

By Representative Sindler

1 A bill to be entitled
2 An act relating to veterinary medical practice;
3 amending s. 474.203, F.S.; revising and
4 providing exemptions from regulation under
5 chapter 474, F.S., relating to veterinary
6 medical practice; amending s. 474.207, F.S.,
7 relating to licensure by examination;
8 authorizing the Board of Veterinary Medicine to
9 require a personal appearance of any applicant;
10 requiring certain notice to the applicant;
11 eliminating obsolete provisions; amending s.
12 474.211, F.S.; requiring criteria for providers
13 of continuing education to be approved by the
14 board; amending s. 474.214, F.S.; increasing
15 the administrative fine; providing
16 circumstances for expunction of citations from
17 the veterinarian's record; amending s. 474.215,
18 F.S.; requiring limited service permittees to
19 register each location and providing a
20 registration fee; providing requirements for
21 certain temporary rabies vaccination efforts;
22 providing permit and other requirements for
23 persons who are not licensed veterinarians but
24 who desire to own and operate a veterinary
25 medical establishment; providing disciplinary
26 actions applicable to holders of premises
27 permits; creating s. 474.2175, F.S.; providing
28 for investigation of unlicensed activity;
29 providing for hearings; providing penalties;
30 reenacting s. 474.217(2), F.S., relating to
31 licensure by endorsement, to incorporate the

1 amendment to s. 474.214, F.S., in a reference
2 thereto; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. Section 474.203, Florida Statutes, is
7 amended to read:

8 474.203 Exemptions.--This chapter shall not apply to:

9 (1) The holder of a veterinary faculty certificate.
10 The board may issue, without examination, a veterinary faculty
11 certificate to an individual who does not hold a valid, active
12 license issued under this chapter but who demonstrates that he
13 or she is a graduate of a school or college of veterinary
14 medicine accredited by the American Veterinary Medical
15 Association Council on Education or a school or college
16 recognized by the American Veterinary Medical Association
17 Commission for Foreign Veterinary Graduates. The certificate
18 shall authorize the holder to practice ~~Any faculty member~~
19 ~~practicing~~ only in conjunction with teaching duties at a
20 school or college of veterinary medicine. Such school or
21 college shall be located in this state and be accredited by
22 the American Veterinary Medical Association Council on
23 Education. Such certificate ~~The faculty member exemption shall~~
24 automatically expire when such school or college terminates
25 the faculty member from such teaching duties. On December 31
26 of each year, such school or college shall provide the board
27 with a written list of all faculty who are exempt from this
28 chapter. Such school or college shall also notify the board in
29 writing of any additions or deletions to such list.

30 (2) A registered intern or resident. The board may
31 register, without examination, any individual desiring to

1 practice as an intern or resident veterinarian in training
2 which leads to subspecialty board certification who does not
3 hold a valid, active license issued under this chapter but who
4 demonstrates that he or she is a graduate of a school or
5 college of veterinary medicine accredited by the American
6 Veterinary Medical Association Council on Education. Such
7 registration shall authorize the registrant to practice only
8 in conjunction with the training program of a school or
9 college of veterinary medicine located in this state and
10 accredited by the American Veterinary Medical Association
11 Council on Education or a school or college recognized by the
12 American Veterinary Medical Association Commission for Foreign
13 Veterinary Graduates. Such registration shall expire when such
14 intern or resident completes or is terminated from such
15 training. Each school, college, or hospital employing or
16 utilizing the services of a registered intern or resident
17 veterinarian shall, on July 1 of each year, provide the board
18 with a written list of such registered interns or residents.

19 ~~(3)(2)~~ A student in a school or college of veterinary
20 medicine while in the performance of duties assigned by his
21 instructor or when working as a preceptor under the immediate
22 supervision of a licensee, provided that such preceptorship is
23 required for graduation from an accredited school or college
24 of veterinary medicine. The licensed veterinarian shall be
25 responsible for all acts performed by a preceptor under his
26 supervision.

