

Chapter 686

Veterinarians

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CROSS REFERENCES

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

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

(2) "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, whose instructors are graduates of reputable veterinary or medical colleges, the course of which shall be not less than four years of nine months each and which is approved and placed on the accredited list by the American Veterinary Medical Association, or which hereafter is approved and placed on the accredited list by that association.

686.020 License required to practice veterinary medicine; title and abbreviations usable by licentiates. No person shall:

(1) Practice veterinary medicine and surgery, or dentistry, in this state except as provided in this chapter.

(2) Affix or append any letters to his name, 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 his name, or any trade name with which he 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.

686.030 Acts constituting the practice of veterinary medicine. (1) A person shall be regarded as practicing veterinary medicine, surgery and dentistry within the meaning of this chapter who shall, within this state:

(a) By advertisement, or by any notice, sign or other indication, or by a statement written, printed or oral, in public or in private, made, done or procured, by himself or any other at his request, claim, announce, make known or pretend his ability or willingness to diagnose diseases, deformities, defects, wounds or injuries of animals.

(b) Advertise or make known or claim his ability and willingness to prescribe or administer any drug, medicine, treatment, method or practice, or to perform any oper-

ation, manipulation, or apply any apparatus or appliance, or who shall give any instruction or demonstration, except as provided for and through the state schools and colleges of Oregon, for cure, amelioration, correction or reduction or modification of any animal disease, deformity, defect, wound or injury, for hire, fee, compensation or reward, promised, offered, expected, received or accepted, directly or indirectly.

(c) Diagnose or prognose any animal disease, deformities, defects, wound or injuries, for hire, fee, reward or compensation, promised, offered, expected, received or accepted, directly or indirectly.

(d) Prescribe or administer any drug, medicine, treatment, method or practice, or perform any operation or manipulation, or apply any apparatus or appliance for the cure, amelioration, correction or modification of any animal disease, deformity, defect, wound or injury, for hire, fee, compensation or reward, promised, offered, expected, received or accepted, directly or indirectly.

(2) The soliciting and selling of all forms of hypodermically administered animal disease cures, preventions, and treatments, with the necessary instruments for the administration of same, and of any and all worm and other internal parasitic remedies with the contract implied, or otherwise, to administer the same, shall constitute the practice of veterinary medicine and surgery within the meaning of this chapter.

(3) This section does not apply to duly authorized representatives of the State Department of Agriculture in the discharge of any duty authorized by the department. Upon the written request of a livestock association, cow testing association or poultry association to the Department of Agriculture, the department may authorize any cow tester, herd master or poultryman having charge over, or the care of, a herd of cattle or flock of poultry, to take blood samples for laboratory tests for the diagnosis of diseases of animals and poultry for the benefit of such association, and when so authorized by the Department of Agriculture, to take blood samples for such tests, such cow tester, herd master or poultryman shall be exempt from the provisions of this section.

686.040 Application of chapter. (1) This chapter does not apply to commissioned veterinary surgeons of the United States Army, or those in the employ of the Bureau

of Animal Industry while engaged in their official capacity, unless they enter into a general practice.

(2) Nothing in this chapter shall be so construed as to prevent any person, his agent or employee, from practicing veterinary medicine and surgery or dentistry on any animal belonging to himself, or for gratuitous services or from dehorning and vaccinating cattle for himself.

(3) Nothing in this chapter shall be so construed as to prevent the selling of veterinary remedies and instruments by a registered pharmacist at his regular place of business.

686.050 Qualifications of applicants for license; application for examination. (1) No person except a citizen of the United States, who is of the age of 21 and upwards and of good moral character and temperate habits, shall be licensed to practice veterinary medicine, surgery or dentistry in this state.

(2) Every person desiring to practice veterinary medicine, surgery or dentistry in this state shall make a written application to the secretary of the board for an examination granting a license to so practice. The application shall be accompanied by a diploma, issued to the applicant by a veterinary college or veterinary department of a university or college of good standing and repute, or a certified copy thereof, a license issued by another state, or an affidavit from a member of the faculty of the school of graduation showing the applicant to be a graduate of that school. The application shall be supported by an affidavit of the applicant, setting forth the actual time spent by the applicant in the study of veterinary medicine and surgery, the name and location of the institution where such study was made, the time the applicant was engaged in the practice of veterinary medicine and surgery, if at all, and the age of the applicant at the time of making application. The application and affidavit shall be filed and preserved of record in the office of the secretary of the board.

