

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Agriculture
(DLS Control No. 14-319)**

Overview and Legal and Fiscal Impact

These regulations update, clarify, and modify provisions governing the standards of practice and code of ethics for the practice of veterinary medicine in the State, qualifications for licensure and registration of veterinarians, continuing education requirements, license registration and reinstatement fees, and qualifications for examination and registration of veterinary technicians.

The regulations present no legal issue of concern.

Special fund revenues decrease by approximately \$7,000 annually.

Regulations of COMAR Affected

Department of Agriculture:

Board of Veterinary Medical Examiners: Standards of Practice and Code of Ethics for the Practice of Veterinary Medicine in the State: COMAR 15.14.01.03, .06, .11

Health Certificate and Rabies Certificate for Companion Animals: COMAR 15.14.05.02

Minimum Standards for Mobile Veterinary Clinics: COMAR 15.14.07.02

Qualifications for Licensure, by Examination, as a Veterinarian:

COMAR 15.14.09.02, .03

Continuing Education Requirements: COMAR 15.14.10.03, .04, .05

Fees: COMAR 15.14.12.02

Qualifications for Examination and Registration of a Veterinary Technician:

COMAR 15.14.13.03, .11

Legal Analysis

Background

The State Board of Veterinary Medical Examiners, in the Department of Agriculture, sets minimum standards for the practice of veterinary medicine by veterinarians, veterinary technicians, and veterinary hospitals. Among other things, the board licenses and annually registers veterinarians and triennially registers veterinary technicians. The board also licenses and inspects veterinary hospitals, investigates consumer complaints, initiates its own investigations, and determines whether to take disciplinary action against veterinarians, registered veterinary technicians, or operators of veterinary hospitals. In addition, the board provides information to the public through a web page.

According to the board, although the initial registration and reinstatement of veterinarian licenses occur throughout the year, annual registration renewals are due June 30. To alleviate the financial burden on recent veterinary school graduates, who constitute the vast majority of new licensees and often submit applications in May and June, the board is proposing a decrease in the registration fee from \$215 to \$110 for veterinarians who license during the second half of the fiscal year. The board advises that the proposed decrease in the registration fee would also benefit employers who want the new veterinarians to begin work as soon as possible. The board further advises that the resulting decrease in revenue would not be significant enough to negatively impact the board or hinder the board's ability to carry out its statutory requirements.

Summary of Regulations

The regulations update, clarify, and modify provisions governing the standards of practice and code of ethics for the practice of veterinary medicine in the State, qualifications for licensure and registration of veterinarians, continuing education requirements, license registration and reinstatement fees, and qualifications for examination and registration of veterinary technicians. Among other things, the regulations:

- add definitions of “high-volume, low-cost spay/neuter facility” and “mobile veterinary clinic”;
- expand a prohibition against specified misleading or deceptive advertising activities to apply to (1) an owner of a licensed veterinary hospital, limited use veterinary hospital, or animal control facility and (2) a partial disclosure of limited hours, a guarantee or warranty that is intended or likely to create false or unjustified expectations, a subjective claim of superior skills, services, or products, an offer of a secret drug or treatment, and an endorsement of a product or procedure unless the product or procedure is regularly used by the licensee and recognized as reputable by the American Veterinary Medical Association or a respected scientific journal;
- prohibit a veterinarian or an owner of a licensed veterinary hospital, limited use veterinary hospital, or animal control facility from using the words “special” or “specialty” in an advertisement unless the veterinarian performing the procedure or treatment meets the definition of a “specialist” and is named in the advertisement;
- prohibit the name of a veterinary hospital or limited use veterinary hospital from containing the words “specialty” or “specialist,” or the name of a specialist except in certain circumstances;
- clarify that the requirement that a certain advertisement for a 24-hour emergency veterinary hospital clearly state whether a veterinarian is present at the hospital facility on a 24-hour basis or on call applies to the owner of a licensed veterinary hospital, limited use veterinary hospital, or animal control facility;
- require a veterinarian or an owner of a licensed veterinary hospital to provide documentation of specified training to the board before advertising as a high-volume, low-cost spay/neuter facility;

