

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: CS/SB 1428

INTRODUCER: Regulated Industries Committee and Senator Latvala

SUBJECT: Veterinary Practice

DATE: April 8, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
2.	<u>Frederick</u>	<u>DeLoach</u>	<u>BGA</u>	Pre-meeting
3.	_____	_____	<u>BC</u>	_____
4.	_____	_____	<u>RC</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill renames the term “limited service veterinary medical practice” to “limited service veterinary vaccination clinic.” The bill redefines the term to mean veterinary practice in which a veterinarian performs vaccinations or immunizations on multiple animals at a temporary location. In effect, the bill will not permit “limited service veterinary vaccination clinics” to offer parasite removal services, which is a service currently permitted to be performed in a “limited service veterinary medical practice.” The bill requires the board to establish by rule minimum standards for limited-service veterinary vaccination clinics. The rules must be consistent with the type of limited veterinary vaccination service provided.

This bill removes the authority for business professionals and health care professionals, including veterinarians, who are licensed in another state or in a foreign jurisdiction, are in Florida for a specific sporting event, and are employed or designated by the sport’s team, to practice on animals used in the sport.

This bill substantially amends the following sections of the Florida Statutes: 455.2185, 456.023, 474.202 and 474.215.

II. Present Situation:

Veterinary Medical Practice

The Board of Veterinary Medicine (board) within the Department of Business and Professional Regulation (department) is the agency charged with the regulation of the practice of veterinary medicine under ch. 474, F.S., known as the Veterinary Medical Practice Act (act). The legislative purpose for the act is to ensure that every veterinarian practicing in Florida meets minimum requirements for safe practice and veterinarians who are not normally competent or who otherwise present a danger to the public are disciplined or prohibited from practicing in Florida.¹

The department is responsible for the licensing of veterinarians, while the board² within the department is responsible for adopting rules to establish fees and implement the provisions of ch. 474, F.S.

For a person to be licensed as a veterinarian he or she must apply to the department to take a licensure examination. The department must license each applicant who the board certifies has:

- Completed the application form and remitted an examination fee set by the board.³
- Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education or graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates.
- Successfully completed the examination provided by the department for this purpose, or an examination determined by the board to be equivalent.
- Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the board.⁴

The department is prohibited from issuing a license to any applicant who is under investigation in any state or territory of the United States or in the District of Columbia for an act which would constitute a violation of ch. 474, F.S., until the investigation is complete and disciplinary proceedings have been terminated.⁵

An unlicensed doctor of veterinary medicine who has graduated from an approved college or school of veterinary medicine and has completed all parts of the examination for licensure is

¹ Section 474.201, F.S.

² The board consists of seven members, who are appointed by the Governor, and are subject to confirmation by the Senate. Five members of the board must be licensed veterinarians and two members of the board must be laypersons who are not and have never been veterinarians or members of any closely related profession or occupation. *See* s. 474.204, F.S.

³ For applicants taking the Laws and Rules examination that is not conducted by a professional testing service, the examination fee is \$165.00, payable to the DBPR. For applicants taking the Laws and Rules examination that is conducted by a professional testing service, the examination fee is \$151.50 payable to the department plus \$13.50 payable to the testing service. Rule 61G18-12.002, F.A.C. The applicant for licensure must also pay an initial licensure fee of \$200, if the person is licensed in the first 12 months of the biennium, or \$100, if the person is licensed in the second 12 months of the biennium. Rule 61G18-12.007, F.A.C.

⁴ Section 474.207, F.S.

⁵ *Id.*

permitted, while awaiting the results of the examination for licensure or while awaiting issuance of the license, to practice under the immediate supervision of a licensed veterinarian. A person who fails any part of the examination may not continue to practice, except in the same capacity as other nonlicensed veterinary employees, until the person passes the examination and is eligible for licensure.⁶

An applicant may be eligible for temporary licensure if certain requirements are met. In order for the board to certify an applicant to the department for issuance of a temporary license to practice veterinary medicine, an applicant must demonstrate to the board that the applicant:

- Has filed an application for temporary licensure identifying the name and address of the owner of the animals to be treated, the type of animals to be treated and their injury or disease, the location the treatment is to be performed, and the names, addresses, and titles of all persons entering the state with the applicant to perform the treatment; or
- Has filed an application and is responding to an emergency for the treatment of animals of multiple owners.
- Has paid the temporary licensure fee.
- Holds an active license to practice veterinary medicine in another state of the United States and that any license to practice veterinary medicine that the person has ever held has never been revoked, suspended or otherwise acted against by the licensing authority.
- Is neither the subject of any pending prosecution nor has ever been convicted of any offense which is related to the practice of veterinary medicine; and
- Satisfies the qualifications for licensure by endorsement.⁷

