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Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # 85-291	Sec. # 1,6-7	LOF cite
Prime Bill # SB. 91	Comp./Sim. Bills HB. 1205	
JLMC Hist. Cites	Senate 13 House 162	Comms. of Ref. Senate ECCA House Reg. Ref

COMMITTEE RECORDS

H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
S	ECCA	85	Bill File = B 91	18/1408	28
S	APW	25	5/21/85	18/1586	
H	Reg. Ref.	25	45 1205	19/1447	
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Senate/House Journals

Page #	?	Date	Page #	?	Date

Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation

Record Series Title, folder title, etc.	Location Cite

By: Committee on Economic, Community and Consumer Affairs

18 1408

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A bill to be entitled
An act relating to veterinary medical practice;
amending s. 474.202, F.S.; providing a
definition; amending s. 474.203, F.S.;
excluding certain out-of-state veterinarians
from an exemption from regulation; amending s.
474.204, F.S.; repealing certain transitional
provisions relating to appointment of board
members; amending s. 474.207, F.S.; eliminating
an examination fee cap; prohibiting certain
applicants from temporarily practicing;
amending s. 474.213, F.S.; providing clarifying
language; amending s. 474.214, F.S.; deleting
redundant language; providing for board action
against certain impaired veterinarians;
providing for confidentiality of certain
information; providing a privilege from civil
liability; amending s. 474.215, F.S.; providing
for the issuance of mobile clinic permits;
amending s. 474.216, F.S.; providing conforming
language; amending s. 474.217, F.S.; providing
for licensure by endorsement; repealing the
board's authority to enter into reciprocity
agreements; amending s. 474.219, F.S.; changing
the effective date of the saving clause;
creating s. 474.2065, F.S.; authorizing and
establishing limits for certain fees; creating
s. 474.2125, F.S.; providing for temporary
licensure of certain out-of-state
veterinarians; reviving and readopting chapter
474, F.S., as amended; providing for future

1 repeal and sunset review; providing an
2 effective date.

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

5
6 Section 1. Subsection (4) of section 474.202, Florida
7 Statutes, is amended to read:

8 474.202 Definitions.--As used in this chapter:

9 (4) "Practice of veterinary medicine" means
10 diagnosing, prescribing, or administering drugs, medicine,
11 appliances, applications, or treatment of whatever nature,
12 including surgery or acupuncture, for the prevention, cure, or
13 relief of a wound, fracture, bodily injury, or disease of
14 animals; performing any manual procedure for the diagnosis or
15 treatment for ~~fertility sterility~~ or infertility of animals,
16 including performing embryo transfer procedures; or
17 representing oneself by the use of titles or words, or
18 undertaking, offering, or holding oneself out, as performing
19 any of these functions.

20 Section 2. Subsection (4) of section 474.203, Florida
21 Statutes, is amended to read:

22 474.203 Exemptions.--This chapter shall not apply to:

23 (4) Any person, or his regular employee, administering
24 to the ills or injuries of his own animals, including, but not
25 limited to, castration and spaying of animals and dehorning of
26 cattle, unless title has been transferred or employment
27 provided for the purpose of circumventing this law. This
28 exemption shall not apply to out-of-state veterinarians
29 practicing temporarily in the state.
30
31

1 Section 3. Paragraph (a) of subsection (2) and
2 subsection (3) of section 474.207, Florida Statutes, are
3 amended to read:

4 474.207 Licensure by examination.--

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 ~~not to exceed~~ \$250.

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

22 Section 4. Subsection (1) of section 474.213, Florida
23 Statutes, is amended to read:

24 474.213 Prohibitions; penalties.--

25 (1) No person shall:

26 (a) Practice veterinary medicine in this state unless
27 the person holds an active license to practice veterinary
28 medicine pursuant to this chapter;

29 (b) Use the name or title "veterinarian" when the
30 person has not been licensed pursuant to this chapter;

31 (c) Present as his own the license of another;

1 (d) Give false or forged evidence to the board or a
2 member thereof for the purpose of obtaining a license;

3 (e) Use or attempt to use a veterinarian's license
4 which has been suspended or revoked;

5 (f) Knowingly employ unlicensed persons in the
6 practice of veterinary medicine; or

7 (g) Knowingly conceal information relative to
8 violations of this chapter.

9 Section 5. Section 474.214, Florida Statutes, as
10 amended by chapter 84-543 and chapter 84-553, Laws of Florida,
11 is amended to read.

12 474.214 Disciplinary proceedings.--

13 (1) The following acts shall constitute grounds for
14 which the disciplinary actions in subsection (2) may be taken:

15 ~~(a) --Violating any provision of s. 474.213 or s.~~
16 ~~474.227(1) --~~

17 (a)(b) Attempting to procure a license to practice
18 veterinary medicine by bribery, by fraudulent
19 misrepresentations, or through an error of the department or
20 the board

21 (b)(c) Having a license to practice veterinary
22 medicine revoked, suspended, or otherwise acted against,
23 including the denial of licensure, by the licensing authority
24 of another state, territory, or country.

25 (c)(d) Being convicted or found guilty, regardless of
26 adjudication, of a crime in any jurisdiction which directly
27 relates to the practice of veterinary medicine or the ability
28 to practice veterinary medicine.

29 (d)(e) Making or filing a report or record which the
30 licensee knows to be false, intentionally or negligently
31 failing to file a report or record required by state or

1 federal law, willfully impeding or obstructing such filing, or
2 inducing another person to impede or obstruct such filing.

3 Such reports or records shall include only those which are
4 signed in the capacity of a licensed veterinarian.

5 (e)(f) Advertising goods or services in a manner which
6 is fraudulent, false, deceptive, or misleading in form or
7 content.

8 (f)(g) A violation or repeated violation of this
9 chapter, chapter 455, or any rules promulgated pursuant
10 thereto.

11 (g)(h) Practicing with a revoked, suspended, or
12 inactive license.

13 (h)(i) Being unable to practice veterinary medicine
14 with reasonable skill and safety to patients by reason of
15 illness, drunkenness, use of drugs, narcotics, chemicals, or
16 any other material or substance or as a result of any mental
17 or physical condition. A licensee affected under this
18 paragraph shall have the opportunity, at reasonable intervals,
19 to demonstrate that he can resume the competent practice of
20 veterinary medicine with reasonable skill and safety to
21 patients.

22 (i)(j) Violation of a lawful order of the board or
23 department previously entered in a disciplinary hearing or
24 failure to comply with a lawfully issued subpoena of the board
25 or department.

26 (j)(k) Judicially determined mental incompetency.
27 However, a license suspended for this cause may be reinstated
28 upon legal restoration of the competency of the individual
29 whose license was so suspended.

1 (k){i} Knowingly maintaining a professional connection
2 or association with any person who is in violation of the
3 provisions of this chapter or the rules of the board.

4 (l){m} Paying or receiving kickbacks, rebates,
5 bonuses, or other remuneration for receiving a patient or
6 client or for referring a patient or client to another
7 provider of veterinary services or goods.

8 (m){n} Performing or prescribing unnecessary or
9 unauthorized treatment.

10 (n){o} Fraud in the collection of fees from consumers
11 or any person, agency, or organization paying fees to
12 practitioners.

13 (o){p} Attempting to restrict competition in the field
14 of veterinary medicine other than for the protection of the
15 public. However, this provision shall not apply to testimony
16 made in good faith at a hearing or other proceeding in which
17 the subject is the revocation of a license or a lesser
18 penalty.

19 (p){q} Fraud, deceit, negligence, incompetency, or
20 misconduct, in the practice of veterinary medicine.

21 (q){r} Conviction on a charge of cruelty to animals.

22 (r){s} Permitting or allowing another to use a
23 veterinarian's license for the purpose of treating or offering
24 to treat sick, injured, or afflicted animals.

25 (s){t} Maintaining a professional or business
26 connection with any other person who continues to violate any
27 of the provisions of this chapter or rules of the board after
28 10 days' notice in writing by the board.

29 (t){u} Willfully making any misrepresentations in
30 connection with the inspection of food for human consumption.
31

1 (u){v} Fraudulently issuing or using any false health
2 certificate, vaccination certificate, test chart, or other
3 blank form used in the practice of veterinary medicine
4 relating to the presence or absence of animal disease or
5 transporting animals or issuing any false certificate relating
6 to the sale of inedible products of animal origin for human
7 consumption.

8 (v){w} Fraud or dishonesty in applying, treating, or
9 reporting on tuberculin, diagnostic, or other biological
10 tests.

11 (w){x} Failing to keep the equipment and premises of
12 the business establishment in a clean and sanitary condition
13 or having a premises permit suspended or revoked pursuant to
14 s. 474.215.

15 (x){y} Refusing to permit the department to inspect
16 the business premises of the licensee during regular business
17 hours.

18 (y){z} Using the privilege of ordering, prescribing,
19 or making available medicinal drugs or drugs as defined in
20 chapter 465, or controlled substances as defined in chapter
21 893, for use other than for the specific treatment of animal
22 patients.

23 (z){aa} Providing, prescribing, ordering, or making
24 available for human use medicinal drugs or drugs as defined in
25 chapter 465, controlled substances as defined in chapter 893,
26 or any material, chemical, or substance used exclusively for
27 animal treatment.

28 (aa){bb} Failing to report to the department any
29 person the licensee knows to be in violation of this chapter
30 or of the rules of the department or board, ~~however, a report~~
31 ~~shall not be required if the person in violation is~~

~~participating actively in a program approved by rule of the
department or board for the treatment of a physical or mental
condition which renders the person unable to practice
veterinary medicine with reasonable skill and safety.~~

(2) When the board finds any veterinarian guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

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

(d) Issuance of a reprimand.

(e) Placement of the veterinarian on probation for a period of time and subject to such conditions as the board may specify, including requiring the veterinarian to attend continuing education courses or to work under the supervision of another veterinarian.

(f) Restricting the authorized scope of practice.

(3) The department shall reissue the license of a disciplined veterinarian upon certification by the board that the disciplined veterinarian has complied with all of the terms and conditions set forth in the final order.

(4) Whenever it is reported to the department and there is reason to believe that a veterinarian may be impaired as a result of the misuse and abuse of alcohol or medicinal drugs, or both, which could affect that individual's ability to practice his profession, the reporting of such impairment shall not constitute a complaint within the meaning of s. 455.225 so long as the probable cause panel of the board determines that:

(a) The veterinarian has acknowledged that he has an impairment problem due to the misuse and abuse of alcohol, drugs, or both;

(b) The veterinarian has voluntarily enrolled in a treatment program approved by the board;

(c) The veterinarian has voluntarily withdrawn from practice and has temporarily relinquished his license to the board; and

(d) The violation of chapter 474 committed by the veterinarian while impaired was due to or connected with his impairment.

(5) A finding of probable cause shall not be made so long as the panel is satisfied that the impaired veterinarian is progressing satisfactorily in a board-approved program. The approved program provider shall, at the request of the probable cause panel, disclose to the panel all information in its possession regarding the impaired veterinarian in treatment. All information obtained by the panel pursuant to this section is exempt from disclosure under s. 119.07, and shall be held confidential subject to the provisions of subsection (6).

(6) If, in the opinion of the probable cause panel after consultation with the provider, the impaired veterinarian enrolled in an approved treatment program does not progress satisfactorily, the panel may treat the information as a complaint which may be the basis for a finding of probable cause, or, if an immediate and serious danger to the public exists, such conclusion shall be communicated to the secretary of the department.

(7) If, in the opinion of the probable cause panel after consultation with the provider, the panel is satisfied

1 that the impaired veterinarian has successfully completed an
 2 approved treatment program and can safely return to the
 3 practice of veterinary medicine, the license earlier
 4 relinquished shall be returned to the veterinarian.

5 (8) A privilege against civil liability is hereby
 6 granted to any person who provides information to the
 7 department, the board, or the probable cause panel with
 8 respect to any impaired veterinarian, unless that person acted
 9 in bad faith or with malice.

10 Section 6. Section 474.215, Florida Statutes, is
 11 amended to read:

12 474.215 Premises permits.--

13 (1) Any establishment, permanent or mobile, where a
 14 licensed veterinarian practices must have a premises permit or
 15 mobile clinic permit issued by the department. Upon
 16 application and payment of a \$25 fee, the department shall
 17 cause such establishment to be inspected. A premises permit
 18 or mobile clinic permit shall be issued if the establishment
 19 meets minimum standards, to be adopted by rule of the board,
 20 as to sanitary conditions and physical plant. The board shall
 21 adopt separate sets of minimum standards for permanent and
 22 mobile establishments. In lieu of the above procedure, the
 23 department may issue a premises permit or mobile clinic permit
 24 to any establishment premises which is accredited by a
 25 recognized organization whose standards meet or exceed board
 26 minimum standards, as established by rule.

27 (2) Each application for a premises permit or mobile
 28 clinic permit shall set forth the name of the licensed
 29 veterinarian who will be responsible for the management of the
 30 establishment premises.

1 (3) The premises permit or mobile clinic permit may be
 2 revoked, suspended, or denied when inspection reveals that the
 3 establishment does premises-do not meet the standards set by
 4 rule or when the license of the responsible veterinarian has
 5 been suspended or revoked.

6 (4) Any owner, operator, or responsible veterinarian
 7 of any establishment operating without a premises permit or
 8 mobile clinic permit in violation of this section or any rule
 9 adopted by the board shall have 30 days after notification of
 10 violation by the department within which to apply for the
 11 appropriate permit and pay a late fee established by the
 12 board. The board may, after notice and hearing, impose a
 13 penalty against any such owner, operator, or responsible
 14 veterinarian who fails to apply for the necessary permit and
 15 pay the late fee within the prescribed 30-day period of-any
 16 premises-operating-without-a-premises-permit-in-violation-of
 17 this-section-or-any-rule-promulgated-by-the-board. No penalty
 18 so imposed shall exceed \$1,000 for each count or separate
 19 offense.

20 (5) Any practitioner who provides veterinary service
 21 on a house-call basis and who does not maintain a veterinary
 22 establishment for receipt of patients shall not be required to
 23 obtain a premises permit or mobile clinic permit, but must
 24 provide for minimum equipment and facilities as established by
 25 rule.

