

1 A bill to be entitled
2 An act relating to the practice of veterinary
3 medicine; amending s. 474.203, F.S.; revising
4 and providing exemptions from regulation under
5 chapter 474, F.S., relating to veterinary
6 medical practice; amending s. 474.207, F.S.;
7 revising requirements for certain persons to
8 take the examination for licensure as a
9 veterinarian; eliminating obsolete provisions;
10 amending s. 474.211, F.S.; requiring criteria
11 for providers of continuing education to be
12 approved by the board; amending s. 474.2125,
13 F.S.; exempting veterinarians licensed in
14 another state from certain requirements for
15 temporary licensure in this state; conforming a
16 cross-reference; amending s. 474.214, F.S.;
17 increasing the administrative fine; amending s.
18 474.215, F.S.; requiring limited service
19 permittees to register each location and
20 providing a registration fee; providing
21 requirements for certain temporary rabies
22 vaccination efforts; providing permit and other
23 requirements for persons who are not licensed
24 veterinarians but who desire to own and operate
25 a veterinary medical establishment; providing
26 disciplinary actions applicable to holders of
27 premises permits; amending s. 474.217, F.S.,
28 relating to licensure by endorsement; revising
29 a reference to an examination; providing for
30 participation of veterinarians in impaired
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1 practitioner treatment programs; providing an
2 effective date.

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

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6 Section 1. Section 474.203, Florida Statutes, is
7 amended to read:

8 474.203 Exemptions.--This chapter does ~~shall~~ not apply
9 to:

10 (1) Any faculty member practicing only in conjunction
11 with teaching duties at a school or college of veterinary
12 medicine which is. ~~Such school or college shall be~~ located in
13 this state and ~~be~~ accredited by the American Veterinary
14 Medical Association Council on Education. However, this
15 exemption applies only to such a faculty member who does not
16 hold a valid license issued under this chapter but who is a
17 graduate of a school or college of veterinary medicine
18 accredited by the American Veterinary Medical Association
19 Council on Education or a school or college recognized by the
20 American Veterinary Medical Association Commission for Foreign
21 Veterinary Graduates.The faculty member exemption shall
22 automatically expire when such school or college terminates
23 the faculty member from such teaching duties. On July 1
24 ~~December 31~~ of each year, such school or college shall provide
25 the board with a written list of all faculty who are exempt
26 from this chapter. Such school or college shall also notify
27 the board in writing of any additions or deletions to such
28 list.

29 (2) A person who is practicing as an intern or
30 resident veterinarian and who does not hold a valid license
31 issued under this chapter but who is a graduate in training at

1 a school or college of veterinary medicine located in this
2 state and accredited by the American Veterinary Medical
3 Association Council on Education. Such an intern or resident
4 must be a graduate of a school or college of veterinary
5 medicine accredited by the American Veterinary Medical
6 Association Council on Education or a school or college
7 recognized by the American Veterinary Medical Association
8 Commission for Foreign Veterinary Graduates. This exemption is
9 no longer applicable to an individual after he or she
10 completes or is terminated from such training. Each school or
11 college at which such an intern or resident is in training
12 shall, on July 1 of each year, provide the board with a
13 written list of all such interns or residents designated for
14 this exemption, and the school or college shall also notify
15 the board of any additions to or deletions from the list.

16 (3)~~(2)~~ A student in a school or college of veterinary
17 medicine while in the performance of duties assigned by her or
18 his instructor or when working as a preceptor under the
19 immediate supervision of a licensee, provided that such
20 preceptorship is required for graduation from an accredited
21 school or college of veterinary medicine. The licensed
22 veterinarian shall be responsible for all acts performed by a
23 preceptor under her or his supervision.

24 (4)~~(3)~~ Any doctor of veterinary medicine in the employ
25 of a state agency or the United States Government while
26 actually engaged in the performance of her or his official
27 duties; however, this exemption shall not apply to such person
28 when the person is not engaged in carrying out her or his
29 official duties or is not working at the installations for
30 which her or his services were engaged.