- reduce the registration fee from \$215 to \$110 for newly licensed and newly reinstated veterinarians who register between January 1 and June 30;
- establish a new veterinarian license reinstatement fee of \$225;
- clarify and modify the license reinstatement provisions to (1) allow a veterinarian to apply for reinstatement only within five years of the expiration of the registration certificate; (2) require a veterinarian to apply for a new license if registration has lapsed for more than five years; (3) require an applicant for reinstatement to submit specified documentation, including proof of continuing education, and pay the new reinstatement fee; and (4) if reinstatement is approved, require payment of the registration fee;
- provide that a veterinarian's signature on a health or rabies certificate may be either handwritten by the veterinarian or an electronic signature affixed at the direction of the treating veterinarian at the time of vaccination;
- repeal definitions of, and references to, the Qualifying Examination and Veterinary Clinical Skills Assessment produced by the National Board of Veterinary Medical Examiners from the qualifications provisions applicable to graduates of the Program for the Assessment of Veterinary Education Equivalence because those examinations are no longer available;
- expand the list of preapproved continuing educational programs to include programs given or arranged by the North American Veterinary Conference, Western Veterinary Conference, Central Veterinary Conference, or American Animal Hospital Association;
- require requests for approval of postgraduate studies and extension studies to be submitted at least 60 days before the expiration of a veterinarian's registration certificate;
- require a veterinary technician applicant who is not a graduate of a veterinary technology program approved by the American Veterinary Medical Association to have an associate's degree or above, with a passing grade of C or above in specified courses; and
- require a veterinary technician from another state or foreign jurisdiction to pass the Veterinary Technician National Examination, as well as the State Board Examination, consistent with the requirements for in-State applicants.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The board cites §§ 2-103, 2-303, 2-304, 2-304.1, 2-306(a)(2), 2-307, 2-309, and 2-310 of the Agriculture Article as legal authority for the regulations. More specifically, § 2-303 requires the board to set and publish in regulations reasonable fees to cover the costs of carrying out the board's responsibilities. Section 2-304(a)(1) broadly authorizes the board to adopt regulations to

carry out its duties, including the establishment of reasonable standards for the practice of veterinary medicine and the imposition of requirements for education, training, and supervision. Section 2-304.1 requires an owner of a veterinary hospital to apply for and obtain a license from the board and to pay a licensing fee set by the board. Section 2-306(a)(2) authorizes the board to establish an annual continuing education requirement as a condition of license renewal. Section 2-307 requires the board to prescribe the subject, character, manner, time, and place of every written examination and the procedure for filing an application for the examination. This section also requires an applicant to pay a fee set by the board. In addition, this section requires the board to issue a license to, and annually register, a person who passes the examination, is of good moral character, and has a diploma conferring the degree of Doctor of Veterinary Medicine. Section 2-309 requires the board to establish the qualifications for applicants for registration as a veterinary technician, including educational requirements. Section 2-310 authorizes the board to refuse, suspend, or revoke any application or license, and censure or place on probation any licensee in certain circumstances, including a conviction for an unlawful or fraudulent practice or a fraudulent, misleading, or deceptive representation or advertising concerning professional qualifications or the quality of materials or drugs used in the professional work or treatment of animals.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections

The board has submitted substitute pages containing technical corrections that were made after the submission of the proposed regulations to the committee. The technical corrections clarify that the late registration fee is unchanged by the modifications to COMAR 15.14.12.02, italicize all new language in COMAR 15.14.05.02, and clarify that no changes are made to COMAR 15.14.13.11A(3).

Fiscal Analysis

Special fund revenues decrease by approximately \$7,000 annually.

Agency Estimate of Projected Fiscal Impact

The department advises that special fund revenues to the Board of Veterinary Medical Examiners Fund decrease by approximately \$7,000 annually, the net result of the establishment of a reinstatement fee (\$225) and the reduction in the registration fee for newly licensed or reinstated veterinarians registering in the second half of the registration year (from \$215 to \$110). The Department of Legislative Services concurs.

The department indicates that the decrease in revenues will not affect the board's ability to carry out its statutory responsibilities.

Impact on Budget

The decrease in special fund revenues should not materially affect the State Board of Veterinary Medical Examiners' operating budget and has no impact on the State capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services generally concurs but notes that there is a possibility that the regulations could meaningfully impact a given small business veterinarian or veterinary facility, primarily due to the added restrictions on advertising.

Contact Information

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