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January 28, 2020

The Honorable Paul G. Pinsky, Chair
Senate Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Letter of Support for SB 189 - Practicing Veterinary Medicine Without a License –
Cease and Desist Order and Civil Penalty

Dear Senator Pinsky and Members of the Committee,

I am the president of the Maryland State Board of Veterinary Medical Examiners and a co-owner of a veterinary practice on the Eastern Shore that treats small animals and horses. The Board has authorized me to submit this letter, on behalf of the full Board, to express our support for SB 189.

A sizable part of the Board's work is devoted to investigating complaints against veterinarians alleged to have violated state laws and regulations pertaining to the practice of veterinary medicine. Generally, when disciplinary action is needed, the Board takes action against licensed veterinarians. Tools available to the Board in disciplining veterinarians include suspending or revoking a license to practice veterinary medicine and imposing civil penalties or probation. These actions, including civil penalties, are permitted to be taken against licensed veterinarians who are subject to the Board's authority. The focus of SB 189 is to expand what we, as a Board, can do about individuals who are acting as veterinarians but who do not hold licenses to practice veterinary medicine.

In the last year or so, we have received three particularly disturbing complaints about non-veterinarians. One reported that a non-veterinarian was performing throat surgery on horses. Another reported that a non-veterinarian was sedating horses and extracting teeth. A few months ago, we heard a report of a non-veterinarian who may have been performing dental surgery on a dog and broke its jaw. Because these complaints were against non-veterinarians who are not licensed with the Board, the Board's ability to address these allegations is limited. Under the Board's current authority, the Board could ask a State's attorney to pursue criminal charges against an unlicensed person practicing veterinary medicine. The Board also has the authority to petition a court seeking an injunction to stop a person from practicing veterinary medicine without a license. Both of these options severely limit what the Board can do independently. Criminal actions are initiated at the discretion of the State's Attorney. Once information is referred to State's attorney, the Board does not control whether it goes forward. While the Board may seek an injunction in court, it must do so by way of a civil proceeding decided by a judge using the process and formal rules for judicial proceedings. As veterinarians and consumer advocates, Board and staff members would like to have more tools to do more.

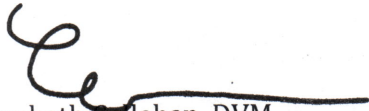
SB 189 would allow the Board to issue cease and desist orders or impose civil penalties at the administrative level through a process that is quicker and easier to manage. The Board, rather than

a court, would determine whether a person has engaged in the unlicensed practice of veterinary medicine and whether a cease and desist order should be entered or a civil penalty imposed. Addressing unlicensed practice through administrative proceedings before the Board bolsters the ability of the Board to investigate allegations of unlicensed practice and to take timely action where necessary. We cannot tell you whether there are vast numbers of non-veterinarians providing care in untrained and dangerous ways. We suspect that there are not. However, when an allegation is made, the Board would like an additional enforcement mechanism through which unlicensed care can be investigated and, if necessary, stopped. This would further allow the Board to uphold the definition of practicing veterinary medicine as already defined by law.

In recent years, we have seen pets become a bigger and bigger part of people's lives. Pets are living longer. Pet owners are taking great pains to care for their pets. The Board, in fulfilling its mission to promote the safe practice of veterinary medicine and the protection of animals, would like authority to address dangerous and unsafe practice by unlicensed and untrained individuals in Board proceedings so that no pet ends up injured (or worse) by a charlatan.

On behalf of the State Board of Veterinary Medical Examiners, I respectfully request the committee support SB 189.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Callahan', with a long horizontal flourish extending to the right.

Elizabeth Callahan, DVM
President

Cc: Senator Cheryl C. Kagan, Vice Chair
Senator Jack Bailey, Member
Senator Mary Beth Carozza, Member
Senator Arthur Ellis, Member
Senator Clarence K. Lam, Member
Senator Obie Patterson, Member
Senator Bryan W. Simonaire, Member
Senator Mary Washington, Member