

CHAPTER 71-A

MAINE VETERINARY PRACTICE ACT OF 1975

§4851. Legislative findings

The Legislature finds and declares that the public health, safety and welfare of the State of Maine requires the exercise of the police powers of this State to safeguard the people of Maine by ensuring the delivery of competent veterinary medical care and further that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of personal and professional qualifications specified in this chapter. [PL 2015, c. 209, §2 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 2015, c. 209, §2 (AMD).

§4852. Short Title

This chapter is known and may be cited as the "Maine Veterinary Practice Act." [PL 1997, c. 246, §2 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1997, c. 246, §2 (AMD).

§4853. Definitions

When used in this chapter, except where otherwise indicated by context, the following words and phrases shall have the following meaning. [PL 1975, c. 477, §4 (NEW).]

1. Animal. "Animal" means any animal other than man and includes fowl, birds, fish and reptiles, wild or domestic, living or dead.
[PL 1975, c. 477, §4 (NEW).]

1-A. Veterinary assistant. "Veterinary assistant" means a person employed in a veterinary facility to assist a licensed veterinarian or a licensed veterinary technician, but who has neither had the formal training required for licensure nor passed the required examination for licensure as a veterinary technician.
[PL 2015, c. 209, §3 (AMD).]

2. Animal technician.
[PL 1993, c. 404, Pt. A, §4 (RP).]

3. Board. "Board" means the State Board of Veterinary Medicine.
[RR 2017, c. 2, §14 (COR).]

4. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.
[PL 1989, c. 450, §28 (AMD).]

4-A. Direct supervision. "Direct supervision" means any time when a supervisor is on the premises and is quickly and easily available.
[PL 2015, c. 209, §4 (AMD).]

4-B. Indirect supervision. "Indirect supervision" means any time when a supervisor is not on the premises but is available for consultation on patient care.
[PL 2015, c. 209, §5 (AMD).]

5. Licensed veterinarian. "Licensed veterinarian" means a person who is validly and currently licensed by the board to practice veterinary medicine in this State.

[PL 1975, c. 477, §4 (NEW).]

5-A. Patient. "Patient" means an animal or group of animals examined or treated by a veterinarian.

[PL 2015, c. 209, §6 (NEW).]

6. Person. "Person" means any individual, firm, partnership, association, joint venture, cooperative and corporation or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer or any other representative of such person.

[PL 1975, c. 477, §4 (NEW).]

7. Practice of veterinary medicine. "Practice of veterinary medicine" means:

A. The diagnosis, treatment, correction, change, relief or prevention of animal disease, deformity, defect, injury or other physical or mental condition, including the prescription or administration of a drug, medicine, biologic, apparatus, application, anesthetic or other imaging, therapeutic or diagnostic technique or nutritional substance or technique on, for or to any animal, including, but not limited to, acupuncture, dentistry, homeopathic or chiropractic procedures, physical or massage therapy, surgery including elective surgery or any manual, mechanical, biological or chemical procedure used for pregnancy testing or correcting sterility or infertility; [PL 2015, c. 209, §7 (AMD).]

B. [PL 2015, c. 209, §7 (RP).]

C. The representation directly or indirectly of an ability and willingness to perform an act included in paragraph A; and [PL 1997, c. 246, §4 (RPR).]

D. The use of any titles, word or abbreviations of letters in a manner or under circumstances that induce the belief that the person using them is legally authorized and qualified to perform any act included in paragraph A. That use is prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine. [PL 1997, c. 246, §4 (NEW).]

The practice of veterinary medicine must occur within an established veterinarian-client-patient relationship.

[PL 2015, c. 209, §7 (AMD).]

7-A. Relief veterinary service. "Relief veterinary service" means the practice of veterinary medicine in Maine on a temporary basis by a qualified veterinarian not licensed to practice in this State for the purpose of substituting for a Maine-licensed veterinarian at a specified location during the licensee's absence or period of incapacitation.

[PL 1997, c. 246, §5 (AMD).]

7-B. Practice of veterinary technology. "Practice of veterinary technology" means:

A. The performance of patient care or other services that require a technical understanding of veterinary medicine on the basis of written or oral instructions of a veterinarian. "Practice of veterinary technology" does not include diagnosing, making prognoses, performing surgery or prescribing a drug, medicine, biologic, apparatus, application, anesthetic or other imaging, therapeutic or diagnostic technique or nutritional substance or technique on, for or to any patient; [PL 2015, c. 209, §8 (NEW).]

