

Bill No. CS for SB 2076

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Dyer moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 15, lines 16 and 17,		
15			
16	insert:		
17	Section 11. Section 474.203, Florida Statutes, is		
18	amended to read:		
19	474.203 Exemptions.--This chapter <u>does</u> shall not apply		
20	to:		
21	(1) Any faculty member practicing only in conjunction		
22	with teaching duties at a school or college of veterinary		
23	medicine <u>which is.</u> Such school or college shall be located in		
24	this state and be accredited by the American Veterinary		
25	Medical Association Council on Education. <u>However, this</u>		
26	<u>exemption applies only to such a faculty member who does not</u>		
27	<u>hold a valid license issued under this chapter but who is a</u>		
28	<u>graduate of a school or college of veterinary medicine</u>		
29	<u>accredited by the American Veterinary Medical Association</u>		
30	<u>Council on Education or a school or college recognized by the</u>		
31	<u>American Veterinary Medical Association Commission for Foreign</u>		

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1 Veterinary Graduates.The faculty member exemption shall
2 automatically expire when such school or college terminates
3 the faculty member from such teaching duties. On July 1
4 ~~December 31~~ of each year, such school or college shall provide
5 the board with a written list of all faculty who are exempt
6 from this chapter. Such school or college shall also notify
7 the board in writing of any additions or deletions to such
8 list.

9 (2) A person who is practicing as an intern or
10 resident veterinarian and who does not hold a valid license
11 issued under this chapter but who is a graduate in training at
12 a school or college of veterinary medicine located in this
13 state and accredited by the American Veterinary Medical
14 Association Council on Education. Such an intern or resident
15 must be a graduate of a school or college of veterinary
16 medicine accredited by the American Veterinary Medical
17 Association Council on Education or a school or college
18 recognized by the American Veterinary Medical Association
19 Commission for Foreign Veterinary Graduates. This exemption is
20 no longer applicable to an individual after he or she
21 completes or is terminated from such training. Each school or
22 college at which such an intern or resident is in training
23 shall, on July 1 of each year, provide the board with a
24 written list of all such interns or residents designated for
25 this exemption, and the school or college shall also notify
26 the board of any additions to or deletions from the list.

27 (3)(2) A student in a school or college of veterinary
28 medicine while in the performance of duties assigned by her or
29 his instructor or when working as a preceptor under the
30 immediate supervision of a licensee, provided that such
31 preceptorship is required for graduation from an accredited

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1 school or college of veterinary medicine. The licensed
2 veterinarian shall be responsible for all acts performed by a
3 preceptor under her or his supervision.

4 ~~(4)(3)~~ Any doctor of veterinary medicine in the employ
5 of a state agency or the United States Government while
6 actually engaged in the performance of her or his official
7 duties; however, this exemption shall not apply to such person
8 when the person is not engaged in carrying out her or his
9 official duties or is not working at the installations for
10 which her or his services were engaged.

11 ~~(5)(4)~~ Any person, or the person's regular employee,
12 administering to the ills or injuries of her or his own
13 animals, including, but not limited to, castration, spaying,
14 and dehorning of herd animals, unless title has been
15 transferred or employment provided for the purpose of
16 circumventing this law. This exemption shall not apply to
17 out-of-state veterinarians practicing temporarily in the
18 state. However, only a veterinarian may immunize or treat an
19 animal for diseases which are communicable to humans and which
20 are of public health significance.

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

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1 veterinary medicine.

2 ~~(7)(6)~~ Any veterinary aide, nurse, laboratory
3 technician, preceptor, or other employee of a licensed
4 veterinarian who administers medication or who renders
5 auxiliary or supporting assistance under the responsible
6 supervision of a such licensed veterinarian practitioner,
7 including those tasks identified by rule of the board
8 requiring immediate supervision. However, the licensed
9 veterinarian is shall be responsible for all such acts
10 performed under this subsection by persons under her or his
11 supervision.

12 (8) A veterinarian, licensed by and actively
13 practicing veterinary medicine in another state, who is board
14 certified in a specialty recognized by the board and who
15 responds to a request of a veterinarian licensed in this state
16 to assist with the treatment on a specific case of a specific
17 animal or with the treatment on a specific case of the animals
18 of a single owner, as long as the veterinarian licensed in
19 this state requests the other veterinarian's presence. A
20 veterinarian who practices under this subsection is not
21 eligible to apply for a premises permit under s. 474.215.