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1 (5)~~(4)~~ Any person, or the person's regular employee,
2 administering to the ills or injuries of her or his own
3 animals, including, but not limited to, castration, spaying,
4 and dehorning of herd animals, unless title has been
5 transferred or employment provided for the purpose of
6 circumventing this law. This exemption shall not apply to
7 out-of-state veterinarians practicing temporarily in the
8 state. However, only a veterinarian may immunize or treat an
9 animal for diseases which are communicable to humans and which
10 are of public health significance.

11 (6)~~(5)~~ State agencies, accredited schools,
12 institutions, foundations, business corporations or
13 associations, physicians licensed to practice medicine and
14 surgery in all its branches, graduate doctors of veterinary
15 medicine, or persons under the direct supervision thereof,
16 which or who conduct experiments and scientific research on
17 animals in the development of pharmaceuticals, biologicals,
18 serums, or methods of treatment, or techniques for the
19 diagnosis or treatment of human ailments, or when engaged in
20 the study and development of methods and techniques directly
21 or indirectly applicable to the problems of the practice of
22 veterinary medicine.

23 (7)~~(6)~~ Any veterinary aide, nurse, laboratory
24 technician, preceptor, or other employee of a licensed
25 veterinarian who administers medication or who renders
26 auxiliary or supporting assistance under the responsible
27 supervision of a ~~such~~ licensed veterinarian ~~practitioner~~,
28 including those tasks identified by rule of the board
29 requiring immediate supervision. However, the licensed
30 veterinarian is ~~shall be~~ responsible for all such acts
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1 performed under this subsection by persons under her or his
2 supervision.

3 (8) A veterinarian, licensed by and actively
4 practicing veterinary medicine in another state, who is board
5 certified in a specialty recognized by the board and who
6 responds to a request of a veterinarian licensed in this state
7 to assist with the treatment on a specific case of a specific
8 animal or with the treatment on a specific case of the animals
9 of a single owner, as long as the veterinarian licensed in
10 this state requests the other veterinarian's presence. A
11 veterinarian who practices under this subsection is not
12 eligible to apply for a premises permit under s. 474.215.

13 (9) For the purposes of chapters 465 and 893, persons
14 exempt under subsection (1), subsection (2), or subsection (4)
15 are considered to be duly licensed practitioners authorized by
16 the laws of this state to prescribe drugs or medicinal
17 supplies.

18 Section 2. Section 474.207, Florida Statutes, is
19 amended to read:

20 474.207 Licensure by examination.--

21 (1) Any person desiring to be licensed as a
22 veterinarian shall apply to the department to take a licensure
23 examination. The board may by rule adopt use of a national
24 examination in lieu of part or all of the examination required
25 by this section, with a reasonable passing score to be set by
26 rule of the board.

27 (2) The department shall license each applicant who
28 the board certifies has:

29 (a) Completed the application form and remitted an
30 examination fee set by the board.

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1 (b)1. Graduated from a college of veterinary medicine
2 accredited by the American Veterinary Medical Association
3 Council on Education; or

4 2. Graduated from a college of veterinary medicine
5 listed in the American Veterinary Medical Association Roster
6 of Veterinary Colleges of the World and obtained a certificate
7 from the Education Commission for Foreign Veterinary
8 Graduates.

9 (c) Successfully completed the examination provided by
10 the department for this purpose, or an examination determined
11 by the board to be equivalent.

12 (d) Demonstrated knowledge of the laws and rules
13 governing the practice of veterinary medicine in Florida in a
14 manner designated by rules of the board.

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16 The department shall not issue a license to any applicant who
17 is under investigation in any state or territory of the United
18 States or in the District of Columbia for an act which would
19 constitute a violation of this chapter until the investigation
20 is complete and disciplinary proceedings have been terminated,
21 at which time the provisions of s. 474.214 shall apply.