B. The representation directly or indirectly of an ability and willingness to perform an act authorized under paragraph A; and [PL 2015, c. 209, §8 (NEW).]

C. The use of any titles, word or abbreviations of letters in a manner or under circumstances that induce the belief that the person using them is legally authorized and qualified to perform any act

authorized under paragraph A. That use is prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary technology. [PL 2015, c. 209, §8 (NEW).]
[PL 2015, c. 209, §8 (NEW).]

8. School of veterinary medicine. "School of veterinary medicine" means any veterinary college or division of a college or university that offers the degree of Doctor of Veterinary Medicine or its equivalent and that conforms to the standards required by the Maine State Board of Veterinary Medicine as provided in this chapter.
[PL 1975, c. 477, §4 (NEW).]

8-A. Supervisor. "Supervisor" means a licensed veterinarian or, if the task being supervised warrants, a licensed veterinary technician.
[PL 2015, c. 209, §9 (AMD).]

9. Veterinarian. "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from a school of veterinary medicine.
[PL 1975, c. 477, §4 (NEW).]

10. Veterinary medicine. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry and all other branches or specialties of veterinary medicine including all aspects of the "practice of veterinary medicine" under subsection 7.
[PL 1997, c. 246, §6 (AMD).]

11. Licensed veterinary technician. "Licensed veterinary technician" means a person who has completed a minimum of 2 years in a college program that is certified according to the standards adopted by the American Veterinary Medical Association's Committee on Veterinary Technician Education and Activities or an equivalent program, as determined by the board, and who has passed an examination for licensure prescribed by the board.
[PL 2015, c. 209, §10 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1983, c. 48, §1 (AMD). PL 1989, c. 450, §28 (AMD). PL 1993, c. 404, §§A3-5 (AMD). PL 1997, c. 246, §§3-6 (AMD). PL 2015, c. 209, §§3-10 (AMD). RR 2017, c. 2, §14 (COR).

§4854. State Board of Veterinary Medicine

The State Board of Veterinary Medicine, as established by Title 5, section 12004-A, subsection 42, within the Department of Professional and Financial Regulation, consists of 6 members, appointed by the Governor, 5 of whom must be licensed veterinarians who are residents of this State and graduates of a veterinary school and who have been licensed to practice veterinary medicine in the State for the 5 years preceding their appointment and one public member as defined in Title 5, section 12004-A. Members are appointed for 5-year terms. Appointments of members must comply with Title 10, section 8009. A person may not serve on the board who is, or has been during the 2 years preceding appointment, a trustee or a member of the faculty or advisory board of a veterinary school. [PL 2007, c. 402, Pt. R, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1975, c. 770, §§190,191 (AMD). PL 1983, c. 812, §241 (AMD). PL 1985, c. 748 (AMD). PL 1989, c. 450, §29 (AMD). PL 1989, c. 503, §B144 (AMD). PL 1989, c. 878, §A96 (RPR). PL 1993, c. 600, §A251 (AMD). PL 1997, c. 246, §7 (AMD). PL 2007, c. 402, Pt. R, §1 (AMD).

§4855. Officers

(REPEALED)

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1985, c. 785, §B141 (AMD). PL 1993, c. 404, §A6 (AMD). PL 1995, c. 397, §§62,63 (AMD). PL 1997, c. 246, §8 (AMD). PL 2007, c. 402, Pt. R, §2 (RP).

§4856. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. [PL 2013, c. 246, Pt. B, §13 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1997, c. 246, §9 (AMD). PL 2007, c. 402, Pt. R, §3 (AMD). PL 2013, c. 246, Pt. B, §13 (AMD).

§4857. Removal

Members of the board may be removed by the Governor for cause, after notice and hearing. [PL 1989, c. 450, §30 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1989, c. 450, §30 (AMD).

§4858. Expenses

(REPEALED)

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1983, c. 812, §242 (RPR). PL 1995, c. 397, §64 (RP).

§4859. Powers

The board has the power to: [PL 2007, c. 402, Pt. R, §4 (AMD).]

1. Establish standards. Establish, consistent with this chapter, standards of qualification for the practice of veterinary medicine in the State of Maine, and, for the purpose of section 4853, subsection 8 and section 4861, recognize schools of veterinary medicine; [PL 2007, c. 402, Pt. R, §4 (AMD).]