A temporary license is valid for a period of 30 days from its issuance. A temporary license does not cover more than the treatment of the animals of the owner identified in the application. Upon expiration of the license, a new license is required.⁸

An applicant may also be eligible for licensure by endorsement if specific requirements are met. The department must issue a license by endorsement to any applicant who, upon applying to the department and remitting the requisite fee,⁹ demonstrates to the board that she or he:

- Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in Florida; and
- Either holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the requirements for licensure in the issuing state, district, or territory are equivalent to or more stringent than the requirements of ch. 474, F.S.; or meets the application and examination requirements under Florida law and has successfully completed a state, regional, national, or other

⁶ *Id.*

⁷ Rule 61G18-25.001, F.A.C.

⁸ *Id.*

⁹ The fee for licensure by endorsement is \$500. Rule 61G18-12.011, F.A.C.

examination which is equivalent to or more stringent than the examination given by the department.¹⁰

The department is prohibited from issuing a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute a violation of ch. 474, F.S., until the investigation is complete and disciplinary proceedings have been terminated.

Under s. 474.213, F.S., a person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S. (maximum imprisonment of 5 years, maximum fine of \$5,000, or penalties applicable for a habitual offender) if the person:

- Leads the public to believe that such person is licensed as a veterinarian, or is engaged in the licensed practice of veterinary medicine, without such person holding a valid, active license pursuant to ch. 474, F.S.;
- Uses the name or title “veterinarian” when the person has not been licensed pursuant to ch. 474, F.S.;
- Presents as her or his own the license of another;
- Gives false or forged evidence to the board or a member thereof for the purpose of obtaining a license;
- Uses or attempts to use a veterinarian’s license which has been suspended or revoked;
- Knowingly employs unlicensed persons in the practice of veterinary medicine;
- Knowingly concealing information relative to violations of ch. 474, F.S.;
- Obtains or attempts to obtain a license to practice veterinary medicine by fraudulent representation;
- Practices veterinary medicine in Florida, unless the person holds a valid, active license to practice veterinary medicine pursuant to ch. 474, F.S.;
- Sells or offers to sell a diploma conferring a degree from a veterinary school or college, or a license issued pursuant to ch. 474, F.S., or procures such diploma or license with the intent that it shall be used as evidence of that which the document stands for by a person other than the one upon whom it was conferred or to whom it was granted; or
- Knowingly operates a veterinary establishment or premises without having a premise permit issued under s. 474.215, F.S.

Limited Service Veterinary Medical Practice

Section 474.202(6), F.S., defines the term “limited-service veterinary medical practice” to mean:

offering or providing veterinary services at a location that has a primary purpose other than that of providing veterinary medical services at a permanent or mobile establishment permitted by the Board of Veterinary Medicine; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services.

¹⁰ Section 474.217, F.S.

Section 474.202(9), F.S., defines the term “practice of veterinary medicine” to mean:

diagnosing the medical condition of animals and prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof; performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or representing oneself by the use of titles or words, or undertaking, offering, or holding oneself out, as performing any of these functions. The term includes the determination of the health, fitness, or soundness of an animal.

Section 474.215(7), F.S., requires the board to establish by rule minimum standards for limited-service veterinary medical practices. The rules cannot restrict limited service veterinary medical practices and must be consistent with the type of limited veterinary medical service provided. The board has defined by rule minimum standards to include vaccinations, immunizations and preventative procedures for parasitic control¹¹ on multiple animals at a temporary location and for a limited time.¹² The rule defines the term “limited time” as no more than once every two weeks and no more than four hours in any one day for any single location where a clinic is held.¹³

According to the department, anyone, such as a retailer, may obtain a permit for limited service veterinary medical permit, but a licensed veterinarian must perform the services. These limited service clinics are inspected on a random basis. There has been an issue with these clinics not notifying the department before the clinic is conducted.

Mobile veterinarian clinics are licensed, must have a premises permit for the mobile unit, and must be inspected prior to providing veterinarian services. A “mobile veterinary establishment” and “mobile clinic” is:

a mobile unit which contains the same treatment facilities as are required of a permanent veterinary establishment or which has entered into a written agreement with another veterinary establishment to provide any required facilities not available in the mobile unit. The terms do not refer to the use of a car, truck, or other motor vehicle by a veterinarian making a house call.¹⁴

General Provisions for Business and Health Professionals

Chapter 455, F.S., provides the general powers of the department and sets forth the procedural and administrative frame-work for all of the professional boards housed under the department.