26 Section 7. Section 474.216, Florida Statutes, is
 27 amended to read:

28 474.216 License, and premises permit, and mobile
 29 clinic permit to be displayed.--Each person to whom a license,
 30 or premises permit, or mobile clinic permit is issued shall
 31 keep such document license conspicuously displayed in his

1 office, place of business, or place of employment and shall,
2 whenever required, exhibit said document license to any member
3 or authorized representative of the board.

4 Section 8. Section 474.217, Florida Statutes, is
5 amended to read:

6 474.217 Licensure by endorsement Reciprocity.--

7 (1) The department shall issue a license by
8 endorsement to any applicant who, upon applying to the
9 department and remitting a fee set by the board, demonstrates
10 to the board that he:

11 (a)1. Holds a valid license to practice veterinary
12 medicine in another state of the United States, the District
13 of Columbia, or a territory of the United States, provided,
14 that when the applicant secured such license, the requirements
15 for licensure in the issuing state were substantially
16 equivalent to or more stringent than those existing in this
17 state at that time; or

18 2. Meets the qualifications of s. 474.207 and has
19 successfully completed a state, regional, or national
20 examination which is substantially equivalent to or more
21 stringent than the examination given by the department; and

22 (b) Has passed an examination on the laws and rules of
23 this state governing veterinary medical practice.

24 (2) The department shall not issue a license by
25 endorsement to any applicant who is under investigation in
26 another state, territory, or the District of Columbia for an
27 act which would constitute a violation of this chapter, until
28 the investigation is complete and disciplinary proceedings
29 have been terminated, at which time the provisions of s.
30 474.214 shall apply. In order to ensure that veterinarians
31 licensed in this state may be considered for licensure in

1 ~~other states, the board may enter into reciprocity agreements~~
2 ~~with other states.~~

3 Section 9. Section 474.219, Florida Statutes, is
4 amended to read:

5 474.219 Saving clauses.--

6 (1) No judicial or administrative proceeding pending
7 on the effective date of this act July 17, 1979, shall be
8 abated as a result of the repeal and reenactment of chapter
9 474.

10 (2) All licenses or permits valid on the effective
11 date of this act shall remain in full force and effect.
12 Henceforth, all licenses or permits shall be applied for and
13 renewed in accordance with this act

14 Section 10. Section 474.2065, Florida Statutes, is
15 created to read:

16 474.2065 Fees.--The board, by rule, shall establish
17 fees for application and examination, reexamination, license
18 renewal, inactive status, renewal of inactive status, license
19 reactivation, late application for permits, and recordmaking
20 and recordkeeping. The fee for the initial application and
21 examination shall not exceed \$250. The fee for reactivation
22 of an inactive license and the fee for renewal of an inactive
23 license shall not exceed \$50. The fee for licensure by
24 endorsement shall not exceed \$250. The fee for temporary
25 licensure shall not exceed \$200. The board shall establish
26 fees which are adequate to ensure its continued operation and
27 to fund the proportionate expenses incurred by the department
28 which are allocated to the regulation of veterinarians. Fees
29 shall be based on departmental estimates of the revenue
30 required to administer this chapter and the provisions
31 relating to the regulation of veterinarians.

1 Section 11. Section 474.2125, Florida Statutes, is
 2 created to read:
 3 474.2125 Temporary license.--
 4 (1) The board shall adopt rules providing for the
 5 issuance of temporary licenses to licensed veterinarians of
 6 other states, for the purpose of enabling them to provide
 7 veterinary medical services for a specific animal owner in
 8 this state, provided such applicants would qualify for
 9 licensure by endorsement under s. 474.217. No temporary
 10 license shall be valid for more than 90 days after its
 11 issuance and no license shall cover more than the treatment of
 12 the animals of one owner. After the expiration of 90 days, a
 13 new license shall be required.
 14 (2) Each application for a temporary license shall
 15 state the names of all persons who are to enter this state and
 16 shall be accompanied by a fee in an amount established by the
 17 board.
 18 (3) Upon certification of the applicant by the board,
 19 the department shall issue a temporary license to the
 20 applicant.
 21 (4) The application for a temporary license shall
 22 constitute the appointment of the Department of State as an
 23 agent of the applicant for service of process in any action or
 24 proceeding against the applicant arising out of any
 25 transaction or operation connected with, or incidental to, the
 26 practice of veterinary medicine for which the temporary
 27 license was issued.
 28 Section 12. Notwithstanding the provisions of the
 29 Regulatory Sunset Act, or chapter 81-302 or chapter 81-318,
 30 Laws of Florida, chapter 474, Florida Statutes, shall not
 31 stand repealed on October 1, 1985, as scheduled by such act,

1 but such chapter, as amended, is hereby revived and readopted,
 2 except that subsections (3) and (4) of section 474.204,
 3 Florida Statutes, are hereby repealed.
 4 Section 13. Chapter 474, Florida Statutes, is repealed
 5 on October 1, 1995, and shall be reviewed pursuant to s.
 6 11.61, Florida Statutes.
 7 Section 14. This act shall take effect October 1,
 8 1985.
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 12 *****
 13 SENATE SUMMARY
 14 Revives and readopts chapter 474, F.S., relating to the
 15 regulation of veterinary medical practice,
 16 notwithstanding the Regulatory Sunset Act. Provides for
 17 licensure by endorsement, rehabilitation of impaired
 18 veterinarians, mobile clinic permits, temporary licensure
 19 of certain out-of-state veterinarians, and fees. See
 20 bill for details.
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By Committee on Regulatory Reform and Representative Kelly

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This publication was produced at an average cost of 5 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public

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A bill to be entitled
An act relating to veterinary medical practice;
amending s. 474.202, F.S.; providing a
definition; amending s. 474 203, F.S.;
clarifying exemptions; specifying that only a
veterinarian may provide certain immunizations
or treatment, amending s. 474 204, F.S.;
repealing transitional provisions relating to
appointment of members of the Board of
Veterinary Medicine; amending s. 474 207, F.S.,
increasing an examination fee; providing a
procedure for certain applicants who have
repeatedly failed the examination; prohibiting
certain applicants from temporarily practicing;
creating s. 474.2125, F.S.; authorizing, and
establishing limits for, certain fees, amending
s. 474.213, F.S., clarifying language relating
to prohibited practice; amending s. 474.214,
F.S., deleting redundant language; providing a
penalty for obtaining a license by fraudulent
misrepresentation; providing for board action
against certain impaired veterinarians;
creating s. 474.2145, F.S., providing for
consultants to act as liaisons between the
board and treatment programs for impaired
veterinarians; providing for confidentiality;
providing a privilege from civil liability,
amending s. 474.215, F.S.; providing for the
issuance of mobile clinic permits; providing a
penalty for operating an establishment without
a premises permit or mobile clinic permit;

1 amending s. 474.216, F.S.; providing conforming
2 language; amending s. 474.217, F.S ; providing
3 for licensure by endorsement; deleting the
4 board's authority to enter into reciprocity
5 agreements; amending s. 455.241, F.S.;
6 correcting a cross reference, repealing s
7 474.219, F.S.; relating to obsolete saving
8 clauses; saving chapter 474, F.S , from Sunset
9 repeal; providing for future review and repeal,
10 providing an effective date

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1 Subsection (4) of section 474.202, Florida
15 Statutes, is amended, and subsections (6) and (7) are added to
16 said section, to read:

17 474.202 Definitions.--As used in this chapter

18 (4) "Practice of veterinary medicine" means
19 diagnosing, prescribing, or administering drugs, medicine,
20 appliances, applications, or treatment of whatever nature,
21 including surgery or acupuncture, for the prevention, cure, or
22 relief of a wound, fracture, bodily injury, or disease of
23 animals; performing any manual procedure for the diagnosis or
24 treatment for fertility sterility or infertility of animals;
25 or representing oneself by the use of titles or words, or
26 undertaking, offering, or holding oneself out, as performing
27 any of these functions.

28 (6) "Mobile veterinary establishment" and "mobile
29 clinic" mean a mobile unit which contains the same treatment
30 facilities as are required of a permanent veterinary
31 establishment or which has entered into a written agreement

1 with another veterinary establishment to provide any required 1.40
2 facilities not available in the mobile unit. The terms do not
3 refer to the use of a car, truck, or other motor vehicle by a 1.41
4 veterinarian making a house call. 1.42

5 (7) "Immediate supervision" means a licensed doctor of 1.43
6 veterinary medicine is on the premises whenever veterinary
7 services are being provided. 1.44

8 Section 2. Subsections (4) and (6) of section 474.203,
9 Florida Statutes, are amended to read: 1.44
10 474.203 Exemptions.--This chapter shall not apply to: 1.45
11 (4) Any person, or his regular employee, administering 1.46
12 to the ill or injuries of his own animals, including, but not 1.47
13 limited to, castration, spaying, and dehorning of herd animals 1.48
14 and spaying of animals and dehorning of cattle, unless title 1.49
15 has been transferred or employment provided for the purpose of 1.50
16 circumventing this law. However, only a veterinarian may 1.51
17 immunize or treat an animal for diseases which are 1.52
18 communicable to humans and which are of public health
19 significance 1.53
20 (6) Any veterinary aide, nurse, laboratory technician, 1.54
21 intern, or other employee of a licensed veterinarian who 1.55
22 administers medication or renders auxiliary or supporting 1.56
23 assistance under the responsible supervision of such licensed 1.57
24 practitioners, including those tasks identified by rule of the 1.58
25 board requiring immediate supervision. However, the licensed 1.59
26 veterinarian shall be responsible for all such acts performed 1.60
27 by persons under his supervision. 1.61

28 Section 3. Section 474.204, Florida Statutes, is 1.61
29 amended to read:
30 474.204 Board of Veterinary Medicine.-- 1.61
31

1 (1) To carry out the provisions of this chapter, there 1 62
2 is created within the Department of Professional Regulation a 1 63
3 Board of Veterinary Medicine consisting of seven members, who 1 64
4 shall be appointed by the Governor, subject to confirmation by 1 64
5 the Senate
6 (2) Five members of the board shall be licensed 1 64
7 veterinarians. Two members of the board shall be lay persons 1 65
8 who are not and have never been veterinarians or members of
9 any closely related profession or occupation. 1 66
10 ~~(3) Within 30 days after June 30, 1979, the Governor~~ 1 105
11 ~~shall appoint two members for a term of 4 years, two members~~
12 ~~for a term of 3 years, and three members for a term of 2~~
13 ~~years;~~
14 ~~(4) As the terms of the members expire, the Governor~~ 1 71
15 ~~shall appoint successors for terms of 4 years, and such~~ 1 72
16 ~~members shall serve until their successors are appointed. The~~ 1 74
17 ~~members of the board serving on July 1, 1979, shall continue~~
18 ~~to serve as members of the Board of Veterinary Medicine until~~ 1 76
19 ~~their successors are appointed;~~
20 ~~(3)(5) All provisions of chapter 455 relating to~~ 1 78
21 ~~activities of regulatory boards shall apply.~~ 1 79
22 Section 4 Subsections (2) and (3) of section 474 207, 1 79
23 Florida Statutes, are amended to read: 1 80
24 474 207 Licensure by examination.-- 1 80
25 (2) The department shall license each applicant who 1 80
26 the board certifies has: 1 81
27 (a) Completed the application form and remitted an 1 82
28 examination fee set by the board not to exceed \$500 \$250, 1 105
29 (b) Graduated from a college of veterinary medicine 1 84
30 which has been approved by the board according to standards 2.2
31 set by rule of the board. However, these standards shall be

1 substantially equivalent to the standards established by an 2.3
2 accrediting agency approved by the United States Office of
3 Education The board may approve veterinary schools not 2 4
4 meeting such standards if it develops by rule a procedure for 2.5
5 reviewing such schools in order to ensure that graduates of
6 such schools are minimally competent to practice in this 2.6
7 state.
8 (c) Successfully completed the examination in 2.6
9 accordance with this section. A graduate of a college of 2 7
10 veterinary medicine which has not been approved by an 2.8
11 accrediting agency approved by the United States Office of
12 Education who has not passed the licensure examination after 2.9
13 three attempts shall not be allowed to continue to take the 2.10
14 examination until he successfully obtains a certificate from
15 the Educational Commission for Foreign Veterinary Graduates 2 11
16 and presents the certificate to the board However, no 2.12
17 applicant who is the subject of a pending investigation or
18 prosecution or has been convicted of any offense relating to 2.13
19 the practice of veterinary medicine shall be certified for 2.14
20 licensure.
21 (3) An unlicensed doctor of veterinary medicine who 2.14
22 has graduated from an approved ~~accredited~~ college or school of 1:1us
23 veterinary medicine and has completed all parts of the 2 17
24 examination for licensure shall be permitted, while awaiting 2.18
25 the results of such examination for licensure, to practice 2.19
26 under the immediate supervision of a licensed veterinarian. A 1:1us
27 person who fails any part of the examination may not continue
28 to practice, except in the same capacity as other nonlicensed 2.21
29 veterinary employees, until he passes the examination and is
30 eligible for licensure 2.22
31

1 Section 5. Section 474.2125, Florida Statutes, is 2 22
 2 created to read:
 3 474.2125 Fees.--The board, by rule, shall establish 2.23
 4 fees for application and examination, reexamination, license 2.24
 5 renewal, inactive status, renewal of inactive status, license
 6 reactivation, late application for permits, periodic 2.25
 7 inspection of veterinary establishments, and recordmaking and 2.26
 8 recordkeeping. The fee for the initial application and 2 27
 9 examination shall not exceed \$500. The fee for reactivation 2 28
 10 of an inactive license and the fee for renewal of an inactive
 11 license shall not exceed \$50. The fee for licensure by 2.30
 12 endorsement shall not exceed \$250. The fee for temporary 2.31
 13 licensure shall not exceed \$200. The board shall establish 2 32
 14 fees which are adequate to ensure its continued operation and
 15 to fund the proportionate expenses incurred by the department 2.33
 16 which are allocated to the regulation of veterinarians. Fees 2.35
 17 shall be based on departmental estimates of the revenue
 18 required to administer this chapter and the provisions 2.36
 19 relating to the regulation of veterinarians.
 20 Section 6. Paragraph (a) of subsection (1) of section 2 38
 21 474 213, Florida Statutes, is amended to read.
 22 474.213 Prohibitions; penalties.-- 2 39
 23 (1) No person shall; 2.40
 24 (a) Practice veterinary medicine in this state unless 2.40
 25 the person holds an active license to practice veterinary 2.41
 26 medicine pursuant to this chapter; 2.42
 27 Section 7 Section 474.214, Florida Statutes, as 2.43
 28 amended by chapters 84-543 and 84-553, Laws of Florida, is
 29 amended to read: 2.44
 30 474.214 Disciplinary proceedings.-- 2.45
 31

1 (1) The following acts shall constitute grounds for 2.46
 2 which the disciplinary actions in subsection (2) may be taken 2.47
 3 ~~(a)--Violating any provision of s. 474.213 or s.~~ 2.49
 4 ~~455-227(1)-~~
 5 (a)(b) Attempting to Procure a license to practice 2 51
 6 veterinary medicine by bribery, by fraudulent 2 52
 7 misrepresentations, or through an error of the department or
 8 the board
 9 (b)(c) Having a license to practice veterinary 2 54
 10 medicine revoked, suspended, or otherwise acted against,
 11 including the denial of licensure, by the licensing authority 2.56
 12 of another state, territory, or country.
 13 (c)(d) Being convicted or found guilty, regardless of 2 57
 14 adjudication, of a crime in any jurisdiction which directly 2 58
 15 relates to the practice of veterinary medicine or the ability 2 59
 16 to practice veterinary medicine 2.60
 17 (d)(e) Making or filing a report or record which the 2.61
 18 licensee knows to be false, intentionally or negligently 2 62
 19 failing to file a report or record required by state or
 20 federal law, willfully impeding or obstructing such filing, or 2 64
 21 inducing another person to impede or obstruct such filing
 22 Such reports or records shall include only those which are 2.65
 23 signed in the capacity of a licensed veterinarian. 2.66
 24 (e)(f) Advertising goods or services in a manner which 2.67
 25 is fraudulent, false, deceptive, or misleading in form or
 26 content. 2.68
 27 (f)(g) A violation or repeated violation of this 2.69
 28 chapter, chapter 455, or any rules promulgated pursuant
 29 thereto
 30 (g)(h) Practicing with a revoked, suspended, or 2.71
 31 inactive license.