2. License; set standards. Grant and deny licenses and set standards of practice for veterinarians practicing veterinary medicine in this State and for the performance of duties by licensed veterinary technicians; [PL 2015, c. 209, §11 (AMD).]

3. After hearing, adopt, amend or repeal rules. After hearing, adopt, amend or repeal rules in accordance with Title 5, chapter 375, subchapter 2, necessary to carry into effect this chapter. These rules must be made in accordance with the purpose and intent of the law and the standards set forth in this chapter and include, but are not limited to, rules concerning misconduct, fraud, advertising, standards of competency, personal conduct, standards of sanitation for the operation of veterinary hospitals, associations with other veterinarians, unprofessional conduct and qualifications for licensure. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; [PL 2011, c. 190, §9 (AMD).]

4. Establish schedule of fees.
[PL 2003, c. 251, §1 (RP).]

5. Conduct investigations.
[PL 2007, c. 402, Pt. R, §4 (RP).]

6. License veterinary technicians. License veterinary technicians in accordance with procedures as the board may prescribe by rule. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; and [PL 2011, c. 190, §10 (AMD).]

7. Hold hearings.
[PL 2007, c. 402, Pt. R, §4 (RP).]

8. Bring proceedings.
[PL 2007, c. 402, Pt. R, §4 (RP).]

9. Veterinarian health program. The board may establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee's reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not required to disclose any personally identifiable information. The protocol may not prohibit an impaired veterinarian or licensed veterinary technician from seeking alternative forms of treatment.

The board has the power to contract with other agencies, individuals, firms or associations for the conduct and operation of a veterinarian health program operated by a professional review committee. [PL 2015, c. 209, §12 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1977, c. 694, §§638,639 (AMD). PL 1979, c. 291, §§1,2 (AMD). PL 1983, c. 48, §2 (AMD). PL 1993, c. 404, §§A7,8 (AMD). PL 1995, c. 502, §H33 (AMD). PL 1997, c. 246, §§10-12 (AMD). PL 2003, c. 251, §1 (AMD). PL 2007, c. 402, Pt. R, §4 (AMD). PL 2011, c. 190, §§9-11 (AMD). PL 2015, c. 209, §§11, 12 (AMD).

§4859-A. Notice and conduct of hearing

(REPEALED)

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1975, c. 623, §51A (AMD). PL 1979, c. 291, §3 (RP).

§4860. License required

A person may not practice veterinary medicine in this State who is not a licensed veterinarian or the holder of a permit for the performance of relief veterinary service issued by the board. This section does not apply to: [PL 2015, c. 209, §13 (AMD).]

1. Federal, state or local government employee. An employee of the federal, state or local government performing his official duties.

[PL 1975, c. 477, §4 (NEW).]

2. Regular student. A person who is a regular student in a veterinary school performing duties or actions assigned by his instructors or working under the direct supervision of a licensed veterinarian during a school vacation period.

[PL 1975, c. 477, §4 (NEW).]

3. Person performing accepted livestock practices.

[PL 1975, c. 477, §4 (NEW).]

4. Out-of-state veterinarian consulting with licensed veterinarian. A veterinarian legally licensed in another state consulting with a licensed veterinarian in this State.

[PL 1975, c. 623, §51-B (RPR).]

5. Owner or caretaker of an animal. The owner or caretaker of an animal and the owner's regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for purposes of circumventing this chapter.
[PL 1975, c. 477, §4 (NEW).]

6. Certain faculty members. A member of the faculty of a veterinary school performing his regular functions, or a person lecturing or giving instructions or demonstrating at a veterinary school or in connection with a continuing education course or seminar.
[PL 1975, c. 477, §4 (NEW).]

7. Person applying certain chemicals. Any person selling or applying any pesticide or insecticide for the betterment and protection of the animal.
[PL 1975, c. 477, §4 (NEW).]

8. Person engaged in scientific research. Any person engaging in bona fide scientific research which reasonably requires experimentation involving animals.
[PL 1975, c. 477, §4 (NEW).]

9. Person performing artificial insemination commercially. Any person on file with the Maine Department of Agriculture performing artificial insemination.
[PL 1975, c. 477, §4 (NEW).]

10. Persons performing horseshoeing and trimming of feet.
[PL 1975, c. 477, §4 (NEW).]

11.
[PL 1979, c. 291, §4 (RP).]

