

Veterinarian Act

法規沿革(Legislative):

- 1.Promulgated by the President on January 6, 1959
- 2.Amendment to Article 1, deletion of Article 18, and Article 19 moved to Article 18 promulgated on June 12, 1962.
- 3.Amendment to Articles 1~56 promulgated on January 27, 1995.
- 4.Amendment to Article 3 promulgated on May 17, 2000.
- 5.Amendment to Articles 32, 54, and 56 on November 7, 2001
- 6.Amendment to Articles 6, 12, 18, 21, 24, 26, 28, 29, 34, 36~40, and addition of Article 24-1 promulgated on January 30, 2002.
- 7.Amendment to Articles 6, 56 promulgated on May 27, 2009.
- 8.Amendment to Articles 5, 42, 46, 48, and deletion of Article 45 promulgated on December 30, 2015.

法規內文(Content):

Chapter 1 General Provisions

Article 1

1.1 A citizen of the Republic of China who has passed the pertinent national examination and obtained a veterinarian certificate may serve as a veterinarian.

1.2 The examination in Section 1.1 (paragraph 1 of Article 1) may be replaced by a qualifying examination. Qualifications for the qualifying examination are to be prescribed by the Examination Yuan in consultation with the Executive Yuan.

Article 2

2.1 A citizen of the Republic of China who has passed the pertinent national examination and obtained a veterinary assistant certificate may serve as a v veterinarian assistant.

2.2 The examination in Section 2.1 (paragraph 1 of Article 2) may be replaced by a qualifying examination. Qualifications for the qualifying examination are to be prescribed by the Examination Yuan in consultation with the Executive Yuan.

Article 3

The term "competent authority" in this Act shall refer to the Council

of Agriculture at the central government level (hereinafter the "central competent authority"), the municipal government of a special municipality (hereinafter the "local competent authority"), and the city or county government at the local level (hereinafter the "local competent authority").

Article 4

To obtain the certificate for a veterinarian or a veterinary assistant, one shall submit the application along with proof of qualifications to the central competent authority for review and issuance.

Chapter 2 Veterinary Practice

Article 5

5.1 A veterinarian shall apply to the local competent authority at the intended locale (special municipality, city or county) for practice registration. The applicant shall submit the application form, veterinary certificate, photo, and application fees. Only after a practice license is obtained can he or she commence the practice.

5.2 The term "practice" in Section 5.1 (paragraph 1 of Article 5) refers to diagnosis, treatment, inspection, writing diagnosis reports and prescription, certifying documents, and other tasks designated to veterinarians according to law.

5.3 To remain eligible to practice, a veterinarian shall engage in continuing education and renew his or her practice license every six years by presenting certificates of continuing education completed.

5.4 Regulations governing the practice registration (credentials, qualifications, and documents to submit), the practice license (its issuance, replacement, reissuance and renewal) in Section 5.1 (paragraph 1 of Article 5), and continuing education (curriculum, units of credit, administration, recognition of such education completed) in Section 5.3 (paragraph 3 of Article 5) as well as rules to abide by, are to be prescribed by the central competent authority.

Article 6

In any of the following situations, the practice license shall not be issued; in case a license has been issued, it shall be revoked or terminated,

(1)The applicant's veterinarian certificate has been revoked.

(2)The applicant's veterinarian certificate has been terminated for less than one year.

(3)It has been declared that the applicant is under a guardianship or assistantship that is not yet revoked.

Article 7

A veterinarian's practice is to be limited to the location where his license is applied for, and shall be conducted in duly registered entities such as veterinary animal care facilities, livestock farms, or veterinary medicine institutions or other institutions recognized and required by the competent authority to have veterinarians on staff. However, the above restriction is not applicable to inter-agency consultation, support, house calls, emergencies or pre-approved tasks.

Article 8

8.1 To suspend, terminate, resume a practice or change the locale of practice, the veterinarian shall, within 10 days, file for record with the authority from which the practice license was obtained.

In the case of relocating a practice to another jurisdiction, the veterinarian shall follow the instructions in Article 5.

8.2 In the case of a veterinarian's death, the next of kin or local household registration agency shall report the event to the original license-issuing authority, which shall cancel the practice license.

Article 9

A veterinarian shall not engage in practice until after he or she becomes a member of the local veterinary association.

Article 10

A practicing veterinarian shall not issue a diagnosis certificate or write a prescription without personally performing the diagnosis and/or treatment nor issue an inspection certificate without personally conducting the inspection.

Article 11

A practicing veterinarian shall not refuse to perform diagnosis, treatment or inspection without proper cause and shall not refuse to issue a diagnosis report and/or inspection certificate.

Article 12

12.1 A practicing veterinarian shall make entries about the diagnosis, treatment and/or inspection in the corresponding medical record or inspection record when conducting diagnosis, treatment, or inspection.

