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VETERINARY MEDICINE AND SURGERY ACT

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VETERINARY MEDICINE and SURGERY ACT

STATE OF ILLINOIS
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DEPARTMENT OF
REGISTRATION AND EDUCATION
FRANK G. THOMPSON
Director



Illinois, Laws, statutes, etc.

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VETERINARY MEDICINE AND SURGERY ACT

AN ACT to regulate the practice of veterinary medicine and surgery in the State of Illinois. [Approved April 24, 1899.]

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:*

That it shall be unlawful for any person to practice veterinary medicine and surgery in any of its branches, including veterinary dentistry, and excepting the castrating and spaying of animals and dehorning of cattle, in this State, who shall not have complied with the provisions of this Act. [As amended by Act approved May 16, 1903.]

Sec. 1-a. No person shall practice veterinary medicine and surgery, in any of its branches without a valid and existing license to do so. [Added by Act approved June 13, 1945.]

Sec. 1-b. A person shall be regarded as practicing veterinary medicine and surgery within the meaning of this Act who shall append or cause to be appended to his name the letters V.S., D.V.M., V.M.D., M.D.V., M.D.C., D.V.S., or the words "Veterinary", "Veterinarian", "Veterinary surgeon", "Veterinary dentist", or any other initials or title implying qualifications to so practice, or who shall treat, operate on, or prescribe for any physical ailment in, or any physical injury to, or deformity of, any domestic animal, for which he shall receive any monetary compensation. The terms of this Act shall not apply to commissioned veterinarians in the United States Army nor to any lawfully qualified veterinarian residing in other states or countries meeting registered veterinarians in

this state in consultation. [Added by Act approved June 13, 1945.]

Sec. 2. Repealed by Act approved July 10, 1935. *

Sec. 2-a. The Department of Registration and Education shall exercise, but subject to the provisions of this Act, the following functions, powers and duties:

1. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered veterinarians, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

2. Prescribe rules and regulations for a method of examination of candidates.

3. Prescribe rules and regulations defining what shall constitute a school, college or university or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or other institution reputable and in good standing by reference to a compliance with such rules and regulations; provided that no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

4. Establish a standard preliminary education deemed requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by said schools, colleges and universities.

5. To conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to revoke or refuse to renew such licenses or certificates or authorities.

6. Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions, powers or duties enumerated shall be exercised by the Department of Registration and Education, except upon the action and report in writing of the Examining Committee which shall be composed of persons designated from time to time by the Director of Registration and Education to take such action and to make such report for the profession involved herein, as follows:

Three (3) competent veterinary surgeons not more than two of whom shall be graduates of the same veterinary college, and neither of whom shall be connected with any veterinary college in any capacity.

The action or report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a reexamination by the same or other examiners. [Added by Act approved July 10, 1935.]

Sec. 2-b. An accredited school of veterinary medicine and surgery within the meaning of this Act shall be (1) one approved by the Department; (2) one requiring, among other things, that, as a prerequisite for admission, its students must have a four year course in an accredited high school, or other secondary school; (3) one that requires one year of preveterinary collegiate training; (4) one that requires for graduation a four year course in veterinary medicine and surgery, teaching the subjects of anatomy and physiology of domestic animals, general and special pathology, veterinary ma-

teria medica and therapeutics, veterinary surgery and obstetrics, bacteriology, parasitology, chemistry, and such other subjects as are ordinarily included in the curricula of veterinary colleges and topics, knowledge of which is commonly and generally required of candidates for the degree of Doctor of Veterinary Medicine by reputable veterinary colleges or universities; and (5) one that publishes in a regularly issued catalogue the requirements for graduation and degrees. [Added by Act approved June 13, 1945.]

Sec. 3. Repealed by Act approved June 13, 1945.

