

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 eliminating obsolete provisions; amending s.
9 474.211, F.S.; requiring criteria for providers
10 of continuing education to be approved by the
11 board; amending s. 474.2125, F.S.; exempting
12 veterinarians licensed in another state from
13 certain requirements for temporary licensure in
14 this state; correcting a cross reference;
15 amending s. 474.214, F.S.; increasing the
16 administrative fine; amending s. 474.215, F.S.;
17 requiring limited service permittees to
18 register each location and providing a
19 registration fee; providing requirements for
20 certain temporary rabies vaccination efforts;
21 providing permit and other requirements for
22 persons who are not licensed veterinarians but
23 who desire to own and operate a veterinary
24 medical establishment; providing disciplinary
25 actions applicable to holders of premises
26 permits; reenacting s. 474.217(2), F.S.,
27 relating to licensure by endorsement, to
28 incorporate the amendment to s. 474.214, F.S.,
29 in a reference thereto; providing an effective
30 date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 474.203, Florida Statutes, is
4 amended to read:

5 474.203 Exemptions.--This chapter shall not apply to:

6 (1) Any faculty member practicing only in conjunction
7 with teaching duties at a school or college of veterinary
8 medicine. ~~Such school or college shall be~~ located in this
9 state and ~~be~~ accredited by the American Veterinary Medical
10 Association Council on Education. This exemption shall only
11 apply to such faculty member does not hold a valid license
12 issued under this chapter but who is a graduate of a school
13 or college of veterinary medicine accredited by the American
14 Veterinary Medical Association Council on Education or a
15 school or college recognized by the American Veterinary
16 Medical Association Commission for Foreign Veterinary
17 Graduates.The faculty member exemption shall automatically
18 expire when such school or college terminates the faculty
19 member from such teaching duties. On December 31 of each year,
20 such school or college shall provide the board with a written
21 list of all faculty who are exempt from this chapter. Such
22 school or college shall also notify the board in writing of
23 any additions or deletions to such list.

24 (2) A person practicing as an intern or resident
25 veterinarian and who does not hold a valid license issued
26 under this chapter and who is a graduate in training at a
27 school or college of veterinary medicine located in this state
28 and accredited by the American Veterinary Medical Association
29 Council on Education or a school or college recognized by the
30 American Veterinary Medical Association Commission for Foreign
31 Veterinary Graduates. Such intern or resident must be a

1 graduate of a school or college of veterinary medicine
 2 accredited by the American Veterinary Medical Association
 3 Council on Education. This exemption shall expire when such
 4 intern or resident completes or is terminated from such
 5 training. Each school or college at which such intern or
 6 resident is in training shall on July 1 of each year, provide
 7 the board with a written list of all such interns or residents
 8 designated for this exemption, and the school or college shall
 9 also notify the board of any additions or deletions to the
 10 list.

11 (3)~~(2)~~ A student in a school or college of veterinary
 12 medicine while in the performance of duties assigned by his
 13 instructor or when working as a preceptor under the immediate
 14 supervision of a licensee, provided that such preceptorship is
 15 required for graduation from an accredited school or college
 16 of veterinary medicine. The licensed veterinarian shall be
 17 responsible for all acts performed by a preceptor under his
 18 supervision.

19 (4)~~(3)~~ Any doctor of veterinary medicine in the employ
 20 of a state agency or the United States Government while
 21 actually engaged in the performance of his official duties;
 22 however, this exemption shall not apply to such person when he
 23 is not engaged in carrying out his official duties or is not
 24 working at the installations for which his services were
 25 engaged.

26 (5)~~(4)~~ Any person, or his regular employee,
 27 administering to the ills or injuries of his own animals,
 28 including, but not limited to, castration, spaying, and
 29 dehorning of herd animals, unless title has been transferred
 30 or employment provided for the purpose of circumventing this
 31 law. This exemption shall not apply to out-of-state

1 veterinarians practicing temporarily in the state. However,
2 only a veterinarian may immunize or treat an animal for
3 diseases which are communicable to humans and which are of
4 public health significance.

5 (6)~~(5)~~ State agencies, accredited schools,
6 institutions, foundations, business corporations or
7 associations, physicians licensed to practice medicine and
8 surgery in all its branches, graduate doctors of veterinary
9 medicine, or persons under the direct supervision thereof,
10 which or who conduct experiments and scientific research on
11 animals in the development of pharmaceuticals, biologicals,
12 serums, or methods of treatment, or techniques for the
13 diagnosis or treatment of human ailments, or when engaged in
14 the study and development of methods and techniques directly
15 or indirectly applicable to the problems of the practice of
16 veterinary medicine.

