

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1245 Veterinary Professional Associates

**SPONSOR(S):** Regulatory Reform & Economic Development Subcommittee, Killebrew and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1038

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform & Economic Development Subcommittee	14 Y, 0 N, As CS	Phelps	Anstead
2) Civil Justice Subcommittee			
3) Commerce Committee			

### SUMMARY ANALYSIS

In Florida, the practice of “veterinary medicine” means the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease. Veterinarians are regulated by the Board of Veterinary Medicine (Board) in the Department of Business and Professional Regulation (DBPR) pursuant to ch. 474, F.S., relating to veterinary medical practice (practice act).

Currently, there are approximately 13,000 veterinarians in the state of Florida. Some estimates indicate that 70 percent of Florida households own a pet, meaning that there may be at least five million pets in Florida. Many experts believe there are not enough veterinarians to handle the growing pet population in the state.

A veterinary professional health care provider, which is a similar position to the human medical profession's physician assistant (PA), is not currently authorized in the veterinary practice act.

The bill creates the title “veterinary professional associate” and allows such individuals who have obtained this title, working under the supervision of a veterinarian, to practice veterinary medicine on a limited basis, as follows:

- Allows the title "veterinary professional associate" to be used only by an individual who has successfully completed an approved program.
- Unless otherwise prohibited by federal or state law, authorizes a veterinary professional associate to practice veterinary medicine, while working under the supervision of a Florida licensed veterinarian.
- Prohibits a veterinary professional associate from:
  - Prescribing medicinal drugs or controlled substances.
  - Except for sterilizations or dental surgeries, performing a surgical procedure.
- Makes supervising veterinarians using a veterinary professional associate liable for any acts or omissions of the veterinary professional associate acting under the veterinarian's supervision and control.

The bill provides an effective date of July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### Practice of Veterinary Medicine

The Board of Veterinary Medicine (Board) in the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., relating to veterinary medical practice (practice act). The purpose of the practice act is to ensure that every veterinarian practicing in this state meets minimum requirements for safe practices to protect public health and safety.<sup>1</sup>

A “veterinarian” is a health care practitioner licensed by the Board to engage in the practice of veterinary medicine in Florida<sup>2</sup> and they are subject to disciplinary action from the Board for various violations of the practice act.<sup>3</sup>

The practice of “veterinary medicine” is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.<sup>4</sup>

Veterinary medicine includes, with respect to animals:<sup>5</sup>

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine); and
- Other branches or specialties of veterinary medicine.

The practice act does not apply to the following categories of persons:

- Veterinary aides, nurses, laboratory technicians, preceptors,<sup>6</sup> or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision<sup>7</sup> of a licensed veterinarian;
- Certain non-Florida licensed veterinarians who are consulting upon request of a Florida-licensed veterinarian on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner.
- Faculty veterinarians when they have assigned teaching duties at accredited<sup>8</sup> institutions;
- Certain graduated intern/resident veterinarians of accredited institutions;
- Certain students in a school or college of veterinary medicine who perform assigned duties by an instructor or work as preceptors;

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<sup>1</sup> S. 474.201, F.S.

<sup>2</sup> S. 474.202(11), F.S.

<sup>3</sup> Ss. 474.213 & 474.214, F.S.

<sup>4</sup> See s. 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.

<sup>5</sup> See s. 474.202(13), F.S. Section 474.202(1), F.S., defines “animal” as “anymammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

<sup>6</sup> A preceptor is a skilled practitioner or faculty member who directs, teaches, supervises, and evaluates students in a clinical setting to allow practical experience with patients. See also <https://www.merriam-webster.com/dictionary/preceptor#medicalDictionary> (last visited Jan. 16, 2024).

<sup>7</sup> The term “responsible supervision” is defined in s. 474.202(10), F.S., as the “control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services” delegated to unlicensed personnel.

<sup>8</sup> Ss. 474.203(1)-(2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates.