27 ~~(4)(3)~~ Any doctor of veterinary medicine in the employ
28 of a state agency or the United States Government while
29 actually engaged in the performance of his official duties;
30 however, this exemption shall not apply to such person when he
31 is not engaged in carrying out his official duties or is not

1 working at the installations for which his services were
2 engaged.
3 (5)~~(4)~~ Any person, or his regular employee,
4 administering to the ills or injuries of his own animals, or
5 animals on loan for a term of 1 year or more to a corporation
6 for which he or she is a regular employee, including, but not
7 limited to, castration, spaying, and dehorning of herd
8 animals, unless title has been transferred or employment
9 provided for the purpose of circumventing this law. For
10 purposes of this subsection, a regular employee of one
11 corporation shall be deemed to be a regular employee of each
12 of its sister corporations, provided each corporation is a
13 subsidiary of the same parent. This exemption shall not apply
14 to out-of-state veterinarians practicing temporarily in the
15 state. However, only a veterinarian may immunize or treat an
16 animal for diseases which are communicable to humans and which
17 are of public health significance.

18 (6)~~(5)~~ State agencies, accredited schools,
19 institutions, foundations, business corporations or
20 associations, physicians licensed to practice medicine and
21 surgery in all its branches, graduate doctors of veterinary
22 medicine, or persons under the direct supervision thereof,
23 which or who conduct experiments and scientific research on
24 animals in the development of pharmaceuticals, biologicals,
25 serums, or methods of treatment, or techniques for the
26 diagnosis or treatment of human ailments, or when engaged in
27 the study and development of methods and techniques directly
28 or indirectly applicable to the problems of the practice of
29 veterinary medicine.

30 (7)~~(6)~~ Any veterinary aide, nurse, laboratory
31 technician, preceptor, or ~~other~~ employee of a licensed

1 veterinarian who administers medication or who renders
2 auxiliary or supporting assistance under the responsible
3 supervision of a ~~such~~ licensed veterinarian practitioner,
4 including those tasks identified by rule of the board
5 requiring immediate supervision. However, the licensed
6 veterinarian shall be responsible for all such acts performed
7 under this subsection by persons under his supervision.
8 (8) A veterinarian, licensed by and actively
9 practicing veterinary medicine in another state, who is
10 board-certified in a specialty recognized by the board and who
11 responds to a request of a veterinarian licensed in this state
12 to assist with the treatment of a specific animal or with the
13 treatment of the animals of a single owner, as long as the
14 veterinarian licensed in this state requests the other
15 veterinarian's presence. A veterinarian who practices under
16 this subsection is not eligible to apply for a premises permit
17 under s. 474.215.
18 Section 2. Section 474.207, Florida Statutes, is
19 amended to read:
20 474.207 Licensure by examination.--
21 (1) Any person desiring to be licensed as a
22 veterinarian shall apply to the department to take a licensure
23 examination. The board may by rule adopt use of a national
24 examination in lieu of part or all of the examination required
25 by this section, with a reasonable passing score to be set by
26 rule of the board.
27 (2) The department shall license each applicant who
28 the board certifies has:
29 (a) Completed the application form and remitted an
30 examination fee set by the board.
31

1 (b)1. Graduated from a college of veterinary medicine
2 accredited by the American Veterinary Medical Association
3 Council on Education; or

4 2. Graduated from a college of veterinary medicine
5 listed in the American Veterinary Medical Association Roster
6 of Veterinary Colleges of the World and obtained a certificate
7 from the Education Commission for Foreign Veterinary
8 Graduates.

9 (c) Successfully completed the examination provided by
10 the department for this purpose, or an examination determined
11 by the board to be equivalent.

12 (d) Demonstrated knowledge of the laws and rules
13 governing the practice of veterinary medicine in Florida in a
14 manner designated by rules of the board.