22 (3) ~~Notwithstanding the provisions of paragraph~~

23 ~~(2)(b),~~ An applicant has ~~shall be deemed to have~~ met the
24 education requirements for licensure upon submission of
25 evidence that the applicant ~~meets one of the following:~~

26 (a) ~~The applicant was certified for examination by the~~
27 ~~board prior to October 1, 1989; or~~

28 (b) ~~The applicant~~ immigrated to the United States
29 after leaving her or his home country because of political
30 reasons, if provided such country is located in the Western
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1 Hemisphere and lacks diplomatic relations with the United
2 States, ~~and~~:

3 ~~(a)1.~~ Was a Florida resident immediately preceding her
4 or his application for licensure; and

5 ~~(b)1.2.~~ Demonstrates to the board, through submission
6 of documentation verified by the applicant's respective
7 professional association in exile, that she or he received a
8 professional degree in veterinary medicine from a college or
9 university located in the country from which she or he
10 emigrated. However, the board may not require the receipt of
11 transcripts from the Republic of Cuba as a condition of
12 eligibility under this section; and

13 2. Demonstrates to the board that, prior to October 1,
14 1989, he or she was enrolled in a school of veterinary
15 medicine listed in the American Veterinary Medical Association
16 Roster of Colleges of the World; and

17 3. Successfully completed a course of 250 hours in
18 veterinary science offered on October 8, 1997, by the Cuban
19 Veterinary Medical Association in Exile, in conjunction with
20 the Florida International Medical Association and Dade County
21 public schools, which included a competency-based examination
22 and the granting of licenses to persons passing the
23 examination; or

24 (c)1. The applicant demonstrates to the board that,
25 prior to October 1, 1989, he or she was enrolled in a school
26 of veterinary medicine listed in the American Veterinary
27 Medical Association Roster of Colleges of the World;

28 2. Was a Florida resident immediately preceding her or
29 his application for licensure; and

30 3. Successfully completed a course of 250 hours in
31 veterinary science offered on October 8, 1997, by the Cuban

1 Veterinary Medical Association in Exile, in conjunction with
2 the Florida International Medical Association and Dade County
3 public schools, which included a competency-based examination
4 and the granting of licenses to persons passing the
5 examination.

6 ~~3. Lawfully practiced her or his profession for at~~
7 ~~least 3 years.~~

8 (4) Applicants certified for examination or
9 reexamination under subsection (3) who fail or have failed the
10 examination three times must ~~subsequent to October 1, 1989,~~
11 ~~shall be required to~~ demonstrate to the board that they meet
12 the requirements of paragraph (2)(b) or paragraph (3)(c) prior
13 to any further reexamination or certification for licensure.

14 (5) An unlicensed doctor of veterinary medicine who
15 has graduated from an approved college or school of veterinary
16 medicine and has completed all parts of the examination for
17 licensure is permitted, while awaiting the results of such
18 examination for licensure or while awaiting issuance of the
19 license, to practice under the immediate supervision of a
20 licensed veterinarian. A person who fails any part of the
21 examination may not continue to practice, except in the same
22 capacity as other nonlicensed veterinary employees, until she
23 or he passes the examination and is eligible for licensure.

24 Section 3. Subsection (3) of section 474.211, Florida
25 Statutes, is amended to read:

26 474.211 Renewal of license.--

27 (3) The board may by rule prescribe continuing
28 education, not to exceed 30 hours biennially, as a condition
29 for renewal of a license or certificate. The criteria for such
30 programs, providers, or courses must ~~shall~~ be approved by the
31 board.