- Certain doctors of veterinary medicine employed by a state agency or the United States Government;
- Persons or their employees caring for the persons' own animals, as well as certain part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks; and
- Certain entities or persons<sup>9</sup> that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods of treatment or techniques to diagnose or treatment of human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine.<sup>10</sup>

Any permanent or mobile establishment where a licensed veterinarian practices must have a premises permit issued by DBPR.<sup>11</sup> Each person to whom a veterinary license or premises permit is issued must conspicuously display such document in her or his office, place of business, or place of employment in a permanent or mobile veterinary establishment or clinic.<sup>12</sup>

By virtue of accepting a license to practice veterinary medicine in Florida, a veterinarian consents to:

- Render a handwriting sample to an agent of the department and, further, to have waived any objections to its use as evidence against her or him.
- Waive the confidentiality and authorize the preparation and release of medical reports pertaining to the mental or physical condition of the licensee when the department has reason to believe that a violation of this chapter has occurred and when the department issues an order, based on the need for additional information, to produce such medical reports for the time period relevant to the complaint.<sup>13</sup>

For Fiscal Year 2022-2023, there were 13,285 actively licensed veterinarians in Florida. DBPR received 484 complaints, which resulted in 16 disciplinary actions.<sup>14</sup>

### **Immediate Supervision**

The practice act defines "immediate supervision" to mean that a "licensed doctor of veterinary medicine is on the premises whenever veterinary services are being provided."<sup>15</sup>

Veterinary tasks requiring immediate supervision include:<sup>16</sup>

- Administering anesthesia and tranquilization by a veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian.
- Administering certain vaccinations by a veterinary aide, nurse, technician, intern or other employee of a licensed veterinarian which is not specifically prohibited.

The following tasks may be performed without the licensed veterinarian on the premises:<sup>17</sup>

- Administering medication and treatment, excluding vaccinations, as directed by the licensed veterinarian; and
- Obtaining samples and the performance of those diagnostic tests, including radiographs, directed by the licensed veterinarian.

### **Veterinarian Shortage**

<sup>9</sup> See s. 474.203(6), F.S., which states that the exemption applies to "[s]tate agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof ...."

<sup>10</sup> See s. 474.203, F.S.

<sup>11</sup> S. 474.215(1), F.S.

<sup>12</sup> S. 474.216, F.S.

<sup>13</sup> S. 474.2185, F.S.

<sup>14</sup> Department of Business and Professional Regulation, *Division of Professions Annual Report Fiscal Year 2022-2023*, <http://www.myfloridalicense.com/DBPR/os/documents/Division%20Annual%20Report%20FY%2022-23.pdf> (last visited Jan. 16, 2024).

<sup>15</sup> S. 4764.202(5), F.S.

<sup>16</sup> R. 61G18-17.005, F.A.C.

<sup>17</sup> *Id.*

According to a survey conducted by the American Pet Products Association (APPA), 70 percent of U.S. households, or about 90.5 million families, own a pet. This is an increase from 56 percent of U.S. households in 1988, and 67 percent in 2019.<sup>18</sup> As a result, experts say there is a shortage of veterinarians in the U.S., which is expected to result in the need for approximately 15,000 veterinarians by the year 2030.<sup>19</sup> A study from Banfield Pet Hospital reveals an estimated 75 million pets in the U.S. may not have access to the veterinary care they need by 2030, with an important factor being a critical shortage of veterinarians.<sup>20</sup>

The University of Florida's Dean of the College of Veterinary Medicine, Dana Zimmel, has indicated that there is a shortage of veterinarians in Florida, which in addition to pets has "1.7 million beef cattle and dairy cows, more horses than Kentucky and an alarming decline of manatee." The state's only veterinary medical college, the University of Florida, also reports that due to limited capacity, it must turn away 1,500 qualified candidates a year.<sup>21</sup>