15
16 The department shall not issue a license to any applicant who
17 is under investigation in any state or territory of the United
18 States or in the District of Columbia for an act which would
19 constitute a violation of this chapter until the investigation
20 is complete and disciplinary proceedings have been terminated,
21 at which time the provisions of s. 474.214 shall apply.

22 (3) Notwithstanding the provisions of paragraph
23 (2)(b), an applicant shall be deemed to have met the education
24 requirements for licensure upon submission of evidence that
25 the applicant ~~meets one of the following:~~

26 ~~(a) The applicant was certified for examination by the~~
27 ~~board prior to October 1, 1989; or~~

28 ~~(b) The applicant~~ immigrated to the United States
29 after leaving his home country because of political reasons,
30 provided such country is located in the Western Hemisphere and
31 lacks diplomatic relations with the United States, and:

1 (a)1- Was a Florida resident immediately preceding his
2 application for licensure;

3 (b)2- Demonstrates to the board, through submission of
4 documentation verified by his respective professional
5 association in exile, that he received a professional degree
6 in veterinary medicine from a college or university located in
7 the country from which he emigrated. However, the board may
8 not require receipt transcripts from the Republic of Cuba as a
9 condition of eligibility under this section; and

10 (c)3- Lawfully practiced his profession for at least 3
11 years.

12 (4) Applicants certified for examination or
13 reexamination under subsection (3) who fail or have failed the
14 examination three times ~~subsequent to October 1, 1989,~~ shall
15 be required to demonstrate to the board that they meet the
16 requirements of paragraph (2)(b) prior to any further
17 reexamination or certification for licensure.

18 (5) The board may require a personal appearance by any
19 applicant for licensure under this chapter. Each applicant of
20 whom a personal appearance is required must be given adequate
21 notice of the time and place of the appearance and provided
22 with a statement of the purpose of and reasons for the
23 appearance.

24 (6)~~(5)~~ An unlicensed doctor of veterinary medicine who
25 has graduated from an approved college or school of veterinary
26 medicine and has completed all parts of the examination for
27 licensure is permitted, while awaiting the results of such
28 examination for licensure or while awaiting issuance of the
29 license, to practice under the immediate supervision of a
30 licensed veterinarian. A person who fails any part of the
31 examination may not continue to practice, except in the same

1 capacity as other nonlicensed veterinary employees, until he
2 passes the examination and is eligible for licensure.

3 Section 3. Subsection (3) of section 474.211, Florida
4 Statutes, is amended to read:

5 474.211 Renewal of license.--

6 (3) The board may by rule prescribe continuing
7 education, not to exceed 30 hours biennially, as a condition
8 for renewal of a license or certificate. The criteria for such
9 programs, providers, or courses shall be approved by the
10 board.

11 Section 4. Paragraph (c) of subsection (2) of section
12 474.214, Florida Statutes, is amended, and subsection (4) is
13 added to said section, to read:

14 474.214 Disciplinary proceedings.--

15 (2) When the board finds any applicant or veterinarian
16 guilty of any of the grounds set forth in subsection (1),
17 regardless of whether the violation occurred prior to
18 licensure, it may enter an order imposing one or more of the
19 following penalties:

20 (c) Imposition of an administrative fine not to exceed
21 <U>\$5,000~~\$1,000~~ for each count or separate offense.

22
23 In determining appropriate action, the board must first
24 consider those sanctions necessary to protect the public. Only
25 after those sanctions have been imposed may the disciplining
26 authority consider and include in its order requirements
27 designed to rehabilitate the veterinarian. All costs
28 associated with compliance with any order issued under this
29 subsection are the obligation of the veterinarian.

30 (4) A citation issued to a licensed veterinarian
31 pursuant to s. 455.224 shall be expunged from the

1 veterinarian's record after 3 years, provided the veterinarian
2 has not received any additional disciplinary action against
3 his or her license during the 3-year period.

