

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/27/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 11/14/2014

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
15	14	01	03, .06, .11
15	14	05	02
15	14	07	02
15	14	09	02, .03
15	14	10	03, .04, .05
15	14	12	02
15	14	13	03, .11

3. Name of Promulgating Authority

Department of Agriculture

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**Title 15
DEPARTMENT OF AGRICULTURE**

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

15.14.01 Standards of Practice and Code of Ethics for the Practice of Veterinary Medicine in the State

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

15.14.05 Health Certificate and Rabies Certificate for Companion Animals

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

15.14.07 Minimum Standards for Mobile Veterinary Clinics

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

15.14.09 Qualifications for Licensure, by Examination, as a Veterinarian

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

15.14.10 Continuing Education Requirements

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

15.14.12 Fees

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

15.14.13 Qualifications for Examination and Registration of a Veterinary Technician

Authority: Agriculture Article, §§2-103, 2-303, 2-304, 2-304.1, 2-306(a)(2), 2-307, 2-309 and 2-310, Annotated Code of Maryland.

Notice of Proposed Action

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The State Board of Veterinary Medical Examiners proposes to (1) Amend Regulations .03, .06 and .11 under COMAR 15.14.01 Standards of Practice and Code of Ethics for the Practice of Veterinary Medicine in the State;

- (2) Amend Regulation .02 under COMAR 15.14.05 Health Certificate and Rabies Certificate for Companion Animals;
- (3) Adopt new Regulation .02 under COMAR 15.14.07 Minimum Standards for Mobile Veterinary Clinics;
- (4) Amend Regulations .02 and .03 under COMAR 15.14.09 Qualifications for Licensure, by Examination, as a Veterinarian;
- (5) Adopt new Regulation .03 and amend Regulation .05 under COMAR 15.14.10 Continuing Education Requirements;
- (6) Amend Regulation .02 under COMAR 15.14.12 Fees; and
- (7) Amend Regulations .03 and .11 under COMAR 15.14.13 Qualifications for Examination and Registration of a Veterinary Technician.

Statement of Purpose

The purpose of this action is to define the terms "high-volume, low-cost spay/neuter facility" and "mobile veterinary clinic"; expand the list of licensees who may be charged with advertising violations and the types of actions that would constitute violations; set forth the veterinary license reinstatement process; permit either a veterinarian's handwritten or electronic signature on a health certificate and rabies certificate for a companion animal; update the steps for meeting certain educational criteria needed for licensure; explain the continuing education (CE) requirement and amend the fee structure for a newly-licensed or newly-reinstated veterinarian; expand the list of organizations providing SBVME-preapproved CE; provide a deadline for certain types of CE submitted to the SBVME for review; and require a veterinary technician applicant to obtain a certain minimum grade in certain college courses if the applicant does not have a degree from a veterinary technology program accredited by the American Veterinary Medical Association.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

There may be a minimal, indeterminable impact on veterinary hospitals that use certain terminology in their advertising, and will need to alter their advertising to comply with this proposal. Depending upon the type of advertising they use, they may incur an expense in making revisions to the language. A veterinarian who fails to renew a veterinary registration in a timely manner will incur an expense for filing an application reinstating the license. Also, a veterinarian whose registration lapses for more than 5 years will be required to apply for a new license with the SBVME. There is an application fee when applying for a new license. Further, because additional documentation must be supplied from other licensing boards, the overall costs when applying for a new license are higher than those proposed if reinstatement must be sought. The SBVME is proposing a reduction in the veterinary registration fee for

individuals who register during the second half of the fiscal year. The change in the fee schedule would result in decreased revenue for the SBVME. Additionally, an individual applying to become a registered veterinary technician and who did not earn at least a grade of C in certain SBVME-required college courses will need to retake those courses to be eligible for registration. There may be a cost to an applicant who needs to retake a course to achieve a higher grade.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
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A. On issuing agency:			
(1) Board of Veterinary Medical Examiners	(R+)		\$2,925
(2) Board of Veterinary Medical Examiners	(R-)		\$9,975
B. On other State agencies:	NONE		
C. On local governments:	NONE		

	Benefit (+)	Cost (-)	Magnitude
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D. On regulated industries or trade groups:			
(1) Licensed veterinarians	(-)		Indeterminable
(2) Applicants for veterinary licenses	(+)		\$105
(3) Applicants for veterinary technician registration	(-)		Indeterminable
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:			
Companion animal owners	(+)		Indeterminable

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A(1). Currently, there is no fee to a veterinarian to reinstate a veterinary license that has lapsed. The SBVME proposes to require a \$225 application fee. On average, 13 veterinarians applies for reinstatement annually. The SBVME expects to see an increase in revenue of approximately \$2,925.