Sec. 3-a. A person is qualified to receive a license (1) who is over twenty-one years of age; (2) who is of good moral character and temperate habits; (3) who is graduated from a four year high school or secondary school approved by the Department; (4) who has received one year of preveterinary collegiate training; (5) who has graduated from a veterinary school, college, university, or department of a university that requires for graduation a four year course in veterinary medicine and surgery approved by the Department; (6) who has passed an examination conducted by the Department to determine his fitness to receive a license; and (7) who is a citizen of the United States or who has made a declaration of intention to become a citizen, and having made such declaration of intention, has filed a petition for naturalization within thirty days after becoming eligible to do so. [Added by Act approved June 13, 1945.]

Sec. 4. Repealed by Act approved June 13, 1945.

Sec. 4-a. A person who desires to obtain a license shall apply therefor to the Department of Registration and Education in writing on blanks prepared and furnished by the Depart-

ment. Each application shall contain and be accompanied by proof of particular qualifications required of the applicant, and shall be verified by the applicant under oath and shall be accompanied by the examination fee. [Added by Act approved June 13, 1945.]

Sec. 5. It shall be the duty of the Department to examine the applications, diplomas, affidavits and proof of all applicants, and when satisfied of the genuineness of the same, it shall examine all applicants for examination and shall issue a license to each person successfully passing the examination.

The Department of Registration and Education may refuse to issue or may suspend, or revoke any license for any one or any combination of the following causes:

- (1) The employment of fraud, misrepresentation or deception in obtaining such license;
- (2) Conviction of a crime involving moral turpitude or conviction of a felony, in which case the record of such conviction shall be conclusive evidence;
- (3) Chronic inebriety or habitual use of drugs;
- (4) For having professional connection with or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof;
- (5) Violation or attempting to violate, directly or indirectly, any of the provisions of this Act;
- (6) The revocation by a sister state or territory of a license or certificate by virtue of which one is licensed to practice veterinary medicine in that state or territory;
- (7) Conviction of or cash compromise of a charge or violation of the Harrison Act, regulating narcotics, in which case the record of such conviction or compromise, as the case may be, shall be conclusive evidence;

(8) Fraud or dishonesty in applying, treating or reporting on tuberculin or other biological tests;

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

(10) For failing to report, as required by law, or making false report of any contagious or infectious diseases.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a license. The Department shall, before refusing to issue, suspending or revoking any license, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such license of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the examining committee designated by the Director of Registration and Education, as provided in this Act shall proceed to hear the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The committee may continue such hearing from time to time. If the committee shall not be sitting at the time and place fixed in the notice or at the time and place to which hearing is continued, the Department shall con-

tinue such hearing for a period not to exceed thirty (30) days. [Amended by Act approved June 13, 1945.]

Sec. 5-a. The Department shall have power to subpoena and bring before it any person in this State to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the examining committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. [Added by Act approved July 10, 1935.]

Sec. 5-b. Any circuit or superior court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the department, may, by order duly entered require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificate of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. [Added by Act approved July 10, 1935.]

Sec. 5-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, and the transcript of testimony, the report of the committee

and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. [Added by Act approved July 10, 1935.]

Sec. 5-d. The Committee shall present to the director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this Act for the service of the citation. Within twenty (20) days after such service, said accused person may present to the department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this Act, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration, a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the

right to seize the same. [Added by Act approved July 10, 1935.]

Sec. 5-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the examining committee. [Added by Act approved July 10, 1935.]

Sec. 5-f. The circuit or superior court of the county wherein the accused person resides shall have power to review any order of revocation or suspension and all questions of law and fact thereon by writ of certiorari to the Department, provided that if the accused person is not a resident of this State and the venue is not otherwise fixed herein, such venue shall be in Sangamon county.

Such writ shall be issued by the Clerk of the Court upon praecipe and it shall be served at least ten days before the return day thereof. Service upon the Director, Assistant Director or Superintendent of Registration shall be service on the Department. Such suit shall be commenced within twenty days of the accused person's receipt of notice of the order of refusal, revocation or suspension. The Department shall not be required to certify the record of its proceedings unless the accused person shall first pay to it the sum of five cents per one hundred words of such record. Exhibits shall be certified without cost.