1 Section 4. Subsection (1) of section 474.2125, Florida
2 Statutes, is amended to read:

3 474.2125 Temporary license.--

4 (1) The board shall adopt rules providing for the
5 issuance of a temporary license to a licensed veterinarian of
6 another state for the purpose of enabling her or him to
7 provide veterinary medical services in this state for the
8 animals of a specific owner or, as may be needed in an
9 emergency as defined in s. 252.34(3)~~s. 252.34(2)~~, for the
10 animals of multiple owners, provided the applicant would
11 qualify for licensure by endorsement under s. 474.217, except
12 that the applicant need not have demonstrated compliance with
13 s. 474.217(1)(a) before the license is issued. A ~~No~~ temporary
14 license is not shall be valid for more than 30 days after its
15 issuance, and a no license may not shall cover more than the
16 treatment of the animals of one owner except in an emergency
17 as defined in s. 252.34(3) ~~s. 252.34(2)~~. When After the
18 expiration of 30 days have expired, a new temporary license is
19 required.

20 Section 5. Paragraph (c) of subsection (2) of section
21 474.214, Florida Statutes, is amended to read:

22 474.214 Disciplinary proceedings.--

23 (2) When the board finds any applicant or veterinarian
24 guilty of any of the grounds set forth in subsection (1),
25 regardless of whether the violation occurred prior to
26 licensure, it may enter an order imposing one or more of the
27 following penalties:

28 (c) Imposition of an administrative fine not to exceed
29 \$5,000~~\$1,000~~ for each count or separate offense.

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1 In determining appropriate action, the board must first
2 consider those sanctions necessary to protect the public.
3 Only after those sanctions have been imposed may the
4 disciplining authority consider and include in its order
5 requirements designed to rehabilitate the veterinarian. All
6 costs associated with compliance with any order issued under
7 this subsection are the obligation of the veterinarian.

8 Section 6. Subsection (7) of section 474.215, Florida
9 Statutes, is amended, and subsections (8) and (9) are added to
10 that section, to read:

11 474.215 Premises permits.--

12 (7) The board by rule shall establish minimum
13 standards for the operation of limited service veterinary
14 medical practices. The ~~Such~~ rules must ~~shall~~ not restrict
15 limited service veterinary medical practices and must ~~shall~~ be
16 consistent with the type of limited veterinary medical service
17 provided.

18 (a) Any person who ~~that~~ offers or provides limited
19 service veterinary medical practice shall obtain from the
20 board a biennial permit ~~from the board~~ the cost of which must
21 ~~shall~~ not exceed \$250. The limited service permittee shall
22 register each location where limited service clinics are held
23 and shall pay a fee set by rule not to exceed \$25 to register
24 each such location.

25 (b) All permits issued under this subsection are
26 subject to ~~the provisions of~~ ss. 474.213 and 474.214.

27 (c) Notwithstanding any provision of this subsection
28 to the contrary, any temporary rabies vaccination effort
29 operated by a county health department in response to a public
30 health threat, as declared by the State Health Officer in
31 consultation with the State Veterinarian, is not subject to

1 any preregistration, time limitation, or fee requirements, but
2 must adhere to all other requirements for limited service
3 veterinary medical practice as prescribed by rule. The fee
4 charged to the public for a rabies vaccination administered
5 during such a temporary rabies vaccination effort must not
6 exceed the actual cost of administering the rabies vaccine.
7 Such rabies vaccination efforts may not be used for any
8 purpose other than to address the public health consequences
9 of the rabies outbreak. The board shall be immediately
10 notified in writing of any temporary rabies vaccination effort
11 operated under this paragraph.

12 (8) Any person who is not a veterinarian licensed
13 under this chapter but who desires to own and operate a
14 veterinary medical establishment shall apply to the board for
15 a premises permit. If the board certifies that the applicant
16 complies with the applicable laws and rules of the board, the
17 department shall issue a premises permit. A permit must not be
18 issued unless a licensed veterinarian is designated to
19 undertake the professional supervision of the veterinary
20 medical practice and the minimum standards set by rule of the
21 board for premises where veterinary medicine is practiced.
22 Upon application, the department shall request a statewide
23 criminal records correspondence check of the applicant through
24 the Department of Law Enforcement. The permittee shall notify
25 the board within 10 days after any change of the licensed
26 veterinarian responsible for such duties. Any permittee under
27 this subsection is subject to subsection (9) and s. 474.214.

