purported to have been injured by a trapping device. [1997 c.243 §3; 2001 c.562 §4; 2003 c.275 §7]

Note: 686.445 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 686 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

686.450 Definitions. As used in ORS 686.450 to 686.465 and 686.990 (3):

(1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

(b) "Aggravated animal abuse" does not include:

(A) Good animal husbandry, as defined in ORS 167.310; or

(B) Any exemption listed in ORS 167.335.

(2) "Law enforcement agency" means:

(a) Any city or municipal police department.

(b) Any county sheriff's office.

(c) The Oregon State Police.

(d) A law enforcement division of a humane society in Oregon that employs special agents authorized under ORS 131.805.

(e) A law enforcement division of a county or municipal animal control agency that employs sworn officers.

(3) "Veterinarian" means a person licensed to practice veterinary medicine under ORS chapter 686. [2003 c.275 §2]

Note: 686.450 to 686.465 and 686.990 (3) were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 686 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

686.455 Duty to report aggravated animal abuse. (1) A veterinarian who has reasonable cause to believe that an animal with which the veterinarian has come in contact has suffered aggravated animal abuse, or that any person with whom the veterinarian has come in contact has committed aggravated animal abuse, shall immediately report the suspected aggravated animal abuse in the manner prescribed in subsection (2) of this section.

(2) A report of suspected aggravated animal abuse required under subsection (1) of this section shall be made to a law enforcement agency, either orally or in writing, and shall include, if known:

(a) The name and description of each animal involved;

(b) The address and telephone number of the owner or other person responsible for the care of the animal;

(c) The nature and extent of the suspected aggravated animal abuse;

(d) Any evidence of previous aggravated animal abuse;

(e) Any explanation given for the suspected aggravated animal abuse; and

(f) Any other information that the person making the report believes may be helpful in establishing the cause of the suspected aggravated animal abuse or the identity of the person causing the aggravated animal abuse. [2003 c.275 §3]

Note: See note under 686.450.

686.460 Duty of law enforcement agency after receiving report of aggravated animal abuse. (1) A law enforcement agency receiving a report of suspected aggravated animal abuse pursuant to ORS 686.455 shall investigate the nature and cause of the suspected aggravated animal abuse.

(2) If the law enforcement agency finds reasonable cause to believe that aggravated animal abuse has occurred, the law enforcement agency shall process the case in the same manner as any other criminal investigation. [2003 c.275 §4]

Note: See note under 686.450.

686.465 Immunity for reporting in good faith. A veterinarian who acts in good faith and has reasonable grounds for making a report of suspected aggravated animal abuse under ORS 686.455 is not liable in any civil or criminal proceeding brought as a result of making the report. [2003 c.275 §5]

Note: See note under 686.450.

EUTHANASIA TASK FORCE

686.510 Euthanasia Task Force; fees; use. The Oregon State Veterinary Medical Examining Board may establish a certified Euthanasia Task Force and may assess application and certification fees against certified euthanasia technicians and their employers. The fees so assessed are continuously appropriated to the board to support activities of the task force. [1987 c.651 §10]

PENALTIES

686.990 Penalties. (1) Violation of ORS 686.020 (1) is a Class A misdemeanor.

(2) In addition to any other sanction imposed by law, the Oregon State Veterinary Medical Examining Board may impose a civil penalty not to exceed \$5,000 for each violation of ORS 686.020.

(3) Failure to file a report of suspected aggravated animal abuse as required by ORS 686.455 is punishable by a fine of not more than \$1,000. [Amended by 1963 c.59 §1; 2003 c.178 §8; subsection (2) of 2003 Edition enacted as 2003 c.178 §10; subsection (3) of 2003 Edition enacted as 2003 c.275 §6]

Note: See note under 686.450.

