

By Senator Dyer

14-413-98

1 A bill to be entitled
2 An act relating to the practice of veterinary
3 medicine; amending s. 474.203, F.S.; revising
4 and 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; conforming 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. 474.217, F.S., relating to
27 licensure by endorsement; revising a reference
28 to an examination; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 474.203, Florida Statutes, is
2 amended to read:

3 474.203 Exemptions.--This chapter does ~~shall~~ not apply
4 to:

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

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

1 Association Council on Education or a school or college
2 recognized by the American Veterinary Medical Association
3 Commission for Foreign Veterinary Graduates. This exemption is
4 no longer applicable to an individual after he or she
5 completes or is terminated from such training. Each school or
6 college at which such an intern or resident is in training
7 shall, on July 1 of each year, provide the board with a
8 written list of all such interns or residents designated for
9 this exemption, and the school or college shall also notify
10 the board of any additions to or deletions from the list.

11 (3)~~(2)~~ A student in a school or college of veterinary
12 medicine while in the performance of duties assigned by her or
13 his instructor or when working as a preceptor under the
14 immediate supervision of a licensee, provided that such
15 preceptorship is required for graduation from an accredited
16 school or college of veterinary medicine. The licensed
17 veterinarian shall be responsible for all acts performed by a
18 preceptor under her or his 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 her or his official
22 duties; however, this exemption shall not apply to such person
23 when the person is not engaged in carrying out her or his
24 official duties or is not working at the installations for
25 which her or his services were engaged.

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

1 out-of-state veterinarians practicing temporarily in the
2 state. However, only a veterinarian may immunize or treat an
3 animal for diseases which are communicable to humans and which
4 are of 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 is ~~shall be~~ responsible for all such acts
25 performed under this subsection by persons under her or his
26 supervision.

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

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

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

11 Section 2. Subsection (3) of section 474.207, Florida
12 Statutes, is amended to read:

13 474.207 Licensure by examination.--

14 (3) Notwithstanding ~~the provisions of~~ paragraph
15 (2)(b), an applicant has ~~shall be deemed to have~~ met the
16 education requirements for licensure upon submission of
17 evidence that 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 her or his home country because of political
22 reasons, provided such country is located in the Western
23 Hemisphere and lacks diplomatic relations with the United
24 States, ~~and:~~

25 ~~(a)1.~~ Was a Florida resident immediately preceding her
26 or his application for licensure;

27 ~~(b)2.~~ Demonstrates to the board, through submission of
28 documentation verified by the applicant's respective
29 professional association in exile, that she or he received a
30 professional degree in veterinary medicine from a college or
31 university located in the country from which she or he

1 emigrated. However, the board may not require receipt
2 transcripts from the Republic of Cuba as a condition of
3 eligibility under this section; and

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

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

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

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

24 474.211 Renewal of license.--

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

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

1 474.2125 Temporary license.--

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

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

20 474.214 Disciplinary proceedings.--

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

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

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29 In determining appropriate action, the board must first
30 consider those sanctions necessary to protect the public.
31 Only after those sanctions have been imposed may the

1 disciplining authority consider and include in its order
2 requirements designed to rehabilitate the veterinarian. All
3 costs associated with compliance with any order issued under
4 this subsection are the obligation of the veterinarian.

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

8 474.215 Premises permits.--

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

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

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

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

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

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

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 under this section 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 must be prescribed by rule of the board, but
17 may not exceed 1 year. If the permit is revoked, the person
18 who owns or operates the establishment may not apply for a
19 permit to operate such premises for a period of 1 year after
20 the date of the revocation. Upon the effective date of the
21 revocation, the permittee shall advise the board of the
22 disposition of any and all medicinal drugs and shall make
23 provision for ensuring the security, confidentiality, and
24 availability to clients of all patient medical records.

25 Section 7. Section 474.217, Florida Statutes, is
26 amended to read:

27 474.217 Licensure by endorsement.--

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

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

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

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

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

26 Section 8. This act shall take effect July 1, 1998.
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SENATE SUMMARY

Amends regulations relating to the practice of veterinary medicine. Provides exemptions from ch. 474, F.S. Provides for the Board of Veterinary Medicine to approve criteria for providers of continuing education. Increases the maximum amount of an administrative fine from \$1,000 to \$5,000. Requires the registration of locations at which limited service clinics are held, and provides for fees. Exempts certain temporary rabies vaccination efforts from specified requirements. Places restrictions on fees charged for such temporary efforts and limits the uses to which those temporary efforts may be put. Requires that the board be notified of such a temporary effort within 30 days. Provides for premises permits for nonveterinarians, and establishes conditions for operating such premises. Provides for disciplinary actions applicable to holders of premises permits.