1	(h)(4) Being unable to practice veterinary medicine	2.73
2	with reasonable skill and safety to patients by reason of	2.74
3	illness, drunkenness, use of drugs, narcotics, chemicals, or	2 75
4	any other material or substance or as a result of any mental	2.76
5	or physical condition. A licensee affected under this	2 77
6	paragraph shall have the opportunity, at reasonable intervals,	
7	to demonstrate that he can resume the competent practice of	2 79
8	veterinary medicine with reasonable skill and safety to	
9	patients.	
10	(i)(7) Violation of a lawful order of the board or	2 81
11	department previously entered in a disciplinary hearing or	
12	failure to comply with a lawfully issued subpoena of the board	2.83
13	or department.	
14	(j)(4) Judicially determined mental incompetency	3 1
15	However, a license suspended for this cause may be reinstated	3 2
16	upon legal restoration of the competency of the individual	3.3
17	whose license was so suspended.	3.4
18	(k)(4) Knowingly maintaining a professional connection	3 5
19	or association with any person who is in violation of the	3 6
20	provisions of this chapter or the rules of the board.	
21	<u>however, if the licensee verifies that the person is actively</u>	3 7
22	<u>participating in a board-approved program for the treatment of</u>	
23	<u>a physical or mental condition, he is required only to report</u>	3 8
24	<u>such person to the department.</u>	3.9
25	(l)(4) Paying or receiving kickbacks, rebates,	3 11
26	bonuses, or other remuneration for receiving a patient or	3 12
27	client or for referring a patient or client to another	3 13
28	provider of veterinary services or goods.	3.14
29	(m)(4) Performing or prescribing unnecessary or	3.15
30	unauthorized treatment.	3.16
31		

1	(n)(6) Fraud in the collection of fees from consumers	3.19
2	or any person, agency, or organization paying fees to	
3	practitioners.	
4	(o)(p) Attempting to restrict competition in the field	3 21
5	of veterinary medicine other than for the protection of the	
6	public. However, this provision shall not apply to testimony	3 22
7	made in good faith at a hearing or other proceeding in which	3 23
8	the subject is the revocation of a license or a lesser	3 24
9	penalty	
10	(p)(q) Fraud, deceit, negligence, incompetency, or	3 26
11	misconduct, in the practice of veterinary medicine	
12	(q)(r) Conviction on a charge of cruelty to animals	3.27
13	(r)(s) Permitting or allowing another to use a	3.28
14	veterinarian's license for the purpose of treating or offering	3.29
15	to treat sick, injured, or afflicted animals.	
16	(s)(t) Maintaining a professional or business	3 30
17	connection with any other person who continues to violate any	3.31
18	of the provisions of this chapter or rules of the board after	3.32
19	10 days' notice in writing by the board.	3.33
20	(t)(u) Willfully making any misrepresentations in	3.34
21	connection with the inspection of food for human consumption.	3.35
22	(u)(v) Fraudulently issuing or using any false health	3.36
23	certificate, vaccination certificate, test chart, or other	3.37
24	blank form used in the practice of veterinary medicine	
25	relating to the presence or absence of animal disease or	3.39
26	transporting animals or issuing any false certificate relating	
27	to the sale of inedible products of animal origin for human	3.41
28	consumption.	
29	(v)(w) Fraud or dishonesty in applying, treating, or	3.42
30	reporting on tuberculin, diagnostic, or other biological	3.44
31	tests	

1 ~~(v)(x)~~ Failing to keep the equipment and premises of 1:lus
2 the business establishment in a clean and sanitary condition 3.47
3 or having a premises permit suspended or revoked pursuant to
4 s. 474.215
5 ~~(x)(y)~~ Refusing to permit the department to inspect 3.49
6 the business premises of the licensee during regular business
7 hours.
8 ~~(y)(z)~~ Using the privilege of ordering, prescribing, 3.51
9 or making available medicinal drugs or drugs as defined in
10 chapter 465, or controlled substances as defined in chapter 3.52
11 893, for use other than for the specific treatment of animal
12 patients.
13 ~~(z)(aa)~~ Providing, prescribing, ordering, or making 3.54
14 available for human use medicinal drugs or drugs as defined in
15 chapter 465, controlled substances as defined in chapter 893, 3.56
16 or any material, chemical, or substance used exclusively for
17 animal treatment.
18 ~~(aa)(bb)~~ Failing to report to the department any 1:lus
19 person the licensee knows to be in violation of this chapter 3.59
20 or of the rules of the department or board; ~~however, a report~~
21 ~~shall not be required if the person in violation is~~ 3.61
22 ~~participating actively in a program approved by rule of the~~ 3.62
23 ~~department or board for the treatment of a physical or mental~~
24 ~~condition which renders the person unable to practice~~ 3.63
25 ~~veterinary medicine with reasonable skill and safety.~~
26 (2) When the board finds any veterinarian guilty of 3.66
27 any of the acts grounds set forth in subsection (1), it may
28 enter an order imposing one or more of the following 3.68
29 penalties:
30 (a) Denial of an application for licensure. 3.69
31 (b) Revocation or suspension of a license. 3.69

1 (c) Imposition of an administrative fine not to exceed 3 70
2 \$1,000 for each count or separate offense
3 (d) Issuance of a reprimand 3 70
4 (e) Placement of the veterinarian on probation for a 3 71
5 period of time and subject to such conditions as the board may 3.72
6 specify, including requiring the veterinarian to attend 3.73
7 continuing education courses or to work under the supervision
8 of another veterinarian 3 74
9 (f) Restricting the authorized scope of practice. 3 76
10 (3) The department shall reissue the license of a 3.76
11 disciplined veterinarian upon certification by the board that 3 78
12 the disciplined veterinarian has complied with all of the
13 terms and conditions set forth in the final order. 3 80
14 (4) Attempting to obtain or obtaining a license to 1:lus
15 practice veterinary medicine by fraudulent misrepresentation 3 82
16 constitutes a felony of the third degree, punishable as
17 provided in s. 775.082, s. 775.083, or s. 775.084. 3.83
18 (5) Whenever it is reported to the department and 3.84
19 there is reason to believe that a veterinarian may be impaired 4.2
20 as a result of the misuse and abuse of alcohol or medicinal 4 3
21 drugs, or both, which could affect that individual's ability 4 4
22 to practice his profession, the reporting of such impairment
23 shall not constitute a complaint within the meaning of s. 4.5
24 455.225, so long as the probable cause panel of the board
25 determines that:
26 (a) The veterinarian has acknowledged that he has an 4.6
27 impairment problem due to the misuse and abuse of alcohol, 4.7
28 drugs, or both;
29 (b) The veterinarian has voluntarily enrolled in a 1:lus
30 treatment program approved by the board; 4.8
31

1 (c) The veterinarian has voluntarily withdrawn from 1.1us
2 practice or limited the scope of his practice as determined by 4.9
3 the panel in each case, until such time as the panel is 4.10
4 satisfied that he has successfully completed an approved
5 treatment program; and 4.11
6 (d) The violation of this chapter committed by the 1.1us
7 veterinarian while impaired was due to or connected with his 4.12
8 impairment.
9 (e) A finding of probable cause shall not be made, so 4.13
10 long as the panel is satisfied that the impaired veterinarian
11 is progressing satisfactorily in a board-approved program. 4.14
12 The approved program provider shall, at the request of the 4.15
13 probable cause panel, disclose to the panel all information in 4.16
14 its possession regarding the impaired veterinarian in
15 treatment. All information obtained by the panel pursuant to 4.17
16 this section is exempt from disclosure under s. 119.07 and 4.18
17 shall be held confidential subject to the provisions of
18 subsection (5). 4.19
19 (7) If, in the opinion of the probable cause panel 1.1us
20 after consultation with the provider, the impaired 4.21
21 veterinarian enrolled in an approved treatment program does
22 not progress satisfactorily, the panel may treat the 4.22
23 information as a complaint which may be the basis for a 4.23
24 finding of probable cause, or, if an immediate and serious
25 danger to the public exists, such conclusion shall be 4.24
26 communicated to the secretary of the department.
27 (8) If, in the opinion of the probable cause panel 1.1us
28 after consultation with the provider, the panel is satisfied 4.26
29 that the impaired veterinarian has successfully completed an
30 approved treatment program and can safely return to the 4.27
31 practice of veterinary medicine, the licensee shall be 4.28

1 permitted to resume the full practice of veterinary medicine.
2 (9) A privilege against civil liability is hereby 4.29
3 granted to any person who provides information to the 4.30
4 department, the board, or the probable cause panel with
5 respect to any impaired veterinarian, unless that person acted 4.31
6 in bad faith or with malice.
7 Section 8 Section 474.2145, Florida Statutes, is 4.32
8 created to read:
9 474.2145 Treatment programs for impaired 4.33
10 professionals; advisory committee, consultants.-- 4.34
11 (1) The board shall appoint a licensee who shall serve 1.1us
12 on the Impaired Professionals Advisory Committee established 4.36
13 under s. 458.3315.
14 (2) The department may retain one or more impaired 4.38
15 professional consultants as recommended and approved by the 4.39
16 board. Such consultant shall act as a liaison between the 4.40
17 board and treatment programs approved pursuant to this chapter 4.42
18 which provide services to veterinarian licensees.
19 (3) The information and knowledge of such consultant 4.45
20 which involves an impaired veterinarian who may be in
21 violation of this chapter or of the rules of the board or 4.48
22 department shall not constitute a complaint as described in s. 4.49
23 455.225, so long as the licensee is progressing satisfactorily
24 in an approved program. An approved program provider shall, 4.50
25 upon request, disclose to such consultant all information in
26 its possession regarding an impaired veterinarian in 4.51
27 treatment. All information obtained by a consultant pursuant 4.52
28 to this section is exempt from disclosure under s. 119.07 and 4.53
29 shall be held confidential subject to the provisions of
30 subsection (4). 4.54
31

1 (4) If, in the opinion of such consultant after
 2 consultation with the provider, an impaired veterinarian who
 3 is enrolled in an approved treatment program has not
 4 progressed satisfactorily, then the consultant shall disclose
 5 to the department all information in his possession regarding
 6 such veterinarian, and such disclosure shall constitute a
 7 complaint pursuant to the general provisions of s 455 225.
 8 Whenever the consultant concludes that impairment affects the
 9 practice of a licensee, constituting an immediate, serious
 10 danger to the public health, safety, or welfare, such
 11 conclusion shall be communicated to the secretary of the
 12 department. A consultant, licensee, or approved program
 13 provider who makes a disclosure pursuant to this section or s.
 14 474.214(1)(aa) shall not be subject to civil liability for
 15 such disclosure or its consequences.

16 Section 9. Section 474.215, Florida Statutes, is
 17 amended to read:

18 474.215 Premises permits.--

19 (1) Any establishment, permanent or mobile, where a
 20 licensed veterinarian practices must have a premises permit or
 21 mobile clinic permit issued by the department. Upon
 22 application and payment of a \$25 fee, the department shall
 23 cause such establishment to be inspected. A premises permit
 24 or mobile clinic permit shall be issued if the establishment
 25 meets minimum standards, to be adopted by rule of the board,
 26 as to sanitary conditions and physical plant. The board shall
 27 adopt separate sets of minimum standards for permanent and
 28 mobile establishments. In lieu of the above procedure, the
 29 department may issue a premises permit or mobile clinic permit
 30 to any establishment premises which is accredited by a

1 recognized organization whose standards meet or exceed board
 2 minimum standards, as established by rule.

3 (2) Each application for a premises permit or mobile
 4 clinic permit shall set forth the name of the licensed
 5 veterinarian who will be responsible for the management of the
 6 establishment premises

7 (3) The premises permit or mobile clinic permit may be
 8 revoked, suspended, or denied when inspection reveals that the
 9 establishment does premises-do not meet the standards set by
 10 rule or when the license of the responsible veterinarian has
 11 been suspended or revoked

12 (4) Any owner, operator, or responsible veterinarian
 13 of any establishment operating without a premises permit or
 14 mobile clinic permit in violation of this section or any rule
 15 adopted by the board shall have 30 days after notification of
 16 violation by the department within which to apply for the
 17 appropriate permit and pay a late fee established by the
 18 board. The board may, after notice and hearing, impose a
 19 penalty against any such owner, operator, or responsible
 20 veterinarian who fails to apply for the necessary permit and
 21 pay the late fee within the prescribed 30-day period of any
 22 premises-operating-without-a-premises-permit-in-violation-of
 23 this-section-or-any-rule-promulgated-by-the-board. No penalty
 24 so imposed shall exceed \$1,000 for each count or separate
 25 offense

26 (5) Any practitioner who provides veterinary service
 27 on a house-call basis and who does not maintain a veterinary
 28 establishment for receipt of patients shall not be required to
 29 obtain a premises permit or mobile clinic permit, but must
 30 provide for minimum equipment and facilities as established by
 31 rule.