No department order of suspension or revocation shall be set aside or vacated on any ground not specified in the written motion for rehearing provided in this Act. [Added by Act approved July 10, 1935.]

Sec. 5-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.

2. That such Director is duly appointed and qualified.

3. That the committee and the members thereof are qualified to act.

Such proof may be rebutted. Such order of revocation or suspension shall be conclusive proof that all precedent and concurrent acts of department officers and of the committee necessary to the validity of such order were pursuant to authority conferred by the Director. [Added by Act approved July 10, 1935.]

Sec. 5-h. Appeals from all final orders and judgments entered by a circuit or superior court in review of an order of the Department may be taken directly to the Supreme Court by either party to the action within sixty days after service of a copy of the order or judgment of the circuit or superior court, and shall be governed by the rules applying to other civil cases appealed to said Supreme Court, except that formal pleadings shall not be required. [Added by Act approved July 10, 1935.]

Sec. 5-i. The pendency of an appeal or writ of certiorari shall not of itself stay or suspend the operation of an order of revocation or suspension; but during the pendency of such suit or appeal, the circuit or superior court or the Supreme Court as the case may be, in its discretion, may stay the operation of such order in whole or in part upon such terms and conditions as the court may prescribe. No such stay shall be granted by the court otherwise than upon ten days' notice to the department and after a hearing.

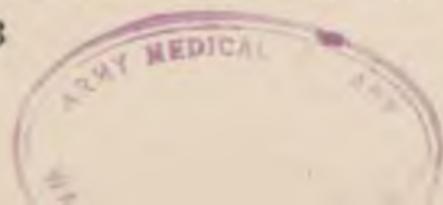
All veterinarians licensed by the department shall be exempt from jury service in this State. [Added by Act approved July 10, 1935.]

Sec. 6. Repealed by Act approved July 10, 1935.

Sec. 6-a. There shall be paid to the Department the following fees: (a) For examination \$20; (b) For a license, \$5; (c) For a license issued upon the basis of a license issued in another state, \$50; (d) For certified statement that a licensee is licensed in this State, \$5; (e) For issuance of duplicate license in case the original has been lost or destroyed, \$5. No fee shall be required for a second examination if taken within twelve (12) months after failure in first examination. [Added by Act approved June 13, 1945.]

Sec. 6-b. The Department may reciprocate with other states in the interstate recognition and exchange of licenses upon a basis of equality of educational standard and mutual recognition, which standard shall not be lower than the requirements of this Act. [Added by Act approved June 13, 1945.]

Sec. 7. Every person qualified as required by this Act shall, upon receipt of license to practice, have said license recorded in the office of the clerk or recorder of the county in which he resides, and the record shall be endorsed thereon. Any person removing to another county shall procure an endorsement to that effect upon his license from the county clerk or recorder and shall record the license in like manner in the county to which he removes, and shall, at the time of removal, notify the department of the fact of his removal and of his new postoffice address. The holder of such license shall pay to the county clerk or recorder the usual recording fee. Any failure, neglect, or refusal on the part of any person holding such license to register same in the office of the county clerk or recorder as above directed for a period of three (3) months shall forfeit his license, and no license, when forfeited, shall be restored except upon the payment to the department of the sum of twenty-five dollars (\$25.00) as a penalty for such fail-



ure, neglect, or refusal. [Amended by Act approved July 10, 1935.]

Sec. 9. Repealed by Act filed July 13, 1939. 1945.

