

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1097

(Delegate Guyton, *et al.*)

Environment and Transportation

Education, Energy, and the Environment

**State Board of Veterinary Medical Examiners - Veterinary Technicians and
Veterinary Assistants**

This bill authorizes (1) a “veterinary assistant” to perform specified duties under the “direct supervision” or “immediate supervision” of a veterinary practitioner or veterinary technician, as specified, and (2) a “veterinary technician” to perform specified duties under the direct supervision or “indirect supervision” of a veterinary practitioner, as specified. The bill also requires the State Board of Veterinary Medical Examiners (SBVME) to develop by regulation an alternative pathway for currently employed veterinary assistants to become veterinary technicians. The alternative pathway must be available for employed veterinary assistants only until September 30, 2027.

Fiscal Summary

State Effect: Special fund expenditures increase by an estimated \$20,000 only in FY 2025 and 2028 to update SBVME’s licensing system. Special fund revenues increase by an estimated \$2,700 in FY 2025 through 2027 and \$5,400 annually thereafter due to an anticipated increase in registered veterinary technicians.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
SF Revenue	\$2,700	\$2,700	\$2,700	\$5,400	\$5,400
SF Expenditure	\$20,000	\$0	\$0	\$20,000	\$0
Net Effect	(\$17,300)	\$2,700	\$2,700	(\$14,600)	\$5,400

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect local government finances.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Definitions

The definition of “direct supervision” is altered to mean that the supervising veterinarian who is licensed and registered in the State (1) is on the premises of the animal treatment facility; (2) is available on an immediate basis; and (3) has given written or oral instructions for treatment of the animal patients involved. “Immediate supervision” means the supervising veterinarian who is licensed and registered in the State is in the immediate area and within audible and visual range of the animal patient and the person treating the patient. “Indirect supervision” means the supervising veterinarian who is licensed and registered in the State is not required to be in the same facility or in close proximity to the individual being supervised and (1) has given written or oral instructions for treatment of the animal patient involved; (2) is available to provide supervision by electronic or telephonic means; and (3) has arranged for telephonic consultation with a licensed veterinarian, if necessary.

The definition of “veterinary technician” is altered to include a veterinary nurse. “Veterinary assistant” means a person who aids a veterinarian or veterinary technician in patient care and is not registered with the board as a veterinary technician.

Veterinary Assistant and Veterinary Technician Duties

The following tasks may be performed by (1) a veterinary technician under the *indirect* supervision of a veterinary practitioner, if the veterinary practitioner determines the veterinary technician is qualified to perform the procedure or (2) a veterinary assistant under the *direct* supervision of a veterinary practitioner or veterinary technician that is under the *direct* supervision of a veterinary practitioner:

- obtaining and monitoring vitals on a nonanesthetized patient;
- radiographs;
- dental prophylaxis;
- nail trims;
- educating on basic topics;
- administering medications;
- husbandry;
- collecting blood, urine, and fecal samples;
- aseptic techniques;
- setup for surgery and other procedures;

- low-stress handling and restraint;
- microchip insertion; and
- any other skill that is noninvasive, as defined by SBMVE and within the veterinary assistant's skills as determined by the supervising veterinary practitioner.

A veterinary assistant may perform the following tasks under the *immediate* supervision of a veterinary practitioner or veterinary technician: (1) set-up of anesthesia; and (2) anesthesia monitoring.

A veterinary technician may also perform the following procedures under the *direct* supervision of a veterinary practitioner:

- inducing anesthesia by intramuscular injection, inhalation, or intravenous injection;
- simple dental extractions of loose teeth that do not involve flaps or tooth sectioning;
- basic suturing skills, as specified;
- accessing a small working stock of Schedule II Drugs under separate lock and filling prescriptions;
- cytology;
- administering vaccines, excluding rabies vaccines unless otherwise authorized by law;
- phlebotomy, blood typing, and monitoring blood product transfusion;
- urinary and intravenous catheter care;
- cystocentesis;
- gastric and tracheal intubation;
- medication and fluid therapy calculations;
- basic life support in cardiopulmonary resuscitation;
- ophthalmological testing;
- fine needle aspirates; and
- any other procedure authorized by regulations adopted by SBVME.

A veterinary technician may not (1) make any diagnosis or prognosis; (2) prescribe any treatments, drugs, medications, or appliances; or (3) perform surgery. Under emergency conditions only, a veterinary technician may perform the following procedures before a veterinary practitioner's initial examination of an animal: (1) life support care, including basic and advanced cardiopulmonary resuscitation; and (2) any other procedure authorized by regulations adopted by SBVME.

At the discretion of the veterinary practitioner, a veterinary technician employed at an animal emergency hospital, as defined in regulations adopted by SBVME, may perform euthanasia on an animal if the animal is unable to be saved by supportive care, first aid, or

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life support measures. A veterinary technician who works in or for an animal shelter may perform euthanasia on an animal at the animal shelter.

Alternative Pathway to Become a Veterinary Technician

SBVME must develop by regulation an alternative pathway for currently employed veterinary assistants to become veterinary technicians. The regulations must require (1) a recommendation from a practicing veterinary practitioner in the State who has employed the veterinary assistant for at least two years; (2) appropriate assessment, including a passing score on the Veterinary Technician National Exam; and (3) appropriate training and experience, as indicated by a credential from a state government or an organization recognized by the National Association of Veterinary Technicians to issue the credential.

The regulations may not require a full veterinary technician program but may require a limited number of credits as determined necessary by SBVME. The alternative pathway must be available for employed veterinary assistants only until September 30, 2027.