1 Section 10. Section 474.216, Florida Statutes, is 5.30
2 amended to read:
3 474.216 License, and premises permit, and mobile 1:10s
4 clinic permit to be displayed.--Each person to whom a license, 5.33
5 or premises permit, or mobile clinic permit is issued shall 5.34
6 keep such document license conspicuously displayed in his 5.35
7 office, place of business, or place of employment and shall, 5.36
8 whenever required, exhibit said document license to any member 1:1us
9 or authorized representative of the board. 5.38
10 Section 11 Section 474.217, Florida Statutes, is 5.39
11 amended to read
12 474.217 Licensure by endorsement Reciprocity.-- 1:10s
13 (1) The department shall issue a license by 1:1us
14 endorsement to any applicant who, upon applying to the 5.42
15 department and remitting a fee set by the board, demonstrates 5.43
16 to the board that he
17 (a). Holds a valid license to practice veterinary 5.44
18 medicine in another state of the United States, the District
19 of Columbia, or a territory of the United States, provided 5.45
20 that when the applicant secured such license, the requirements 5.46
21 for licensure in the issuing state were substantially similar
22 to, equivalent to, or more stringent than the requirements of 5.47
23 this chapter, or
24 2 Meets the qualifications of s 474.207 and has 5.48
25 successfully completed a state, regional, or national
26 examination which is substantially equivalent to or more 5.49
27 stringent than the examination given by the department; and 5.51
28 (b) Has passed an examination on the laws and rules of 1:1us
29 this state governing veterinary medical practice, and 5.52
30 (c) Has passed the board's clinical competency 5.53
31 examination or a clinical competency examination that is

1 substantially similar to, equivalent to, or more stringent 5.54
2 than the board's examination.
3 (2) The department shall not issue a license by 5.56
4 endorsement to any applicant who is under investigation in
5 another state, territory, or the District of Columbia for an 5.57
6 act which would constitute a violation of this chapter, until 5.58
7 the investigation is complete and disciplinary proceedings
8 have been terminated, at which time the provisions of s. 5.59
9 474.207 shall apply in order to ensure that veterinarians 1:10s
10 licensed in this state may be considered for licensure in 5.61
11 other states; the board may enter into reciprocity agreements 5.62
12 with other states--
13 Section 12. Subsection (2) of section 455.241, Florida 5.63
14 Statutes, is amended to read:
15 455.241 Patient records, copies of records to be 5.64
16 furnished -- 5.65
17 (2) Such records shall not be furnished to any person 5.65
18 other than the patient or his legal representative, except 5.67
19 upon written authorization of the patient. However, such 5.69
20 records may be furnished without written authorization to any
21 person, firm, or corporation which has procured or furnished 5.70
22 such examination or treatment with the patient's consent or 5.71
23 when compulsory physical examination is made pursuant to Rule 5.72
24 1 360, Florida Rules of Civil Procedure, in which case copies
25 of the medical record shall be furnished to both the defendant 5.73
26 and the plaintiff. Such records may be furnished in any civil 5.74
27 or criminal action, unless otherwise prohibited by law, upon 5.76
28 the issuance of a subpoena from a court of competent
29 jurisdiction and proper notice to the patient or his legal 5.77
30 representative by the party seeking such records. The 5.78
31 Department of Professional Regulation may obtain patient

1 records pursuant to a subpoena without written authorization 5 79
2 from the patient if the department and the probable cause 5 80
3 panel of the appropriate board, if any, find reasonable cause
4 to believe that a practitioner has excessively or 5.82
5 inappropriately prescribed any controlled substance specified
6 in chapter 893 in violation of s. 458.331(1)(q), s 5 83
7 459.015(1)(q), s 461.013(1)(p), s. 462.14(1), s
8 466.028(1)(q), or s. 474.214(1)(y) or (z) or ~~fee~~, but the 5 84
9 patient record obtained by the department pursuant to this
10 subsection shall be used solely for the purpose of the 6.3
11 department and board in disciplinary proceedings. The record 6 5
12 shall otherwise be sealed and shall not be available to the
13 public pursuant to the provisions of s 119 07 or any other 6 6
14 statute providing access to public records. Nothing in this 6 7
15 section shall be construed to limit the psychotherapist-
16 patient privilege of a medical practitioner licensed pursuant 6 8
17 to chapter 458 or chapter 459 who has primarily diagnosed and 6 9
18 treated mental and nervous disorders for a period of not less
19 than 3 years, inclusive of psychiatric residency. 6 10
20 Section 13. Section 474.219, Florida Statutes, is 6 11
21 hereby repealed. 6.12
22 Section 14. Notwithstanding the provisions of the 6.12
23 Regulatory Sunset Act or of any other provision of law which 6.13
24 provides for review and repeal in accordance with s. 11.61,
25 Florida Statutes, and except as otherwise specifically 6.14
26 provided herein, chapter 474, Florida Statutes, shall not 6.15
27 stand repealed on October 1, 1985, and shall continue in full
28 force and effect as amended herein. 6.16
29 Section 15. Chapter 474, Florida Statutes, is repealed 6.16
30 on October 1, 1995, and shall be reviewed by the Legislature 6.17
31 pursuant to s. 11.61, Florida Statutes.

1 Section 16. This act shall take effect October 1, 6.18
2 1985.
3
4 *****
5 HOUSE SUMMARY
6 Revises and clarifies various provisions relating to
7 veterinary medical practice. Specifies that only a
8 veterinarian may immunize or treat an animal for certain
9 diseases. Increases from \$250 to \$500 the fee for
10 examination for licensure. Provides restrictions upon
11 certain applicants for licensure who have failed the
12 examination. Provides for various license fees, to be
13 set by rule of the Board of Veterinary Medicine.
14 Provides a third-degree felony penalty for obtaining a
15 license by fraudulent misrepresentation.
16 Provides conditions for board action against certain
17 impaired veterinarians. Provides for consultants to act
18 as liaisons between the board and treatment programs for
19 impaired veterinarians. Provides for confidentiality and
20 provides a privilege from civil liability.
21 Provides for operation of mobile veterinary clinics.
22 Prohibits operation of a veterinary clinic without a
23 premises permit or mobile clinic permit, and provides a
24 penalty. Provides for licensure by endorsement and
25 removes the board's authority to enter into reciprocity
26 agreements.
27 Saves chapter 474, F.S., from Sunset repeal on October 1,
28 1985, and reschedules such repeal for October 1, 1995.
29
30
31

1 A bill to be entitled
2 An act relating to veterinary medical practice;
3 amending s. 474.202, F.S.; providing a
4 definition; amending s. 474.203, F.S.;
5 providing for immediate supervision for certain
6 functions; amending s. 474.204, F.S.; repealing
7 certain transitional provisions relating to
8 appointment of board members; amending s.
9 474.207, F.S.; eliminating an examination fee
10 cap; prohibiting certain applicants from
11 temporarily practicing; amending s. 474.213,
12 F.S.; providing clarifying language; amending
13 s. 474.214, F.S.; deleting redundant language;
14 providing for board action against certain
15 impaired veterinarians; providing for
16 confidentiality of certain information;
17 providing a privilege from civil liability;
18 amending s. 474.215, F.S.; providing for the
19 issuance of mobile clinic permits; amending s.
20 474.216, F.S.; providing conforming language;
21 amending s. 474.217, F.S.; providing for
22 licensure by endorsement; repealing the board's
23 authority to enter into reciprocity agreements;
24 repealing s. 474.219, F.S.; relating to
25 obsolete saving clause; creating s. 474.2065,
26 F.S.; authorizing and establishing limits for
27 certain fees; continuing in full force and
28 effect chapter 474, F.S., as amended; providing
29 for future review and repeal; providing an
30 effective date.
31

19

1997

1 Be It Enacted by the Legislature of the State of Florida:
2
3 Section 1. Subsection (4) of section 474.202, Florida
4 Statutes, is amended, and subsections (6) and (7) of said
5 section are added to read:
6 474.202 Definitions.--As used in this chapter:
7 (4) "Practice of veterinary medicine" means
8 diagnosing, prescribing, or administering drugs, medicine,
9 appliances, applications, or treatment of whatever nature,
10 including surgery or acupuncture, for the prevention, cure, or
11 relief of a wound, fracture, bodily injury, or disease of
12 animals; performing any manual procedure for the diagnosis or
13 treatment for fertility sterility or infertility of animals,
14 including performing embryo transfer procedures; or
15 representing oneself by the use of titles or words, or
16 undertaking, offering, or holding oneself out, as performing
17 any of these functions.
18 (6) "Mobile veterinary establishment" and "mobile
19 clinic" mean a mobile unit which contains the same treatment
20 facilities as are required of a permanent veterinary
21 establishment or which has entered into a written agreement
22 with another veterinary establishment to provide any required
23 facilities not available in the mobile unit. The terms do not
24 refer to the use of a car, truck, or other motor vehicle by a
25 veterinarian making a house call.
26 (7) "Immediate supervision" means a licensed doctor of
27 veterinary medicine is on the premises whenever veterinary
28 services are being provided.
29 Section 2. Subsections (4) and (6) of section 474.203,
30 Florida Statutes, are amended to read:
31

1 474.203 Exemptions.--This chapter shall not apply to:

2 (4) Any person, or his regular employee, administering
3 to the ills or injuries of his own animals, including, but not
4 limited to, castration, spaying, and dehorning of herd animals
5 ~~and spaying of animals and dehorning of cattle~~, unless title
6 has been transferred or employment provided for the purpose of
7 circumventing this law.

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

16 Section 3. Section 474.204, Florida Statutes is
17 amended to read:

18 474.204 Board of Veterinary Medicine.--

19 (1) To carry out the provisions of this chapter, there
20 is created within the Department of Professional Regulation a
21 Board of Veterinary Medicine consisting of seven members, who
22 shall be appointed by the Governor, subject to confirmation by
23 the Senate.

24 (2) Five members of the board shall be licensed
25 veterinarians. Two members of the board shall be lay persons
26 who are not and have never been veterinarians or members of
27 any closely related profession or occupation.

28 ~~(3)--Within 30 days after June 30, 1979, the Governor~~
29 ~~shall appoint two members for a term of 4 years, two members~~
30 ~~for a term of 3 years, and three members for a term of 2~~
31 ~~years.~~

1 ~~(4) As the terms of the members expire, the Governor~~
2 ~~shall appoint successors for terms of 4 years, and such~~
3 ~~members shall serve until their successors are appointed. The~~
4 ~~members of the board serving on July 1, 1979, shall continue~~
5 ~~to serve as members of the Board of Veterinary Medicine until~~
6 ~~their successors are appointed.~~

7 (3)(5) All provisions of chapter 455 relating to
8 activities of regulatory boards shall apply.

9 Section 4. Section 474.207 is amended to read:
10 474.207 Licensure by examination.--

11 (2) The department shall license each applicant who
12 the board certifies has:

13 (a) Completed the application form and remitted an
14 examination fee set by the board not to exceed \$500 ~~\$250~~.

15 (b) Graduated from a college of veterinary medicine
16 which has been approved by the board according to standards
17 set by rule of the board. However, these standards shall be
18 substantially equivalent to the standards established by an
19 accrediting agency approved by the United States Office of
20 Education. The board may approve veterinary schools not
21 meeting such standards if it develops by rule a procedure for
22 reviewing such schools in order to ensure that graduates of
23 such schools are minimally competent to practice in this
24 state.

25 (c) Successfully completed the examination in
26 accordance with this section. A graduate of a college of
27 veterinary medicine which has not been approved by an
28 accrediting agency approved by the United States Office of
29 Education who has not passed the licensure examination after
30 three attempts shall not be allowed to continue to take the
31 examination until he successfully obtains a certificate from

1 the Educational Commission for Foreign Veterinary Graduates
2 and presents the certificate to the board. However, no
3 applicant who is the subject of a pending investigation or
4 prosecution or has been convicted of any offense relating to
5 the practice of veterinary medicine shall be certified for
6 licensure.

7 (3) An unlicensed doctor of veterinary medicine who
8 has graduated from an approved ~~accredited~~ college or school of
9 veterinary medicine and has completed all parts of the
10 examination for licensure shall be permitted, while awaiting
11 the results of such examination for licensure, to practice
12 under the immediate supervision of a licensed veterinarian. A
13 person who fails any part of the examination may not continue
14 to practice, except in the same capacity as other nonlicensed
15 veterinary employees, until he passes the examination and is
16 eligible for licensure.

17 Section 5. Subsection (1) of section 474.213, Florida
18 Statutes, is amended to read:

19 474.213 Prohibitions; penalties.--

20 (1) No person shall:

21 (a) Practice veterinary medicine in this state unless
22 the person holds an active license to practice veterinary
23 medicine pursuant to this chapter;

24 (b) Use the name or title "veterinarian" when the
25 person has not been licensed pursuant to this chapter;

26 (c) Present as his own the license of another;

27 (d) Give false or forged evidence to the board or a
28 member thereof for the purpose of obtaining a license;

29 (e) Use or attempt to use a veterinarian's license
30 which has been suspended or revoked;

31

1 (f) Knowingly employ unlicensed persons in the
2 practice of veterinary medicine; or

3 (g) Knowingly conceal information relative to
4 violations of this chapter.

5 Section 6. Section 474.214, Florida Statutes, as
6 amended by chapter 84-543 and chapter 84-553, Laws of Florida,
7 is amended to read:

8 474.214 Disciplinary proceedings.--

9 (1) The following acts shall constitute grounds for
10 which the disciplinary actions in subsection (2) may be taken:

11 ~~(a) --Violating any provision of s. 474.213 or s.~~
12 ~~455.227(1) --~~

13 (a)~~(b)~~ Attempting to procure a license to practice
14 veterinary medicine by bribery, by fraudulent
15 misrepresentations, or through an error of the department or
16 the board.

17 (b)~~(e)~~ Having a license to practice veterinary
18 medicine revoked, suspended, or otherwise acted against,
19 including the denial of licensure, by the licensing authority
20 of another state, territory, or country.

