

CF 7lr1214

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**By: Senators Collins and Dyson**

Introduced and read first time: January 24, 1997

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 1997

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## CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Health Occupations - Scope of Practice**

3 FOR the purpose of prohibiting a person who is licensed, certified, or otherwise  
 4 authorized to practice a health occupation under certain provisions of law from  
 5 practicing the health occupation on animals ~~unless authorized by the State Board of~~  
 6 ~~Veterinary Medical Examiners; specifying certain exceptions; adding a person~~  
 7 ~~practicing acupuncture in accordance with certain restrictions to the list of~~  
 8 ~~exclusions from the practice of veterinary medicine; authorizing the Board of~~  
 9 ~~Veterinary Medical Examiners to allow the practice of a health occupation on an~~  
 10 ~~animal by certain health care practitioners; providing that a veterinary practitioner~~  
 11 ~~is immune from civil liability under certain circumstances; and generally relating to~~  
 12 the scope of practice for health occupations.

13 BY repealing and reenacting, with amendments,14 Article - Agriculture15 Section 2-301(g)16 Annotated Code of Maryland17 (1985 Replacement Volume and 1996 Supplement)18 BY adding to19 Article - Agriculture20 Section 2-304(e)21 Annotated Code of Maryland22 (1985 Replacement Volume and 1996 Supplement)23 BY adding to24 Article - Courts and Judicial Proceedings

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1 Section 5-399.8  
2 Annotated Code of Maryland  
3 (1995 Replacement Volume and 1996 Supplement)

4 BY adding to  
5 Article - Health Occupations  
6 Section 1-211  
7 Annotated Code of Maryland  
8 (1994 Replacement Volume and 1996 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Agriculture**

12 2-301.

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

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

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

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

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

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

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

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

31 (8) Any nurse, attendant, technician, intern, or other employee of a licensed  
32 and registered veterinarian when administering medication or rendering auxiliary or  
33 supporting assistance under the responsible direct supervision of a licensed and  
34 registered veterinarian;

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

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

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

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

7                   (ii) Anesthesia induction by intramuscular injection;

8                   (iii) Application of casts and splints;

9                   (iv) Dental extractions; and

10                   (v) Suturing of existing surgical skin incisions; OR

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

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

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

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

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

21                   1. BEGINNING ACUPUNCTURE TREATMENT ON AN ANIMAL  
22 ONLY IF THE ANIMAL HAS BEEN SEEN BY A VETERINARY PRACTITIONER WITHIN  
23 THE PREVIOUS 14 DAYS;

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

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

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

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

36                   1. IS APPROVED BY THE BOARD OF ACUPUNCTURE;

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

3 3. CONSISTS OF AT LEAST 135 HOURS; AND

4 4. ENABLES THE PERSON TO:

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

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

10 C. DEMONSTRATE SUFFICIENT KNOWLEDGE OF ANIMAL  
11 DISEASES AND ZOOSES THAT WOULD REQUIRE THE IMMEDIATE ATTENTION OF  
12 A VETERINARY PRACTITIONER; AND

13 D. COMMUNICATE EFFECTIVELY WITH A VETERINARY  
14 PRACTITIONER.

15 2-304.

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

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

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

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

28 **Article - Courts and Judicial Proceedings**

29 5-399.8.

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

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

34 (2) A PERSON THAT:

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

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

3 **Article - Health Occupations**

4 1-211.

5 ~~UNLESS AUTHORIZED BY THE STATE BOARD OF VETERINARY MEDICAL~~  
6 ~~EXAMINERS UNDER THE AGRICULTURE ARTICLE, A PERSON WHO IS LICENSED,~~  
7 CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE A HEALTH OCCUPATION  
8 UNDER THIS ARTICLE MAY NOT PRACTICE THE HEALTH OCCUPATION ON ~~ANIMALS~~  
9 AN ANIMAL UNLESS THE PERSON:

10 (1) IS A LICENSED PHARMACIST PRACTICING PHARMACY UNDER TITLE  
11 12 OF THIS ARTICLE;

12 (2) IS A LICENSED ACUPUNCTURIST PRACTICING IN ACCORDANCE WITH  
13 § 2-301(G)(12) OF THE AGRICULTURE ARTICLE; OR

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 1997.