According to the American Veterinary Medical Association (AVMA), "conditions have pushed the idea of a midlevel practitioner to the fore as veterinary practices have struggled to meet service demands. This issue has been compounded by continued inefficiencies in practices as pandemic disruptions persist and client expectations for availability and convenience. Inflation has also increased costs for labor and for products such as medical equipment and medications, creating additional concern around clients' ability to afford needed care. Additionally, retention of veterinary practice staff members and attrition from the profession are ongoing and increasing concerns."<sup>22</sup> The AVMA found that a midlevel practitioner may not be the best option to address these concerns, and that "time and effort should be spent on resources, tools, and programs designed to retain veterinarians and credentialed veterinary technicians; further develop veterinary technician specialties; help veterinary practices operate at optimum efficiency; and effectively collaborate—within practice teams and across the profession—to meet clients' needs for high-quality veterinary services."<sup>23</sup>

However, according to a study conducted by the National Library of Medicine, "the projected shortage of veterinarians has created a need to explore alternatives designed to meet society's future demands. A veterinary professional health care provider, similar to the human medical profession's physician assistant (PA), is one such alternative. It is suggested that perhaps veterinary professional associates, modeled after PAs, could be employed to handle routine veterinary care and thereby allow veterinarians additional time to focus on the more demanding and challenging aspects of veterinary medicine. Perhaps a team approach, similar to the physician/PA team, could help the field of veterinary medicine to better serve both clients and patients. As veterinary medicine directs its attention toward the new challenges on the horizon, creative solutions will be needed. Perhaps some variation of a veterinary professional associate is worthy of future discussion."<sup>24</sup>

## Human PAs

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<sup>18</sup> Insurance Information Institute, *Facts + Statistics: Pet Ownership and Insurance*, <https://www.iii.org/fact-statistic/facts-statistics-pet-ownership-and-insurance#:~:text=Seventy%20percent%20of%20U.S.%20households,and%2067%20percent%20in%202019>. (last visited Jan. 16, 2024).

<sup>19</sup> Spectrum News 13, *Mobile 'ElleVet' clinic helps relieve veterinarian shortage*, <https://www.mynews13.com/fl/orlando/news/2023/02/03/the-ellevet-project-#:~:text=%E2%80%94Experts%20say%20there's%20a%20shortage,States%20may%20not%20get%20care>. (last visited Jan. 16, 2024).

<sup>20</sup> Banfield Pet Hospital, *75 million pets may not have access to veterinary care by 2030, New Banfield® study finds*, <https://www.banfield.com/en/about-banfield/newsroom/press-releases/2020/75-million-pets-may-not-have-access-to-veterinary> (last visited Jan. 16, 2024).

<sup>21</sup> Dana Zimmel, *Florida needs more veterinarians* | Column, Tampa Bay Times (Jan. 3, 2022), <https://www.tampabay.com/opinion/2022/01/03/florida-needs-more-veterinarians-column/> (last visited Jan. 21, 2024).

<sup>22</sup> American Veterinary Medical Association, AVMA News, *Idea of midlevel practitioner rejected in favor of better support, engagement of credentialed veterinary technicians* (Jan. 10, 2023), <https://www.avma.org/news/idea-midlevel-practitioner-rejected-favor-better-support-engagement-credentialed-veterinary> (last visited Jan. 16, 2024).

<sup>23</sup> *Id.*

<sup>24</sup> Lori Kogan, Sherry Stewart, *Veterinary professional associates: does the profession's foresight include a mid-tier professional similar to physician assistants?*, National Library of Medicine (2009), <https://pubmed.ncbi.nlm.nih.gov/19625672/> (last visited Jan. 16, 2024).