21 (c)~~(d)~~ Being convicted or found guilty, regardless of
22 adjudication, of a crime in any jurisdiction which directly
23 relates to the practice of veterinary medicine or the ability
24 to practice veterinary medicine.

25 (d)~~(e)~~ Making or filing a report or record which the
26 licensee knows to be false, intentionally or negligently
27 failing to file a report or record required by state or
28 federal law, willfully impeding or obstructing such filing, or
29 inducing another person to impede or obstruct such filing.
30 Such reports or records shall include only those which are
31 signed in the capacity of a licensed veterinarian.

1 ~~(e)~~~~(f)~~ Advertising goods or services in a manner which
2 is fraudulent, false, deceptive, or misleading in form or
3 content.

4 ~~(f)~~~~(g)~~ A violation or repeated violation of this
5 chapter, chapter 455, or any rules promulgated pursuant
6 thereto.

7 ~~(g)~~~~(h)~~ Practicing with a revoked, suspended, or
8 inactive license.

9 ~~(h)~~~~(i)~~ Being unable to practice veterinary medicine
10 with reasonable skill and safety to patients by reason of
11 illness, drunkenness, use of drugs, narcotics, chemicals, or
12 any other material or substance or as a result of any mental
13 or physical condition. A licensee affected under this
14 paragraph shall have the opportunity, at reasonable intervals,
15 to demonstrate that he can resume the competent practice of
16 veterinary medicine with reasonable skill and safety to
17 patients.

18 ~~(i)~~~~(j)~~ Violation of a lawful order of the board or
19 department previously entered in a disciplinary hearing or
20 failure to comply with a lawfully issued subpoena of the board
21 or department.

22 ~~(j)~~~~(k)~~ Judicially determined mental incompetency.
23 However, a license suspended for this cause may be reinstated
24 upon legal restoration of the competency of the individual
25 whose license was so suspended.

26 ~~(k)~~~~(l)~~ Knowingly maintaining a professional connection
27 or association with any person who is in violation of the
28 provisions of this chapter or the rules of the board.
29 However, if the licensee verifies that the person is actively
30 participating in a board-approved program for the treatment of
31

1 a physical or mental condition, he is required only to report
2 such person to the department.

3 (l)(m) Paying or receiving kickbacks, rebates,
4 bonuses, or other remuneration for receiving a patient or
5 client or for referring a patient or client to another
6 provider of veterinary services or goods.

7 (m)(n) Performing or prescribing unnecessary or
8 unauthorized treatment.

9 (n)(o) Fraud in the collection of fees from consumers
10 or any person, agency, or organization paying fees to
11 practitioners.

12 (o)(p) Attempting to restrict competition in the field
13 of veterinary medicine other than for the protection of the
14 public. However, this provision shall not apply to testimony
15 made in good faith at a hearing or other proceeding in which
16 the subject is the revocation of a license or a lesser
17 penalty.

18 (p)(q) Fraud, deceit, negligence, incompetency, or
19 misconduct, in the practice of veterinary medicine.

20 (q)(r) Conviction on a charge of cruelty to animals.

21 (r)(s) Permitting or allowing another to use a
22 veterinarian's license for the purpose of treating or offering
23 to treat sick, injured, or afflicted animals.

24 (s)(t) Maintaining a professional or business
25 connection with any other person who continues to violate any
26 of the provisions of this chapter or rules of the board after
27 10 days' notice in writing by the board.

28 (t)(u) Willfully making any misrepresentations in
29 connection with the inspection of food for human consumption.

30 (u)(v) Fraudulently issuing or using any false health
31 certificate, vaccination certificate, test chart, or other

1 blank form used in the practice of veterinary medicine
2 relating to the presence or absence of animal disease or
3 transporting animals or issuing any false certificate relating
4 to the sale of inedible products of animal origin for human
5 consumption.

6 (v)~~(w)~~ Fraud or dishonesty in applying, treating, or
7 reporting on tuberculin, diagnostic, or other biological
8 tests.

9 (w)~~(x)~~ Failing to keep the equipment and premises of
10 the business establishment in a clean and sanitary condition
11 or having a premises permit suspended or revoked pursuant to
12 s. 474.215.

13 (x)~~(y)~~ Refusing to permit the department to inspect
14 the business premises of the licensee during regular business
15 hours.

16 (y)~~(z)~~ Using the privilege of ordering, prescribing,
17 or making available medicinal drugs or drugs as defined in
18 chapter 465, or controlled substances as defined in chapter
19 893, for use other than for the specific treatment of animal
20 patients.

21 (z)~~(aa)~~ Providing, prescribing, ordering, or making
22 available for human use medicinal drugs or drugs as defined in
23 chapter 465, controlled substances as defined in chapter 893,
24 or any material, chemical, or substance used exclusively for
25 animal treatment.

26 (aa)~~(bb)~~ Failing to report to the department any
27 person the licensee knows to be in violation of this chapter
28 or of the rules of the department or board, ~~however, a report~~
29 ~~shall not be required if the person in violation is~~
30 ~~participating actively in a program approved by rule of the~~
31 ~~department or board for the treatment of a physical or mental~~

1 ~~condition which renders the person unable to practice~~
2 ~~veterinary medicine with reasonable skill and safety.~~

3 (2) When the board finds any veterinarian guilty of
4 any of the acts grounds set forth in subsection (1), it may
5 enter an order imposing one or more of the following
6 penalties:

7 (a) Denial of an application for licensure.

8 (b) Revocation or suspension of a license.

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

11 (d) Issuance of a reprimand.

12 (e) Placement of the veterinarian on probation for a
13 period of time and subject to such conditions as the board may
14 specify, including requiring the veterinarian to attend
15 continuing education courses or to work under the supervision
16 of another veterinarian.

17 (f) Restricting the authorized scope of practice.

18 (3) The department shall reissue the license of a
19 disciplined veterinarian upon certification by the board that
20 the disciplined veterinarian has complied with all of the
21 terms and conditions set forth in the final order.

22 (4) Attempting to obtain or obtaining a license to
23 practice veterinary medicine by fraudulent misrepresentation
24 constitutes a felony of the third degree, punishable as
25 provided in s. 775.082, s. 775.083, or s. 775.084.

26 (5) Whenever it is reported to the department and
27 there is reason to believe that a veterinarian may be impaired
28 as a result of the misuse and abuse of alcohol or medicinal
29 drugs, or both, which could affect that individual's ability
30 to practice his profession, the reporting of such impairment
31 shall not constitute a complaint within the meaning of s.

1 455.225 so long as the probable cause panel of the board
2 determines that:

3 (a) The veterinarian has acknowledged that he has an
4 impairment problem due to the misuse and abuse of alcohol,
5 drugs, or both;

6 (b) The veterinarian has voluntarily enrolled in a
7 treatment program approved by the board;

8 (c) The veterinarian has voluntarily withdrawn from
9 practice or limited the scope of his practice as determined by
10 the panel in each case, until such time as the panel is
11 satisfied that he has successfully completed an approved
12 treatment program; and

13 (d) The violation of chapter 474 committed by the
14 veterinarian while impaired was due to or connected with his
15 impairment.

16 (6) A finding of probable cause shall not be made so
17 long as the panel is satisfied that the impaired veterinarian
18 is progressing satisfactorily in a board-approved program.
19 The approved program provider shall, at the request of the
20 probable cause panel, disclose to the panel all information in
21 its possession regarding the impaired veterinarian in
22 treatment. All information obtained by the panel pursuant to
23 this section is exempt from disclosure under s. 119.07, and
24 shall be held confidential subject to the provisions of
25 subsection (5).

26 (7) If, in the opinion of the probable cause panel
27 after consultation with the provider, the impaired
28 veterinarian enrolled in an approved treatment program does
29 not progress satisfactorily, the panel may treat the
30 information as a complaint which may be the basis for a
31 finding of probable cause, or, if an immediate and serious

1 danger to the public exists, such conclusion shall be
2 communicated to the secretary of the department.

3 (8) If, in the opinion of the probable cause panel
4 after consultation with the provider, the panel is satisfied
5 that the impaired veterinarian has successfully completed an
6 approved treatment program and can safely return to the
7 practice of veterinary medicine, the licensee shall be
8 permitted to resume the full practice of veterinary medicine.

9 (9) A privilege against civil liability is hereby
10 granted to any person who provides information to the
11 department, the board, or the probable cause panel with
12 respect to any impaired veterinarian, unless that person acted
13 in bad faith or with malice.

14 Section 7. Section 474.2145, Florida Statutes, is
15 created to read:

16 474.2145 Treatment programs for impaired
17 professionals; advisory committee; consultants.--

18 1) The board shall appoint a licensee who shall serve
19 on the Impaired Professionals Advisory Committee established
20 under s. 458.3315.

21 2) The department may retain one or more impaired
22 professional consultants as recommended and approved by the
23 board. Such a consultant shall act as a liaison between the
24 board and treatment programs approved pursuant to chapter 474
25 which programs provide services to veterinarian licensees.

26 (3) The information and knowledge of such a consultant
27 which involves an impaired veterinarian who may be in
28 violation of this chapter or of the rules of the board or
29 department shall not constitute a complaint as described in s.
30 455.225, so long as the licensee is progressing satisfactorily
31 in an approved program. An approved program provider shall,

1 upon request, disclose to such a consultant all information in
2 its possession regarding an impaired veterinarian in
3 treatment. All information obtained by a consultant pursuant
4 to this section is exempt from disclosure under s. 119.07 and
5 shall be held confidential subject to the provisions of
6 subsection (4).

7 (4) If, in the opinion of such a consultant after
8 consultation with the provider, an impaired veterinarian who
9 is enrolled in an approved treatment program has not
10 progressed satisfactorily, then the consultant shall disclose
11 to the department all information in his possession regarding
12 such veterinarian; and such disclosure shall constitute a
13 complaint pursuant to the general provisions of s. 455.225.
14 Whenever the consultant concludes that impairment affects the
15 practice of a licensee, constituting an immediate, serious
16 danger to the public health, safety, or welfare, such
17 conclusion shall be communicated to the secretary of the
18 department. A consultant, licensee, or approved program
19 provider who makes a disclosure pursuant to this section or s.
20 474.214(5) shall not be subject to civil liability for such
21 disclosure or its consequences.

22 Section 8. Section 474.215, Florida Statutes, is
23 amended to read:

24 474.215 Premises permits.--

25 (1) Any establishment, permanent or mobile, where a
26 licensed veterinarian practices must have a premises permit or
27 mobile clinic permit issued by the department. Upon
28 application and payment of a \$25 fee, the department shall
29 cause such establishment to be inspected. A premises permit
30 or mobile clinic permit shall be issued if the establishment
31 meets minimum standards, to be adopted by rule of the board,

1 as to sanitary conditions and physical plant. The board shall
2 adopt separate sets of minimum standards for permanent and
3 mobile establishments. In lieu of the above procedure, the
4 department may issue a premises permit or mobile clinic permit
5 to any establishment premises which is accredited by a
6 recognized organization whose standards meet or exceed board
7 minimum standards, as established by rule.

8 (2) Each application for a premises permit or mobile
9 clinic permit shall set forth the name of the licensed
10 veterinarian who will be responsible for the management of the
11 establishment premises.

12 (3) The premises permit or mobile clinic permit may be
13 revoked, suspended, or denied when inspection reveals that the
14 establishment does premises-do not meet the standards set by
15 rule or when the license of the responsible veterinarian has
16 been suspended or revoked.

17 (4) Any owner, operator, or responsible veterinarian
18 of any establishment operating without a premises permit or
19 mobile clinic permit in violation of this section or any rule
20 adopted by the board shall have 30 days after notification of
21 violation by the department within which to apply for the
22 appropriate permit and pay a late fee established by the
23 board. The board may, after notice and hearing, impose a
24 penalty against any such owner, operator, or responsible
25 veterinarian who fails to apply for the necessary permit and
26 pay the late fee within the prescribed 30-day period of-any
27 premises-operating-without-a-premises-permit-in-violation-of
28 this-section-or-any-rule-promulgated-by-the-board. No penalty
29 so imposed shall exceed \$1,000 for each count or separate
30 offense.
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1 (5) Any practitioner who provides veterinary service
2 on a house-call basis and who does not maintain a veterinary
3 establishment for receipt of patients shall not be required to
4 obtain a premises permit or mobile clinic permit, but must
5 provide for minimum equipment and facilities as established by
6 rule.

7 Section 9. Section 474.216, Florida Statutes, is
8 amended to read:

9 474.216 License, ~~and premises permit,~~ and mobile
10 clinic permit to be displayed.--Each person to whom a license,
11 ~~or premises permit,~~ or mobile clinic permit is issued shall
12 keep such document license conspicuously displayed in his
13 office, place of business, or place of employment and shall,
14 whenever required, exhibit said document license to any member
15 or authorized representative of the board.

16 Section 10. Section 474.217, Florida Statutes, is
17 amended to read:

18 474.217 Licensure by endorsement Reciprocity.--

19 (1) The department shall issue a license by
20 endorsement to any applicant who, upon applying to the
21 department and remitting a fee set by the board, demonstrates
22 to the board that he:

23 (a)1. Holds a valid license to practice veterinary
24 medicine in another state of the United States, the District
25 of Columbia, or a territory of the United States, provided,
26 that when the applicant secured such license, that the
27 requirements for licensure in the issuing state are
28 substantially similar to, equivalent to, or more stringent
29 than the requirements of this chapter; or

30 2. Meets the qualifications of s. 474.207 and has
31 successfully completed a state, regional, or national

1 examination which is substantially equivalent to or more
2 stringent than the examination given by the department; and

3 (b) Has passed an examination on the laws and rules of
4 this state governing veterinary medical practice; and

5 (c) Has passed the board's clinical competency
6 examination or a clinical competency examination that is
7 substantially similar to, equivalent to, or more stringent
8 than the board's examination.

