

SB2236



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2236

Introduced 2/15/2013, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

New Act

Creates the Veterinary Medical Practice Ownership Act. Provides that one or more persons licensed under the Veterinary Medicine and Surgery Practice Act of 2004, or one or more persons or entities not licensed under the Veterinary Medicine and Surgery Practice Act of 2004, may form a veterinary practice in any legal form under applicable laws to own, operate, and maintain an establishment for specified purposes related to animal ailments and injuries, subject to specified restrictions. Contains provisions regarding the death of an owner, actions based on violations, relationships with clients, discipline, severability, and other matters.

LRB098 06982 JLS 37039 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Veterinary Medical Practice Ownership Act.

6 Section 5. Formation.

7 (a) One or more persons licensed pursuant to the Veterinary
8 Medicine and Surgery Practice Act of 2004 may form a veterinary
9 practice in any legal form pursuant to applicable laws
10 including, but not limited to, the Business Corporation Act of
11 1983, the Limited Liability Company Act, and the Uniform
12 Partnership Act to own, operate, and maintain an establishment
13 for the study, diagnosis, and treatment of animal ailments and
14 injuries, whether physical or mental, and to promote medical,
15 surgical, and scientific research and knowledge; provided that
16 veterinary medical or surgical treatment, consultation, or
17 advice may be given only by persons with ownership interest or
18 employees of the business who are licensed pursuant to the
19 Veterinary Medicine and Surgery Practice Act of 2004.

20 (b) One or more persons or entities that are not licensed
21 pursuant to the Veterinary Medicine and Surgery Practice Act of
22 2004 may form a veterinary practice in any legal form pursuant
23 to applicable laws including, but not limited to, the Business

1 Corporation Act of 1983, the Limited Liability Company Act, and
2 the Uniform Partnership Act to own, operate, and maintain an
3 establishment for the study, diagnosis, and treatment of animal
4 ailments and injuries, whether physical or mental, and to
5 promote medical, surgical, and scientific research and
6 knowledge provided:

7 (i) the veterinary practice complies with all
8 requirements of this Act and the Veterinary Medicine and
9 Surgery Practice Act of 2004; and

10 (ii) the veterinary practice ensures that all
11 employees of the veterinary practice that may provide or
12 influence veterinary medical or surgical treatment,
13 consultation, or advice are licensed pursuant to the
14 Veterinary Medicine and Surgery Practice Act of 2004.

15 Section 10. Death of owner. In the event of the death of a
16 licensed veterinarian, when the death would render a veterinary
17 practice unable to operate in compliance with this Act and the
18 Veterinary Medicine and Surgery Practice Act of 2004, the
19 veterinary practice shall suspend its operations until a person
20 or persons holding a valid license to practice veterinary
21 medicine and surgery under the Veterinary Medicine and Surgery
22 Practice Act of 2004 assumes responsibility temporarily or
23 permanently for the provision of and influence over veterinary
24 medical or surgical treatment, consultation, or advice
25 provided by the veterinary practice.

1 In the event of a death when the deceased was the sole
2 owner of the veterinary medical practice and when the practice
3 is, or is to be, transferred into ownership of one or more
4 non-veterinarians, the veterinary medical practice may
5 continue to operate in accordance with this Section.

6 Section 15. Actions to enjoin violations. An interested
7 person who holds a valid license to practice veterinary
8 medicine and surgery pursuant to the Veterinary Medicine and
9 Surgery Practice Act of 2004 or any association whose primary
10 purpose is to represent the interests of persons who hold a
11 valid license to practice veterinary medicine and surgery may
12 bring private suit to enjoin: (1) the practice of veterinary
13 medicine and surgery by any veterinary medical practice that is
14 not in compliance with this Act or the Veterinary Medicine and
15 Surgery Practice Act of 2004 or (2) the activities of any
16 veterinary medical practice during all such times as any
17 employee of the practice individually or collectively,
18 directly or indirectly, who is not licensed pursuant to that
19 Act, provides veterinary medical or surgical treatment,
20 consultation, or advice. The interested person or association
21 may also prosecute such claims, wherein the court may order
22 civil fines against the corporation for violations of this Act
23 or the Veterinary Medicine and Surgery Practice Act of 2004 to
24 be paid to the Department of Financial and Professional
25 Regulation in amounts determined by the Department consistent

1 with the Department's powers under Sections 25 and 25.18 of the
2 Veterinary Medicine and Surgery Practice Act of 2004 and all
3 other applicable provisions of the Veterinary Medicine and
4 Surgery Practice Act of 2004. Any such interested person or
5 association who is a successful party to such a suit shall
6 receive from the unsuccessful party against whom the suit was
7 brought all reasonable attorney's fees, court costs, and other
8 costs of prosecution.

9 Section 20. Client relationship not altered. This Act does
10 not alter any law applicable to the relationship between a
11 veterinarian furnishing medical service and a client receiving
12 such service, including liability arising out of such service.

13 Section 25. Discipline under the Veterinary Medicine and
14 Surgery Practice Act of 2004. An individual employee licensed
15 pursuant to the Veterinary Medicine and Surgery Practice Act of
16 2004 who is employed by a veterinary practice subject to this
17 Act shall remain subject to reprimand or discipline for his or
18 her conduct under the provisions of that Act.

19 Section 95. Severability. If any provision of this Act or
20 the application thereof to any person or circumstances is
21 invalid, such invalidity shall not affect other provisions or
22 applications of this Act which can be given effect without the
23 invalid provision or application, and to this end the

1 provisions of this Act are declared to be severable.