12. Animal and humane shelters under the supervision of a licensed Maine veterinarian.
[PL 1975, c. 477, §4 (NEW).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1975, c. 623, §51B (AMD). PL 1979, c. 291, §4 (AMD). PL 1983, c. 48, §3 (AMD). PL 2015, c. 209, §13 (AMD).

§4861. Application for license; qualifications and examination; endorsement

A person desiring a license to practice veterinary medicine in this State must make written application and pay the license fee as set under section 4863-A. The application must show that the applicant holds a doctorate degree in veterinary medicine from an approved veterinary medicine program that is recognized by the United States Department of Education and by the board, and is trustworthy and competent and provide such other information and proof as the board may establish by rule. The board may adopt rules applicable to graduates of approved veterinary medicine programs by the Commissioner of Education and rules applicable to foreign educated graduates who can demonstrate equivalent education and training. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 402, Pt. R, §5 (AMD).]

1. Examinations.
[PL 2003, c. 251, §2 (RP).]

1-A. Examinations. The board may test an applicant's knowledge of the laws and rules relating to the practice of veterinary medicine. The board may require successful completion of an equivalency examination or assessment mechanism for foreign educated and trained applicants that is designed to evaluate educational equivalence, including clinical competencies and a command of the English language.

The board may employ and cooperate and contract with an organization or consultant in the preparation, administration and grading of an examination, but retains sole discretion and responsibility for determining which applicants have successfully passed the examination. The applicant shall pay the examination fee as set under section 4863-A.

[PL 2015, c. 209, §14 (AMD).]

2. Oral or practical examination.

[PL 2007, c. 402, Pt. R, §5 (RP).]

3. Temporary permit.

[PL 2015, c. 209, §14 (RP).]

4. Permit for performance of relief veterinary service. The board may issue without examination a permit to perform relief veterinary service in this State to a qualified person who holds a doctorate degree in veterinary medicine from an approved veterinary medicine program that is recognized by the United States Department of Education and by the board or by rules of the board applicable to foreign educated graduates, and who holds a current license for the practice of veterinary medicine issued by another state, United States territory, province of Canada or other jurisdiction. The board may establish, by rule, the application process. The initial term of a permit issued under this subsection may not exceed 30 days. Extensions may be granted in the discretion of the board. The applicant shall pay the relief permit fee as set under section 4863-A.

[PL 2007, c. 402, Pt. R, §5 (AMD).]

4-A. Request by state veterinarian. Upon the request by the state veterinarian to the board for emergency situations as determined by the state veterinarian, a veterinarian licensed in another state may practice in the State for a period not to exceed 30 days without a state license or permit.

[PL 2015, c. 209, §14 (NEW).]

5. License from another jurisdiction. The board shall grant a license to a veterinarian who:

A. Has submitted a complete application; [PL 1997, c. 246, §18 (NEW).]

B. Has paid the examination and license fee as set under section 4863-A; [PL 2007, c. 402, Pt. R, §5 (AMD).]

C. Holds a valid license issued by another state, United States territory, province of Canada or other jurisdiction; [PL 2007, c. 402, Pt. R, §5 (AMD).]

D. [PL 2003, c. 251, §2 (RP).]

D-1. Has successfully passed an examination pursuant to subsection 1-A pertaining to the practice of veterinary medicine as determined by board rule. The board may require the applicant to submit to an examination covering the laws and rules pertaining to the practice of veterinary medicine in this State; and [PL 2007, c. 402, Pt. R, §5 (AMD).]

E. Has actively practiced clinical veterinary medicine for 3,000 hours during the 3 years preceding application. [PL 2003, c. 251, §2 (AMD).]

F. [PL 2003, c. 251, §2 (RP).]

Notwithstanding this subsection, the board shall waive the requirement that a veterinarian pass an examination for veterinarians who have, during the 6 years preceding the application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action relating to the practice of veterinary medicine by another state, United States territory or province of Canada.

[PL 2021, c. 642, §22 (AMD).]

6. Licensure by endorsement. Notwithstanding any provision of this chapter to the contrary, the board, in accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, shall establish a process to issue a license by endorsement for each license authorized under

this chapter that the board determines is appropriate for licensure by endorsement. An applicant may submit an application under the process established under this subsection or any other licensure process authorized in this chapter.