A(2). Currently, all veterinarians who register their license to practice in the State are required to pay the same \$215 fee. The SBVME proposes to reduce the registration fee to \$110 for newly-licensed or newly-reinstated veterinarians who register between January 1 - June 30. Approximately 60%, or 95 veterinarians per year register during the second half of the fiscal year. The reduced fee would result in a decrease in

revenue for the SBVME of approximately \$9,975 annually. However, because the SBVME is also proposing a reinstatement fee, the net effect would be a decrease in revenue of \$7,050 annually.

D(1). Veterinarians or veterinary hospital owners who pay for advertising may be negatively impacted if they are required to change their advertising to comply with the SBVME's proposal. Also, a veterinarian who does not renew their veterinary license in a timely manner will incur an additional expense to have the license reinstated with the SBVME.

D(2). Veterinarians who become licensed and then register during the second half of the fiscal year will not be required to pay the full \$215 registration fee, but rather will pay \$110. This may have a positive impact on veterinary hospital owners who pay registration fees for their newly-licensed veterinarians.

D(3). The SBVME requires that individuals applying for registration as veterinary technicians take certain college courses if they do not possess a degree from a veterinary technology program accredited by the American Veterinary Medical Association. These individuals will be required to provide proof of having obtained at least a C in each course required by the SBVME. Failure to provide proof of having earned a C or higher in the required courses will necessitate the applicant retaking and successfully passing each course as part of the SBVME's application process.

F. This proposal helps to protect pet owners from misleading advertising by prohibiting the use of certain terminology unless a licensee is a specialist and can provide proof of this fact. The proposal also requires that veterinarians or hospital owners provide documentation to the SBVME that they have obtained certain education and training before they can advertise as operating a high-volume, low-cost spay/neuter facility.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Laura C. Downes, Executive Director, Maryland Department of Agriculture, State Board of Veterinary Medical Examiners, 50 Harry S. Truman Parkway Suite 102, Annapolis, Maryland 21401, or call 410-841-5862, or email to laura.downes@maryland.gov, or fax to 410-841-5780. Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Board of Veterinary Medical Examiners Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

There may be a minimal economic impact on veterinary hospitals that use certain terminology in their advertising. If the advertisement uses, for example, the word "special" or "specialty," the name of the veterinarian performing the procedure or treatment shall be named in the advertisement.

G. Small Business Worksheet:

Attached Document:

Title 15 DEPARTMENT OF AGRICULTURE
Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS
Chapter 01 Standards of Practice and Code of Ethics for the Practice of Veterinary Medicine in the State

Authority: Agriculture Article, §§2-103, 2-304 and 2-310, Annotated Code of Maryland

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)-(5) (text unchanged)

(6) *"High-volume, low-cost spay/neuter facility" means a licensed facility:*

(a) *Which is regularly used for the treatment of animals by a veterinary practitioner;*

(b) *Where the sterilization of dogs and cats is the primary function performed by a veterinarian licensed and registered by the Board; and*

(c) *Where the owner complies with the licensing and sanitation standards in COMAR 15.14.03 and 15.14.07.*

[(6)] (7)-[(13)] (14) (text unchanged)

.06 Advertising.

A. A veterinarian or an owner of a licensed veterinary hospital, limited use veterinary hospital, or animal control facility may not prepare, cause to be prepared, use, or participate in the use of, any advertisement or other public communication containing information about the services of particular veterinarians or veterinary hospitals which:

- (1) (text unchanged)
- (2) Is likely to mislead or deceive because in context it makes:
 - (a) Only a partial disclosure of relevant [facts; or] *facts, including limited hours; or*
 - (b) (text unchanged)
- (3) Is intended or is likely to create false or unjustified expectations of favorable [results;] *results, including a guarantee or warranty;*
- (4) Contains any other statement that is intended or likely to cause a reasonable person to misunderstand or be deceived; [or]
- (5) Constitutes, is part of, or is a device for carrying out, an otherwise unlawful [act.] *act;*
- (6) *Contains subjective claims of superiority of skills, services, or products;*
- (7) *Offers a secret drug or treatment;*
- (8) *Endorses a product or procedure, unless the veterinarian or licensee is a regular user of the product or procedure and the product or procedure is recognized as reputable by the American Veterinary Medical Association or by a respected scientific journal.*