(3) As used in this section, "person" includes every veterinarian employed as such by the State of Oregon, state college, or any municipality within the state.

686.060 Board may require internship or other qualifying service. The board may demand that each applicant, before he is held eligible to appear for examination or

before he is granted a license to practice veterinary medicine, surgery and dentistry in this state, shall have practiced as an intern for a period of at least six months at some reputable private or public veterinarian hospital or with some reputable graduate veterinary practitioner or shall have engaged in some special form of veterinary investigational or educational work or engaged in some form of city, state or federal livestock sanitary control work. The board may demand this qualifying service from all applicants upon the passage of a resolution of the board to that effect.

686.070 Examination of applicants. (1) At a time and place designated by the board the applicant shall submit to an examination in 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, toxicology and such other branches as the board shall deem advisable. The board shall cause the examination to be both scientific and practical and of sufficient severity to test the candidate's fitness to practice veterinary medicine and surgery. The examination shall be written, printed, or partly written or printed, questions and answers, or by oral examination and recorded answers. The examination shall be filed and preserved of record in the office of the secretary of the board.

(2) The examination, (written and printed) shall be conducted in the following manner. An applicant having previously obtained permission to appear for examination, shall fill out a form, giving his full name and address, and the name of the veterinary college, or veterinary department of a university or college, from which he graduated, agreeing:

(a) To designate all examination papers only by such marks, or numbers, as are found on the form.

(b) To cause the form to be sealed and delivered to some responsible party for safe-keeping, and not to be opened by any member of the board, or any other person, until the examination papers have been marked and judged.

(c) To seal all examination papers in unmarked envelopes before delivering them to members of the board.

(d) Not to in any manner reveal the

designating mark, or number, to any member of the board, or to any other person, until the examination papers have finally been marked and graded.

686.080 Examination fee. Candidates for examination shall pay to the secretary of the board, at the time of examination, a fee of \$25.

686.090 Issuance of licenses. After examination, if the examination is satisfactory, the board shall grant a license to the applicant to practice veterinary medicine, surgery and dentistry in the State of Oregon. The license can only be granted by consent of not less than four members of the board, except as otherwise provided in ORS 686.100, and shall be signed by the president and secretary of the board and attested by the seal of the board.

686.100 Persons licensed under prior laws. All persons regularly licensed under prior laws of the state, and having complied with the provisions thereof, shall be considered as licensed veterinarians under this chapter, and the names of such persons shall be entered as licensed veterinarians upon the official register kept by the secretary of the board.

686.110 Annual renewal of licenses. All licenses provided for in this chapter shall cover a period of one year and shall expire January 1 next following issuance, and shall be renewed upon request of the holder on payment of a fee of \$7.50 to the secretary of the board for each renewal; but all licenses issued under prior laws shall remain effective for the remainder of the period for which they were issued and shall be recorded in the office of the county clerk in the county where the holder of the license resides. Upon failure to pay renewal fees due to absence from the state or for other reasons, a license may be renewed upon payment of delinquent dues, but in no case shall the renewal fee exceed the amount of the examination fee.

686.120 Board may suspend or revoke license for unprofessional or dishonorable conduct. (1) With the consent of four members, the board may revoke or suspend a permit or license granted to any holder under this chapter for unprofessional or dishonorable conduct.

(2) The board may revoke or suspend a

permit or license to any holder thereof who:

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

(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.

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, wilful 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 vaccine to be administered by a layman.

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

(7) Chronic inebriety or habitual use of narcotics.

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

(9) False or misleading advertising, having for its purpose or intent, deception or fraud.

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

686.140 Procedure to revoke or suspend license. Before a permit or license can be

revoked or suspended for any cause listed in ORS 686.120, the board must serve notice in writing on the holder of the permit or license, attaching thereto a copy of any charge or charges against him and appoint a day of hearing, at which time the licensee, or any witness in his behalf, may appear and give testimony in refutation of such charge. If the board, after the hearing, still desires to revoke or suspend the permit or license of the holder, the decision, specifically stating the ground upon which the permit or license was revoked or suspended, must be reduced to writing and a copy thereof delivered to the holder of the permit or license upon the demand of any such holder. The hearing must take place within 20 days after service of the copy of the charge upon the holder of a revoked or suspended permit or license, and the decision of the board must not be later than 10 days after the hearing.