[PL 2021, c. 642, §23 (NEW).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1977, c. 694, §640 (AMD). PL 1979, c. 291, §5 (AMD). PL 1983, c. 48, §§4,5 (AMD). PL 1997, c. 246, §§13-18 (AMD). PL 2003, c. 251, §2 (AMD). PL 2005, c. 347, §C1 (AMD). PL 2007, c. 402, Pt. R, §5 (AMD). PL 2011, c. 189, §1 (AMD). PL 2015, c. 209, §14 (AMD). PL 2021, c. 642, §§21-23 (AMD).

§4861-A. Application for veterinary technician license; qualifications and examination

In order to practice as a licensed veterinary technician in this State, a person must apply for a veterinary technician license by submitting a written application, paying the license fee as set under section 4863-A and taking an examination for a license. In order to take the examination for a license, an applicant must: [PL 2015, c. 209, §15 (NEW).]

1. Education completed. Have completed a minimum of 2 years in a college program that is certified according to the standards adopted by the American Veterinary Medical Association's Committee on Veterinary Technician Education and Activities or an equivalent program, as determined by the board; or

[PL 2015, c. 209, §15 (NEW).]

2. Within 6 months of completing education. Be within the final 6 months of professional study in a program of education for veterinary technology approved by the board or accredited by an accrediting organization approved by the board.

Upon the request of the state veterinarian to the board for emergency situations as determined by the state veterinarian, a licensed veterinary technician may practice in the State for a period not to exceed 30 days without a state license.

[PL 2015, c. 209, §15 (NEW).]

SECTION HISTORY

PL 2015, c. 209, §15 (NEW).

§4862. Status of persons currently licensed

(REPEALED)

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1997, c. 246, §19 (AMD). PL 2007, c. 402, Pt. R, §6 (RP).

§4863. License renewal

All licenses expire annually on such date as the commissioner may designate, and may be renewed with the board by payment of the renewal fee as set under section 4863-A. [PL 2007, c. 402, Pt. R, §7 (AMD).]

Licenses may be reinstated up to 90 days after the date of expiration upon payment of a late fee as set under section 4863-A in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter, except that the board may, giving due consideration to the protection of the public, waive examination if that renewal application is received, together with the late fee, renewal fee and additional late fee as set under section 4863-A, within 2 years from the date of the expiration. [PL 2007, c. 402, Pt. R, §7 (AMD).]

By rule the board may waive the payment of the renewal fee of a licensed veterinarian during the period when that veterinarian is on active duty with any branch of the Armed Services of the United States, not to exceed the longer of 3 years or the duration of a national emergency. [PL 2007, c. 402, Pt. R, §7 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1979, c. 291, §6 (AMD). PL 1983, c. 48, §6 (AMD). PL 1989, c. 450, §31 (AMD). PL 1991, c. 509, §25 (AMD). PL 1997, c. 246, §20 (AMD). PL 2003, c. 251, §3 (AMD). PL 2007, c. 402, Pt. R, §7 (AMD).

§4863-A. Fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$150 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 251, §4 (NEW); PL 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

PL 2003, c. 251, §4 (NEW). PL 2011, c. 286, Pt. B, §5 (REV).

§4864. Denial or refusal to renew license; disciplinary action

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [PL 2007, c. 402, Pt. R, §8 (NEW).]

1. Convictions.

[PL 2007, c. 402, Pt. R, §8 (RP).]

2. Fraud.

[PL 2007, c. 402, Pt. R, §8 (RP).]

3. Violation of drug laws. Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or cannabis;
[PL 1975, c. 477, §4 (NEW).]

4. Chronic use of drugs. Chronic or habitual use of drugs;
[PL 1975, c. 477, §4 (NEW).]

5. Insanity.

[PL 1979, c. 291, §7 (RP).]

5-A. Mental illness. A medical finding of mental incompetency;
[PL 1979, c. 291, §8 (NEW).]

6. Certain prescriptions of narcotics. Prescribing narcotic drugs for other than accepted therapeutic purposes;
[PL 1975, c. 477, §4 (NEW).]

7. Malpractice.

[PL 2007, c. 402, Pt. R, §8 (RP).]

8. Incompetence or gross negligence.

[PL 2007, c. 402, Pt. R, §8 (RP).]