Current Law:

Regulation of the Practice of Veterinary Medicine

State law prohibits a person from practicing veterinary medicine unless the person is licensed, registered, and authorized to engage in the practice under provisions of State law that regulate the practice of veterinary medicine. “Veterinary practitioner” means a licensed and registered veterinarian engaged in the practice of veterinary medicine.

The “practice of veterinary medicine” is defined in detail in State law, and there are certain circumstances that are excluded from the definition of “practice of veterinary medicine,” in which a person is not required to be licensed and registered to practice veterinary medicine in the State in order to perform certain functions, including (1) any nurse, attendant, technician, intern, or other employee of a licensed and registered veterinarian when administering medication or rendering auxiliary or supporting assistance under the responsible direct supervision of a licensed and registered veterinarian; (2) a registered veterinary technician when performing a procedure under the responsible direct supervision of a veterinary practitioner as provided by regulations adopted by the board; and (3) a student of veterinary medicine practicing veterinary medicine who has successfully completed three years of veterinary education at an institution approved by SBVME and who works under the responsible direct supervision of a veterinary practitioner.

“Direct supervision” means that a veterinarian licensed and registered in the State is in the immediate vicinity where veterinary medicine is being performed and is actively engaged in the supervision of the practice of veterinary medicine.

Registration of Veterinary Technicians

“Veterinary technician” means a person who is registered with SBVME as a veterinary technician. A veterinary technician may, but is not required to, register with SBMVE. To apply for registration, an applicant must submit an application and pay an application fee. SBMVE must register any applicant who (1) meets the board’s educational requirements; (2) passes a board-approved examination; (3) is of good moral character; (4) is at least age 18; and (5) otherwise meets the statutory requirements related to registered veterinary technicians. A registration is valid for three years, after which SBMVE may renew the registration for an additional three-year term if the applicant (1) submits a renewal application; (2) pays a renewal fee; (3) complies with the board’s continuing education requirements; and (4) is otherwise entitled to be registered. SBMVE may refuse to register an applicant, suspend or revoke the registration, or reprimand and censure, or place on probation any veterinary technician for specified reasons and in accordance with specified hearing provisions.

Registered Veterinary Technician Duties

Under current regulations, a registered veterinary technician may perform the following procedures under the responsible direct supervision of a licensed veterinarian:

- inducing anesthesia by intramuscular injection;
- applying casts and splints
- simple dental extractions of loose teeth that do not involved flaps or tooth sectioning;
- suturing of existing surgical skin or gingival incisions; and
- accessing a small working stock of Schedule II drugs under separate lock.

A registered veterinary technician may also perform anesthetic induction by inhalation or intravenous injection if the veterinarian is able to maintain direct visual supervision of the technician’s performance. In addition, a registered veterinary technician may administer medication and render other auxiliary or supporting assistance not otherwise specified under the responsible direct supervision of a licensed veterinarian.

Under emergency conditions only, and before a veterinarian’s initial examination of an animal, a registered veterinary technician may provide supportive care and first aid and follow written protocols for specific conditions, as established by the veterinarian. If a

veterinarian is unavailable to perform an initial examination of an animal that is presented as an emergency, a registered veterinary technician must notify the animal's owner of the veterinarian's unavailability, the veterinarian's estimated time of arrival, and the estimated distance to another veterinary hospital.

A registered veterinary technician may not (1) diagnose; (2) offer prognosis; (3) prescribe drugs, medication, or appliances; (4) perform surgery; or (5) initiate treatment without prior instruction by a veterinarian.

State Revenues: As of March 2024, there are 807 veterinary technicians registered in the State. SBVME advises that additional veterinary technicians are likely to register with the board under the bill as a result of the clarification and expansion of duties that a registered veterinary technician may perform under specified circumstances. Specifically, SBVME anticipates that approximately 27 additional veterinary technicians will register with the board each year due to the bill's changes. Pursuant to emergency regulations that are in effect until May 31, 2024 (discussed below in the Additional Comments section), the application fee for a veterinary technician is \$100, and the triennial registration fee is \$100.

Accordingly, special fund revenues to the State Board of Veterinary Medical Examiners Fund increase by an estimated \$2,700 annually in fiscal 2025 through 2027 and by an estimated \$5,400 annually thereafter, reflecting additional application and triennial registration fees. To the extent the actual number of additional veterinary technicians that register with the board (and renew their registration every three years) varies from the above estimate, the increase in special fund revenues varies accordingly.

The bill also requires SBVME to establish an alternative pathway for currently employed veterinary assistants to become veterinary technicians. The alternative pathway must be available for employed veterinary assistants only until September 30, 2027. Because veterinary assistants do not currently register with SBMVE, it is unclear how many currently employed veterinary assistants may become registered veterinary technicians under the bill. However, SBMVE does not anticipate that many veterinary assistants will seek to register as veterinary technicians under the alternative pathway. Accordingly, any increase in special fund revenues from registration fees – due to the establishment of the alternative pathway – is anticipated to be minimal.

State Expenditures: SBMVE advises that the software for its current licensing system needs to be updated once in fiscal 2025 to accept veterinary assistant applications and again in fiscal 2028 once the alternative pathway is no longer available. Therefore, special fund expenditures increase by \$20,000 in each of fiscal 2025 and 2028 only to update the licensing system.

SBVME can develop the required regulations using existing budgeted resources.

Additional Comments: The Department of Legislative Services notes that proposed regulations that make the current \$100 veterinary technician application and triennial registration fees permanent were first published in the January 26, 2024 issue of the *Maryland Register* but have not yet been finalized.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, and Garrett counties; cities of Greenbelt, Hagerstown, and Laurel; Town of La Plata; Maryland Department of Agriculture; Department of Legislative Services

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