9 (2) The department shall not issue a license by
10 endorsement to any applicant who is under investigation in
11 another state, territory, or the District of Columbia for an
12 act which would constitute a violation of this chapter, until
13 the investigation is complete and disciplinary proceedings
14 have been terminated, at which time the provisions of s.
15 474.207 shall apply. ~~in order to ensure that veterinarians~~
16 ~~licensed in this state may be considered for licensure in~~
17 ~~other states, the board may enter into reciprocity agreements~~
18 ~~with other states.~~

19 Section 11. Section 474.2065, Florida Statutes, is
20 created to read:

21 474.2065 Fees.--The board, by rule, shall establish
22 fees for application and examination, reexamination, license
23 renewal, inactive status, renewal of inactive status, license
24 reactivation, late application for permits, periodic
25 inspection of veterinary establishments, and recordmaking and
26 recordkeeping. The fee for the initial application and
27 examination shall not exceed \$500. The fee for reactivation
28 of an inactive license and the fee for renewal of an inactive
29 license shall not exceed \$50. The fee for licensure by
30 endorsement shall not exceed \$250. The fee for temporary
31 licensure shall not exceed \$200. The board shall establish

1 fees which are adequate to ensure its continued operation and
2 to fund the proportionate expenses incurred by the department
3 which are allocated to the regulation of veterinarians. Fees
4 shall be based on departmental estimates of the revenue
5 required to administer this chapter and the provisions
6 relating to the regulation of veterinarians.

7 Section 12. Section 474.219, Florida Statutes, is
8 hereby repealed.

9 Section 13. Notwithstanding the provisions of the
10 Regulatory Sunset Act or of any other provision of law which
11 provides for review and repeal in accordance with s. 11.61,
12 Florida Statutes, and except as otherwise specifically
13 provided herein, Chapter 474, Florida Statutes, shall not
14 stand repealed on October 1, 1985, and shall continue in full
15 force and effect as amended herein.

16 Section 14. This act shall take effect October 1,
17 1985.

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STORAGE NAME: 85Sum-PCB20

Date: April 1, 1985

Revised: April 4, 1985

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON REGULATORY REFORM
STAFF ANALYSIS

19

1447

BILL# PCB 20 SPONSOR Committee on Regulatory Reform

EFFECTIVE DATE 10-1-85 IDENTICAL/SIMILAR BILLS SB 91

RELATING TO Veterinary Medical Practice

OTHER COMMITTEES OF REFERENCE _____

I. SUMMARY:

Chapter 474, Florida Statutes, relates to the regulation of the practice of veterinary medicine. Provisions are included for examination and licensure of veterinarians. Premises permits show that the establishment meets certain sanitary conditions according to the rules adopted by the Board of Veterinary Medicine. Other sections deal with prohibitions and penalties, maintenance of medical records of patients by the veterinarian, and the reporting to the department of criminal violations of the act.

Proposed Committee Bill 20 would reenact Chapter 474, Florida Statutes. The first enactment of the laws regarding the practice of veterinary medicine was in 1925, at which time it became unlawful for any person to practice veterinary medicine and surgery, except castration and dehorning of cattle, an exemption which remains in the statutes today. The purpose of this practice act is to protect the public health, safety and welfare from incompetent and unlicensed

practitioners. Aside from the service offered to owners of domesticated pets and animals, the practice of veterinary medicine enhances the quality of food products available to the citizens of our state by preventing and controlling disease.

1. Section 474.202 - This section dealing with definitions includes a definition of mobile veterinary establishment/mobile clinic that insures these units contain the same treatment facilities as those of a permanent nature. The definition for immediate supervision requires the veterinarian to be on the same premises as the supervised employee.
2. Section 474.203 - Exemptions under this section do not apply to persons administering to the ills of their own animals, but only a licensed veterinarian may immunize or treat for diseases which are communicable to humans.
3. Section 474.204 - Subparagraphs referring to appointment of board members that no longer apply have been deleted.
4. Section 474.207 - Several changes are offered in this section dealing with licensure by examination, which include an increased cap on the examination fee not to exceed \$500, prohibition of reexamination by a graduate of an unapproved college of veterinary medicine after three attempts until he obtains a certificate from the Educational Commission for Foreign Veterinary Graduates and presents it to the board. A recent graduate of an approved college would be permitted to practice under immediate supervision of a licensed veterinarian while awaiting the results of examination. If that person fails any part of the examination, he reverts to the status of any other unlicensed veterinary employee until he passes the examination and is eligible for licensure.
5. Section 474.213 - An addition to the language in this section would clarify that persons practicing in Florida must hold licenses pursuant to the chapter.
6. Section 474.214 - This section of the chapter deals with disciplinary proceedings. Specific language for an impaired practitioner includes

provisions for reporting such person to the department. When such a report is sent to the department and there is reason to believe that a veterinarian may be impaired because of the misuse of drugs or alcohol or both, such reporting shall not constitute a complaint if the veterinarian acknowledges that: (a) he has an impairment problem, (b) he has voluntarily enrolled in a treatment program approved by the board, or, (c) withdrawn from practice or limited the scope of practice until such time as successful completion of an approved treatment program is determined by the panel. If the impaired practitioner's progress is not satisfactory as determined by the panel, then the information may be treated as a complaint, and the proper investigatory procedures initiated. A privilege against civil liability is granted to certain persons who report impaired veterinarians to the department, board, or panel.

7. Section 474.2145 - A new section is created which relates to treatment programs for impaired professionals. Confidentiality of information is maintained, unless the impaired veterinarian is not progressing satisfactorily, at which point the disclosing of information shall constitute a complaint.
8. Section 474.215 - This section dealing with premises permits is amended to include a mobile clinic permit. The board is authorized to adopt minimum standards for permanent and mobile establishments.
9. Section 474.216 - The displaying of premises permits is expanded to include mobile clinics.
10. Section 474.217 - The provision related to reciprocity is deleted, and provisions related to licensure by endorsement are added. Licensure by endorsement of applicants who hold valid out-of-state veterinary licenses would include requirements that licensure in the licensing state be substantially equivalent to or more stringent than those existing in Florida at the time. Such applicants must also pass an examination on the laws and rules of Florida governing veterinary medical practice.
11. Section 474.2065 - The section dealing with fees includes a cap of \$500, for the initial

application. Other fees would include reactivation of an inactive license not to exceed \$50; and licensure by endorsement not to exceed \$250.

II. ECONOMIC IMPACT:

A. Public:

It is anticipated by the department that there will be an increased cost of \$30 per applicant for the national and clinical competency portions of the licensing examination. The present cost of such examination is \$245. It can be assumed that the cost of regulation is passed on to those persons who use veterinary services.

B. Government:

The cost of administration of Chapter 474, Florida Statutes, was \$247,178 for the fiscal year 1983-84. The Professional Regulation Trust Fund is the depository for fees paid by applicants and practitioners.

The department has been unable to estimate the cost of implementing and administering the impaired veterinarian provisions of this bill. However, a similar program for nurse practitioners has been administered with minimal costs.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

V. PREPARED BY Marcia Robinson *mer*

VI. STAFF DIRECTOR Ken Sarvis *KS*

MR:njd

STORAGE NAME: 85Sum-HB1205

Date: April 1, 1985

Revised: _____

Final: June 12, 1985

19

1447

HOUSE OF REPRESENTATIVES
COMMITTEE ON REGULATORY REFORM
STAFF ANALYSIS

BILL# HB 1205 (Passed as CS/SB 91

SPONSOR Senate ECCA

EFFECTIVE DATE 10-1-85 IDENTICAL/SIMILAR BILLS CS/SB 91

RELATING TO Veterinary Medical Practice

I. SUMMARY:

Chapter 474, Florida Statutes, relates to the regulation of the practice of veterinary medicine. Provisions are included for examination and licensure of veterinarians. Premises permits show that the establishment meets certain sanitary conditions according to the rules adopted by the Board of Veterinary Medicine. Other sections deal with prohibitions and penalties, maintenance of medical records of patients by the veterinarian, and the reporting to the department of criminal violations of the act.

CS/SB 91 reenacts Chapter 474, Florida Statutes. The first enactment of the laws regarding the practice of veterinary medicine was in 1925, at which time it became unlawful for any person to practice veterinary medicine and surgery, except castration and dehorning of cattle, an exemption which remains in the statutes today. The purpose of this practice act is to protect the public health, safety and welfare from incompetent and unlicensed practitioners. Aside from the service

offered to owners of domesticated pets and animals, the practice of veterinary medicine enhances the quality of food products available to the citizens of our state by preventing and controlling disease.

1. Section 474.202 - This section dealing with definitions includes a definition of mobile veterinary establishment/mobile clinic that insures these units contain the same treatment facilities as those of a permanent nature. The definition for immediate supervision requires the veterinarian to be on the same premises as the supervised employee.
2. Section 474.203 - Exemptions under this section do not apply to persons administering to the ills of their own animals, but only a licensed veterinarian may immunize or treat for diseases which are communicable to humans. Out of state veterinarians practicing temporarily in the state are not exempt under this section.
3. Section 474.207 - Several changes are offered in this section dealing with licensure by examination, which include an examination fee to be set by the board, prohibition of reexamination by a graduate of an unapproved college of veterinary medicine after three attempts until he obtains a certificate from the Educational Commission for Foreign Veterinary Graduates and presents it to the board. A recent graduate of an approved college would be permitted to practice under immediate supervision of a licensed veterinarian while awaiting the results of examination. If that person fails any part of the examination, he reverts to the status of any other unlicensed veterinary employee until he passes the examination and is eligible for licensure.
4. Section 474.213 - An addition to the language in this section would clarify that persons practicing in Florida must hold licenses pursuant to the chapter.
5. Section 474.214 - This section of the chapter deals with disciplinary proceedings. Specific language for an impaired practitioner includes provisions for reporting such person to the department. When such a report is sent to the department and there is reason to believe that a veterinarian may be impaired because of the misuse

of drugs or alcohol or both, such reporting shall not constitute a complaint if the veterinarian acknowledges that: (a) he has an impairment problem, (b) he has voluntarily enrolled in a treatment program approved by the board, or, (c) withdrawn from practice or limited the scope of practice until such time as successful completion of an approved treatment program is determined by the panel. If the impaired practitioner's progress is not satisfactory as determined by the panel, then the information may be treated as a complaint, and the proper investigatory procedures initiated. A privilege against civil liability is granted to certain persons who report impaired veterinarians to the department, board, or panel. Upon probable cause, the department has the authority to compel a mental or physical examination of the licensee.

6. Section 474.215 - This section dealing with premises permits is amended to include a mobile clinic permit. The board is authorized to adopt minimum standards for permanent and mobile establishments.
7. Section 474.216 - The displaying of premises permits is expanded to include mobile clinics.
8. Section 474.217 - The provision related to reciprocity is deleted, and provisions related to licensure by endorsement are added. Licensure by endorsement of applicants who hold valid out-of-state veterinary licenses includes requirements that licensure in the licensing state be substantially equivalent to or more stringent than those existing in Florida at the time. Such applicants must also pass an examination on the laws and rules of Florida governing veterinary medical practice.
9. Section 474.219 - This section deals with saving clauses.
10. Section 474.2065 - The section dealing with fees includes a cap of \$500, for the initial application. Other fees include reactivation of an inactive license not to exceed \$50; licensure by endorsement not to exceed \$250; and temporary licensure not to exceed \$200.

11. Section 474.2125 - Temporary licensure is provided in this section to include those veterinarians licensed in other states for the purpose of providing veterinary medical service for a specific animal owner in this state. Such license expires in 90 days.
12. Section 474.2141 - A new section is created which relates to treatment programs for impaired professionals. Confidentiality of information is maintained, unless the impaired veterinarian is not progressing satisfactorily, at which point the disclosing of information shall constitute a complaint.
13. Section 474.2145 - This section deals with the ability of the department to issue subpoenas duces tecum, requiring the name and address of some or all of the clients of a licensed veterinarian against whom a complaint has been filed if such information is deemed necessary by the secretary of the department.
14. Section 474.2185 - Upon accepting licensure or making and filing a renewal for same, a veterinarian in this state is deemed to have given his consent to render a handwriting sample or to waive the confidentiality and authorize preparation and release of medical reports pertaining to the mental or physical condition of the licensee, if this information is relevant to an investigation as determined by the secretary of the department.

II. ECONOMIC IMPACT:

A. Public:

It is anticipated by the department that there will be an increased cost of \$30 per applicant for the national and clinical competency portions of the licensing examination. The present cost of such examination is \$245. It can be assumed that the cost of regulation is passed on to those persons who use veterinary services.

B. Government:

The cost of administration of Chapter 474, Florida Statutes, was \$247,178 for the fiscal year 1983-84. The Professional Regulation Trust Fund is the

depository for fees paid by applicants and practitioners.

The department has been unable to estimate the cost of implementing and administering the impaired veterinarian provisions of this bill. However, a similar program for nurse practitioners has been administered with minimal costs.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

V. PREPARED BY Marcia Robinson *mlr*

VI. STAFF DIRECTOR Ken Sarvis *KS*

MR:njd

HOUSE BILL 1205
VETERINARY MEDICAL PRACTICE

19

1447

CHAPTER 474, FLORIDA STATUTES, PROVIDES FOR EXAMINATION AND LICENSURE OF THOSE PERSONS DESIRING TO PRACTICE VETERINARY MEDICINE IN THE STATE OF FLORIDA.

PROVISIONS WITHIN THE CHAPTER DEFINE SPECIFIC LANGUAGE AND TERMS, PROVIDE FOR EXEMPTIONS FROM THESE SECTIONS, CREATE A GOVERNING BOARD, ESTABLISH FEES, PROVIDE FOR DISCIPLINARY PROCEEDINGS, AND RECIPROCITY OF LICENSEES.

