

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; amending s. 474.2165, F.S., expanding  
27          controls on veterinary records; reenacting s.  
28          474.217(2), F.S., relating to licensure by  
29          endorsement, to incorporate the amendment to s.  
30          474.214, F.S., in a reference thereto;  
31          providing for participation of veterinarians in

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

27           (2) A person practicing as an intern or resident  
28 veterinarian, who does not hold a valid license issued under  
29 this chapter and who is a graduate in training at a school or  
30 college of veterinary medicine located in this state and  
31 accredited by the American Veterinary Medical Association

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

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

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

29 (5)~~(4)~~ Any person, or the person's regular employee,  
 30 administering to the ills or injuries of her or his own  
 31 animals, including, but not limited to, castration, spaying,

1 and dehorning of herd animals, unless title has been  
 2 transferred or employment provided for the purpose of  
 3 circumventing this law. This exemption shall not apply to  
 4 out-of-state veterinarians practicing temporarily in the  
 5 state. However, only a veterinarian may immunize or treat an  
 6 animal for diseases which are communicable to humans and which  
 7 are of public health significance.

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

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

29 (8) A veterinarian, licensed by and actively  
 30 practicing veterinary medicine in another state, who is  
 31 board-certified in a specialty recognized by the board and who

1 responds to a request of a veterinarian licensed in this state  
2 to assist with the treatment on a specific case of a specific  
3 animal or with the treatment on a specific case of the animals  
4 of a single owner, as long as the veterinarian licensed in  
5 this state requests the other veterinarian's presence. A  
6 veterinarian who practices under this subsection is not  
7 eligible to apply for a premises permit under s. 474.215.

8 (9) For the purposes of chapters 465 and 893, persons  
9 exempt under subsection (1), subsection (2), or subsection (4)  
10 shall be deemed to be duly licensed practitioners authorized  
11 by the laws of this state to prescribe drugs or medicinal  
12 supplies.

13 Section 2. Section 474.207, Florida Statutes, is  
14 amended to read:

15 474.207 Licensure by examination.--

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

22 (2) The department shall license each applicant who  
23 the board certifies has:

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

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

29 2. Graduated from a college of veterinary medicine  
30 listed in the American Veterinary Medical Association Roster  
31 of Veterinary Colleges of the World and obtained a certificate

1 from the Education Commission for Foreign Veterinary  
2 Graduates.

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

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

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

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

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

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

27 (a)1. Was a Florida resident immediately preceding her  
28 or his application for licensure;

29 (b)2. Demonstrates to the board, through submission of  
30 documentation verified by the applicant's respective  
31 professional association in exile, that she or he received a

1 professional degree in veterinary medicine from a college or  
2 university located in the country from which she or he  
3 emigrated. However, the board may not require receipt  
4 transcripts from the Republic of Cuba as a condition of  
5 eligibility under this section; and

6 (c)~~3~~. Lawfully practiced her or his profession for at  
7 least 3 years.

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

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

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

26 474.211 Renewal of license.--

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

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

3           474.2125 Temporary license.--

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

19           Section 5. Paragraph (c) of subsection (2) of section  
20 474.214, Florida Statutes, is amended to read:

21           474.214 Disciplinary proceedings.--

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

27           (c) Imposition of an administrative fine not to exceed  
28 \$5,000~~\$1,000~~ for each count or separate offense.

29  
30 In determining appropriate action, the board must first  
31 consider those sanctions necessary to protect the public.



1 Only after those sanctions have been imposed may the  
2 disciplining authority consider and include in its order  
3 requirements designed to rehabilitate the veterinarian. All  
4 costs associated with compliance with any order issued under  
5 this subsection are the obligation of the veterinarian.

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

9 474.215 Premises permits; disciplinary actions.--

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

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

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

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

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

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

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

- 29 1. Obtained a permit by misrepresentation or fraud or  
30 through an error of the department or board;

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

4           3. Violated any of the requirements of this chapter or  
5 any rule of the board; or

6           4. Been convicted or found guilty of, or entered a  
7 plea of nolo contendere to, a felony in any court of this  
8 state, of any other state, or of the United States.

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

26           Section 7. Section 474.2165, Florida Statutes, is  
27 amended to read:

28           474.2165 Veterinary medical records.--Each person who  
29 provides veterinary medical services shall maintain medical  
30 records, as established by rule, and shall adhere to the  
31 requirements of section 455.667.

1           Section 8. For the purpose of incorporating the  
2 amendment to section 474.214, Florida Statutes, in a reference  
3 thereto, subsection (2) of section 474.217, Florida Statutes,  
4 is reenacted to read:

5           474.217 Licensure by endorsement.--

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

13           Section 9. Notwithstanding the transfer of the  
14 Division of Medical Quality Assurance to the Department of  
15 Health or any any other provision of law to the contrary,  
16 veterinarians licensed under chapter 474, Florida Statutes,  
17 shall be governed by the treatment of impaired practitioners  
18 provisions of section 455.707, Florida Statutes, as if they  
19 were under the jurisdiction of the Division of Medical Quality  
20 Assurance, except that for veterinarians the Department of  
21 Business and Professional Regulation shall, at its option,  
22 exercise any of the powers granted to the Department of Health  
23 by that provision, and "board" shall mean board as defined in  
24 chapter 474, Florida Statutes.

25           Section 10. This act shall take effect July 1, 1998.  
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