4 Section 5. Subsection (7) of section 474.215, Florida
5 Statutes, is amended, and subsections (8) and (9) are added to
6 said section, to read:

7 474.215 Premises permits; disciplinary actions.--

8 (7) The board by rule shall establish minimum
9 standards for the operation of limited service veterinary
10 medical practices. Such rules shall not restrict limited
11 service veterinary medical practices and shall be consistent
12 with the type of limited veterinary medical service provided.

13 (a) Any person that offers or provides limited service
14 veterinary medical practice shall obtain a biennial permit
15 from the board the cost of which shall not exceed \$250. The
16 limited service permittee shall register each location where
17 limited service clinics are held and shall pay a fee set by
18 rule not to exceed \$25 to register each such location.

19 (b) All permits issued under this subsection are
20 subject to the provisions of ss. 474.213 and 474.214.

21 (c) Notwithstanding any provision of this subsection
22 to the contrary, any temporary rabies vaccination effort
23 operated by a county health department in response to a public
24 health threat, as declared by the State Health Officer in
25 consultation with the State Veterinarian, shall not be subject
26 to any registration, time limitation, or fee requirements, but
27 shall adhere to all other requirements for limited service
28 veterinary medical practice as prescribed by rule. The fee
29 charged to the public for a rabies vaccination administered
30 during such temporary rabies vaccination effort shall not
31 exceed the actual cost of administering the rabies vaccine.

1 Such rabies vaccination efforts may not be used for any
2 purpose other than to address the public health consequences
3 of the rabies outbreak. The board shall be immediately
4 notified in writing of any temporary rabies vaccination effort
5 operated under this paragraph.

6 (8) Any person who is not a veterinarian licensed
7 under this chapter but who desires to own and operate a
8 veterinary medical establishment shall apply to the board for
9 a premises permit. If the board certifies that the applicant
10 complies with the applicable laws and rules of the board, the
11 department shall issue a premises permit. No permit shall be
12 issued unless a licensed veterinarian is designated to
13 undertake the professional supervision of the veterinary
14 medical practice and the minimum standards set by rule of the
15 board for premises where veterinary medicine is practiced.
16 Upon application, the department shall submit for a statewide
17 criminal records correspondence check through the Department
18 of Law Enforcement. The permittee shall notify the board
19 within 10 days after any change of the licensed veterinarian
20 responsible for such duties. Any permittee under this
21 subsection is subject to the provisions of subsection (9) and
22 s. 474.214.

23 (9)(a) The department or the board may deny, revoke,
24 or suspend the permit of any permittee under this section and
25 may fine, place on probation, or otherwise discipline any
26 permittee under this section who has:

27 1. Obtained a permit by misrepresentation or fraud or
28 through an error of the department or board;

29 2. Attempted to procure, or has procured, a permit for
30 any other person by making, or causing to be made, any false
31 representation;

1 3. Violated any of the requirements of this chapter or
2 any rule of the board; or

3 4. Been convicted or found guilty of, or entered a
4 plea of nolo contendere to, regardless of adjudication, a
5 felony or any other crime involving moral turpitude in any
6 court of this state, of any other state, or of the United
7 States.

8 (b) If the permit is revoked or suspended, the owner,
9 manager, or proprietor shall cease to operate the premises as
10 a veterinary medical practice as of the effective date of the
11 suspension or revocation. In the event of such revocation or
12 suspension, the owner, manager, or proprietor shall remove
13 from the premises all signs and symbols identifying the
14 premises as a veterinary medical practice. The period of any
15 such suspension shall be prescribed by rule of the board, but
16 in no case shall it exceed 1 year. If the permit is revoked,
17 the person owning or operating the establishment shall not be
18 entitled to make application for a permit to operate a
19 premises for a period of 1 year from the date of such
20 revocation. Upon the effective date of such revocation, the
21 permittee shall advise the board of the disposition of any and
22 all medicinal drugs and shall make the provision for ensuring
23 the security, confidentiality, and availability to clients of
24 all patient medical records.