22 (9) For the purposes of chapters 465 and 893, persons
23 exempt under subsection (1), subsection (2), or subsection (4)
24 are considered to be duly licensed practitioners authorized by
25 the laws of this state to prescribe drugs or medicinal
26 supplies.

27 Section 12. Subsection (3) of section 474.211, Florida
28 Statutes, is amended to read:

29 474.211 Renewal of license.--

30 (3) The board may by rule prescribe continuing
31 education, not to exceed 30 hours biennially, as a condition

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1 for renewal of a license or certificate. The criteria for such
2 programs, providers, or courses must ~~shall~~ be approved by the
3 board.

4 Section 13. Subsection (1) of section 474.2125,
5 Florida Statutes, is amended to read:

6 474.2125 Temporary license.--

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

23 Section 14. Paragraph (c) of subsection (2) of section
24 474.214, Florida Statutes, is amended to read:

25 474.214 Disciplinary proceedings.--

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

31 (c) Imposition of an administrative fine not to exceed

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1 ~~\$5,000~~~~\$1,000~~ for each count or separate offense.

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3 In determining appropriate action, the board must first
 4 consider those sanctions necessary to protect the public.
 5 Only after those sanctions have been imposed may the
 6 disciplining authority consider and include in its order
 7 requirements designed to rehabilitate the veterinarian. All
 8 costs associated with compliance with any order issued under
 9 this subsection are the obligation of the veterinarian.

10 Section 15. Subsection (7) of section 474.215, Florida
 11 Statutes, is amended, and subsections (8) and (9) are added to
 12 that section, to read:

13 474.215 Premises permits.--

14 (7) The board by rule shall establish minimum
 15 standards for the operation of limited service veterinary
 16 medical practices. The ~~Such~~ rules must ~~shall~~ not restrict
 17 limited service veterinary medical practices and must ~~shall~~ be
 18 consistent with the type of limited veterinary medical service
 19 provided.

20 (a) Any person who ~~that~~ offers or provides limited
 21 service veterinary medical practice shall obtain from the
 22 board a biennial permit ~~from the board~~ the cost of which must
 23 ~~shall~~ not exceed \$250. The limited service permittee shall
 24 register each location where limited service clinics are held
 25 and shall pay a fee set by rule not to exceed \$25 to register
 26 each such location.

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

29 (c) Notwithstanding any provision of this subsection
 30 to the contrary, any temporary rabies vaccination effort
 31 operated by a county health department in response to a public

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1 health threat, as declared by the State Health Officer in
2 consultation with the State Veterinarian, is not subject to
3 any preregistration, time limitation, or fee requirements, but
4 must adhere to all other requirements for limited service
5 veterinary medical practice as prescribed by rule. The fee
6 charged to the public for a rabies vaccination administered
7 during such a temporary rabies vaccination effort must not
8 exceed the actual cost of administering the rabies vaccine.
9 Such rabies vaccination efforts may not be used for any
10 purpose other than to address the public health consequences
11 of the rabies outbreak. The board shall be immediately
12 notified in writing of any temporary rabies vaccination effort
13 operated under this paragraph.

14 (8) Any person who is not a veterinarian licensed
15 under this chapter but who desires to own and operate a
16 veterinary medical establishment shall apply to the board for
17 a premises permit. If the board certifies that the applicant
18 complies with the applicable laws and rules of the board, the
19 department shall issue a premises permit. A permit must not be
20 issued unless a licensed veterinarian is designated to
21 undertake the professional supervision of the veterinary
22 medical practice and the minimum standards set by rule of the
23 board for premises where veterinary medicine is practiced.
24 Upon application, the department shall request a statewide
25 criminal records correspondence check of the applicant through
26 the Department of Law Enforcement. The permittee shall notify
27 the board within 10 days after any change of the licensed
28 veterinarian responsible for such duties. Any permittee under
29 this subsection is subject to subsection (9) and s. 474.214.