9. Cruelty to animals. The performance of any inhumane or cruel act, as established by the board and by applicable civil and criminal laws and rules in the treatment or care of any animal;
[PL 2005, c. 347, Pt. C, §2 (AMD).]

10. Permitting a veterinary technician to perform prohibited acts. Permitting any licensed veterinary technician operating under the licensee's supervision to perform any act or operation other than that permitted under section 4866; [PL 2007, c. 402, Pt. R, §8 (AMD).]

11. Unprofessional conduct. Unprofessional conduct, as defined in the rules of the board, includes, but is not limited to, the following:

A. Advertising in any manner considered by the board to be false, misleading or otherwise deemed unprofessional; [PL 1975, c. 477, §4 (NEW).]

B. Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of veterinary medicine; [PL 1975, c. 477, §4 (NEW).]

C. Refusing to divulge to the board upon demand, the means, method, device or instrumentality used in the treatment of a disease, injury, ailment or infirmity of any animal; or [PL 1997, c. 246, §22 (AMD).]

D. Fraud or dishonesty in the application or reporting of any test for disease in animals or making a false report of any contagious or infectious disease; [PL 1975, c. 477, §4 (NEW).]
[PL 1997, c. 246, §22 (AMD).]

12. Unauthorized associations. A veterinarian may practice only in an individual capacity under that veterinarian's own name or in association with a licensed practitioner of veterinary medicine or professional association. For purposes of this subsection, a veterinarian who has an employment relationship with a corporation or other legal entity that provides a continuum of veterinary services and treatment, including, but not limited to, diagnostic laboratory, research and development services and health and import and export certification, is considered to be lawfully practicing under that veterinarian's own name as long as that veterinarian is individually accountable for conduct under that veterinarian's license. The following are deemed unauthorized associations:

A. [PL 2015, c. 209, §16 (RP).]

B. Knowingly aiding and abetting in the practice of veterinary medicine any person not licensed to practice in this State; [PL 1975, c. 477, §4 (NEW).]

C. The lending, leasing or in any other manner placing of one's license at the disposal of or in the service of any other person not licensed to practice veterinary medicine in this State; and [PL 2007, c. 402, Pt. R, §8 (AMD).]

D. The continuance of a veterinarian directly or indirectly in the employ of or in association with any veterinarian after knowledge that such veterinarian is engaged in the violation of the provisions of this chapter; [PL 2015, c. 488, §24 (AMD).]
[PL 2015, c. 488, §24 (AMD).]

13. Lack of sanitation. Failure to maintain veterinary premises and equipment in a clean and sanitary condition as defined by the board in accordance with the sanitation provisions included in Title 7, section 3936; or [PL 2015, c. 488, §25 (AMD).]

14. Violation.
[PL 2007, c. 402, Pt. R, §8 (RP).]

15. Controlled Substances Prescription Monitoring Program. Failure to comply with the requirements of Title 22, section 7253.
[PL 2015, c. 488, §26 (NEW).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1977, c. 78, §187 (AMD). PL 1977, c. 694, §641 (AMD). PL 1979, c. 291, §§7-9 (AMD). PL 1993, c. 404, §A9 (AMD). PL 1997, c. 246, §§21-23 (AMD). PL 1999, c. 547, §B70 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 251, §§5-7 (AMD). PL 2005, c. 347, §C2 (AMD). PL 2007, c. 402, Pt. R, §8 (AMD). PL 2011, c. 594, §1 (AMD). PL 2015, c. 209, §16 (AMD). PL 2015, c. 488, §§24-26 (AMD).

§4865. Veterinary technicians

(REPEALED)

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1993, c. 404, §A10 (AMD). PL 2005, c. 347, §C3 (AMD). PL 2015, c. 209, §17 (RP).

§4865-A. Revocation, suspension or discipline

(REPEALED)

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1975, c. 740, §132 (AMD). PL 1977, c. 694, §642 (AMD). PL 1979, c. 291, §§10,11 (AMD). PL 1993, c. 404, §§A11,12 (AMD). PL 1997, c. 246, §24 (AMD). PL 1999, c. 547, §B71 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 251, §§8,9 (AMD). PL 2005, c. 347, §C4 (AMD). PL 2007, c. 402, Pt. R, §9 (RP).

§4866. Duties of licensed veterinary technicians and veterinary assistants

A veterinary assistant may, under the direct supervision of a licensed veterinarian or a licensed veterinary technician, perform duties of an animal health care nature excluding diagnosing, making prognoses, performing surgery or prescribing treatment. [PL 2015, c. 209, §18 (AMD).]