According to the Mayo Clinic, PAs are “licensed medical professionals who hold an advanced degree and are able to provide direct patient care. They work with patients of all ages in virtually all specialty and primary care areas, diagnosing and treating common illnesses and working with minor procedures. With an increasing shortage of health care providers, PAs are a critical part of today’s team-based approach to health care. They increase access to quality health care for many populations and communities. The specific duties of a PA are determined by their supervising physician and state law, but they provide many of the same services as a primary care physician. They practice in every state and in a wide variety of clinical settings and specialties.”<sup>25</sup>

In Florida, PAs are licensed medical professionals that are authorized to perform services delegated by a supervising physician.<sup>26</sup> PAs are regulated by the Florida Council on Physician Assistants (Council) in conjunction with either the Board of Medicine for PAs licensed under ch. 458, F.S., or the Board of Osteopathic Medicine for PAs licensed under ch. 459, F.S. During fiscal year 2022-2023, there were 11,504 actively licensed PAs in the state, and 1,471 initial PA licenses were issued by the Florida Department of Health.<sup>27</sup>

### **Effect of the Bill**

The bill creates the title “veterinary professional associate” and allows individuals working under the supervision of a veterinarian to practice veterinary medicine on a limited basis, as follows:

- Provides the following legislative findings:
  - the practice in this state of veterinary professional associates, with their education, training, and experience in the field of veterinary medicine, will provide increased efficiency of and access to high-quality veterinary medical services at a reasonable cost to consumers.
- Defines the following terms:
  - "Approved program" means a master's program in veterinary clinical care, or the equivalent, in the United States or in its territories or possessions from an accredited school of veterinary medicine.
  - "Supervision" means responsible supervision and control, and, except in cases of emergency, requires the easy availability or physical presence of a licensed veterinarian for consultation and direction of the actions of a veterinary professional associate. For the purposes of this paragraph, the term "easy availability" includes the ability to communicate by way of telecommunication.
  - "Veterinary professional associate" means a person who has earned a master's degree from an approved program or who meets standards approved by the Board and is authorized to perform veterinary medical services delegated by a supervising veterinarian.
- Allows the title "veterinary professional associate" to be used only by an individual who has successfully completed an approved program.
- Unless otherwise prohibited by federal or state law, authorizes a veterinary professional associate to perform duties or actions, including those identified in s. 474.202(9) and (13), F.S., (practice of veterinary medicine) in which he or she is competent and has the necessary training, current knowledge, and experience to perform, as assigned by a veterinarian licensed in this state while working under the supervision of that veterinarian.
- Prohibits a veterinary professional associate from:

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<sup>25</sup> Mayo Clinic College of Medicine and Science, *Physician Assistant*, <https://college.mayo.edu/academics/explore-health-care-careers/careers-a-z/physician-assistant/> (last visited Jan. 16, 2024).

<sup>26</sup> Ss. 458.347(2)(e) and 459.022(2)(e).

<sup>27</sup> Florida Department of Health, Division of Medical Quality Assurance, Annual Report and Long-Range Plan, Fiscal Year 2022-2023, <https://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/MQAAnnualReport2022-2023.pdf> (last visited Jan. 16, 2024).

- Prescribing medicinal drugs or drugs as defined in s. 465.003(15) or a controlled substance listed in s. 893.03.
- Except for veterinary sterilizations or veterinary dental surgeries, performing a surgical procedure.
- Makes each supervising veterinarian using a veterinary professional associate liable for any acts or omissions of the veterinary professional associate acting under the veterinarian's supervision and control.

**B. SECTION DIRECTORY:**

Section 1: Creates the title, "Veterinary Workforce Innovation Act."

Section 2: Creates s. 474.2126, F.S., relating to veterinary professional associate.

Section 3: Provides an effective date of July 1, 2024.

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

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

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

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

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

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

See Fiscal Comments.

**D. FISCAL COMMENTS:**

The bill may reduce the amount of rabies cases and other animal diseases, infections, and illnesses in the state, the associated risks to the health of humans and animals, and related expenses to the public and private sector.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not appear to create a need for rulemaking or rulemaking authority.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On February 1, 2024, the Regulatory Reform & Economic Development Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Made a grammatical change.

This analysis is drafted to the committee substitute as passed by the Regulatory Reform & Economic Development Subcommittee.