

By Senator Dyer

14-1286-99

1 A bill to be entitled
2 An act relating to veterinary medical practice;
3 creating s. 455.247, F.S.; providing for
4 certain impaired practitioners licensed under
5 chapter 474 to be governed by certain
6 provisions of law; amending s. 474.203, F.S.;
7 revising and providing exemptions from
8 regulation under chapter 474, F.S., relating to
9 veterinary medical practice; amending s.
10 474.207, F.S., relating to licensure by
11 examination; eliminating obsolete provisions;
12 amending s. 474.211, F.S.; requiring criteria
13 for providers of continuing education to be
14 approved by the board; amending s. 474.2125,
15 F.S.; exempting veterinarians licensed in
16 another state from certain requirements for
17 temporary licensure in this state; conforming a
18 cross-reference; amending s. 474.214, F.S.;
19 increasing the administrative fine; amending s.
20 474.215, F.S.; requiring limited service
21 permittees to register each location and
22 providing a registration fee; providing
23 requirements for certain temporary rabies
24 vaccination efforts; providing permit and other
25 requirements for persons who are not licensed
26 veterinarians but who desire to own and operate
27 a veterinary medical establishment; providing
28 disciplinary actions applicable to holders of
29 premises permits; reenacting s. 474.217(2),
30 F.S., relating to licensure by endorsement, to
31 incorporate the amendment to s. 474.214, F.S.,

1 in a reference thereto; providing an effective
2 date.

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

5
6 Section 1. Section 455.247, Florida Statutes, is
7 created to read:

8 455.247 Treatment for impaired
9 practitioners.--Notwithstanding the transfer of the Division
10 of Medical Quality Assurance to the Department of Health or
11 any other provision of law to the contrary, persons licensed
12 under chapter 474 shall be governed by the treatment of
13 impaired practitioners provisions of ss. 455.704 and 455.707
14 as if they were under the jurisdiction of the Division of
15 Medical Quality Assurance, except that the Department of
16 Business and Professional Regulation may exercise any of the
17 powers granted to the Department of Health by those
18 provisions; and, for the purposes of those provisions, the
19 term "board" means the board as defined in chapter 474 and the
20 probable cause panel is the probable cause panel of that
21 board.

22 Section 2. Section 474.203, Florida Statutes, is
23 amended to read:

24 474.203 Exemptions.--This chapter shall not apply to:

25 (1) Any faculty member practicing only in conjunction
26 with teaching duties at a school or college of veterinary
27 medicine. ~~Such school or college shall be~~ located in this
28 state and ~~be~~ accredited by the American Veterinary Medical
29 Association Council on Education. This exemption applies only
30 to a faculty member who does not hold a valid license issued
31 under this chapter, but who is a graduate of a school or

1 college of veterinary medicine accredited by the American
2 Veterinary Medical Association Council on Education or a
3 school or college recognized by the American Veterinary
4 Medical Association Commission for Foreign Veterinary
5 Graduates.The faculty member exemption shall automatically
6 expire when such school or college terminates the faculty
7 member from such teaching duties. On December 31 of each year,
8 such school or college shall provide the board with a written
9 list of all faculty who are exempt from this chapter. Such
10 school or college shall also notify the board in writing of
11 any additions or deletions to such list.

12 (2) A person practicing as an intern or resident
13 veterinarian who does not hold a valid license issued under
14 this chapter and who is a graduate in training at a school or
15 college of veterinary medicine located in this state and
16 accredited by the American Veterinary Medical Association
17 Council on Education or a school or college recognized by the
18 American Veterinary Medical Association Commission for Foreign
19 Veterinary Graduates. Such intern or resident must be a
20 graduate of a school or college of veterinary medicine
21 accredited by the American Veterinary Medical Association
22 Council on Education. This exemption expires when such intern
23 or resident completes or is terminated from such training.
24 Each school or college at which such intern or resident is in
25 training shall, on July 1 of each year, provide the board with
26 a written list of all such interns or residents designated for
27 this exemption, and the school or college shall also notify
28 the board of any additions or deletions to the list.

29 (3)~~(2)~~ A student in a school or college of veterinary
30 medicine while in the performance of duties assigned by his
31 instructor or when working as a preceptor under the immediate

1 supervision of a licensee, provided that such preceptorship is
2 required for graduation from an accredited school or college
3 of veterinary medicine. The licensed veterinarian shall be
4 responsible for all acts performed by a preceptor under his
5 supervision.