A licensed veterinary technician in the State may engage in the practice of veterinary technology on the basis of written or oral instruction of a veterinarian. [PL 2015, c. 209, §18 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1993, c. 404, §A13 (AMD). PL 1997, c. 246, §§25,26 (AMD). PL 2015, c. 209, §18 (AMD).

§4867. Hearing

(REPEALED)

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1977, c. 694, §643 (RP).

§4868. Appeal

(REPEALED)

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1977, c. 694, §644 (RP).

§4869. Reinstatement

A veterinarian or licensed veterinary technician whose license is revoked or suspended may, at the discretion of the board, be relicensed or reinstated at any time without an examination by majority vote of the board on written application made to the board showing cause justifying the relicensing or reinstatement. [PL 2015, c. 209, §19 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1993, c. 404, §A13 (AMD). PL 2015, c. 209, §19 (AMD).

§4870. Enforcement

Any person who practices veterinary medicine without a currently valid license or permit for the performance of relief veterinary service is subject to the provisions of Title 10, section 8003-C. A person engaged in the practice of veterinary technology without a valid license is subject to the provisions of Title 10, section 8003-C. [PL 2015, c. 209, §20 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1983, c. 48, §7 (AMD). PL 1993, c. 404, §A14 (AMD). PL 2007, c. 402, Pt. R, §10 (AMD). PL 2015, c. 209, §20 (AMD).

§4871. Duties of the board**(REPEALED)**

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1997, c. 246, §27 (AMD). PL 2007, c. 402, Pt. R, §11 (RP).

§4872. Disposal of abandoned animals

Any veterinarian may dispose of any animal the veterinarian has reason to believe has been abandoned in the veterinarian's establishment if the veterinarian gives notice of the veterinarian's intention to do so to the owner at the owner's last known address by registered or certified mail, return receipt requested and allows a period of 5 days to elapse after the receipt is returned before disposing of such animal; but if the owner can not be located at that address, the veterinarian shall give the notice by publication in a newspaper having a circulation in the town in which the owner was last known to reside, and shall allow a period of 10 days to elapse after the publication before disposing of the animal. The animal is considered abandoned if the owner was not located by registered mail or notice by publications and did not reply in person or by mail within the time periods outlined stating the owner's intent to claim the animal. [PL 1997, c. 246, §28 (AMD).]

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 1979, c. 291, §12 (AMD). PL 1997, c. 246, §28 (AMD).

§4873. Severability**(REPEALED)**

SECTION HISTORY

PL 1975, c. 477, §4 (NEW). PL 2007, c. 402, Pt. R, §12 (RP).

§4874. Immunity from civil liability

Notwithstanding any inconsistent provisions of any public or private and special law, any person who voluntarily, without the expectation of monetary or other compensation renders first aid, emergency treatment or rescue assistance to an animal who is ill, injured or in need of rescue assistance, is not liable for damages for injuries alleged to have been sustained by the animal or for damages for the death of the animal alleged to have occurred by reason of an act or omission in the rendering of the first aid, emergency treatment or rescue assistance, unless it is established that the injuries or the death were caused willfully, wantonly or recklessly or by gross negligence on the part of the person. [PL 2007, c. 402, Pt. R, §13 (AMD).]

SECTION HISTORY

PL 1979, c. 291, §13 (NEW). PL 2007, c. 402, Pt. R, §13 (AMD).

§4875. Notice of services

A person engaged in the practice of veterinary medicine who maintains a facility where veterinary medicine is practiced and animals are kept overnight shall provide a written notice regarding the after-hours staffing policies for the facility to any person who is responsible for an animal and who is releasing that animal to the facility. The notice must include the staffing levels and approximate times that a staff member is present during the hours that the facility is not regularly open to the public. The person responsible for releasing the animal to the facility shall sign and date the notice to acknowledge receipt of the notice. A copy of the signed notice must be kept in the animal's patient file. [PL 2001, c. 62, §1 (NEW).]

A person engaged in the practice of veterinary medicine who fails to comply with this section is subject to discipline by the board. [PL 2001, c. 62, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 62, §1 (NEW).