17 (7)~~(6)~~ Any veterinary aide, nurse, laboratory
18 technician, preceptor, or other employee of a licensed
19 veterinarian who administers medication or who renders
20 auxiliary or supporting assistance under the responsible
21 supervision of a ~~such~~ licensed veterinarian ~~practitioner~~,
22 including those tasks identified by rule of the board
23 requiring immediate supervision. However, the licensed
24 veterinarian shall be responsible for all such acts performed
25 under this subsection by persons under his supervision.

26 (8) A veterinarian, licensed by and actively
27 practicing veterinary medicine in another state, who is
28 board-certified in a specialty recognized by the board and who
29 responds to a request of a veterinarian licensed in this state
30 to assist with the treatment on a specific case of a specific
31 animal or with the treatment on a specific case of the animals

1 of a single owner, as long as the veterinarian licensed in
2 this state requests the other veterinarian's presence. A
3 veterinarian who practices under this subsection is not
4 eligible to apply for a premises permit under s. 474.215.

5 (9) For the purposes of chapters 465 and 893, persons
6 exempt pursuant to subsections (1), (2) or (4) of this section
7 shall be deemed to be duly licensed practitioners authorized
8 by the laws of this state to prescribe drugs or medicinal
9 supplies.

10 Section 2. Section 474.207, Florida Statutes, is
11 amended to read:

12 474.207 Licensure by examination.--

13 (1) Any person desiring to be licensed as a
14 veterinarian shall apply to the department to take a licensure
15 examination. The board may by rule adopt use of a national
16 examination in lieu of part or all of the examination required
17 by this section, with a reasonable passing score to be set by
18 rule of the board.

19 (2) The department shall license each applicant who
20 the board certifies has:

21 (a) Completed the application form and remitted an
22 examination fee set by the board.

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

26 2. Graduated from a college of veterinary medicine
27 listed in the American Veterinary Medical Association Roster
28 of Veterinary Colleges of the World and obtained a certificate
29 from the Education Commission for Foreign Veterinary
30 Graduates.

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1 (c) Successfully completed the examination provided by
2 the department for this purpose, or an examination determined
3 by the board to be equivalent.

4 (d) Demonstrated knowledge of the laws and rules
5 governing the practice of veterinary medicine in Florida in a
6 manner designated by rules of the board.

7
8 The department shall not issue a license to any applicant who
9 is under investigation in any state or territory of the United
10 States or in the District of Columbia for an act which would
11 constitute a violation of this chapter until the investigation
12 is complete and disciplinary proceedings have been terminated,
13 at which time the provisions of s. 474.214 shall apply.

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

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

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

24 (a)1. Was a Florida resident immediately preceding his
25 application for licensure;

26 (b)2. Demonstrates to the board, through submission of
27 documentation verified by his respective professional
28 association in exile, that he received a professional degree
29 in veterinary medicine from a college or university located in
30 the country from which he emigrated. However, the board may
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1 not require receipt transcripts from the Republic of Cuba as a
2 condition of eligibility under this section; and

3 ~~(c)3.~~ Lawfully practiced his profession for at least 3
4 years.

5 (4) Applicants certified for examination or
6 reexamination under subsection (3) who fail or have failed the
7 examination three times ~~subsequent to October 1, 1989,~~ shall
8 be required to demonstrate to the board that they meet the
9 requirements of paragraph (2)(b) prior to any further
10 reexamination or certification for licensure.

11 (5) An unlicensed doctor of veterinary medicine who
12 has graduated from an approved college or school of veterinary
13 medicine and has completed all parts of the examination for
14 licensure is permitted, while awaiting the results of such
15 examination for licensure or while awaiting issuance of the
16 license, to practice under the immediate supervision of a
17 licensed veterinarian. A person who fails any part of the
18 examination may not continue to practice, except in the same
19 capacity as other nonlicensed veterinary employees, until he
20 passes the examination and is eligible for licensure.

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

23 474.211 Renewal of license.--

24 (3) The board may by rule prescribe continuing
25 education, not to exceed 30 hours biennially, as a condition
26 for renewal of a license or certificate. The criteria for such
27 programs, providers, or courses shall be approved by the
28 board.

29 Section 4. Subsection (1) of section 474.2125, Florida
30 Statutes, is amended to read:

31 474.2125 Temporary license.--

1 (1) The board shall adopt rules providing for the
2 issuance of a temporary license to a licensed veterinarian of
3 another state for the purpose of enabling him to provide
4 veterinary medical services in this state for the animals of a
5 specific owner or, as may be needed in an emergency as defined
6 in s. 252.34(3)~~(2)~~, for the animals of multiple owners,
7 provided the applicant would qualify for licensure by
8 endorsement under s. 474.217, except that the applicant is not
9 required to have demonstrated compliance with the requirements
10 of s. 474.217(1)(a) prior to issuance of the license. No
11 temporary license shall be valid for more than 30 days after
12 its issuance, and no license shall cover more than the
13 treatment of the animals of one owner except in an emergency
14 as defined in s. 252.34(3)~~(2)~~. After the expiration of 30
15 days, a new license is required.

