

SENATE BILL 78

M4

9lr0021

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)**

Requested: October 22, 2008

Introduced and read first time: January 14, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Practice of Veterinary Medicine – Students – Immunity**

3 FOR the purpose of providing that certain activities of certain veterinary medical
4 students are not within the meaning of the practice of veterinary medicine when
5 performed under the responsible direct supervision of a veterinary practitioner;
6 extending certain immunity from liability to certain veterinary medical
7 students under certain circumstances; and generally relating to the practice of
8 veterinary medicine by certain students.

9 BY repealing and reenacting, without amendments,
10 Article – Agriculture
11 Section 2–301(c)
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2008 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Agriculture
16 Section 2–301(g) and 2–314
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2008 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Courts and Judicial Proceedings
21 Section 5–614
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2008 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Agriculture**

2 2–301.

3 (c) “Direct supervision” means that a veterinarian licensed and registered in
4 the State is in the immediate vicinity where veterinary medicine is being performed
5 and is actively engaged in the supervision of the practice of veterinary medicine.

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

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

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

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

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

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

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

23 (7) Any nurse, attendant, technician, intern, or other employee of a
24 licensed and registered veterinarian when administering medication or rendering
25 auxiliary or supporting assistance under the responsible direct supervision of a
26 licensed and registered veterinarian;

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

28 (9) A person who scales or cleans animal teeth;

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

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

4 (ii) Anesthesia induction by intramuscular injection;

5 (iii) Application of casts and splints;

6 (iv) Dental extractions; and

7 (v) Suturing of existing surgical skin incisions;

8 (11) A person practicing acupuncture in accordance with the principles
 9 of oriental medical theories if the person:

10 (i) Is licensed under Title 1A of the Health Occupations Article;

11 (ii) Is certified as an animal acupuncturist by the Board of
 12 Acupuncture;

13 (iii) Practices only acupuncture, acupressure, and moxibustion;

14 (iv) Cooperates and consults with a veterinary practitioner by:

15 1. Beginning acupuncture treatment on an animal only
 16 if the animal has been seen by a veterinary practitioner within the previous 14 days;

17 2. Adhering to the terms and conditions of treatment
 18 decided by the veterinary practitioner, including the degree of communication and
 19 collaboration between the veterinary practitioner and the person practicing
 20 acupuncture;

21 3. Reporting to the veterinary practitioner at the end of
 22 treatment or at monthly intervals, at the discretion of the veterinary practitioner; and

23 4. Not working on an animal for which the person has
 24 not been appropriately trained, in accordance with regulations adopted by the Board of
 25 Acupuncture; and

26 (v) Has successfully completed a specialty training program in
 27 animal acupuncture that:

28 1. Is approved by the Board of Acupuncture;

29 2. Is offered by a school holding nationally recognized
 30 accreditation;

31 3. Consists of at least 135 hours; and

- 1 4. Enables the person to:
- 2 A. Design effective treatments of animals based on
3 traditional acupuncture theories and principles, including appropriate knowledge of
4 functional animal anatomy and physiology;
- 5 B. Handle and restrain animals to the extent
6 appropriate in the practice of acupuncture;
- 7 C. Demonstrate sufficient knowledge of animal diseases
8 and zoonoses that would require the immediate attention of a veterinary practitioner;
9 and
- 10 D. Communicate effectively with a veterinary
11 practitioner; [or]

12 (12) A veterinarian licensed in another jurisdiction while consulting
13 with a veterinary practitioner in this State; **OR**

14 **(13) A STUDENT OF VETERINARY MEDICINE PRACTICING**
15 **VETERINARY MEDICINE WHO HAS SUCCESSFULLY COMPLETED 3 YEARS OF**
16 **VETERINARY EDUCATION AT AN INSTITUTION APPROVED BY THE BOARD AND**
17 **WHO WORKS UNDER THE RESPONSIBLE DIRECT SUPERVISION, AS DEFINED BY**
18 **THE BOARD, OF A VETERINARY PRACTITIONER.**

19 2–314.

20 A person licensed by the State of Maryland to provide veterinary care **OR A**
21 **STUDENT OF VETERINARY MEDICINE WHO WORKS UNDER THE RESPONSIBLE**
22 **DIRECT SUPERVISION OF A VETERINARY PRACTITIONER AS DEFINED BY §**
23 **2–301(C) OF THIS SUBTITLE** who, for no fee or compensation, renders veterinary aid,
24 care, or assistance in an emergency situation in which the owner or custodian of the
25 animal is not available to grant permission shall have the immunity from liability
26 described under § 5–614 of the Courts and Judicial Proceedings Article.

27 **Article – Courts and Judicial Proceedings**

28 5–614.

29 A person licensed by the State to provide veterinary care **OR A STUDENT OF**
30 **VETERINARY MEDICINE WHO WORKS UNDER THE RESPONSIBLE DIRECT**
31 **SUPERVISION OF A VETERINARY PRACTITIONER AS DEFINED BY § 2–301(C) OF**
32 **THE AGRICULTURE ARTICLE** who, for no fee or compensation, renders veterinary
33 aid, care, or assistance in an emergency situation in which the owner or custodian of
34 the animal is not available to grant permission, is not liable for any civil damages as

1 the result of any professional act or omission by the person not amounting to gross
2 negligence.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2009.