

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 861

(Delegate Smigiel)

Environmental Matters

Education, Health, and Environmental Affairs

Practice of Veterinary Medicine - Operating Without a License - Penalties

This bill modifies the penalties applicable to a person found guilty of performing a surgical operation on an animal in the State without a license, registration, or an authorization to engage in the practice by specifying that such a person is guilty of a misdemeanor and is subject to (1) a fine of up to \$2,000 and/or imprisonment for up to one year for a first offense; or (2) a fine of up to \$6,000 and/or imprisonment for up to two years for a second offense.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary: The bill expresses legislative intent that, except for performing a surgical operation on an animal without a license, the criminal penalties imposed by the Maryland Department of Agriculture under current law apply to any person violating provisions of law pertaining to the State Board of Veterinary Medical Examiners (SBVME).

Current Law: The “practice of veterinary medicine” includes performing a surgical operation, including cosmetic surgery, on any animal. SBVME regulates through licensure and registration the practice of veterinary medicine. SBVME may impose a civil penalty of up to \$5,000 in lieu of suspending a veterinary license. In addition, any person found guilty of violating any provision of the Agriculture Article, including the unauthorized practice of veterinary medicine, is subject to a fine of up to \$500 and/or imprisonment for up to three months, with costs imposed at the discretion of the court. A subsequent violation is subject to a fine of up to \$1,000 and/or imprisonment for up to one year, with costs imposed by the court.

Background: The Maryland General Assembly created SBVME in 1894. SBVME’s stated mission is to protect the public and animal health and welfare through: (1) effective licensure of veterinarians, veterinary technicians, and veterinary hospitals under its jurisdiction; (2) effective discipline of veterinarians, veterinary technicians, and operators of veterinary hospitals under its jurisdiction, when warranted; and (3) adoption of reasonable standards for the practice of veterinary medicine in the State of Maryland.

SBVME regulates just over 2,400 veterinarians, just over 500 veterinary hospitals, and approximately 315 registered veterinary technicians. Veterinarians and veterinary hospitals must be licensed by the board. Veterinarians must also register annually with the board. A person may register with the board as a veterinary technician.

State Revenues: General fund revenues increase minimally as a result of the bill’s monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill’s incarceration penalty due to more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including variable medical care and variable operating costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem

reimbursements for fiscal 2010 are estimated to range from \$23 to \$71 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$46 to \$141 per inmate in fiscal 2010.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Garrett, Howard, and Montgomery counties; Maryland Department of Agriculture; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2009
mam/ljm Revised - House Third Reader - March 27, 2009

Analysis by: Michael Sanelli

Direct Inquiries to:
(410) 946-5510
(301) 970-5510