12.2 The medical record in Section 12.1 (paragraph 1 of Article 12) shall contain:

- (1) The name and address of the animal owner,
- (2) The species and weight of the animal,
- (3) For each visit – the treatment date, physical conditions,

diagnostic results as well as prevention, medication used and treatment performed.

(4) If controlled substance is administered – the drug name, dosage and application method.

Article 13

When alerted to a case of notifiable infectious animal disease during practice, a veterinarian shall give instructions about disinfection and quarantine methods, and identify and report the species, name of the disease, and the name and address of the owner or caregiver to the local competent authority within 24 hours.

Article 14

A veterinarian shall not make any false statement or report when responding to government inquiries or entrusted with legal examination.

Article 15

In response to events such as natural disasters and when performing prevention/treatment of infectious animal diseases, a veterinarian is obligated to follow the instructions of the local competent authority.

Article 16

16.1 A veterinary assistant, under the guidance of a veterinarian, is allowed to assist in veterinary care; but he or she shall not issue diagnosis certificates, write prescriptions or issue certifications of relevant documents.

16.2 A veterinary assistant with an old version of registered certificate obtained before this Act was amended or a veterinary assistant certificate issued within 10 years after the amendment who have either of the following qualifications -- pending recognition by the central competent authority -- may perform diagnosis, treatment, inspection; issue diagnosis certificates; and write prescriptions. However, he or she shall not issue certification of relevant documents designated by the competent authority.

(1) Four years or more in support of veterinary practice at a veterinary animal care facility.

(2) Five years or more in support of veterinary practice at livestock farms, veterinary medicine institutions or other entities recognized by the competent authority.

16.3 When veterinary assistants perform veterinary practice according to Sections 16.1 (paragraph 1 of Article 16) and 16.2 (paragraph 2

of Article 16), other provisions about a veterinarian's practice in this chapter also apply.

Chapter 3 Management of Veterinary Animal Care Facilities

Article 17

17.1 To commence operation, a veterinary animal care facility shall follow the provisions listed below to apply to the local competent authority for registration and an operation permit.

(1) For a private veterinary animal care facility, the applicant shall be a veterinarian with a practice license or a veterinary assistant with qualifications described under Section 16.2 (paragraph 2 of Article 16).

(2) For a public veterinary animal care facility, the applicant shall be the agency's representative.

17.2 To be accountable for the overall care delivered, a public veterinary animal care facility shall designate one veterinarian -in-charge, while a private veterinary animal care facility shall appoint the applicant as the a veterinarian-in-charge or veterinary -assistant-in-charge.

17.3 The criteria for setting up a veterinary animal care facility shall be stipulated by the local competent authority.

Article 18

In any of the following situations, the applicant or veterinary animal care facility described in Article 17 shall not be given an operation permit; if an operation permit has been issued, it shall be revoked or terminated:

(1) Practice license has been revoked or terminated.

(2) Operation permit has been terminated for less than a year.

(3) An operation permit has already been issued.

Article 19

19.1 A veterinary animal care facility shall adopt a name that is within the scope designated by the central competent authority.

19.2 A non-veterinary animal care facility shall not adopt a name of a veterinary animal care facilities nor one that is similar.

Article 20

When a veterinary animal care facility suspends, terminates, resumes its operation or changes its registered items, the applicant shall -- within 10 days of the fact-- file for record with the authority that issued the original operation permit. In the case of relocation to another jurisdiction, the applicant shall proceed

in accordance with Article 17.

Article 21

21.1 A veterinary animal care facility shall display prominently its operation permit, hours of operations, and general treatment rules as well as the practice licenses and certificates of in-house veterinarians or veterinary assistants.

21.2 In case the certificate, the practice license (of an in-house veterinarian/veterinary assistant), or the operation permit (of a facility) is defaced or missing, the relevant party shall apply to the competent authority for its replacement and re-issuance.

Article 22

22.1 Veterinary animal care facilities shall maintain medical records and inspection records. The competent authority may dispatch someone to audit the records when necessary. The facility shall not refuse, obstruct or avoid the audit.

22.2 The person conducting the audit shall present his or her identification paper when conducting such audit.

22.3 The retention period of records (of treatment and inspection) in Section 22.1 (paragraph 1 of Article 22) shall conform to the rules set by the central competent authority.

Article 23

23.1 A non-veterinary animal care facility shall not write or post medical advertisements.

23.2 A veterinary animal care facility shall not publish or distribute misleading or false advertisements about its practice.

Article 24

Medical fees collected by a veterinary animal care facility shall not exceed the amounts stipulated in the fee standard. A list of itemized costs and the receipt shall be provided to the owner or caregiver of the animal upon request.

The medical fee standard in Section 24.1 (paragraph 1 of Article 24) shall be set by the local veterinary association and be approved by the local competent authority.