HOUSE BILL 1205 REENACTS CHAPTER 474, FLORIDA STATUTES, TO CONTINUE THIS REGULATION FOR THE PROTECTION OF THE PUBLIC, AND ADDS NEW LANGUAGE IN THE FOLLOWING SECTIONS:

s. 474.202 - DEFINITIONS - ADDS "MOBILE VETERINARY ESTABLISHMENT" AND "IMMEDIATE SUPERVISION".

s. 474.203 - EXEMPTIONS - PRACTICE DOES NOT INCLUDE SPAYING OR DEHORNING OF HERD ANIMALS. ONLY A LICENSED VETERINARIAN MAY TREAT FOR DISEASES COMMUNICABLE TO HUMANS.

s. 474.207 - LICENSURE BY EXAMINATION - PROVIDES THAT PERSON FROM UNAPPROVED SCHOOL WHO FAILS EXAMINATION THREE TIMES MUST HAVE CERTIFICATE FROM EDUCATION COMMISSION (U.S. OFFICE OF EDUCATION).

s. 474.2125 - FEES - PERMITS DEPARTMENT TO INCREASE CAP FOR LICENSURE TO \$500.

s. 474.214 - DISCIPLINARY PROCEEDINGS - LANGUAGE IS ADDED TO PROVIDE FOR TREATMENT PROGRAMS FOR IMPAIRED PRACTITIONERS AND THE CONTINUING OF A RELATIONSHIP WITH PERSON PARTICIPATING IN APPROVED PROGRAM.

s. 474.2145 - TREATMENT PROGRAMS - PROVIDES LANGUAGE TO PERMIT RETAINING CONSULTANT TO ACT AS LIAISON BETWEEN BOARD AND TREATMENT PROGRAMS.

s. 474.217 - RECIPROCITY - CHANGES TO ENDORSEMENT LANGUAGE AND PROVIDES FOR LICENSURE IF COMPARABLE OR MORE STRINGENT THAN REQUIREMENTS FOR FLORIDA.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Terry <i>W</i>	Burnside <i>DB</i>	1. <u>ECCA</u>	_____
2. _____	_____	2. <u>AD.</u>	_____
3. _____	_____	3. _____	_____

18

1408

SUBJECT: Veterinary Medical Practice

BILL NO. AND SPONSOR: SB 91 by the Senate Economic, Community, & Consumer Affairs Committee

I. SUMMARY:

A. Present Situation:

The Regulatory Sunset Act repeals chapter 474, Florida Statutes, relating to veterinary medical practice on October 1, 1985, unless the Legislature reestablishes it in the public interest.

Chapter 474, Florida Statutes, provides for the examination and licensure of public accountants in Florida. The chapter states the purpose of the law (s. 474.201, F.S.), provides definitions (s. 474.202, F.S.) and exemptions (s. 474.203, F.S.), establishes a Board of Veterinary Medicine (s. 474.204, F.S.), establishes the locale of board headquarters (s. 474.205, F.S.), and grants the board rulemaking authority (s. 474.206, F.S.). The chapter also provides for licensure by examination (s. 474.207, F.S.), license renewal (s. 474.211, F.S.), and inactive status (s. 474.212, F.S.); establishes prohibitions and penalties (s. 474.213, F.S.), grants the board disciplinary powers (s. 474.214, F.S.), requires premises permits (s. 474.215, F.S.), and requires persons to display their licenses or premises permits at their places of business (s. 474.216, F.S.). Finally, the chapter requires licensees to maintain medical records (s. 474.2165, F.S.), provides for licensure by reciprocity (s. 474.217, F.S.), requires the department to report criminal violations of the act to prosecuting authorities (s. 474.218, F.S.), and provides saving clauses (s. 474.219, F.S.).

B. Effect of Proposed Changes:

The provisions of chapter 474, Florida Statutes, are revived and readopted with the following sections amended as described:

- Section 474.202, Florida Statutes, is amended to include the performance of embryo transfer procedures in the definition of practice of veterinary medicine.
- Section 474.203, Florida Statutes, is amended to provide that out-of-state veterinarians practicing temporarily in Florida are not exempt from the provisions of the act.
- Section 474.204, Florida Statutes, is amended to delete certain transitional provisions relating to appointment of board members.
- Section 474.207, Florida Statutes, is amended to allow only successful examinees to continue practicing under the supervision of a licensed veterinarian until the next board meeting.
- Section 474.213, Florida Statutes, is amended to clarify that persons practicing veterinary medicine in Florida must hold licenses pursuant to the chapter.

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- Section 474.214, Florida Statutes, is amended to delete redundant language and adopt the following procedure for dealing with impaired practitioners. Licensees are required to report anyone known by them to be in violation of the chapter or board rules. The reporting of an impaired practitioner is not to be treated as a complaint as long as the board's probable cause panel makes certain determinations concerning the impaired veterinarian's progress in an approved treatment program and the nature of the violation. If the panel finds the impaired veterinarian's progress unsatisfactory, it may treat the information as a complaint. Upon successful completion of a treatment program, a license previously relinquished shall be returned to the veterinarian. A privilege against civil liability is granted to certain persons who report impaired veterinarians to the department, board, or panel.
 - Section 474.215, Florida Statutes, is amended to: require mobile veterinary clinics to have mobile clinic permits, direct the board to adopt minimum standards concerning sanitary conditions and physical plant for mobile clinics, and provide a 30-day grace period within which persons operating veterinary establishments without the necessary permits may apply for such permits upon payment of a late fee.
 - Section 474.216, Florida Statutes, is amended to require mobile clinic permits to be displayed.
 - Section 474.217, Florida Statutes, is amended to provide for licensure by endorsement of applicants who hold valid out-of-state veterinary licenses if the requirements for licensure in the licensing state were substantially equivalent to or more stringent than those existing in Florida at the time. Such applicants must also pass an examination on the laws and rules of Florida governing voluntary medical practice.
 - Section 474.219, Florida Statutes, is amended to change the effective date of the saving clause.
 - Section 474.2065, Florida Statutes, is created to direct the board to establish certain fees. Certain fee caps are established.
 - Section 474.2125, Florida Statutes, is created to provide for temporary licensure of out-of-state licensed veterinarians who wish to provide veterinary services for a specific animal owner in Florida. Such licenses are to be valid for 90 days.
 - Section 13 of the bill provides for the automatic repeal of chapter 474, Florida Statutes, on October 1, 1995, and for the review of the chapter pursuant to section 11.61, Florida Statutes.
 - The effective date of October 1, 1985, is provided.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The inclusion of the performance of embryo transfer procedures in the definition of the practice of veterinary medicine will result in such procedures being done solely by licensed veterinarians. To the extent that licensed veterinarians will charge more or less for such services than non-licensed persons do or would, the cost of such services will be affected.

The requirement that out-of-state licensed veterinarians who wish to practice temporarily in Florida apply for temporary licensure will result in such persons having to incur the

expense of applying for such licensure and taking the Florida veterinary laws and rules examination.

The provision prohibiting unsuccessful examinees from continuing to practice under a licensed veterinarian's supervision may result in a loss or reduction of income for such persons.

The impaired veterinarian provision will require impaired veterinarians to incur the cost of participating in approved treatment programs and will result in a loss or reduction of income for the period of time during which an impaired veterinarian withdraws from the practice and relinquishes his license. The approach contained in the bill will also be more expensive to administer than that presently used, and licensees will bear the additional cost through fees paid to the department.

The mobile clinic permit requirement will result in operators of such clinics having to comply with standards adopted by the board for such permits and pay a \$25 permit fee.

The inclusion of a 30-day grace period for persons operating a veterinary establishment without the required premises or mobile clinic permit will result in such persons having to pay a board established late fee. Such persons may, however, avoid the expense of responding to an administrative complaint resulting from such a violation.

The provision establishing licensure by endorsement will permit certain out-of-state veterinarians to become licensed in Florida without having to incur the expense of applying for and passing the entire Florida licensure examination.

It is assumed that the cost of regulation is ultimately passed on to consumers of veterinary medical services in the form of higher fees for those services. Thus, any increase or decrease in the cost of complying with the provisions of the act will likely affect the cost of veterinary medical services.

B. Government:

The Department of Professional Regulation (DPR) is unable to estimate the cost of implementing and administering the impaired veterinarian provision in the bill, although it states that it has incurred minimal costs in administering a similar impaired pharmacist program.

According to the DPR, the one-time \$25 fee for premises and mobile clinic permits provided for in the bill is not adequate to cover the cost of both initial and subsequent inspections. The DPR estimates that it incurs costs of \$17.50 per inspection. There are presently 1,057 premises permits, and the DPR estimates that 54 new permits are issued each year. The DPR estimates that there are approximately 15-20 mobile clinics in the state that would be required to apply for mobile clinic permits under the terms of the bill. The DPR provided the following figures concerning the cost of inspections.

1,057	Current Permits	
x \$25	One-time Permit Fee	
<u>\$26,425</u>		\$ 26,425
1,057	Initial Inspections	
x \$17.50	Cost Per Inspection	
<u>\$18,497.50</u>		\$(18,498)
Balance Available for 2nd Inspection		\$ 7,927
Cost of 2nd Inspection		<u>\$(18,498)</u>
Deficit end of 3rd Year		\$(10,571)

According to the DPR, the present \$250 fee cap for application and examination will not be adequate to cover an anticipated increase of \$30 per candidate for the written national and clinical competency portions of the licensing examination. The DPR states that unless the fee cap is increased and the board is thereby permitted to pass increased examination costs on to applicants, the board will operate at a deficit in the exam area.

III. COMMENTS:

According to the DPR, a premises permit renewal fee of \$20 per biennium would provide revenue adequate to fund the department's reinspection program.

The Office of Examination Services of the DPR has projected an increase in the cost of the written national and clinical competency portions of the exam of approximately \$30 per candidate. The current examination fee cap is \$250 and the current fee is \$245.

This bill was drafted in accordance with staff recommendations provided as a result of the sunset review of chapter 474, Florida Statutes, relating to regulation of veterinary medical practice.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Terry <i>DT</i>	Burnside <i>DB</i>	1. ECCA	
2. _____	_____	2. AD.	
3. _____	_____	3. _____	

SUBJECT:

Veterinary Medical Practice

BILL NO. AND SPONSOR:

SB 91 by the Senate
Economic, Community, & Consumer
Affairs Committee

I. SUMMARY:

A. Present Situation:

The Regulatory Sunset Act repeals chapter 474, Florida Statutes, relating to veterinary medical practice on October 1, 1985, unless the Legislature reestablishes it in the public interest.

Chapter 474, Florida Statutes, provides for the examination and licensure of veterinarians in Florida. The chapter states the purpose of the law (s. 474.201, F.S.), provides definitions (s. 474.202, F.S.) and exemptions (s. 474.203, F.S.), establishes a Board of Veterinary Medicine (s. 474.204, F.S.), establishes the locale of board headquarters (s. 474.205, F.S.), and grants the board rulemaking authority (s. 474.206, F.S.). The chapter also provides for licensure by examination (s. 474.207, F.S.), license renewal (s. 474.211, F.S.), and inactive status (s. 474.212, F.S.); establishes prohibitions and penalties (s. 474.213, F.S.), grants the board disciplinary powers (s. 474.214, F.S.), requires premises permits (s. 474.215, F.S.), and requires persons to display their licenses or premises permits at their places of business (s. 474.216, F.S.). Finally, the chapter requires licensees to maintain medical records (s. 474.2165, F.S.), provides for licensure by reciprocity (s. 474.217, F.S.), requires the department to report criminal violations of the act to prosecuting authorities (s. 474.218, F.S.), and provides saving clauses (s. 474.219, F.S.).

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B. Effect of Proposed Changes:

The provisions of chapter 474, Florida Statutes, are revived and readopted with the following sections amended as described:

- Section 474.202, Florida Statutes, is amended to include the performance of embryo transfer procedures in the definition of practice of veterinary medicine.
- Section 474.203, Florida Statutes, is amended to provide that out-of-state veterinarians practicing temporarily in Florida are not exempt from the provisions of the act.
- Section 474.204, Florida Statutes, is amended to delete certain transitional provisions relating to appointment of board members.
- Section 474.207, Florida Statutes, is amended to allow only successful examinees to continue practicing under the supervision of a licensed veterinarian until the next board meeting.
- Section 474.213, Florida Statutes, is amended to clarify that persons practicing veterinary medicine in Florida must hold licenses pursuant to the chapter.

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- Section 474.214, Florida Statutes, is amended to delete redundant language and adopt the following procedure for dealing with impaired practitioners. Licensees are required to report anyone known by them to be in violation of the chapter or board rules. The reporting of an impaired practitioner is not to be treated as a complaint as long as the board's probable cause panel makes certain determinations concerning the impaired veterinarian's progress in an approved treatment program and the nature of the violation. If the panel finds the impaired veterinarian's progress unsatisfactory, it may treat the information as a complaint. Upon successful completion of a treatment program, a license previously relinquished shall be returned to the veterinarian. A privilege against civil liability is granted to certain persons who report impaired veterinarians to the department, board, or panel.
 - Section 474.215, Florida Statutes, is amended to: require mobile veterinary clinics to have mobile clinic permits, direct the board to adopt minimum standards concerning sanitary conditions and physical plant for mobile clinics, and provide a 30-day grace period within which persons operating veterinary establishments without the necessary permits may apply for such permits upon payment of a late fee.
 - Section 474.216, Florida Statutes, is amended to require mobile clinic permits to be displayed.
 - Section 474.217, Florida Statutes, is amended to provide for licensure by endorsement of applicants who hold valid out-of-state veterinary licenses if the requirements for licensure in the licensing state were substantially equivalent to or more stringent than those existing in Florida at the time. Such applicants must also pass an examination on the laws and rules of Florida governing voluntary medical practice.
 - Section 474.219, Florida Statutes, is amended to change the effective date of the saving clause.
 - Section 474.2065, Florida Statutes, is created to direct the board to establish certain fees. Certain fee caps are established.
 - Section 474.2125, Florida Statutes, is created to provide for temporary licensure of out-of-state licensed veterinarians who wish to provide veterinary services for a specific animal owner in Florida. Such licenses are to be valid for 90 days.
 - Section 13 of the bill provides for the automatic repeal of chapter 474, Florida Statutes, on October 1, 1995, and for the review of the chapter pursuant to section 11.61, Florida Statutes.
 - The effective date of October 1, 1985, is provided.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Presently, applicants for licensure must pay the following examination fees: complete examination - \$245; written exam on the practice act and rules - \$75; clinical competency test - \$55; and National Board written exam - \$115. Current reexamination fees are: National Board written exam - \$115; clinical competency exam - \$55; and written exam on practice act and rules - \$50. Licensees must pay the following fees: initial license - \$90 for 2 years; license renewal - \$90 biennially; reactivation of inactive license - \$50; and renewal of inactive license - \$50. Section 11.61, Florida Statutes,

provides for the automatic repeal of chapter 474, Florida Statutes, on October 1, 1985. Therefore, applicants and licensees would no longer incur these costs after that date. However, this bill revives and readopts chapter 474, Florida Statutes, which will result in applicants and practitioners continuing to be subject to these fees after October 1, 1985.

The inclusion of the performance of embryo transfer procedures in the definition of the practice of veterinary medicine will result in such procedures being done solely by licensed veterinarians. To the extent that licensed veterinarians will charge more or less for such services than non-licensed persons do or would, the cost of such services will be affected.

