

**STORAGE NAME:** h1447a.brc

**DATE:** March 13, 1998

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

**BILL #:** 1st ENG/HB 1447

**RELATING TO:** Veterinary Medicine Practice

**SPONSOR(S):** Representative Sindler

**COMPANION BILL(S):** SB 472(s)

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

- (1) BUSINESS REGULATION AND CONSUMER AFFAIRS YEAS 6 NAYS 0
  - (2)
  - (3)
  - (4)
- 

**I. SUMMARY:**

This is a carry over bill from the 1997 legislative session that was in the Senate Regulated Industries Committee at the end of the session. Pursuant to House Rule 96, it was placed on the House Consent Calendar. The bill was removed from the Consent Calendar and referred to the Business Regulation and Consumer Affairs Committee for further review.

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

- (1) Providing an exemption for an intern or resident veterinarian who is a graduate in training at an accredited or recognized state school and who has graduated from an accredited or recognized school.
- (2) Providing that each school or college at which interns or residents is in training shall on July 1 of each year provide the board with a written list of all interns and residents and shall notify the board of any additions or deletions to the list.
- (3) Providing 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.
- (4) Providing that persons exempt under s. 474.203, F.S., subsections (1), (2) or (4) (faculty members, residents and interns, and government employed veterinarians, respectively) shall be deemed as duly licensed insofar as being able to prescribe drugs.
- (5) Changing the maximum fine authority for the board from \$1,000 to \$5,000.
- (6) Requiring a limited service permittee to register each location where limited service clinics are held, with a \$25 fee for each location.

The bill does not have a significant fiscal impact on state or local government.

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.

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. However, without a license, the person is not allowed to prescribe drugs. The law does not provide a licensure 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.

The board has no statutory authority to collect fees for individual limited service clinics, but has been collecting the fee pursuant to a rule promulgated by the board.

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) Providing an exemption for an intern or resident veterinarian who is a graduate in training at an accredited or recognized state school and who has graduated from an accredited or recognized school.
- (2) Providing that each school or college at which interns or residents is in training shall on July 1 of each year provide the board with a written list of all interns and residents and shall notify the board of any additions or deletions to the list.

- (3) Providing 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.
- (4) Providing that persons exempt under s. 474.203, F.S., subsections (1), (2) or (4) (faculty members, residents and interns, and government employed veterinarians, respectively) shall be deemed as duly licensed insofar as being able to prescribe drugs.
- (5) Changing the maximum fine authority for the board from \$1,000 to \$5,000.
- (6) Requiring a limited service permittee to register each location where limited service clinics are held, with a \$25 fee for each location.

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.

(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?

No.

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. STATUTE(S) AFFECTED:**

Sections 474.203, 474.207, 474.211, 474.2125, 474.214, and 474.215, F.S.

**E. SECTION-BY-SECTION RESEARCH:**

Section 1. Amends s. 474.203, F.S., to:

(1) Provide that the existing exemption for veterinarian faculty applies only to those persons who have graduated from an accredited or recognized school. A "recognized" school is a school or college recognized by the American Veterinary Medical Association Commission for Foreign Veterinary Graduates.

(2) Provide an exemption for an intern or resident veterinarian who is a graduate in training at an accredited or recognized state school and who has graduated from an accredited or recognized school.

(3) Provide that each school or college at which an intern or resident is in training shall on July 1 of each year provide the board with a written list of all interns and residents and shall notify the board of any additions or deletions to the list.

(4) Provide 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.

(5) Provide that persons exempt under subsection (1), (2) or (4) of this section (faculty members, residents and interns, and government employed veterinarians, respectively) shall be deemed as duly licensed in order to prescribe drugs.

Section 2. Amends s. 474.207, F.S., to delete the licensure path for persons who was certified for examination by the board prior to October 1, 1989.

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. 474.2125, F.S., to clarify that for the granting of a temporary license, the applicant need not have demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida.

Section 5. Amends s. 474.214, F.S., to provide that the maximum allowable fine which may be imposed on veterinarians is increased from \$1,000 to \$5,000.

Section 6. 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 permitholder must undergo a criminal history check, associate with a licensed veterinarian, and will be disciplinable for violations of the chapter or board rules.

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

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

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

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:

In section 6, the bill establishes statutory authority for the collection of a \$25 fee which is presently being collected pursuant to rule authority. Therefore, the provision has no actual fiscal impact.

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.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Three amendments were adopted in the Business Regulation and Consumer Affairs Committee. These amendments will travel with the bill. Amendment #1 provides that the medical records of veterinarians' patients will be treated similarly (particularly as regards to confidentiality) as other health care providers, such as doctors and dentists, etc. Amendment #2 provides that the laws regarding treatment programs for impaired practitioners apply to veterinarians. Amendment #3 changes the effective date of the act, making it effective on July 1, 1998.



**STORAGE NAME:** h1447a.brc

**DATE:** March 13, 1998

**PAGE 9**

VII. SIGNATURES:

COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS:

Prepared by:

Legislative Research Director:

---

Gip Arthur

---

Lucretia Shaw Collins