B. A veterinarian, or an owner of a licensed veterinary hospital, limited use hospital, or animal control facility may not use the word *special* or *specialty* in an advertisement unless the veterinarian performing the procedure or treatment:

- (1) *Meets the definition of a specialist, as set forth in Reg. 03B(9); and*
- (2) *Is named in the advertisement.*

[B.] C. A veterinarian, or [holder of a license to operate a veterinary hospital,] *an owner of a licensed veterinary hospital, limited use veterinary hospital, or animal control facility,* who advertises the availability of a veterinarian to serve a 24-hour emergency veterinary hospital, shall state clearly in the advertisement whether a veterinarian is personally present at the hospital facility on a 24-hour basis, or is merely on call.

[C.] D. (text unchanged)

E. *The name of a veterinary hospital or limited use veterinary hospital may not contain the word specialty, specialist, or a named specialist, unless:*

- (1) *A majority of the veterinarians employed by the facility have obtained and maintained certification from a specialty organization recognized by the American Veterinary Medical Association; and*
- (2) *The advertisement lists the names of those veterinarians by specialty and certification.*

F. *Before advertising as a high-volume, low-cost spay/neuter facility, a veterinarian or an owner of a licensed veterinary hospital shall provide documentation to the Board of having completed training that promotes and provides advanced spay and neuter education to veterinarians and their staff. Such training may be obtained through an organization approved by the Board, such as the Humane Alliance.*

.11 Annual Registration.

A. (text unchanged)

B. [Any veterinarian, who permits his license to become invalid by unpaid registration, shall submit to the Board satisfactory proof of his or her qualifications to practice veterinary medicine or take the examination again.] *A veterinarian who fails to renew a veterinary license within 12 months following its expiration date shall seek reinstatement of the license before resuming the practice of veterinary medicine in the State.*

C. *A veterinarian may seek reinstatement of the veterinary license if the last registration certificate expired no more than 5 years before the date application is made for reinstatement.*

D. *If more than 5 years have lapsed since the date of expiration of the last registration certificate, the veterinarian shall apply for a new license with the Board, as provided in COMAR 15.14.09.*

E. *Reinstatement with the Board requires submission of the following to the Board's office:*

(1) *Personal History Form;*

(2) *Current resume;*

(3) *Licensure verification from all state veterinary boards with which the veterinarian is licensed or has ever been licensed;*

(4) *Proof of the appropriate type and number of hours of continuing education, as provided in COMAR 15.14.10.04, for the period during which the license had lapsed;*

(5) *Payment of the reinstatement fee, as provided in COMAR 15.14.12.02; and*

(6) *Provided the veterinarian is approved for reinstatement by the Board, payment of the registration fee, as provided in COMAR 15.14.12.02.*

Chapter 05 Health Certificate and Rabies Certificate for Companion Animals

Authority: Agriculture Article, §2-304, Annotated Code of Maryland

.02 Information on Certificate.

A. When issuing a health certificate or a rabies certificate for a companion animal, a veterinarian [shall personally sign the certificate and may not:

(1) Delegate to any person the signing requirement; or

(2) Issue a blank or incomplete certificate.] may not issue a blank or incomplete certificate. The veterinarian's signature shall be:

(1) *Handwritten by the veterinarian; or*

(2) *An electronic signature of the veterinarian, affixed at the direction of the treating veterinarian at the time of vaccination.*

Chapter 07 Minimum Standards for Mobile Veterinary Clinics

Authority: Agriculture Article, §§2-304 and 2-304.1, Annotated Code of Maryland

.02 Definitions.

"*Mobile veterinary clinic*" means a mobile unit in which veterinary services are provided to animals that are treated inside the mobile unit.

[.03].04 – [.07].08 (text unchanged)

Chapter 09 Qualifications for Licensure, by Examination, as a Veterinarian

Authority: Agriculture Article, §§2-304 and 2-307, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)-(8) (text unchanged)

(9) "Maryland State Examination" means:

(a)-(b) (text unchanged)

(c) [The QE and evaluated] *Evaluated* clinical experience [or VCSA,], if the applicant is a PAVE graduate.