Article 24-1

The competent authority shall collect fees for issuing veterinarian certificates, veterinary assistant certificates, practice licenses, and operation permits (of entities). The amount shall be determined by the central competent authority.

Chapter 4 Rewards and Penalties

Article 25

The competent authority shall recognize and reward the achievements of veterinarians or veterinary assistants who have made significant contributions to animal disease prevention/control, or veterinary practices.

Article 26

If any of the following situations exist, the practice license of a veterinarian or veterinary assistant shall be suspended for a period of one year or less or be terminated:

1. Violation of Article 14 or Article 15.
2. Significant errors in treatment or fraud during the practice, causing damages to a third party.
3. Inability to practice because of mental disorder.

Article 27

A veterinarian or veterinary assistant certificate obtained through fraud or illegal means shall be revoked. In addition, one who violates the Criminal Code shall be referred to judicial authorities for legal proceedings.

Article 28

A veterinarian or veterinary assistant shall not rent or lend his or her certificate or license to a third party. The certificate of the person involved shall be terminated.

Article 29

The practice license of a veterinarian or a veterinary assistant shall be terminated if he or she continues to practice after receiving a punitive suspension. The certificate of a veterinarian or veterinary assistant shall be terminated if he or she continues to practice despite the termination of his or her practice license.

Article 30

Anyone who practices veterinary medicine without the qualifications of a veterinarian or a veterinary assistant who practices veterinary medicine without the qualifications in Section 16.2 (paragraph 2 of Article 16) shall be subject to a fine between NT\$30,000 and NT\$150,000, and all the medicine and equipment shall be confiscated. However, this provision does not apply to university/graduate students in veterinary medicine or animal

husbandry practicing veterinary medicine under the guidance of licensed veterinarians.

Article 31

Any person using the name or a similar sounding name of a veterinarian or veterinary assistant without having a veterinarian certificate or a veterinary assistant certificate shall be subject to a fine of NT\$15,000 or less.

Article 32

Any veterinarian or veterinary assistant in violation of any provisions in Section 5.1 (paragraph 1 of Article 5), Article 7, Section 8.1 (paragraph 1 of Article 8), Articles 10, 11, 12 or Section 54.3 (paragraph 3 of Article 54) shall be subject to a fine of NT\$9,000 or less.

Article 33

Any veterinarian and veterinary assistant in violation of either Article 9 or Article 13 shall be subject to a fine of NT\$6,000 or less.

Article 34

The operation permit of a veterinary animal care facility may be terminated in either of the following situations:

- (1) Allowing someone without a veterinarian's qualifications or a veterinary assistant without the qualifications in Section 16.2 (paragraph 2 of Article 16) to practice veterinary medicine.
- (2) Remaining in operation after receiving a punitive suspension order.

Article 35

Besides the punitive fine prescribed by this Act, any person or institution/facility in violation of Section 19.1 (paragraph 1 of Article 19), Article 20, or Article 21, or fail to meet the standards in Section 17.3 (paragraph 3 of Article 17) set forth by competent authorities shall be ordered by the local competent authority to take corrective action by a deadline. Failure to meet the deadline shall result in a punitive suspension of one year or less.

Article 36

A veterinary animal care facility whose operation permit has been revoked or terminated shall surrender the permit within 10

days of receipt of the notice. If a punitive suspension is imposed, the facility shall have the local competent authority denote the reasons and length of suspension on the back of the permit. The applicant shall keep the permit, and operation may resume only after the suspension period ends.

Article 37

37.1 Any violation of any provisions of Section 17.1 (paragraph 1 of Article 17), Article 19, Article 20, Article 21, Section 22.1 (paragraph 1 of Article 22), Section 22.3 (paragraph 3 of Article 22), Article 23, or Article 24, or failure to comply with the standards in Section 17.3 (paragraph 3 of Article 17) set forth by competent authorities, shall be subject to a fine of NT\$9,000 or less.

37.2 A veterinary animal care facility remaining in operation after its operation permit has been revoked or terminated shall be subject to penalties stipulated for violating Article 17. The veterinarian-in-charge or the veterinary-assistant-in-charge may face termination of his or her certificate for two years.

Article 38

A veterinarian or veterinary assistant whose certificate or practice license has been revoked or terminated shall surrender the certificate/license within 10 days of receipt of the notice. When under punitive suspension, he or she shall have the local competent authority denote reasons and length of suspension on the back of the license and retain the document. He or she may not resume operation only after the suspension period ends.

Article 39

Failure to surrender the veterinarian certificate, veterinary assistant certificate, practice license, or operation permit that has been revoked or terminated by the deadline shall result in the certificate, license or permit becoming invalid.

Article 40

Of the administrative actions described in this Act, the punitive fine, suspension, revocation and termination of a practice license or operation permit shall be imposed by the local competent authority. The revocation or termination of the certificate of a veterinarian or a veterinary assistant shall to be imposed by the central competent authority.