28 (9)(a) The department or the board may deny, revoke,
29 or suspend the permit of any permittee under this section and
30 may fine, place on probation, or otherwise discipline any
31 permittee under this section who has:

1 1. Obtained a permit by misrepresentation or fraud or
2 through an error of the department or board;

3 2. Attempted to procure, or has procured, a permit for
4 any other person by making, or causing to be made, any false
5 representation;

6 3. Violated any of the requirements of this chapter or
7 any rule of the board; or

8 4. Been convicted or found guilty of, or entered a
9 plea of nolo contendere to, a felony in any court of this
10 state, of any other state, or of the United States.

11 (b) If the permit is revoked or suspended, the owner,
12 manager, or proprietor shall cease to operate the premises as
13 a veterinary medical practice as of the effective date of the
14 suspension or revocation. In the event of such revocation or
15 suspension, the owner, manager, or proprietor shall remove
16 from the premises all signs and symbols identifying the
17 premises as a veterinary medical practice. The period of any
18 such suspension must be prescribed by rule of the board, but
19 may not exceed 1 year. If the permit is revoked, the person
20 who owns or operates the establishment may not apply for a
21 permit to operate such premises for a period of 1 year after
22 the date of the revocation. Upon the effective date of the
23 revocation, the permittee shall advise the board of the
24 disposition of any and all medicinal drugs and shall make
25 provision for ensuring the security, confidentiality, and
26 availability to clients of all patient medical records.

27 Section 7. Section 474.217, Florida Statutes, is
28 amended to read:

29 474.217 Licensure by endorsement.--

30 (1) The department shall issue a license by
31 endorsement to any applicant who, upon applying to the

1 department and remitting a fee set by the board, demonstrates
2 to the board that she or he:

3 (a) Has demonstrated, in a manner designated by rule
4 of the board, knowledge of the laws and rules governing the
5 practice of veterinary medicine in this state; and

6 (b)1. Either holds, and has held for the 3 years
7 immediately preceding the application for licensure, a valid,
8 active license to practice veterinary medicine in another
9 state of the United States, the District of Columbia, or a
10 territory of the United States, provided that the requirements
11 for licensure in the issuing state, district, or territory are
12 equivalent to or more stringent than the requirements of this
13 chapter; or

14 2. Meets the qualifications of s. 474.207(2)(b) and
15 has successfully completed a state, regional, national, or
16 other examination which is equivalent to or more stringent
17 than the examination approved by the board and certified given
18 by the department and has passed the board's clinical
19 competency examination or another clinical competency
20 examination specified by rule of the board.

21 (2) The department may ~~shall~~ not issue a license by
22 endorsement to any applicant who is under investigation in any
23 state, territory, or the District of Columbia for an act that
24 ~~which~~ would constitute a violation of this chapter until the
25 investigation is complete and disciplinary proceedings have
26 been terminated, at which time ~~the provisions~~ of s. 474.214
27 applies ~~shall apply~~.

28 Section 8. Notwithstanding the transfer of the
29 Division of Medical Quality Assurance to the Department of
30 Health or any other provision of law to the contrary,
31 veterinarians licensed under chapter 474, Florida Statutes,

1 shall be governed by the treatment of impaired practitioners
2 provisions of section 455.707, Florida Statutes, as if they
3 were under the jurisdiction of the Division of Medical Quality
4 Assurance, except that for veterinarians the Department of
5 Business and Professional Regulation shall, at its option,
6 exercise any of the powers granted to the Department of Health
7 by that provision, and "board" shall mean board as defined in
8 chapter 474, Florida Statutes.

9 Section 9. This act shall take effect July 1, 1998.

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