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

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

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

1 the study and development of methods and techniques directly
2 or indirectly applicable to the problems of the practice of
3 veterinary medicine.

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

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

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

27 Section 3. Section 474.207, Florida Statutes, is
28 amended to read:

29 474.207 Licensure by examination.--

30 (1) Any person desiring to be licensed as a
31 veterinarian shall apply to the department to take a licensure

1 examination. The board may by rule adopt use of a national
2 examination in lieu of part or all of the examination required
3 by this section, with a reasonable passing score to be set by
4 rule of the board.

5 (2) The department shall license each applicant who
6 the board certifies has:

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

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

12 2. Graduated from a college of veterinary medicine
13 listed in the American Veterinary Medical Association Roster
14 of Veterinary Colleges of the World and obtained a certificate
15 from the Education Commission for Foreign Veterinary
16 Graduates.

17 (c) Successfully completed the examination provided by
18 the department for this purpose, or an examination determined
19 by the board to be equivalent.

20 (d) Demonstrated knowledge of the laws and rules
21 governing the practice of veterinary medicine in Florida in a
22 manner designated by rules of the board.

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

30 (3) Notwithstanding the provisions of paragraph
31 (2)(b), an applicant shall be deemed to have met the education

1 requirements for licensure upon submission of evidence that
2 the applicant meets one of the following:

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

5 (b) The applicant immigrated to the United States
6 after leaving his home country because of political reasons,
7 provided such country is located in the Western Hemisphere and
8 lacks diplomatic relations with the United States, and:

9 1. Was a Florida resident immediately preceding his
10 application for licensure;

11 2. Demonstrates to the board, through submission of
12 documentation verified by his respective professional
13 association in exile, that he received a professional degree
14 in veterinary medicine from a college or university located in
15 the country from which he emigrated. However, the board may
16 not require receipt transcripts from the Republic of Cuba as a
17 condition of eligibility under this section; and

18 3. Lawfully practiced his profession for at least 3
19 years.

20 (4) Applicants certified for examination or
21 reexamination under subsection (3) who fail or have failed the
22 examination three times ~~subsequent to October 1, 1989,~~ shall
23 be required to demonstrate to the board that they meet the
24 requirements of paragraph (2)(b) prior to any further
25 reexamination or certification for licensure.

26 (5) An unlicensed doctor of veterinary medicine who
27 has graduated from an approved college or school of veterinary
28 medicine and has completed all parts of the examination for
29 licensure is permitted, while awaiting the results of such
30 examination for licensure or while awaiting issuance of the
31 license, to practice under the immediate supervision of a

1 licensed veterinarian. A person who fails any part of the
2 examination may not continue to practice, except in the same
3 capacity as other nonlicensed veterinary employees, until he
4 passes the examination and is eligible for licensure.

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

7 474.211 Renewal of license.--

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

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

15 474.2125 Temporary license.--

16 (1) The board shall adopt rules providing for the
17 issuance of a temporary license to a licensed veterinarian of
18 another state for the purpose of enabling him to provide
19 veterinary medical services in this state for the animals of a
20 specific owner or, as may be needed in an emergency as defined
21 in s. 252.34~~(3)(2)~~, for the animals of multiple owners,
22 provided the applicant would qualify for licensure by
23 endorsement under s. 474.217, except that the applicant is not
24 required to have demonstrated compliance with the requirements
25 of s. 474.217(1)(a) prior to issuance of the license. No
26 temporary license shall be valid for more than 30 days after
27 its issuance, and no license shall cover more than the
28 treatment of the animals of one owner except in an emergency
29 as defined in s. 252.34~~(3)(2)~~. After the expiration of 30
30 days, a new license is required.

31

1 Section 6. Paragraph (c) of subsection (2) of section
2 474.214, Florida Statutes, 1998 Supplement, is amended, to
3 read:

4 474.214 Disciplinary proceedings.--

5 (2) When the board finds any applicant or veterinarian
6 guilty of any of the grounds set forth in subsection (1),
7 regardless of whether the violation occurred prior to
8 licensure, it may enter an order imposing one or more of the
9 following penalties:

10 (c) Imposition of an administrative fine not to exceed
11 \$5,000~~\$1,000~~ for each count or separate offense.

