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1. ALL PERSONS LICENSED WITH STATE VETERINARY BOARD MUST REGISTER WITH BOARD BY JANUARY 31, 1962, OR JANUARY 31, 1963, AND PAY FEE OF TEN DOLLARS. SAID REQUIREMENT APPLIES TO NON-RESIDENT AS WELL AS RESIDENT LICENSEES.
2. ALL LICENSES ISSUED PRIOR TO JANUARY 1, 1958 ARE VALID IF HOLDERS THEREOF COMPLY WITH ABOVE REQUIREMENTS. §§ 4741.171, 4741.16, R.C.

SYLLABUS:

1. Under the provisions of Section 4741.171, Revised Code, all persons licensed by the state veterinary medical board, except those specifically exempted by that section, must register with the board on or before the last day of January, 1962, and on or before the last day of January, 1963, and pay a fee of ten dollars to the board in each instance; and said requirement applies to non-resident as well as resident licensees, and to persons licensed both before and after January 1, 1958.

2. Section 4741.16, Revised Code, provides that licenses issued prior to January 1, 1958 (unless suspended or revoked) are valid if the holders thereof register with the board as provided by Section 4741.171, Revised Code. Thus, if the holder of a license issued prior to January 1, 1958, fails to comply with the provisions of said Section 4741.171, his license is no longer valid.

Columbus, Ohio, December 20, 1961

H. G. Geyer, D.V.M., Executive Secretary,
Ohio Veterinary Medical Board,
720 Ohio Departments Building, Columbus 15, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“The Veterinary Practice Act was amended by the 104th General Assembly to provide for annual registration. Upon review of the amended law (Amended H. B. 532), the Ohio Veterinary Medical Board is confronted with the problem of interpretation.

“The Board, therefore, requests a formal opinion on the following:

“Section 4741.16. ‘A license issued by the state veterinary medical board pursuant to sections 4741.11 to 4741.13, inclusive,

of the Revised Code, shall remain in effect throughout the life of the holder unless suspended or revoked. The board shall issue a duplicate certificate to any holder upon request and upon due proof of loss of the original. All licenses issued prior to January 1, 1958, unless suspended or revoked, shall be valid after January 1, 1958, provided that the holder thereof registers with the board as provided for by section 4741.171 of the Revised Code.'

"It was the intent of the Board to establish a registration fee to provide sufficient funds for the Board operation. It was further the intent of the Board that all veterinarians licensed in Ohio be subject to the annual registration, except as specifically provided in Section 4741.171.

"The question: Does the language in Section 4741.16 make it possible for the Board to collect the annual fee from *all* veterinarians holding licenses in this state, whether residents or not? Further does the language in Section 4741.16 imply only those persons licensed prior to January, 1958, are subject to the annual fee? It was not the intent for the fee to be discriminatory, but to apply to all holders of valid licenses. If the answer is in the affirmative, what can the board do regarding registration, the collection of a fee, etc., relative to those persons licensed since January 1, 1958?

"This poses an additional question: What action can the Board take regarding those veterinarians failing to register who were issued licenses prior to January 1, 1958?

"Since notices must be planned, printed and preparations made for mailing in the near future, your kind and early consideration to these questions will be appreciated. The Board plans its next meeting October 25, 1961."

Prior to October 10, 1961, there was no statutory provision requiring licensed veterinarians to register with the state veterinary medical board. Effective on that date, however, Amended House Bill No. 532 of the 104th General Assembly inserted such a requirement in the law.

In the bill, Section 4741.16, Revised Code, was amended to read:

"A license issued by the state veterinary medical board pursuant to sections 4741.11 to 4741.13, inclusive, of the Revised Code, shall remain in effect throughout the life of the holder unless suspended or revoked. The board shall issue a duplicate certificate to any holder upon request and upon due proof of loss of the original. All licenses issued prior to January 1, 1958, unless suspended or revoked, shall be valid after January 1, 1958, provided that the holder thereof registers with the board as provided for by section 4741.171 of the Revised Code."

In the same bill, Section 4741.171, Revised Code, was enacted to read:

“Each person licensed by the state veterinary medical board shall, on or before the last day of January of 1962 and 1963, be required to register, on the form prescribed by the board and furnished by the secretary, his name, address, license number, and such other reasonable information as the board requires, and pay an annual registration fee to the secretary. Before the first day of January of 1962 and 1963, the secretary of the board shall send a notice to each veterinarian who holds a license to practice veterinary medicine in the state, whether a resident or not, at his last address, that his annual registration fee is due on or before the last day of January. The secretary shall, at least fifteen days previous to the first day of March, send a second notice to each veterinarian failing to comply with the first notice. Any licensed veterinarian who desires to temporarily or permanently retire from practice, and who has given the board notice in writing to that effect, may be certified by the board as being retired, provided his license is in good standing. The board may by rule waive the payment of the registration fee of a licensed veterinarian during the period when he is on active duty in connection with any branch of the armed forces of the United States.

“Each veterinarian licensed by the board, whether a resident or not, shall notify the secretary of any change in his office address or employment within ninety days after such change was taken place. Any persons licensed to practice veterinary medicine after June 1 of 1962 and 1963 or any person holding a temporary permit to practice veterinary medicine is exempt from the requirement to register and the payment of the annual registration fee until January 1 of the year following licensure or the issuance of the temporary permit.”

While Section 4741.171, *supra*, is not entirely clear, it does provide that *each person licensed* by the state veterinary medical board (excepting those specifically excluded) shall register in January, 1962, and in January, 1963, and pay an annual registration fee. (Under Section 4741.17, Revised Code, the fee would be ten dollars). The requirement plainly applies to all licensees, whether residents or not, and whether or not they were licensed prior to January 1, 1958. And the language of Section 4741.16, *supra*, to which you refer, was obviously inserted to insure that there would be no doubt as to the application of the registration requirement to all licensees.

Thus, before the first day of January, 1962, and before the first day of January, 1963, the secretary of the board should send the required notice to *all* licensed veterinarians.

As to your further question regarding cases where veterinarians licensed prior to January 1, 1958, fail to register as required by Section 4741.171, *supra*, by the specific terms of Section 4741.16, *supra*, the licenses of those veterinarians are valid only if the persons involved comply with said Section 4741.171; and this specific provision would take precedence over the earlier language of said Section 4741.16, that a license remains in effect for the life of the holder unless suspended or revoked. Thus, where there is no such compliance as to a license issued prior to January 1, 1958, then the license is no longer valid.

In conclusion, it is my opinion and you are advised:

1. Under the provisions of Section 4741.171, Revised Code, all persons licensed by the state veterinary medical board, except those specifically exempted by that section, must register with the board on or before the last day of January, 1962, and on or before the last day of January, 1963, and pay a fee of ten dollars to the board in each instance; and said requirement applies to non-resident as well as resident licensees, and to persons licensed both before and after January 1, 1958.

2. Section 4741.16, Revised Code, provides that licenses issued prior to January 1, 1958 (unless suspended or revoked) are valid if the holders thereof register with the board as provided by Section 4741.171, Revised Code. Thus, if the holder of a license issued prior to January 1, 1958, fails to comply with the provisions of said Section 4741.171, his license is no longer valid.

Respectfully,
MARK McELROY
Attorney General