686.150 Board may refuse to issue or renew license. The board, with the concurrence of four members thereof, may refuse to issue or renew a permit or license for unprofessional or dishonorable conduct.

686.160 Reapplication after license withheld or revoked; commencing practice after suspension. (1) If a license is withheld or revoked, 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.

(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.

686.170 Appointment of committee to investigate alleged violations of chapter. The 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.

686.180 to 686.200 [Reserved for expansion]

686.210 Oregon State Veterinary Medical Examining Board; appointment, qualifications and terms of members. There hereby

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 five members appointed by the Governor for a term of four years. All members shall be graduate veterinarians from veterinary colleges of good standing and repute and shall have resided in the state at least five years previous to appointment to the board, and shall be licensed to practice veterinary medicine, surgery and dentistry in this state. Not more than two members appointed to serve on the board shall be from the same veterinary college or veterinary department of a university or college. 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.

686.220 Officers of board; quorum; meetings. There shall be elected by the board at its first meeting from its members, a president who shall preside at all meetings and a secretary who shall keep a record of all business transacted. In the absence of the president, the members present shall elect a temporary chairman, who shall preside at the meeting. Three members of the board constitute a quorum to transact any business coming before it. The meeting place of the board shall be any place in this state the board considers most convenient for the greatest number of applicants for license.

686.230 Compensation and expenses of members. The members of the board shall each receive as full compensation \$10 per diem for attendance and performance of duties at any regularly called meeting of the board, inclusive of the necessary time engaged in travel to and from place of meeting, together with their actual and necessary expenses incurred during these meetings, and in traveling from their respective places of residence to the place of meeting and return. However, such compensation and expenses shall not exceed the income of fees accruing under this chapter, the same to be paid out of a fund and in a manner provided in ORS 686.280.

686.240 Employment of special counsel. For the purpose of carrying out and enforcing the provisions of this chapter, the board has authority to employ special counsel to represent it in any court, or to advise it on any matter connected with it, or to assist in

the prosecution of any criminal case for the violation of this chapter. The counsel shall be paid out of the funds of the board.

686.250 Annual report to Governor. The secretary of the board shall make an annual report to the Governor on or before December 1 of each year. The report shall include a list of the names and addresses of all persons having licenses or permits granted, renewed, refused or revoked, giving the cause therefor, the amount of all money received and expended, from what source, or for what purpose and the amount of money paid into, or drawn from the Oregon State Veterinary Medical Fund, as the case may be.

686.260 Investigation of violations; informing district attorney. Upon the complaint of any citizen of this state, or upon its own initiative, the board may investigate any alleged violation of this chapter. If after such investigation the board has reason to believe that any person is subject to prosecution criminally for the violation of this chapter, it shall lay the facts before the proper district attorney.

686.270 Injunction against violations. If at any time the board concludes that any person is violating the Oregon veterinary medical laws the board may, in its own name, bring a suit in equity to enjoin that person from continuing such practice. The suit shall be commenced and prosecuted in the same manner as other suits in equity. 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 suit 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. Nei-

ther the bringing of such suit nor any injunction entered therein, nor the punishment for contempt for violating any order or decree entered in such suit, shall prevent or prejudice the prosecution of any criminal action for any violation of this chapter.

686.280 Disposition of fees and fines.

(1) Fees collected under ORS 686.080 shall be used for the defraying of the expenses of the board. Any excess shall be paid over to the State Treasurer and placed in a fund known as the Oregon State Veterinary Medical Fund, to be paid out by him on warrants, or orders drawn upon him and signed by the president and secretary of the board, in case of a deficit.

(2) The fines collected under this chapter shall be paid over to the president of the board and become a part of its fund.

686.290 Courts having jurisdiction; duties of district attorneys and Attorney General. Justice's courts, district courts and circuit courts have concurrent jurisdiction of prosecutions for the violation of this chapter. The district attorney of each county shall prosecute any violation of this chapter occurring in his county, represent the board in any injunction suit filed in his county under the provisions of this chapter, and represent the board upon any appeal to the circuit court of such county from any decision or action of the board. Upon any appeal to the Supreme Court in any of the proceedings mentioned in this section, the Attorney General shall assist the district attorney in the trial of the cause in the Supreme Court.

686.990 Penalties. Violation of subsection (1) of ORS 686.020 is punishable, upon conviction, by a fine of not less than \$50 nor more than \$250, or by imprisonment in the county jail not exceeding six months, or by both.