16 Section 5. Paragraph (c) of subsection (2) of section
17 474.214, Florida Statutes, is amended, and subsection (4) is
18 added to said section, to read:

19 474.214 Disciplinary proceedings.--

20 (2) When the board finds any applicant or veterinarian
21 guilty of any of the grounds set forth in subsection (1),
22 regardless of whether the violation occurred prior to
23 licensure, it may enter an order imposing one or more of the
24 following penalties:

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

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

31 474.215 Premises permits; disciplinary actions.--

1 (7) The board by rule shall establish minimum
2 standards for the operation of limited service veterinary
3 medical practices. Such rules shall not restrict limited
4 service veterinary medical practices and shall be consistent
5 with the type of limited veterinary medical service provided.

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

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

14 (c) Notwithstanding any provision of this subsection
15 to the contrary, any temporary rabies vaccination effort
16 operated by a county health department in response to a public
17 health threat, as declared by the State Health Officer in
18 consultation with the State Veterinarian, shall not be subject
19 to any pre-registration, time limitation, or fee requirements,
20 but shall adhere to all other requirements for limited service
21 veterinary medical practice as prescribed by rule. The fee
22 charged to the public for a rabies vaccination administered
23 during such temporary rabies vaccination effort shall not
24 exceed the actual cost of administering the rabies vaccine.
25 Such rabies vaccination efforts may not be used for any
26 purpose other than to address the public health consequences
27 of the rabies outbreak. The board shall be immediately
28 notified in writing of any temporary rabies vaccination effort
29 operated under this paragraph.

30 (8) Any person who is not a veterinarian licensed
31 under this chapter but who desires to own and operate a

1 veterinary medical establishment shall apply to the board for
2 a premises permit. If the board certifies that the applicant
3 complies with the applicable laws and rules of the board, the
4 department shall issue a premises permit. No permit shall be
5 issued unless a licensed veterinarian is designated to
6 undertake the professional supervision of the veterinary
7 medical practice and the minimum standards set by rule of the
8 board for premises where veterinary medicine is practiced.
9 Upon application, the department shall submit for a statewide
10 criminal records correspondence check through the Department
11 of Law Enforcement. The permittee shall notify the board
12 within 10 days after any change of the licensed veterinarian
13 responsible for such duties. Any permittee under this
14 subsection is subject to the provisions of sections 474.214
15 and 474.215, Florida Statutes.

16 (9)(a) The department or the board may deny, revoke,
17 or suspend the permit of any permittee under this section and
18 may fine, place on probation, or otherwise discipline any
19 permittee who has:

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

22 2. Attempted to procure, or has procured, a permit for
23 any other person by making, or causing to be made, any false
24 representation;

25 3. Violated any of the requirements of this chapter or
26 any rule of the board; or

27 4. Been convicted or found guilty of, or entered a
28 plea of nolo contendere to, a felony in any courts of this
29 state, of any other state, or of the United States.

30 (b) If the permit is revoked or suspended, the owner,
31 manager, or proprietor shall cease to operate the premises as

1 a veterinary medical practice as of the effective date of the
2 suspension or revocation. In the event of such revocation or
3 suspension, the owner, manager, or proprietor shall remove
4 from the premises all signs and symbols identifying the
5 premise as a veterinary medical practice. The period of any
6 such suspension shall be prescribed by rule of the board, but
7 in no case shall it exceed 1 year. In the event the permit is
8 revoked, the person owning or operating the establishment
9 shall not be entitled to make application for a permit to
10 operate a premises for a period of 1 year from the date of
11 such revocation. Upon the effective date of such revocation,
12 the permittee shall advise the board of the disposition of any
13 and all medicinal drugs and shall make the provision for
14 assuring the security, confidentiality, and availability to
15 clients of all patient medical records.

16 Section 7. For the purpose of incorporating the
17 amendment to section 474.214, Florida Statutes, in a reference
18 thereto, subsection (2) of section 474.217, Florida Statutes,
19 is reenacted to read:

20 474.217 Licensure by endorsement.--

21 (2) The department shall not issue a license by
22 endorsement to any applicant who is under investigation in any
23 state, territory, or the District of Columbia for an act which
24 would constitute a violation of this chapter until the
25 investigation is complete and disciplinary proceedings have
26 been terminated, at which time the provisions of s. 474.214
27 shall apply.

28 Section 8. This act shall take effect July 1, 1997.
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