(10)-(13) (text unchanged)

(14) "PAVE graduate" means an individual who has been issued a certificate by the Program for the Assessment of Veterinary Education Equivalence after successfully completing [either:

(a) A] a minimum of 12 months of evaluated clinical experience at a veterinary college accredited by the American Veterinary Medical [Association; or

(b) The Veterinary Clinical Skills Assessment examination.] *Association.*

[(15) “QE” means the Qualifying Examination, produced by the National Board of Veterinary Medical Examiners, assessing the applicant’s basic science knowledge acquired in the pre-clinical portion of veterinary education.]

[(16)] (15) (text unchanged)

[(17) “VCSA” means the Veterinary Clinical Skills Assessment produced by the National Board of Veterinary Medical Examiners, evaluating clinical skills through a hands-on clinical examination.]

.03 Maryland State Examination.

A. Subject Matter.

(1) The Maryland State Examination shall consist of the:

(a)-(c) (text unchanged)

(d) [QE and evaluated] *Evaluated* clinical experience [or QE and VCSA,], if the applicant is a PAVE graduate.

(2) (text unchanged)

B.-E. (text unchanged)

Chapter 10 Continuing Education Requirements

Authority: Agriculture Article, §2-306(a)(2), Annotated Code of Maryland

.03 New License.

A. A practitioner is exempt from providing proof to the Board of having met the continuing education requirement for 12 months from the license issuance date if:

(1) The practitioner is registering the veterinary license for the first time, and

(2) Reinstatement of the license is not required.

B. If a practitioner fails to register the veterinary license within 12 months following notification from the Board of having met the legal requirements for licensure, the practitioner shall meet the legal requirements for licensure, as provided in Chapter .08 or .09, as applicable.

[.03].04 (text unchanged)

[.04].05 Accreditation.

A.-C. (text unchanged)

D. Credit may be approved for the following:

(1)-(3) (text unchanged)

(4) *Continuing educational programs given or arranged by North American Veterinary Conference, Western Veterinary Conference, Central Veterinary Conference, or American Animal Hospital Association; and*

[(4)] (5) Local, State, regional, or national continuing professional education courses including postgraduate studies, institutes, seminars, lectures, conferences, workshops, extension studies, or other continuing educational programs as approved by the Board. *Requests for approval of postgraduate studies and extension studies shall be submitted to the Board no fewer than 60 days before the expiration of the veterinarian’s registration certificate.*

E.-G. (text unchanged)

Chapter 12 Fees

Authority: Agriculture Article, §2-303, Annotated Code of Maryland

.02 Fees.

The following fees are established by the Board of Veterinary Medical Examiners:

A. [Veterinarian registration fee (initial and annual thereafter) - \$215;] *Initial registration fee for newly-licensed and newly-reinstated veterinarians:*

(1) *Between July 1 and December 31 - \$215;*

(2) *Between January 1 and June 30 - \$110.*

B. [Veterinarian late registration fee – (additional) - \$100;] *Annual registration renewal fee - \$215;*

[B.] C. (text unchanged)

D. *Veterinarian reinstatement fee - \$225;*

[C.-I.] E.-K. (text unchanged)

Chapter 13 Qualifications for Examination and Registration of a Veterinary Technician

Authority: Agriculture Article, §2-309, Annotated Code of Maryland

.03 Qualifications for Examination.

- A. (text unchanged)
- B. Eligibility Requirements for Applicants Who do not Meet the Educational Criteria Set Forth in §A of this Regulation. To be eligible to take the State Board Examination, an examination applicant shall provide:
 - (1) A school-authenticated transcript showing the applicant to be a holder of an associate's degree or above, which includes a minimum of three credits *with a passing grade of C or above* in each of the following college level courses:
 - (a)-(f) (text unchanged)
 - (2)-(5) (text unchanged)
- C.-E. (text unchanged)

.11 Requirements of Veterinary Technicians from Another State or Foreign Jurisdiction.

Subject to the provisions of this regulation, the Board may register an applying veterinary technician [who:] *who submits proof of meeting the following requirements:*

- (1)-(2) (text unchanged)
- (3) Has paid all appropriate fees, as provided in COMAR 15.14.12.02; and
- (4) Has passed the [Board Examination, as described in Regulation .05C of this chapter.] *Maryland State Veterinary Technician Examination, as defined in Regulation .02B(6) of this chapter.*