

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 326

(First Reading File Bill)

AMENDMENT NO. 1

Strike beginning with “unless” in line 5 down through “Examiners” in line 6 and substitute “; specifying certain exceptions; adding a person practicing acupuncture in accordance with certain restrictions to the list of exclusions from the practice of veterinary medicine; authorizing the Board of Veterinary Medical Examiners to allow the practice of a health occupation on an animal by certain health care practitioners; providing that a veterinary practitioner is immune from civil liability under certain circumstances”; and after line 7, insert:

“BY repealing and reenacting, with amendments,

Article - Agriculture

Section 2-301(g)

Annotated Code of Maryland

(1985 Replacement Volume and 1996 Supplement)

BY adding to

Article - Agriculture

Section 2-304(e)

Annotated Code of Maryland

(1985 Replacement Volume and 1996 Supplement)

BY adding to

Article - Courts and Judicial Proceedings

Section 5-399.8

Annotated Code of Maryland

(1995 Replacement Volume and 1996 Supplement)”.

AMENDMENT NO. 2

(Over)

After line 14, insert:

“Article - Agriculture

2-301.

(g) The term “practice of veterinary medicine” does not include or apply to:

(1) Any licensed veterinarian from any state who does not have an office in the State;

(2) Any person practicing veterinary medicine in the performance of civil or military official duties in the service of the United States or of the State;

(3) Experimentation and scientific research of biological chemists or technicians engaged in the study and development of methods and techniques, directly or indirectly related or applicable to the problems of the practice of veterinary medicine;

(4) A person who advises with respect to or performs acts which the Board, by rule or regulation, has prescribed as accepted management practices in connection with livestock production;

(5) A physician licensed to practice medicine in the State or to his assistant while engaged in educational research;

(6) A person administering to the ills and injuries of his own animals if they otherwise comply with all laws, rules and regulations relative to the use of medicines and biologics;

(7) A farrier or a person actively engaged in the art or profession of horseshoeing as long as his actions are limited to the art of horseshoeing only;

(8) 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;

(9) A person who floats (files) equine teeth or removes caps;

(10) A person who scales or cleans animal teeth; [or]

(11) Except as otherwise provided by regulations adopted by the Board, a veterinary technician when performing the following procedures under the responsible direct supervision of a veterinary practitioner:

(i) Anesthesia induction by inhalation or intravenous injection if the veterinary practitioner is able to maintain direct visual contact of the veterinary technician's performance of the procedure;

(ii) Anesthesia induction by intramuscular injection;

(iii) Application of casts and splints;

(iv) Dental extractions; and

(v) Suturing of existing surgical skin incisions; OR

(12) A PERSON PRACTICING ACUPUNCTURE IN ACCORDANCE WITH THE PRINCIPLES OF ORIENTAL MEDICAL THEORIES IF THE PERSON:

(I) IS LICENSED UNDER TITLE 1A OF THE HEALTH OCCUPATIONS ARTICLE;

(II) IS CERTIFIED AS AN ANIMAL ACUPUNCTURIST BY THE BOARD OF ACUPUNCTURE;

(III) PRACTICES ONLY ACUPUNCTURE, ACUPRESSURE, AND MOXIBUSTION;

(IV) COOPERATES AND CONSULTS WITH A VETERINARY PRACTITIONER BY:

1. BEGINNING ACUPUNCTURE TREATMENT ON AN ANIMAL ONLY IF THE ANIMAL HAS BEEN SEEN BY A VETERINARY PRACTITIONER WITHIN

(Over)

THE PREVIOUS 14 DAYS;

2. ADHERING TO THE TERMS AND CONDITIONS OF TREATMENT DECIDED BY THE VETERINARY PRACTITIONER, INCLUDING THE DEGREE OF COMMUNICATION AND COLLABORATION BETWEEN THE VETERINARY PRACTITIONER AND THE PERSON PRACTICING ACUPUNCTURE;

