

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1437 Professional Practices Involving Animals

**SPONSOR(S):** Porter

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1586

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	13 Y, 2 N	Cunningham	Blalock
2) Economic Affairs Committee			
3) State Affairs Committee			

### SUMMARY ANALYSIS

Current law<sup>1</sup> regulates various professions, such as veterinarians, and requires those seeking to practice those professions in the state to obtain a license. However, a professional of another state, territory, or nation is exempt from the licensure requirement if that person:

- Holds an active license to practice that profession in another jurisdiction;
- Engages in the active practice of that profession outside the state; and
- Is employed or designated in that professional capacity by a sports entity visiting the state for a specific event.

The professional's practice is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals involved in that sporting event. However, such professionals do not have practice privileges in any licensed health care facility or veterinary facility without that facility's approval.

The bill removes the licensing exemption for out-of-state and foreign veterinarians associated with a sports entity or sporting event and requires them to be licensed in Florida in order to practice on animals at a sporting event taking place in the state.

This bill appears to have an indeterminate positive fiscal impact on state government revenues. The bill requires out-of-state and foreign veterinarians to purchase a Florida veterinary license in order to practice veterinary medicine in Florida. Licenses cost \$265 for a biennial license and \$255 for a limited service permit.

<sup>1</sup> Chapter 455 and 456, F.S.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

Chapter 455, F.S., provides the general powers of the Division of Business and Professional Regulation (DBPR) and sets forth the procedural and administrative frame-work for all of the professional boards housed under the DBPR.

The DBPR is the state agency responsible for the licensing of veterinarians, while the Board of Veterinary Medicine (board)<sup>2</sup> within the DBPR 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 DBPR to take a licensure examination. The DBPR must license each applicant who the board certifies has:

- Completed the application form and remitted an examination fee set by the board;<sup>3</sup>
- 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; and
- Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the board.<sup>4</sup>

An applicant may be eligible for temporary licensure if certain requirements are met. In order for the board to certify an applicant to the DBPR 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.<sup>5</sup>

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<sup>2</sup> 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. Section 474.204, F.S.

<sup>3</sup> 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 DBPR 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.

<sup>4</sup> Section 474.207, F.S.

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.<sup>6</sup>

An applicant may also be eligible for licensure by endorsement if specific requirements are met. The DBPR must issue a license by endorsement to any applicant who, upon applying to the DBPR and remitting the requisite fee,<sup>7</sup> 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 examination which is equivalent to or more stringent than the examination given by the DBPR.<sup>8</sup>

Sections 455.2185 and 456.023, F.S., provide that a professional of another state, territory, or nation is exempt from the licensure requirement if that person:

- Holds an active license to practice that profession in another jurisdiction;
- Engages in the active practice of that profession outside the state; and
- Is employed or designated in that professional capacity by a sports entity visiting the state for a specific event.

The professional's practice is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals involved in that sporting event. However, such professionals do not have practice privileges in any licensed health care facility or veterinary facility without that facility's approval.

According to the Florida Veterinary Medical Association, unlicensed veterinarians are taking advantage of the current law by working at major sporting events and practicing for multiple owners, whether out of state or Florida-based. News reports indicate that in 2009, an Argentine veterinarian in Florida gave a vitamin supplement to the Venezuelan polo team's horses called biodyl (which is banned in the U.S.) to speed the recovery of the horses between polo matches. All 21 of the horses that received the supplement died.<sup>9</sup>

### **Effect of Proposed Changes**

The bill removes the licensing exemption for out-of-state and foreign veterinarians associated with a sports entity or sporting event and requires them to be licensed in Florida in order to practice on animals at a sporting event taking place in the state.

The bill requires out-of-state and foreign veterinarians to purchase a Florida veterinary license in order to practice veterinary medicine in Florida. Licenses cost \$265 for a biennial license and \$255 for a limited service permit.

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<sup>5</sup> Rule 61G18-25.001, F.A.C.

<sup>6</sup> 61G18-25.001 F.A.C.

<sup>7</sup> The fee for licensure by endorsement is \$500. Rule 61G18-12.011, F.A.C.

<sup>8</sup> Section 474.217, F.S.

<sup>9</sup> <http://www.dressage-news.com/?p=714>, and <http://www.deseretnews.com/article/705299766/Polo-team-vet-grief-stricken-over-horse-deaths.html>

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 455.2185, F.S., relating to exemptions for certain out-of-state or foreign professionals.

**Section 2:** Amends s. 456.023, F.S., relating to exemptions for certain out-of-state or foreign professionals.

**Section 3:** Provides an effective date of July 1, 2011.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The bill has an indeterminate positive fiscal impact on the state government revenues. This bill requires out-of-state and foreign veterinarians to purchase a Florida veterinary license in order to practice veterinary medicine in Florida. Licenses cost \$265 for a biennial license and \$255 for a limited service permit.<sup>10</sup>

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill will require veterinarians that are currently exempt from the licensing requirement to obtain a Florida license to practice at sporting events in the state and to pay for the cost of obtaining each license.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

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<sup>10</sup> [http://www.myfloridalicense.com/dbpr/pro/vetm/documents/vet\\_fags.pdf](http://www.myfloridalicense.com/dbpr/pro/vetm/documents/vet_fags.pdf)

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**