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**HOUSE BILL NO. 2363**

Offered January 10, 2007

Prefiled January 9, 2007

A *BILL to amend the Code of Virginia by adding in Chapter 28 of Title 54.1 sections numbered 54.1-3813 and 54.1-3814 relating to equine dental technicians; registration.*

Patron—Scott, E.T.

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 28 of Title 54.1 sections numbered 54.1-3813 and 54.1-3814 as follows:**

§ 54.1-3813. *Registration of equine dental technicians; requirement; process; regulations; penalty.*

A. As used in this section, "equine dental technician" means an individual who is not a licensed veterinarian and who does not meet the criteria to be a licensed veterinarian for reasons other than license suspension or revocation by the Board or any other state Veterinary Board, who satisfies the criteria established by the Board for registration as an equine dental technician.

B. No person shall perform the duties of an equine dental technician without first being registered as an equine dental technician with the Board. In order to register, a person shall file with the Board (i) satisfactory evidence that he is of good moral character, (ii) recommendations from at least two licensed veterinarians with practice bases that are at least fifty percent equine, and (iii) evidence that he has satisfactorily completed a training program that meets the criteria approved by the Board or that he holds current certification from the International Association of Equine Dentistry or other Board-approved certification program. Individuals who have not completed a training program that meets the criteria approved by the Board or who do not hold a current certification from the International Association of Equine Dentistry or other Board-approved certification program but who have engaged in acts considered to be those of an equine dental technician as defined in paragraph C of this section for 10 years or more shall, upon submission of an application including (a) satisfactory evidence of length of time of practice, (b) recommendations from at least two licensed veterinarians with practice bases that are at least fifty percent equine, and (c) proof of continued competency satisfactory to the Board, be registered by the Board as an equine dental technician.

C. Once registered with the Board, an equine dental technician may perform:

1. The planing or leveling of equine teeth using nonmotorized hand tools, performed for routine dental maintenance;

2. The planing or leveling of certain teeth using motorized hand tools performed for routine dental maintenance, or the extraction of wolf teeth premolars including premolars 105, 205, 305 and 405, shall be performed under the direct supervision of a licensed veterinarian where (i) there exists an established client-patient relationship between the veterinarian and the owner, (ii) the veterinarian is present, and (iii) the veterinarian remains responsible for the animal for the duration of the procedure.

3. Maintain proper dental records for all procedures conducted; and

4. Any other task restricted to equine dental technicians pursuant to regulations promulgated by the Board.

Notwithstanding the foregoing, no equine dental technician shall administer any sedative, tranquilizer, analgesic, prescription medication, or other drug under any circumstances.

D. The Board shall promulgate regulations in order to carry out the provisions of this section, which shall include (i) a provision establishing requirements for evidence of continued competency for equine dental technicians and (ii) standards to ensure the health, safety, and welfare of animals treated by equine dental technicians.

E. Performing any act specified in subsection C by any person other than a registered equine dental technician shall constitute a Class 6 misdemeanor.

§ 54.1-3814. Denial, revocation, or suspension of registration as an equine dental technician; hearings.

The Board may revoke, suspend, or refuse to issue or renew any registration of an equine dental technician upon determining that the applicant or the registered equine dental technician:

1. Has been negligent in performing the duties set forth in subsection C of § 54.1-3813;

2. Has or has attempted to engage in fraudulent or deceitful activity relative to his position as an equine dental technician;

3. Has engaged in acts that may only be performed by a licensed veterinarian;

INTRODUCED

HB2363

- 59 4. Has become incompetent to perform the duties of an equine dental technician due to any change  
60 in mental or physical condition;
- 61 5. Has or is engaged in the use of drugs or alcohol to the extent that he is rendered unable or  
62 unsafe to perform the duties of an equine dental technician;
- 63 6. Has violated or cooperated with others in violating any provision of law or regulation of the  
64 Board relating to the practice of veterinary medicine;
- 65 7. Has engaged in conduct that is likely to defraud or to deceive the public or animal owners;
- 66 8. Has engaged in false or misleading advertising or solicitation;
- 67 9. Has been convicted of any felony or any crime involving moral turpitude; or
- 68 10. Has been prohibited from performing the duties of an equine dental technician by any other state  
69 or has been prohibited by a health regulatory board of any state or by any federal agency from  
70 practicing or assisting in the practice of any health care profession.
- 71 Except as provided in § 54.1-2408.1, the Board shall take no action to revoke, suspend, refuse to  
72 renew, or otherwise discipline a registrant pursuant to this section except after reasonable notice and an  
73 opportunity to be heard in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). Such  
74 hearings shall be conducted pursuant to Chapter 24 (§ 54.1-2400 et seq.), except that the registrant may  
75 request that a registered equine dental technician be selected by the Board to attend any hearing for  
76 disciplinary action undertaken by the Board.
- 77 The Board shall promulgate regulations in order to carry out the provisions of this section.