3. REPORTING TO THE VETERINARY PRACTITIONER AT THE END OF TREATMENT OR AT MONTHLY INTERVALS, AT THE DISCRETION OF THE VETERINARY PRACTITIONER; AND

4. NOT WORKING ON AN ANIMAL FOR WHICH THE PERSON HAS NOT BEEN APPROPRIATELY TRAINED, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD OF ACUPUNCTURE; AND

(V) HAS SUCCESSFULLY COMPLETED A SPECIALTY TRAINING PROGRAM IN ANIMAL ACUPUNCTURE THAT:

1. IS APPROVED BY THE BOARD OF ACUPUNCTURE;

2. IS OFFERED BY A SCHOOL HOLDING NATIONALLY RECOGNIZED ACCREDITATION;

3. CONSISTS OF AT LEAST 135 HOURS; AND

4. ENABLES THE PERSON TO:

A. DESIGN EFFECTIVE TREATMENTS OF ANIMALS BASED ON TRADITIONAL ACUPUNCTURE THEORIES AND PRINCIPLES, INCLUDING APPROPRIATE KNOWLEDGE OF FUNCTIONAL ANIMAL ANATOMY AND PHYSIOLOGY;

B. HANDLE AND RESTRAIN ANIMALS TO THE EXTENT APPROPRIATE IN THE PRACTICE OF ACUPUNCTURE;

C. DEMONSTRATE SUFFICIENT KNOWLEDGE OF ANIMAL

DISEASES AND ZOOSES THAT WOULD REQUIRE THE IMMEDIATE ATTENTION OF A VETERINARY PRACTITIONER; AND

D. COMMUNICATE EFFECTIVELY WITH A VETERINARY PRACTITIONER.

2-304.

(E) (1) THE BOARD MAY AUTHORIZE THE PRACTICE OF A HEALTH OCCUPATION ON AN ANIMAL BY A HEALTH CARE PRACTITIONER LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE.

(2) IF THE BOARD AUTHORIZES THE PRACTICE OF A HEALTH OCCUPATION ON AN ANIMAL UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD MAY:

(I) IMPOSE REQUIREMENTS FOR EDUCATION, TRAINING, AND SUPERVISION BY A VETERINARY PRACTITIONER; AND

(II) REQUIRE THE REGISTRATION OF EACH HEALTH CARE PRACTITIONER AUTHORIZED TO PRACTICE A HEALTH OCCUPATION ON AN ANIMAL IN ACCORDANCE WITH THIS SUBSECTION.”.

AMENDMENT NO. 3

Before line 15, insert:

“Article - Courts and Judicial Proceedings

5-399.8.

A LICENSED VETERINARY PRACTITIONER IS IMMUNE FROM ANY CIVIL LIABILITY THAT RESULTS FROM THE ACTIONS OF:

(Over)

(1) A LICENSED ACUPUNCTURIST THAT PRACTICES IN ACCORDANCE WITH § 2-301(G)(12) OF THE AGRICULTURE ARTICLE; OR

(2) A PERSON THAT:

(I) IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE A HEALTH OCCUPATION UNDER THE HEALTH OCCUPATIONS ARTICLE; AND

(II) IS AUTHORIZED TO PRACTICE THE HEALTH OCCUPATION ON AN ANIMAL IN ACCORDANCE WITH § 2-304 OF THE AGRICULTURE ARTICLE.”.

AMENDMENT NO. 4

Strike beginning with “UNLESS” in line 17 down through “ARTICLE,” in line 18; and in line 20, strike “ANIMALS” and substitute “AN ANIMAL UNLESS THE PERSON:

(1) IS A LICENSED PHARMACIST PRACTICING PHARMACY UNDER TITLE 12 OF THIS ARTICLE;

(2) IS A LICENSED ACUPUNCTURIST PRACTICING IN ACCORDANCE WITH § 2-301(G)(12) OF THE AGRICULTURE ARTICLE; OR

(3) PROVIDES CARE TO AN ANIMAL IN ACCORDANCE WITH § 2-304(E) OF THE AGRICULTURE ARTICLE”.