

STORAGE NAME: h1447.brc
DATE: March 28, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
BUSINESS REGULATION AND CONSUMER AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1447

RELATING TO: Veterinary Medicine

SPONSOR(S): Representative Sindler

STATUTE(S) AFFECTED: ss. 474.203, 474.207, 474.211, 474.214, 474.215, and 474.2175, F.S.

COMPANION BILL(S): SB 2390 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) BUSINESS REGULATION AND CONSUMER AFFAIRS
- (2) GENERAL GOVERNMENT APPROPRIATIONS
- (3)
- (4)
- (5)

I. SUMMARY:

The bill revises or creates various provisions relating to the regulation of veterinarians in chapter 474, F.S. Most significant changes include:

- 1) Creating a certificate for faculty members at veterinary colleges, and providing a registration for intern and resident veterinarians. These certificates or registrations will allow the holders to practice veterinary medicine (apparently including issuing prescriptions) in conjunction with their teaching duties.
- 2) Allowing a veterinarian licensed in another state to practice in this state, so long as a veterinarian licensed in this state has requested his assistance.
- 3) Allowing the board to require a licensure applicant to appear before the board.
- 4) Providing that if a veterinarian accepts the punishment imposed by a citation (citations may only be issued if the board designates the violation as "minor"), then maintains a clean disciplinary record for three years, that citation will no longer appear on his disciplinary record.
- 5) Requiring a limited service permittee to register each location where limited service clinics are held, with a \$25 fee for each location.
- 6) Providing authority for discipline for the unlicensed practice of veterinary medicine to the Board of Veterinary Medicine.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

GENERAL INFORMATION ON VETERINARIANS:

The practice of veterinary medicine in Florida requires licensure as a veterinarian from the Board of Veterinary Medicine (seven members: five licensed veterinarians; and two consumer members) under the Department of Business and Professional Regulation (DBPR). In order for a person to obtain such a license, they must have either a degree in veterinary medicine from a college accredited by the American Veterinary Medical Association Council on Education, or have graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates. The applicant must also pass a licensure examination approved by the department. There are slightly more than 4,000 licensed veterinarians in Florida.

Any establishment, permanent or mobile, where a licensed veterinarian practices must be issued a premise permit. Each application shall specify the name of the licensed veterinarian who will be responsible for the management of the establishment and the name and address of the owners of the establishment. An inspection of the premises is required prior to licensure to determine that the establishment meets minimum standards as to sanitary conditions, record keeping, equipment, radiation monitoring, services required, and physical plant.

CURRENT SITUATION IN AREAS THE BILL PROPOSES TO CHANGE:

In s. 474.203, F.S., there are several exemptions from licensure requirements. A faculty member at a veterinary *school* is not required to obtain a veterinary license, so long as he only practices in conjunction with his teaching duties at the school. The law does not provide an exemption for a registered intern or resident.

There is no provision allowing a licensed veterinarian from another state to practice in Florida in order to assist a licensed veterinarian in this state.

Currently, the board has no authority to require a licensure applicant's appearance before the board, should the board have questions it deems could best be addressed in person.

A veterinarian may be issued a "citation" for a minor offense. The citation is somewhat like a traffic ticket. The licensee has the option of merely accepting the penalty (up to a *maximum* fine of \$500), or he may choose to dispute the charge, and the citation then is processed in the same fashion as any other disciplinary charge. The idea behind citations is that if licensees will simply accept them, it will not encumber the disciplinary system with routine cases, slowing down resolution of more serious cases. The board designates certain offenses as being subject to a citation. The problem is that if the licensee accepts this "traffic ticket," it remains on his record forever as discipline. Since the traffic record of citizens is purged every three (or in some states, five) years, there are some that argue that the citation program would be more effective if licensees, in accepting this punishment for a minor offense, knew that that offense would not be held

against them once three years had past. Otherwise, the licensee is motivated to fight and drag out all charges against him, even minor ones.

The board has no authority to collect fees for individual limited service clinics and the DBPR (rather than each board) has the responsibility and authority to handle disciplinary cases related to any unlicensed activity, including unlicensed veterinary charges.

B. EFFECT OF PROPOSED CHANGES:

The bill revises or creates various provisions relating to the regulation of veterinarians in chapter 474, F.S. Most significant changes include:

- 1) Creating a certificate for faculty members at veterinary colleges, and providing a registration for intern and resident veterinarians. These certificates or registrations will allow the holders to practice veterinary medicine (apparently including issuing prescriptions) in conjunction with their teaching duties.
- 2) Allowing a veterinarian licensed in another state to practice in this state, so long as a veterinarian licensed in this state has requested his assistance.
- 3) Allowing the board to require a licensure applicant to appear before the board.
- 4) Providing that if a veterinarian accepts the punishment imposed by a citation (citations may only be issued if the board designates the violation as "minor"), then maintains a clean disciplinary record for three years, that citation will no longer appear on his disciplinary record.
- 5) Requiring a limited service permittee to register each location where limited service clinics are held, with a \$25 fee for each location.
- 8) Providing authority for discipline for the unlicensed practice of veterinary medicine to the Board of Veterinary Medicine.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes.

STORAGE NAME: h1447.brc

DATE: March 28, 1997

PAGE 4

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

Yes.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 474.203, F.S., to provide for issuance by the Board of Veterinary Medicine of faculty certificates, which make them exempt from licensure requirements so long as their practice is only in conjunction with their teaching duties for the school. Currently, faculty members are exempt without obtaining a veterinary license, but if they do not choose to seek and obtain the certificate revised by this section, they will not be able to issue prescriptions associated with their teaching practice.

Exempts specified employees (i.e., equine dentists) from the licensure requirements.

In addition, provides a licensure exemption for a board certified veterinarian licensed in another state who is requested to assist in treatment of specific animals by a Florida licensed veterinarian.

Section 2. Amends s. 474.207, F.S., to allow the board to require a personal appearance before the board by any licensure applicant.

Section 3. Amends s. 474.211, F.S., to allow the board to approve continuing education providers, in addition to its current authority to approve programs or courses.

Section 4. Amends s. 474.214, F.S., to require that citations issued to veterinarians shall be expunged from the veterinarian's records after three years, if the licensee has

received no subsequent discipline; and provides that the maximum allowable fine which may be imposed on veterinarians is increased from \$1,000 to \$5,000.

Section 5. Amends s. 474.215, F.S., to require a limited service permittee to register each location where clinics are held with a \$25 fee for each location; places limitations on County Health Units which undertake temporary rabies vaccination efforts; and provides that a person who is not a licensed veterinarian may obtain a permit to operate a veterinarian establishment only under certain circumstances. Such permit holder must undergo a criminal history check, associate with a licensed veterinarian, and will be disciplinable for violations of the chapter or board rules.

Section 6. Creates s. 474.2175 F.S., to provide that the board may issue a fine of up to \$5,000 for unlicensed activity.

Section 7. Reenacts s. 474.217(2), F.S., for technical purposes.

Section 8. Provides an effective date of October 1, 1997.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

Board office staff will need to issue a certificate to UF faculty, interns and residents. Also expunging of citations every three years if no disciplinary action may be an increase in workload in the Regulation Division. Issuance of faculty, intern and residents certificates will affect workload.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

STORAGE NAME: h1447.brc

DATE: March 28, 1997

PAGE 9

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS:

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