Article 41

Failure to pay the punitive fine imposed by the prescribed deadline in accordance with to this Act shall be referred to the court for compulsory execution.

Chapter 5 Associations

Article 42

42.1 There are two tiers of veterinary professional groups:

- (1) Veterinary associations at the local level (of the special municipality, city or county).
- (2) National federation of veterinary associations.

42.2 The national federation of veterinary associations already on the registry before this amendment shall be re-organized in accordance with this Act within three years of the promulgation. Provincial-level veterinary associations currently on the registry shall be dissolved.

Article 43

A veterinary association is to be organized based on the administrative jurisdiction, and each jurisdiction is to have only one association for the specific tier.

Article 44

Nine people – veterinarians or veterinary assistants with the qualifications listed in Section 16.2 (paragraph 2 of Article 16) – are required to initiate a local-tier association. If less than nine people are eligible in a jurisdiction, they may join the association in a neighboring jurisdiction, or seek to form a joint association.

Article 45 (deleted)

Article 46

Setting up a national federation of veterinary associations shall require the initiation of more than one third of all veterinary associations at local tiers and endorsement from more than half of them. However, this requirement does not apply to a national federation approved with the consent of the central social administration authority (the Ministry of Interior) in consultation with the relevant central competent authority (the Council of Agriculture).

Article 47 The competent authority of a veterinary associations at any tier shall be the social administration competent authority of its jurisdiction. However, the program activities and business affairs of a veterinary association shall be under the direction and supervision

of the competent authorities prescribed in Article 3.

Article 48

48.1 Each veterinary association, regardless of its tier, shall have a board of directors and a board of supervisors elected at the general/delegate meeting by individual members or their delegates.

The sizes of the boards shall be:

(1) No more than 15 directors at a city/county veterinary association.

(2) No more than 25 directors at a special municipality veterinary association.

(3) No more than 35 directors at the national federation of veterinary associations.

(4) The number of supervisors shall not exceed one third of the number of directors of each association.

(5) Each veterinary association shall have alternate directors and supervisors; this number shall not exceed one third of the number of directors and supervisors.

48.2 When there are more than three directors and supervisors on the board, executive directors and supervisors shall be elected from within; their number shall not exceed one third of the total number of directors and supervisors. A chairman of the board of directors shall be elected according to the by-law.

48.3 The term for a director or supervisor is three years. No more than half of the board members can be re-elected to serve the next term. The chairman can be re-elected only once.

Article 49

A veterinarian association shall prepare a by-law, a membership list and staff resumes to apply for approval and registration with the local social administration authority of its jurisdiction and also file for record at the relevant competent supervisory authority.

Article 50

The by-law of a veterinary association shall contain the following items:

(1) The name;

(2) Mission;

(3) Jurisdiction/territory;

(4) Address;

(5) Functions or business;

(6) Organization;

(7) Induction, withdrawal and expulsion of members;

(8) Rights and obligations of members;

(9) The number of directors and supervisors, the scope of their responsibilities, terms of offices, elections and conditions for dismissal;

- (10) Meetings;
- (11) General rules for members to abide by;
- (12) Remuneration standard for members' services;
- (13) Membership fees and accounting;
- (14) Amendment of by-laws;
- (15) Other items required by relevant regulations.

Article 51

If a veterinary association's general/delegate meeting or board of directors meeting makes a resolution that is in violation of the law, it shall be revoked by the social administrative competent authority.

Article 52

Acting on the resolutions of a board meeting or general/delegate meeting, a veterinary association may penalize members who violate the law or by-law. To expel a law-breaking member, it will require a resolution passed at a general/delegate meeting and the approval – upon review of fact and evidence sent by the association – by the social administrative authority, which will seek consent in consultation with the central competent authority.

Chapter 6 Supplementary Provisions

Article 53 Provisions in this Act regarding veterinarian or veterinary assistant certificates are applicable to these issued by the central competent before this Act was amended.

Article 54

54.1 A foreigner may take the examination for veterinarians or veterinary assistants in accordance with the laws of the Republic of China.

54.2 Provisions in this Act and relevant laws about veterinarians or veterinary assistants are applicable to a foreigner possessing a veterinarian or veterinary assistant certificate after passing the examination in Section 54.1 (paragraph 1 of Article 54).

54.3 A foreign veterinarian or veterinary assistant practicing in the Republic of China shall use the written language of the Republic of China (traditional Chinese) in documents, records, certificates, and so forth for business purposes.

Article 55

The enforcement rules of this Act shall be stipulated by the central competent authority.

Article 56

This Act shall take effect starting from the date of promulgation except for the date to take effect for articles amended on November 7, 2001 which will be decided by the Executive Yuan and articles amended on May 5, 2009 being effective starting from November 23, 2009.