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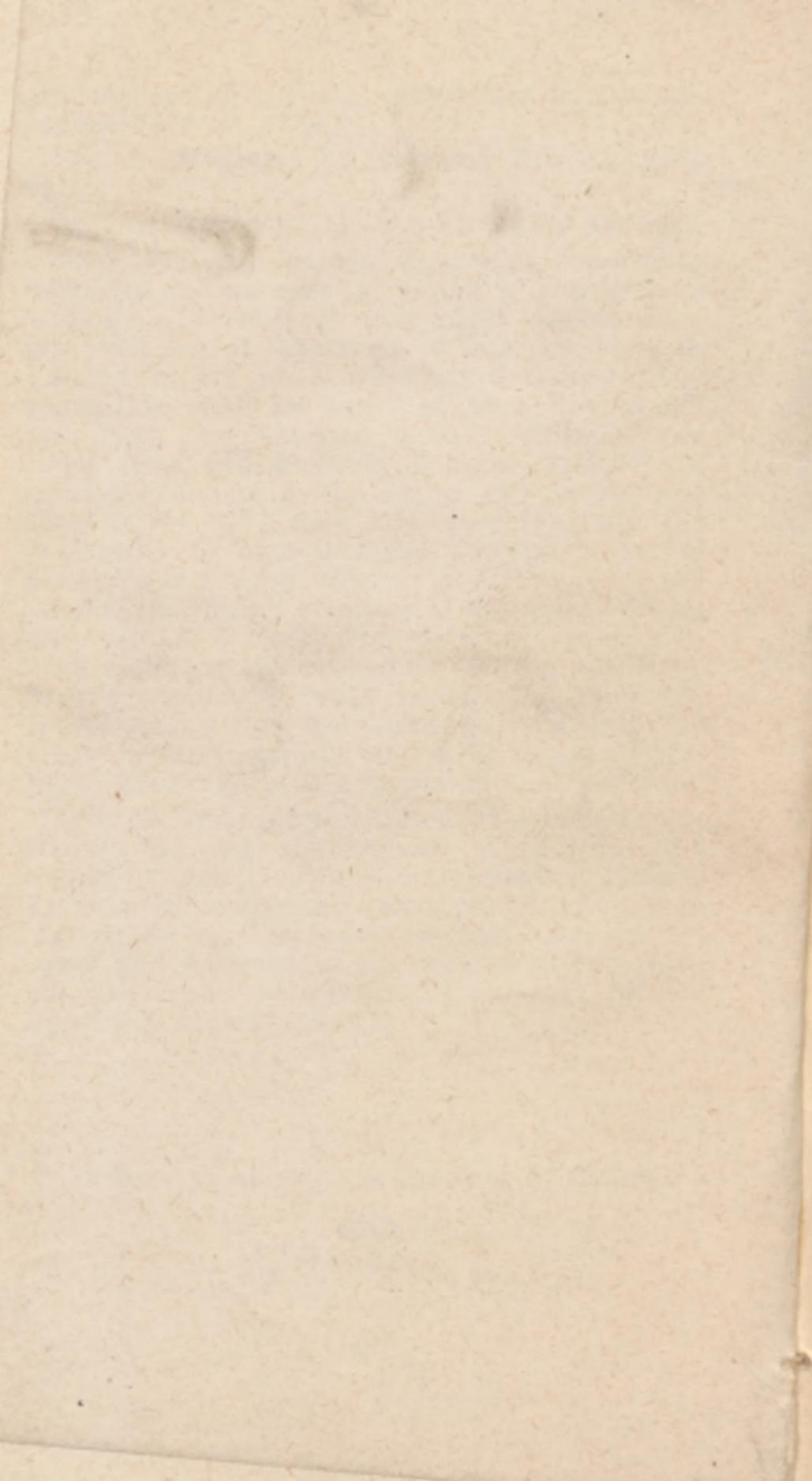
Sec. 10. Any person practicing veterinary medicine and surgery or dentistry in this State without a license, or who shall fail to comply with any of the terms of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment for each and every offense; and it shall be the duty of the State's attorney of the county where such offense is committed to prosecute all persons violating the provisions of this Act, upon proper complaint being made. All fines collected under this Act shall be paid into the treasury of the county where the prosecution is held. [Amended by Act approved June 13, 1945.]

Sec. 11. Any person filing, or attempting to file, as his own, the diploma of another, or a forged or fictitious or a fraudulently obtained diploma or certificate, upon conviction shall be subject to such fine and imprisonment as are made and provided by the statutes of this State for the crime of forgery. [Amended by Act approved June 13, 1945.]

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