Chapter 686

1963 REPLACEMENT PART

Veterinarians

686.010 Definitions
686.020 License required to practice veterinary medicine; title and abbreviations usable by licentiates
686.030 Acts constituting the practice of veterinary medicine
686.040 Application of chapter
686.045 Qualifications for license
686.055 Application for license; retaining application and examination papers
686.065 Issuance of temporary permits to certain applicants
686.075 Examination of applicants
686.080 Examination fee
686.085 Serving probationary period before being eligible for license
686.095 Issuance of licenses
686.110 Annual renewal of licenses
686.120 Board may suspend or revoke license for unprofessional or dishonorable conduct
686.130 "Unprofessional or dishonorable conduct" defined
686.140 Procedure to revoke or suspend license
686.150 Board may refuse to issue or renew license
686.160 Reapplication after license withheld or revoked; commencing practice after suspension
686.170 Appointment of committee to investigate alleged violations of chapter
686.210 Oregon State Veterinary Medical Examining Board; appointment, qualifications and terms of members
686.220 Officers of board; quorum; meetings
686.230 Compensation and expenses of members
686.240 Employment of special counsel, investigator and other employes
686.250 Annual report to Governor
686.260 Investigation of violations; informing district attorney
686.270 Injunction against violations
686.280 Disposition of fees and fines
686.290 Courts having jurisdiction; duties of district attorneys and Attorney General
686.990 Penalties

CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183
Duty of veterinarian to report livestock disease, 596.321
Military or naval service, persons relieved from payment of fees, 408.450
State and deputy veterinarians, powers and duties, 596.210 to 596.250
Veterinary hospital lien, 87.590

686.020

Professional designation of licensed veterinarian, 676.110
Use of professional designation by unlicensed person prohibited, 676.120

686.075

Waiver of educational requirement for admission to examination, 670.010

686.120

Failure to report certain diseases to State Department of Agriculture, 596.321
Injunction against practicing after suspension or revocation of license, 676.220

686.210

Administrative agencies generally, Ch. 182
Supplying list of licensees to Secretary of State, 676.140

686.230

Subsistence and mileage allowance for travel, reimbursement, 291.004(9), 292.210 to 292.260

686.240

Attorney General to supervise legal proceedings, 180.220, 180.230

686.270

Injunction against practicing after suspension or revocation of license, 676.220

686.280

Expenditures without allotment prohibited in certain cases, 291.238
Portion of receipts made part of General Fund available for general governmental expenses, 293.145 to 293.160
Veterinarians' fund as part of General Fund, 293.110

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 operation, 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 employe, 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.

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

(1) Is over 21 years of age.

(2) Is of good moral character and temperate habits.

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

(4) Is a citizen of the United States.

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

(6) Has completed at least one year in active practice or has served at least six months' probation within the State of Oregon or one year's probation in any other state, as provided in ORS 686.085.
[1953 c.624 §3]

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 secretary of the Oregon State Veterinary Medical Examining Board for a license to practice. The application shall be on a form provided by the board and shall require the following information:

(a) Name, age and address of the applicant.

(b) Name of schools of veterinary medicine attended, dates of attendance and date of transfer.

(c) Degrees held from schools of veterinary medicine.

(d) Places and length of time in active practice in other states or territories of the United States, if any, and that the applicant is in good standing in such places.

(e) A certification by the applicant that the facts recited in the application are true to the best of his knowledge and belief.

(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 secretary of the board.
[1953 c.624 §4]

686.060 [Repealed by 1953 c.624 §9]

686.065 Issuance of temporary permits to certain applicants. (1) Applicants for a license may be issued temporary permits by the board who at the time of application:

(a) Hold a valid current license to practice veterinary medicine in another state or territory of the United States and have actively practiced veterinary medicine in such state or territory for not less than one year; or

(b) Are graduates of a veterinary college or a veterinary department of a university or college of good standing and repute, as defined in this chapter, and have been actively engaged in some form of veterinary medicine practice while in the employ of the United States or of some state, county or city for at least six months within the State of Oregon or one year in any other state.

(2) The temporary permit issued under the provisions of this section entitles the applicant to engage in the active practice of veterinary medicine in this state as an employe of a licensed veterinarian, the state or any county or municipality in this state and he shall be eligible for the next examination. No temporary permit 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 him to a second examination, the board, by unanimous consent, may extend the permit until the next succeeding examination. Except as otherwise provided in this section, the holder of a temporary permit must be examined and satisfactorily pass the license examination next following the issuance of the permit and duly receive a license in order to continue active professional practice.
[1953 c.624 §7]

686.070 [Repealed by 1953 c.624 §9]

686.075 Examination of applicants. All applicants for a license shall be given a written examination 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. 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. The mark or grade of an applicant's examination shall not be altered after his identity becomes known to the board.
[1953 c.624 §5]

686.080 Examination fee. Candidates for examination shall pay to the secretary of the board, at the time of examination, a fee of $35.
[Amended by 1963 c.134 §1]

686.085 Serving probationary period before being eligible for license. (1) Except applicants who come within the provisions of ORS 686.065, each applicant, after he has successfully passed the examination and before being eligible to receive a license, shall serve a probationary period of not less than six months within the State of Oregon or one year in any other state. The probationary 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) Temporary permits shall be issued for the purpose set forth in this section. No such temporary permit shall be valid for longer than two years but may be extended by the board for reason.
[1953 c.624 §6]

686.090 [Repealed by 1953 c.624 §9]

686.095 Issuance of licenses. (1) If upon an examination judged by the 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 secretary of the board, and attested by the board's seal.

(2) All persons regularly licensed under prior laws of this state, and have complied with the provisions of such law, shall be considered as licensed veterinarians under this chapter and the names of such persons shall be entered upon the official register kept by the secretary of the board as licensed veterinarians.
[1953 c.624 §8]

686.100 [Repealed by 1953 c.624 §9]

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 $20 to the secretary of the board for each renewal. 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.
[Amended by 1963 c.133 §1]

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 have resided in the state at least five years immediately previous to appointment to the board, and shall be licensed to practice veterinary medicine, surgery and dentistry in this state. Not more than three 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.
[Amended by 1953 c.624 §9]

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 $20 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.
[Amended by 1963 c.58 §1]

686.240 Employment of special counsel, investigator and other employes. 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. When it is considered necessary by the board for the proper execution of the duties imposed upon it, the board may also employ an investigator or other employes. Such counsel, investigator and other employes shall be paid out of the funds of the board.
[Amended by 1953 c.624 §9]

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. Neither 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. Justices' 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.

686.300 to 686.980 [Reserved for expansion]

686.990 Penalties. Violation of subsection (1) of ORS 686.020 is punishable, upon conviction, by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail not exceeding one year, or by both.
[Amended by 1963 c.59 §1]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 1, 1963.

Sam R. Haley
Legislative Counsel