The requirement that out-of-state licensed veterinarians who wish to practice temporarily in Florida apply for temporary licensure will result in such persons having to incur the expense of applying for such licensure and taking the Florida veterinary laws and rules examination.

The provision prohibiting unsuccessful examinees from continuing to practice under a licensed veterinarian's supervision may result in a loss or reduction of income for such persons.

The impaired veterinarian provision will require impaired veterinarians to incur the cost of participating in approved treatment programs and will result in a loss or reduction of income for the period of time during which an impaired veterinarian withdraws from the practice and relinquishes his license. The approach contained in the bill will also be more expensive to administer than that presently used, and licensees will bear the additional cost through fees paid to the department.

The mobile clinic permit requirement will result in operators of such clinics having to comply with standards adopted by the board for such permits and pay a \$25 permit fee.

The inclusion of a 30-day grace period for persons operating a veterinary establishment without the required premises or mobile clinic permit will result in such persons having to pay a board established late fee. Such persons may, however, avoid the expense of responding to an administrative complaint resulting from such a violation.

The provision establishing licensure by endorsement will permit certain out-of-state veterinarians to become licensed in Florida without having to incur the expense of applying for and passing the entire Florida licensure examination.

It is assumed that the cost of regulation is ultimately passed on to consumers of veterinary medical services in the form of higher fees for those services. Thus, any increase or decrease in the cost of complying with the provisions of the act will likely affect the cost of veterinary medical services.

B. Government:

The cost of administering chapter 474, Florida Statutes, in FY 1983-84 was \$247,178. Currently, the costs are paid for through the fees paid by applicants and practitioners and deposited in the Professional Regulation Trust Fund. Under current law, after October 1, 1985, these costs would no longer be incurred by state government. This bill reenacts chapter 474, Florida Statutes, and would cause state administrative costs to continue after October 1, 1985.

The Department of Professional Regulation (DPR) is unable to estimate the cost of implementing and administering the impaired veterinarian provision in the bill, although it states

that it has incurred minimal costs in administering a similar impaired pharmacist program.

According to the DPR, the one-time \$25 fee for premises and mobile clinic permits provided for in the bill is not adequate to cover the cost of both initial and subsequent inspections. The DPR estimates that it incurs costs of \$17.50 per inspection. There are presently 1,057 premises permits, and the DPR estimates that 54 new permits are issued each year. The DPR estimates that there are approximately 15-20 mobile clinics in the state that would be required to apply for mobile clinic permits under the terms of the bill. The DPR provided the following figures concerning the cost of inspections.

1,057	Current Permits	
x \$25	One-time Permit Fee	
<u>\$26,425</u>		\$ 26,425
1,057	Initial Inspections	
x \$17.50	Cost Per Inspection	
<u>\$18,497.50</u>		\$(18,498)
	Balance Available for 2nd Inspection	\$ 7,927
	Cost of 2nd Inspection	<u>\$(18,498)</u>
	Deficit end of 3rd Year	\$(10,571)

According to the DPR, the present \$250 fee cap for application and examination will not be adequate to cover an anticipated increase of \$30 per candidate for the written national and clinical competency portions of the licensing examination. The DPR states that unless the fee cap is increased and the board is thereby permitted to pass increased examination costs on to applicants, the board will operate at a deficit in the exam area.

III. COMMENTS:

According to the DPR, a premises permit renewal fee of \$20 per biennium would provide revenue adequate to fund the department's reinspection program.

The Office of Examination Services of the DPR has projected an increase in the cost of the written national and clinical competency portions of the exam of approximately \$30 per candidate. The current examination fee cap is \$250 and the current fee is \$245.

This bill was drafted in accordance with staff recommendations provided as a result of the sunset review of chapter 474, Florida Statutes, relating to regulation of veterinary medical practice.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Terry DT</u>	<u>Burnside DB</u>	1. <u>ECCA</u>	<u>Fav./CS</u>
2. _____	_____	2. <u>AD.</u>	<u>Favorable</u>
3. _____	_____	3. _____	_____

SUBJECT:

Veterinary Medical Practice

BILL NO. AND SPONSOR:

CS/SB 91 by the Senate
Economic, Community, & Consumer
Affairs Committee

18

1408

I. SUMMARY:

A. Present Situation:

The Regulatory Sunset Act repeals chapter 474, Florida Statutes, relating to veterinary medical practice on October 1, 1985, unless the Legislature reestablishes it in the public interest.

Chapter 474, Florida Statutes, provides for the examination and licensure of veterinarians in Florida. The chapter states the purpose of the law (s. 474.201, F.S.), provides definitions (s. 474.202, F.S.) and exemptions (s. 474.203, F.S.), establishes a Board of Veterinary Medicine (s. 474.204, F.S.), establishes the locale of board headquarters (s. 474.205, F.S.), and grants the board rulemaking authority (s. 474.206, F.S.). The chapter also provides for licensure by examination (s. 474.207, F.S.), license renewal (s. 474.211, F.S.), and inactive status (s. 474.212, F.S.); establishes prohibitions and penalties (s. 474.213, F.S.), grants the board disciplinary powers (s. 474.214, F.S.), requires premises permits (s. 474.215, F.S.), and requires persons to display their licenses or premises permits at their places of business (s. 474.216, F.S.). Finally, the chapter requires licensees to maintain medical records (s. 474.2165, F.S.), provides for licensure by reciprocity (s. 474.217, F.S.), requires the department to report criminal violations of the act to prosecuting authorities (s. 474.218, F.S.), and provides saving clauses (s. 474.219, F.S.).

B. Effect of Proposed Changes:

The provisions of chapter 474, Florida Statutes, are revived and readopted with the following sections amended as described:

- Section 474.202, Florida Statutes, is amended to provide definitions of "immediate supervision" and "mobile veterinary establishment."
- Section 474.203, Florida Statutes, is amended to provide that out-of-state veterinarians practicing temporarily in Florida are not exempt from the provisions of the act. The section is further amended to provide that only licensed veterinarians may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance.
- Section 474.204, Florida Statutes, is amended to delete certain transitional provisions relating to appointment of board members.
- Section 474.207, Florida Statutes, is amended to provide that graduates of unaccredited colleges of veterinary medicine who have failed the licensing exam three times must obtain an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate before taking the

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- exam a fourth time. The section is further amended to allow only successful examinees to continue practicing under the supervision of a licensed veterinarian until the next board meeting.
- Section 474.213, Florida Statutes, is amended to clarify that persons practicing veterinary medicine in Florida must hold licenses pursuant to the chapter.
 - Section 474.214, Florida Statutes, is amended to delete redundant language; authorize the DPR to, upon probable cause, compel licensees to submit to physical and mental exams in certain situations; provide that a licensee may continue to maintain a professional association with a licensee who is in violation of the law or board or DPR rules under certain circumstances; provide that a licensee who knows of someone who is in violation of the chapter or board or DPR rules need only report the violator to the DPR's consultant if the licensee verifies that the violator is seeking treatment for a mental or physical impairment; and provide that attempting to obtain or obtaining a license by fraudulent misrepresentation is a third degree felony.
 - Section 474.215, Florida Statutes, is amended to: require mobile veterinary clinics to have mobile clinic permits, direct the board to adopt minimum standards concerning sanitary conditions and physical plant for mobile clinics, and provide a 30-day grace period within which persons operating veterinary establishments without the necessary permits may apply for such permits upon payment of a late fee.
 - Section 474.216, Florida Statutes, is amended to require mobile clinic permits to be displayed.
 - Section 474.217, Florida Statutes, is amended to provide for licensure by endorsement of applicants who hold valid out-of-state veterinary licenses if the requirements for licensure in the licensing state are substantially equivalent to or more stringent than those existing in Florida. Such applicants must also pass an examination on the laws and rules of Florida governing veterinary medical practice and must pass or have passed a clinical competency exam substantially equivalent to or more stringent than the board's exam.
 - Section 474.219, Florida Statutes, is amended to change the effective date of the saving clause
 - Section 474.2065, Florida Statutes, is created to direct the board to establish certain fees. Certain fee caps are established and the initial application and examination fee cap is increased from \$250 to \$500.
 - Section 474.2125, Florida Statutes, is created to provide for temporary licensure of out-of-state licensed veterinarians who wish to provide veterinary services for a specific animal owner in Florida. Such licenses are to be valid for 90 days.
 - Section 474.2141, Florida Statutes, is created to provide that impaired veterinarians shall be treated in a manner similar to that presently provided for in the medical and nursing practice acts. The section provides for the use of impaired professional consultants and the confidentiality of certain information.
 - Section 474.2145, Florida Statutes, is created to provide the DPR with authority to subpoena certain client records of a veterinarian when necessary and relevant to an investigation.

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- Section 474.2185, Florida Statutes, is created to authorize the DPR to require applicant or licensee handwriting samples and the release of the medical records of an applicant or licensee when necessary and relevant to an investigation.
 - Section 13 of the bill provides for the automatic repeal of chapter 474, Florida Statutes, on October 1, 1995, and for the review of the chapter pursuant to section 11.61, Florida Statutes.
 - The effective date of October 1, 1985, is provided.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Presently, applicants for licensure must pay the following examination fees: complete examination - \$245; written exam on the practice act and rules - \$75; clinical competency test - \$55; and National Board written exam - \$115. Current reexamination fees are: National Board written exam - \$115; clinical competency exam - \$55; and written exam on practice act and rules - \$50. Licensees must pay the following fees: initial license - \$90 for 2 years; license renewal - \$90 biennially; reactivation of inactive license - \$50; and renewal of inactive license - \$50. Section 11.61, Florida Statutes, provides for the automatic repeal of chapter 474, Florida Statutes, on October 1, 1985. Therefore, applicants and licensees would no longer incur these costs after that date. However, this bill revives and readopts chapter 474, Florida Statutes, which will result in applicants and practitioners continuing to be subject to these fees after October 1, 1985.

The provision that only a veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance will result in animal owners having to employ veterinarians to perform services the owners may themselves presently perform.

The requirement that out-of-state licensed veterinarians who wish to practice temporarily in Florida apply for temporary licensure will result in such persons having to incur the expense of applying for such licensure and taking the Florida veterinary laws and rules examination.

The requirement that graduates of unaccredited colleges of veterinary medicine who have failed the licensing exam three times must obtain an ECFVG certificate before taking the exam a fourth time will result in such persons having to incur the expense of obtaining such a certificate if they want to take the exam a fourth time.

The provision prohibiting unsuccessful examinees from continuing to practice under a licensed veterinarian's supervision may result in a loss or reduction of income for such persons.

The provision authorizing the DPR to, upon probable cause, compel a licensee to submit to a mental or physical exam will result in such licensees having to incur the cost of such exams.

The mobile clinic permit requirement will result in operators of such clinics having to comply with standards adopted by the board for such permits and pay a \$25 permit fee.

The inclusion of a 30-day grace period for persons operating a veterinary establishment without the required premises or mobile clinic permit will result in such persons having to pay a board established late fee. Such persons may, however, avoid

the expense of responding to an administrative complaint resulting from such a violation.

The provision establishing licensure by endorsement will permit certain out-of-state veterinarians to become licensed in Florida without having to incur the expense of applying for and passing the entire Florida licensure examination.

The impaired veterinarian provision will require impaired veterinarians to incur the cost of participating in approved treatment programs. The approach contained in the bill will also be more expensive to administer than that presently used, and licensees will bear the additional cost through fees paid to the department.

It is assumed that the cost of regulation is ultimately passed on to consumers of veterinary medical services in the form of higher fees for those services. Thus, any increase or decrease in the cost of complying with the provisions of the act will likely affect the cost of veterinary medical services.

B. Government:

The cost of administering chapter 474, Florida Statutes, in FY 1983-84 was \$247,178. Currently, the costs are paid for through the fees paid by applicants and practitioners and deposited in the Professional Regulation Trust Fund. Under current law, after October 1, 1985, these costs would no longer be incurred by state government. This bill reenacts chapter 474, Florida Statutes, and would cause state administrative costs to continue after October 1, 1985.

The Department of Professional Regulation (DPR) is unable to estimate the cost of implementing and administering the impaired veterinarian provision in the bill, although it states that the cost of administering the impaired nurses program, after which the impaired veterinarian program has been modeled, was \$15,749 for the period of July 1, 1984 through February 14, 1985. This figure represents OPS payments for the impaired nurses consultant and program expenses. According to the DPR, the cost of the program has been paid from the nursing account in the Professional Regulation Trust Fund. The DPR states that as of January 15, 1985, 68 nurses were participating in the program. The DPR, however, expects that there will be fewer participants in the impaired veterinarian program because there are fewer licensed veterinarians than licensed nurses in the state. If the consultant is paid on an hourly basis, a lower rate of participation will likely result in the impaired veterinarians program being less expensive than the nursing program has been.

According to the DPR, the one-time \$25 fee for premises and mobile clinic permits provided for in the bill is not adequate to cover the cost of both initial and subsequent inspections. The DPR estimates that it incurs costs of \$17.50 per inspection. There are presently 1,057 premises permits, and the DPR estimates that 54 new permits are issued each year. The DPR estimates that there are approximately 15-20 mobile clinics in the state that would be required to apply for mobile clinic permits under the terms of the bill. The DPR provided the following figures concerning the cost of inspections.

1,057	Current Permits	
<u>x \$25</u>	One-time Permit Fee	
\$26,425		\$ 26,425
1,057	Initial Inspections	
<u>x \$17.50</u>	Cost Per Inspection	
\$18,497.50		\$(18,498)
	Balance Available for 2nd Inspection	\$ 7,927
	Cost of 2nd Inspection	<u>\$(18,498)</u>
	Deficit end of 3rd Year	\$(10,571)

According to the DPR, the present \$250 fee cap for application and examination will not be adequate to cover an anticipated increase of \$30 per candidate for the written national and clinical competency portions of the licensing examination. The bill increases the fee cap to \$500 which will authorize the board to increase the examination fee as necessary.

III. COMMENTS:

According to the DPR, a premises permit renewal fee of \$20 per biennium would provide revenue adequate to fund the department's reinspection program.

The Office of Examination Services of the DPR has projected an increase in the cost of the written national and clinical competency portions of the exam of approximately \$30 per candidate. The current examination fee cap is \$250 and the current fee is \$245.

This bill was passed by the legislature and ordered enrolled on May 30, 1985.

IV. AMENDMENTS:

None.