§4876. Prescriptions of other veterinarians

A licensed veterinarian may sell and dispense the written prescription of another licensed veterinarian with respect to any prescription or administration of a drug, medicine or nutritional substance on, for or to any animal in accordance with this chapter. [PL 2011, c. 30, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 30, §1 (NEW).

§4877. Veterinarian-client-patient relationship required; Good Samaritan exception

In order to practice veterinary medicine, a veterinarian must be engaged in a veterinarian-client-patient relationship. A veterinarian-client-patient relationship exists when a veterinarian: [PL 2015, c. 209, §21 (NEW).]

1. Engaged by client. Has been engaged by the client; [PL 2015, c. 209, §21 (NEW).]

2. Assumed responsibility. Has assumed responsibility for making medical judgments regarding the health of the patient; [PL 2015, c. 209, §21 (NEW).]

3. Knowledge of patient. Has sufficient knowledge of the patient to initiate a preliminary diagnosis of the medical condition of the patient and has personal knowledge of the keeping and care of the patient as a result of:

A. A timely examination of the patient by the veterinarian; or [PL 2015, c. 209, §21 (NEW).]

B. A medically appropriate and timely visit or visits by the veterinarian to the patient while that patient is under the care of the veterinarian's practice; [PL 2015, c. 209, §21 (NEW).]

[PL 2015, c. 209, §21 (NEW).]

4. Follow-up evaluation. Is readily available for follow-up evaluation or has arranged for veterinary emergency coverage and continuing care and treatment; and [PL 2015, c. 209, §21 (NEW).]

5. Records. Maintains patient records. [PL 2015, c. 209, §21 (NEW).]

A licensed veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency care to a patient when a client cannot be identified and a veterinarian-client-patient relationship is not established is not subject to any disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A based solely upon the veterinarian's inability to establish a veterinarian-client-patient relationship. [PL 2015, c. 209, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 209, §21 (NEW).

§4878. Requirements regarding prescribing and dispensing benzodiazepine or opioid medication

1. Benzodiazepine or opioid medication dispensing. A veterinarian licensed under this chapter whose scope of practice includes dispensing a benzodiazepine or an opioid medication for an animal is subject to the requirements of the Controlled Substances Prescription Monitoring Program established under Title 22, chapter 1603.

[PL 2017, c. 360, §9 (AMD).]

2. Electronic prescribing. A veterinarian licensed under this chapter whose scope of practice includes prescribing a benzodiazepine or an opioid medication and who has the capability to electronically prescribe shall prescribe all benzodiazepine or opioid medication electronically by July 1, 2025 or when an electronic platform for prescribing is widely available for veterinarians if that occurs before July 1, 2025 as determined by the Commissioner of Health and Human Services. A veterinarian licensed under this chapter unable to comply with the electronic prescribing requirements of this subsection may request a waiver from the Commissioner of Health and Human Services for circumstances in which exceptions are appropriate as determined by the Commissioner of Health and Human Services.

[PL 2021, c. 83, §1 (AMD).]

3. Continuing education. A veterinarian who prescribes a benzodiazepine or an opioid medication must successfully complete one hour of continuing education every 2 years on the administration, prescription and management of controlled substances, including benzodiazepine and opioid medications, as a condition of prescribing a benzodiazepine or an opioid medication. The board may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 360, §9 (AMD).]

4. Penalties.

[PL 2017, c. 360, §9 (RP).]

SECTION HISTORY

PL 2015, c. 488, §27 (NEW). PL 2017, c. 360, §9 (AMD). PL 2021, c. 83, §1 (AMD).

§4879. Telehealth services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter. [PL 2021, c. 291, Pt. B, §12 (NEW).]

B. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter. [PL 2021, c. 291, Pt. B, §12 (NEW).]

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider. [PL 2021, c. 291, Pt. B, §12 (NEW).]

D. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring. [PL 2021, c. 291, Pt. B, §12 (NEW).]

E. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous. [PL 2021, c. 291, Pt. B, §12 (NEW).]

[PL 2021, c. 291, Pt. B, §12 (NEW).]

2. Telehealth services permitted. A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this section and in accordance with standards of practice.

[PL 2021, c. 291, Pt. B, §12 (NEW).]

3. Confidentiality. When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

[PL 2021, c. 291, Pt. B, §12 (NEW).]

4. Professional responsibility. All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

[PL 2021, c. 291, Pt. B, §12 (NEW).]

5. Rulemaking. The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 291, Pt. B, §12 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §12 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.