25 Section 6. Section 474.2175, Florida Statutes, is
26 created to read:

27 474.2175 Unlicensed activity; investigation; hearing;
28 penalties.--

29 (1) The department shall investigate any incident
30 where it appears that a person has practiced veterinary
31 medicine without a license. After the investigation, if the

1 department finds that there is probable cause to believe that
2 unlicensed activity has occurred pursuant to this chapter, the
3 department shall prepare and file an administrative complaint,
4 on behalf of the board, which shall be served on the
5 unlicensed person. The department, on behalf of the board,
6 shall prosecute the complaint pursuant to chapter 120.

7 (2) Upon finding of a violation of this section, the
8 board is authorized to impose a fine of not more than \$5,000
9 and assess reasonable investigative and legal costs for the
10 prosecution of the violation against the violator. Any such
11 fine and assessment shall be paid within 30 days after the
12 filing of the final order of the board with the department. In
13 the event of an appeal, the time for payment of any fine and
14 assessments shall be stayed until a final order is rendered
15 upholding the department decision.

16 (3) If any fine and assessments imposed by the board
17 are not paid within the time provided for payment, the board
18 may bring action in the appropriate circuit court of the state
19 for enforcement of the final order, and the circuit court
20 shall not rehear the merit of the matters included in the
21 final order of the board.

22 Section 7. For the purpose of incorporating the
23 amendment to section 474.214, Florida Statutes, in a reference
24 thereto, subsection (2) of section 474.217, Florida Statutes,
25 is reenacted to read:

26 474.217 Licensure by endorsement.--

27 (2) The department shall not issue a license by
28 endorsement to any applicant who is under investigation in any
29 state, territory, or the District of Columbia for an act which
30 would constitute a violation of this chapter until the
31 investigation is complete and disciplinary proceedings have

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1 | been terminated, at which time the provisions of s. 474.214
 2 | shall apply.

3 | Section 8. This act shall take effect October 1, 1997.

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6 | HOUSE SUMMARY

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8 | With respect to regulation under chapter 474, F.S.,
 9 | relating to veterinary medical practice, revises
 10 | exemptions from such regulation which relate to faculty
 11 | members, persons and their employees administering to the
 12 | ills or injuries of their own animals, and persons
 13 | working under supervision of a licensed veterinarian and
 14 | provides exemptions relating to interns or resident
 15 | veterinarians in training and to out-of-state licensees
 16 | practicing under certain circumstances at the request of
 17 | a Florida-licensed veterinarian. Requires certification
 18 | of such faculty and registration of such interns and
 19 | residents. Exempts employees of corporations tending to
 20 | animals on loan to such corporation for a period
 21 | exceeding 1 year.

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23 | Authorizes the Board of Veterinary Medicine to require a
 24 | personal appearance of any applicant for licensure by
 25 | examination and requires the applicant to be given prior
 26 | notice of the time and place of such appearance and a
 27 | statement of the purpose of and reasons for the
 28 | appearance. Requires criteria for providers of continuing
 29 | education to be approved by the board. Increases the
 30 | administrative fine applicable to violations of
 31 | veterinary medical practice law. Provides circumstances
 32 | for expunction of citations from a veterinarian's record.
 33 | Requires limited service permittees to register each
 34 | location and provides a registration fee. Provides
 35 | requirements for temporary rabies vaccination efforts
 36 | operated by a county health department in response to a
 37 | public health threat. Provides permit and other
 38 | requirements for persons who are not licensed
 39 | veterinarians but who desire to own and operate a
 40 | veterinary medical establishment. Provides disciplinary
 41 | actions applicable to holders of premises permits.
 42 | Provides for investigation of unlicensed activity and for
 43 | hearings upon a finding of probable cause. See bill for
 44 | details.

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