¹¹ According to the department, preventive services for parasitic control may require a prescription and testing to determine the health status of an animal.

¹² Rule 61G18-15.007, F.A.C.

¹³ Rule 61G18-15.007(1), F.A.C.

¹⁴ Section 474.202(7), F.S.

The general provisions for licensure, certification, education, examination, and penalties for the following medical professionals are provided under ch. 456, F.S. In addition, ch. 456, F.S., provides the authority of the following boards to regulate their respective professions.

Exemption for Out-of-state or Foreign Professionals

Sections 455.2185(1) and 456.023(1), F.S., permit professionals from another state, nation, or foreign jurisdiction who are licenses under ch. 455 and 456, F.S., respectively, to practice in Florida under limited circumstances. Such professionals are exempt from the license requirements under ch. 455 and 456, F.S., and the applicable professional practice act if that person:

- Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.
- Engages in the active practice of that profession outside the state.
- Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

Sections 455.2185(2) and 456.023(2), F.S., limit the practice of the professional to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or designated involves animals. Both sections practicing under authority of Sections 455.2185(2) and 456.023(2), F.S., also provide that these professionals do not have practice privileges in any licensed veterinary facility without the approval of that facility.

III. Effect of Proposed Changes:

Limited Service Veterinary Medical Practice

The bill amends s. 474.202(7), F.S., to rename the term “limited service veterinary medical practice” to “limited service veterinary vaccination clinic.” It also redefines the term to mean veterinary practice in which a veterinarian performs vaccinations or immunizations on multiple animals at a temporary location. The bill requires the board to establish by rule, minimum standards for limited-service veterinary vaccination clinics. The rules must be consistent with the type of limited veterinary vaccination service provided.

The bill amends s. 474.215(7), F.S., to require the board to establish by rule, minimum standards for limited-service veterinary vaccination clinics. It deletes the provision that requires the board to establish by rules, minimum standards for limited-service veterinary medical practices. The rules must be consistent with the type of limited veterinary vaccination service provided.

Rule 61G18-15.007, F.A.C., permits “limited-service veterinary medical practices” to perform preventive procedures for parasitic control. In effect, the bill would delete the board’s authority for this rule, and would not permit “limited service veterinary vaccination clinics” to offer parasite removal services, which is a service currently permitted to be performed in a “limited service veterinary medical practice.”

The department indicated that this bill would not affect mobile veterinary clinics or veterinarians who make house calls.

Exemption for Out-of-state or Foreign Professionals

The bill amends s. 455.2185, F.S., to delete the authority of a business professional, who is licensed in another state or foreign jurisdiction, is in Florida for a specific sporting event, and is employed or designated by the sport's team, to practice on animals used in the sport.

The bill also amends s. 456.023, F.S., to delete the authority of a health care professional, who is licensed in another state or foreign jurisdiction, is in Florida for a specific sporting event, and is employed or designated by the sport's team, to practice on animals used in the sport.

The bill deletes the provisions in ss. 455.2185 and 456.023, F.S., that prohibit these professionals from practicing in veterinary facilities without the approval of the facility, which is consistent with the above changes that prohibit the professionals from practicing on animals used by the sporting teams while in Florida.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sports teams from out-of-state or from foreign jurisdictions that participate in sporting events involving animals in Florida may incur additional costs associated with hiring a Florida-licensed veterinarian for veterinary services.

C. Government Sector Impact:

Implementation of the bill requires the Board of Veterinary Medicine to establish, by rule, minimum standards for limited-service veterinary vaccination clinics. According to the Department of Business and Professional Regulation, these rules can be established

within existing resources. Additionally, implementation of the bill will require modifications to the department's LicenseEase computer system. These modifications include the creation of a limited service veterinary vaccination clinics license type and retirement of one existing license type. These changes can also be accomplished within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on March 29, 2011:

The committee substitute (CS) does not create s. 474.202(7), F.S., to define the term "limited service veterinary vaccination clinic." Instead, the bill amends s. 474.202, F.S., to rename the term "limited service veterinary medical practice" to "limited service veterinary vaccination clinic."

The CS amends ss. 455.2185 and 456.023, F.S., to delete the authority of a professional who is licensed in another state or foreign jurisdiction, is in Florida for a specific sporting event, and is employed or designated by the sport's team, to practice on animals used in the sport and use veterinary facilities.

- B. **Amendments:**

None.