12
13 In determining appropriate action, the board must first
14 consider those sanctions necessary to protect the public.
15 Only after those sanctions have been imposed may the
16 disciplining authority consider and include in its order
17 requirements designed to rehabilitate the veterinarian. All
18 costs associated with compliance with any order issued under
19 this subsection are the obligation of the veterinarian.

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

23 474.215 Premises permits.--

24 (7) The board by rule shall establish minimum
25 standards for the operation of limited service veterinary
26 medical practices. Such rules shall not restrict limited
27 service veterinary medical practices and shall be consistent
28 with the type of limited veterinary medical service provided.

29 (a) Any person that offers or provides limited service
30 veterinary medical practice shall obtain a biennial permit
31 from the board the cost of which shall not exceed \$250. The

1 limited service permittee shall register each location where
2 limited service clinics are held and shall pay a fee set by
3 rule not to exceed \$25 to register each such location.

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

6 (c) Notwithstanding any provision of this subsection,
7 any temporary rabies vaccination effort operated by a county
8 health department in response to a public health threat as
9 declared by the State Health Officer, in consultation with the
10 State Veterinarian, is not subject to any preregistration,
11 time limitation, or fee requirements, but must adhere to all
12 other requirements for limited service veterinary medical
13 practice as prescribed by rule. The fee charged to the public
14 for a rabies vaccination administered during such temporary
15 rabies vaccination effort may not exceed the actual cost of
16 administering the rabies vaccine. Such rabies vaccination
17 efforts may not be used for any purpose other than to address
18 the public health consequences of the rabies outbreak. The
19 board shall be immediately notified in writing of any
20 temporary rabies vaccination effort operated under this
21 paragraph.

22 (8) Any person who is not a veterinarian licensed
23 under this chapter but who desires to own and operate a
24 veterinary medical establishment shall apply to the board for
25 a premises permit. If the board certifies that the applicant
26 complies with the applicable laws and rules of the board, the
27 department shall issue a premises permit. No permit shall be
28 issued unless a licensed veterinarian is designated to
29 undertake the professional supervision of the veterinary
30 medical practice and the minimum standards set by rule of the
31 board for premises where veterinary medicine is practiced.

1 Upon application, the department shall submit the permittee's
2 name for a statewide criminal records correspondence check
3 through the Department of Law Enforcement. The permittee shall
4 notify the board within 10 days after any change of the
5 licensed veterinarian responsible for such duties. Any
6 permittee under this subsection is subject to the provisions
7 of ss. 474.214 and 474.215, Florida Statutes.

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

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

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

17 3. Violated any of the requirements of this chapter or
18 any rule of the board; or

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

22 (b) If the permit is revoked or suspended, the owner,
23 manager, or proprietor shall cease to operate the premises as
24 a veterinary medical practice as of the effective date of the
25 suspension or revocation. In the event of such revocation or
26 suspension, the owner, manager, or proprietor shall remove
27 from the premises all signs and symbols identifying the
28 premise as a veterinary medical practice. The period of any
29 such suspension shall be prescribed by rule of the board, but
30 may not exceed 1 year. If the permit is revoked, the person
31 owning or operating the establishment may not apply for a

1 permit to operate a premises for a period of 1 year after the
2 date of such revocation. Upon the effective date of such
3 revocation, the permittee must advise the board of the
4 disposition of all medicinal drugs and must provide for
5 assuring the security, confidentiality, and availability to
6 clients of all patient medical records.

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

11 474.217 Licensure by endorsement.--

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

19 Section 9. This act shall take effect July 1, 1999.
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22 SENATE SUMMARY

23 Revises provisions related to the practice of veterinary
24 medicine. Provides for the treatment of certain impaired
25 practitioners. Provides additional exemptions from
26 regulation. Establishes criteria for continuing education
27 providers to be approved by the Board of Veterinary
28 Medicine. Exempts from licensure requirements persons
29 licensed in another state who are temporarily practicing
30 in this state. Increases an administrative fine. Revises
31 certain registration requirements and provides guidelines
for certain temporary rabies vaccination programs.
Establishes requirements for persons not licensed as
veterinarians to operate a veterinary medical
establishment. Provides disciplinary actions applicable
to holders of premises permits. (See bill for details.)