30 (9)(a) The department or the board may deny, revoke,
31 or suspend the permit of any permittee under this section and

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1 may fine, place on probation, or otherwise discipline any
2 permittee under this section who has:

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

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

8 3. Violated any of the requirements of this chapter or
9 any rule of the board; or

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

13 (b) If the permit is revoked or suspended, the owner,
14 manager, or proprietor shall cease to operate the premises as
15 a veterinary medical practice as of the effective date of the
16 suspension or revocation. In the event of such revocation or
17 suspension, the owner, manager, or proprietor shall remove
18 from the premises all signs and symbols identifying the
19 premises as a veterinary medical practice. The period of any
20 such suspension must be prescribed by rule of the board, but
21 may not exceed 1 year. If the permit is revoked, the person
22 who owns or operates the establishment may not apply for a
23 permit to operate such premises for a period of 1 year after
24 the date of the revocation. Upon the effective date of the
25 revocation, the permittee shall advise the board of the
26 disposition of any and all medicinal drugs and shall make
27 provision for ensuring the security, confidentiality, and
28 availability to clients of all patient medical records.

29 Section 16. Section 474.217, Florida Statutes, is
30 amended to read:

31 474.217 Licensure by endorsement.--

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1 (1) The department shall issue a license by
2 endorsement to any applicant who, upon applying to the
3 department and remitting a fee set by the board, demonstrates
4 to the board that she or he:

5 (a) Has demonstrated, in a manner designated by rule
6 of the board, knowledge of the laws and rules governing the
7 practice of veterinary medicine in this state; and

8 (b)1. Either holds, and has held for the 3 years
9 immediately preceding the application for licensure, a valid,
10 active license to practice veterinary medicine in another
11 state of the United States, the District of Columbia, or a
12 territory of the United States, provided that the requirements
13 for licensure in the issuing state, district, or territory are
14 equivalent to or more stringent than the requirements of this
15 chapter; or

16 2. Meets the qualifications of s. 474.207(2)(b) and
17 has successfully completed a state, regional, national, or
18 other examination which is equivalent to or more stringent
19 than the examination approved by the board and certified given
20 by the department and has passed the board's clinical
21 competency examination or another clinical competency
22 examination specified by rule of the board.

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

30 Section 17. Notwithstanding the transfer of the
31 Division of Medical Quality Assurance to the Department of

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1 Health or any other provision of law to the contrary,
2 veterinarians licensed under chapter 474, Florida Statutes,
3 shall be governed by the treatment of impaired practitioners
4 provisions of section 455.707, Florida Statutes, as if they
5 were under the jurisdiction of the Division of Medical Quality
6 Assurance, except that for veterinarians the Department of
7 Business and Professional Regulation shall, at its option,
8 exercise any of the powers granted to the Department of Health
9 by that provision, and "board" shall mean board as defined in
10 chapter 474, Florida Statutes.

11
12 (Redesignate subsequent sections.)

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14
15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, line 25, after the semicolon

18

19 insert:

20 amending s. 474.203, F.S.; revising and
21 providing exemptions from regulation under
22 chapter 474, F.S., relating to veterinary
23 medical practice; amending s. 474.207, F.S.;
24 revising requirements for certain persons to
25 take the examination for licensure as a
26 veterinarian; eliminating obsolete provisions;
27 amending s. 474.211, F.S.; requiring criteria
28 for providers of continuing education to be
29 approved by the board; amending s. 474.2125,
30 F.S.; exempting veterinarians licensed in
31 another state from certain requirements for

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1 temporary licensure in this state; conforming a
2 cross-reference; amending s. 474.214, F.S.;
3 increasing the administrative fine; amending s.
4 474.215, F.S.; requiring limited service
5 permittees to register each location and
6 providing a registration fee; providing
7 requirements for certain temporary rabies
8 vaccination efforts; providing permit and other
9 requirements for persons who are not licensed
10 veterinarians but who desire to own and operate
11 a veterinary medical establishment; providing
12 disciplinary actions applicable to holders of
13 premises permits; amending s. 474.217, F.S.,
14 relating to licensure by endorsement; revising
15 a reference to an examination; providing for
16 participation of veterinarians in impaired
17 practitioner treatment programs;

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