

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 366

INTRODUCER: Senator Hooper

SUBJECT: Veterinary Medicine

DATE: November 4, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	Pre-meeting
2.	_____	_____	IT	_____
3.	_____	_____	RC	_____

I. Summary:

SB 366 updates definitions in Chapter 474, F.S., to create a well-defined standard of practice that provides both clarity and guidance to veterinarians, the public, and the Board of Veterinary Medicine. It amends the current definition of “patient” to also include a “herd, collection, or group of animals.” The bill creates a definition for the term “physical examination” to mean the evaluation of a patient by personal inspection, palpation, and auscultation by a veterinarian. The bill also amends the current definition of “veterinarian/client/patient relationship” to mean a relationship in which a veterinarian has examined the patient or has made “timely and medically appropriate” visits to the premises where the patient is kept, or the veterinarian has had access to the patient’s records and has been designated by a veterinarian with whom the patient had a prior relationship to provide reasonable and appropriate medical care.

II. Present Situation:

Veterinary Medicine, the Practice of Veterinary Medicine, and Exempted Persons

In 1979, the Legislature determined the practice of veterinary medicine is potentially dangerous to public health and safety if conducted by incompetent and unlicensed practitioners and that minimum requirements for the safe practice of veterinary medicine are necessary.¹ The Board of Veterinary Medicine (board) in the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., on Veterinary Medical Practice.² A veterinarian is a health care practitioner licensed to engage in the practice of veterinary medicine in Florida under ch. 474, F.S.³

¹ See s. 474.201, F.S.

² See ss. 474.204 through 474.2125, F.S., concerning the powers and duties of the board.

³ See s. 474.202(11), F.S.

Veterinary medicine includes, with respect to animals:⁴

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine);⁵ and
- Other branches or specialties of veterinary medicine.

The practice of veterinary medicine is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁶ Veterinarians who are incompetent or present a danger to the public are subject to discipline and may be prohibited from practicing in the state.⁷

Eight categories of persons are exempt from complying with ch. 474, F.S.:⁸

- Faculty veterinarians when they have assigned teaching duties at accredited⁹ institutions;
- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until they complete or terminate their training;
- Students in a school or college of veterinary medicine who perform assigned duties by an instructor (no accreditation of the institution is required), or work as preceptors¹⁰ (if the preceptorship is required for graduation from an accredited institution);

⁴ See s. 474.202(13), F.S. Section 474.202(1), F.S., defines “animal” as “any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

⁵ The Society for Theriogenology, established in 1954, is composed of veterinarians dedicated to standards of excellence in animal reproduction. See <http://www.therio.org/> (Last visited October 25, 2019).

⁶ See s. 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.

⁷ See s. 474.213, F.S., on prohibited acts, and s. 474.214, F.S., on disciplinary proceedings.

⁸ See s. 474.203, F.S.

⁹ Sections 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates. The AVMA Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the United States and Canada, and may also approve foreign veterinary colleges. See <https://www.avma.org/professionaldevelopment/education/accreditation/colleges/pages/coe-pp-overview-of-the-coe.aspx> (Last visited October 25, 2019). The AVMA Commission for Foreign Veterinary Graduates assists graduates of foreign, non-accredited schools to meet the requirement of most states that such foreign graduates successfully complete an educational equivalency assessment certification program. See <https://www.avma.org/professionaldevelopment/education/foreign/pages/ecfvg-about-us.aspx> (Last visited October 25, 2019). In turn, the Council for Higher Education Accreditation, a national advocate for regulation of academic quality through accreditation, is an association of 3,000 degree-granting colleges and universities. See <http://chea.org/about> (Last visited October 25, 2019).

¹⁰ A preceptor is a skilled practitioner or faculty member, who directs, teaches, supervises, and evaluates student in a clinical setting to allow practical experience with patients. See <https://www.merriam-Webster.com/dictionary/preceptor#medicalDictionary> (Last visited October 25, 2019).

- Doctors of veterinary medicine employed by a state agency or the United States Government while actually engaged in the performance of official duties at the installations for which the services were engaged;
- Persons or their employees caring for the persons' own animals, as well as part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks (excluding immunization or treatment of diseases that are communicable to humans and significant to public health) for herd/flock animals, with certain limitations; however, the exemption is not available to a person licensed as a veterinarian in another state and temporarily practicing in Florida, or convicted of violating ch. 828, F.S., on animal cruelty, or of any similar offense in another jurisdiction, and employment may not be provided for the purpose of circumventing ch. 474, F.S.;
- Certain entities or persons¹¹ that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods of treatment or techniques to diagnose or treatment of human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine;
- Veterinary aides, nurses, laboratory technicians, preceptors, or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision¹² of a licensed veterinarian; and
- Certain non-Florida veterinarians who are licensed and actively practicing veterinary medicine in another state, are board certified in a specialty recognized by the Florida Board of Veterinary Medicine, and are assisting upon request of a Florida-licensed veterinarian to consult on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner.

Veterinarian/Client/Patient Relationship

- Section 474.202(12), F.S., defines a “veterinarian/client/patient relationship” as one in which a veterinarian has assumed responsibility for making medical judgments about the health of an animal and its need for medical treatment. The term “patient” means any animal “for which a veterinarian practices veterinary medicine.”¹³

III. Effect of Proposed Changes:

Section 1 amends the current definition of “patient” in s. 474.202(8), F.S., to also include a “herd, collection, or group of animals.” The bill adds s. 474.202(9), F.S., to define “physical examination” as the evaluation of a patient by personal inspection, palpitation,¹⁴ and auscultation (listening to sounds using a stethoscope) by a veterinarian. Currently, “veterinarian/client/patient relationship” in s. 474.202(13), F.S., is defined as a relationship where the veterinarian has

¹¹ See s. 474.203(6), F.S., which states that the exemption applies to “[state agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof . . .”

¹² The term “responsible supervision” is defined in s. 474.202(10), F.S., as the “control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services” delegated to unlicensed personnel.

¹³ See s. 474.202(8), F.S.

¹⁴ Palpation is an examination that includes pressing on the body to feel organs and tissues underneath. See the *Dictionary of Cancer Terms of the National Cancer Institute at the National Institutes of Health*, available at <https://www.cancer.gov/publications/dictionaries/cancer-terms?cdrid=454743> (Last visited October 25, 2019).

assumed responsibility for making medical judgements about the health of an animal and its need for medical treatment. The bill revises this definition to require the veterinarian to examine the patient or make “timely and medically appropriate” visits to the premises where the patient is kept. It also includes a veterinarian who has access to the patient’s records and has been designated by a veterinarian with whom the patient had a prior relationship to provide reasonable and appropriate medical care.

Section 2 amends s. 474.2165, F.S., to substitute the term “physical examination” for “examination,” to conform to the definition of “physical examination” created in s. 474.202(9), F.S.

Section 3 reenacts s. 465.0276(5), F.S., relating to dispensing practitioners, to incorporate the amendments made to s. 474.202, F.S.

Section 4 provides that this act shall take effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends sections 474.202 and 474.2165 of the Florida Statutes.
This bill reenacts section 465.0276 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.