

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 390

(Senator Lewis Young, *et al.*)

Education, Energy, and the Environment

Environment and Transportation

Provision of Veterinary Services - Practice of Veterinary Medicine and Rabies Vaccines

This bill requires the State Board of Veterinary Medical Examiners (SBVME) to establish an expedited process to authorize out-of-state veterinary practitioners to become licensed to practice veterinary medicine in the State. The bill also (1) requires the Secretary of Health to allow registered veterinary technicians or other clinical staff who work in or for an animal shelter or animal control facility to administer rabies vaccines subject to specified conditions and (2) correspondingly expands the scope of a specified animal control facility license.

Fiscal Summary

State Effect: Special fund revenues may increase by an indeterminate amount, beginning in FY 2024. General/special fund expenditures increase by \$25,000 in FY 2024 only.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
SF Revenue	-	-	-	-	-
GF/SF Exp.	\$25,000	\$0	\$0	\$0	\$0
Net Effect	-/(-)	-	-	-	-

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Out-of-state Veterinary Practitioners – Expedited Licensing

SBVME must establish an expedited process to authorize a veterinary practitioner who holds a current, valid license to practice veterinary medicine in another state or jurisdiction to become licensed to practice veterinary medicine in the State.

By December 1, 2023, SBVME must report to the General Assembly on (1) the status of establishing an expedited process for out-of-state veterinary practitioners to become licensed to practice veterinary medicine in the State and (2) any financial support needed to implement the expedited process.

Administration of Rabies Vaccines

The Secretary of Health must, as part of an existing requirement to provide a specified statewide system to control rabies, allow a registered veterinary technician or other clinical staff who work in or for an animal shelter or an animal control facility to administer rabies vaccines if:

- the animal shelter or animal control facility is licensed to administer drugs under § 2-305 of the Agriculture Article of the Maryland Code;
- the animal being vaccinated is under the custody or control of an animal shelter or animal control facility;
- the veterinary practitioner who signs the rabies vaccination certificate has ensured that the individual administering the rabies vaccine was appropriately trained on administering rabies vaccines, including proper storage, handling, administration, and management of adverse reactions; and
- the individual administering the vaccine is identified on the rabies vaccination certificate.

“Animal shelter” means (1) a county or municipal animal control facility; (2) an organization that contracts with a county or municipality for animal control; or (3) an organization that shelters animals and has received a grant from the Spay/Neuter Fund during the previous year.

“Animal control facility” means a humane society or a county or municipal designated animal shelter.

Expanded Animal Control Facility License – Rabies Vaccines

The bill expands the scope of an existing license SBVME is authorized to issue to an animal control facility, under § 2-305 of the Agriculture Article, to administer drugs needed to sedate, euthanize, or sedate and euthanize animals. Under the expanded scope of the license, an animal control facility may administer (1) drugs needed to sedate, euthanize, or sedate and euthanize animals and (2) rabies vaccines in accordance with the provisions of the bill discussed above (requiring the Secretary of Health to allow specified administration of rabies vaccines). The bill correspondingly expands a requirement that an application for a license designate one individual at the facility responsible for the drugs so that it instead requires that an individual be designated who is responsible for both the drugs and rabies vaccines. Other existing provisions apply to the expanded license, including (1) a requirement that an animal control facility that is issued a license comply with SBVME's requirements relating to employee training and (2) a requirement that SBVME, in consultation with Maryland Department of Health (MDH), adopt regulations necessary to carry out the provisions authorizing the issuance of the license.

Current Law:

Regulation of the Practice of Veterinary Medicine

State law prohibits a person from practicing veterinary medicine unless the person is licensed, registered, and authorized to engage in the practice under provisions of State law that regulate the practice of veterinary medicine. "Veterinary practitioner" means a licensed and registered veterinarian engaged in the practice of veterinary medicine.

The "practice of veterinary medicine" is defined in detail in State law, and there are certain circumstances that are excluded from the definition of "practice of veterinary medicine," in which a person is not required to be licensed and registered to practice veterinary medicine in the State in order to perform certain functions, including (1) 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; (2) a registered veterinary technician when performing a procedure under the responsible direct supervision of a veterinary practitioner; (3) a veterinarian licensed in another jurisdiction while consulting with a veterinary practitioner in this State; and (4) a student of veterinary medicine practicing veterinary medicine who has successfully completed three years of veterinary education at an institution approved by SBVME and who works under the responsible direct supervision of a veterinary practitioner.

Licensing and Certification of Out-of-state Veterinarians

SBVME regulations establish that the board may license and certify an applying veterinarian who:

- is licensed (1) in another state or (2) a foreign jurisdiction and is a graduate of an American Veterinary Medical Association (AMVA) accredited school;
- has been engaged in or taught (at an AMVA accredited school) clinical veterinary medicine for the preceding five years, or meets specified alternative requirements;
- has paid all appropriate fees;
- has passed the board examination, consisting of a notarized statement submitted to the board, attesting to the fact that the applicant has read and comprehends the laws and regulations governing the practice of veterinary medicine in this State; and
- submits proof of good moral character.

Rabies Control

The Secretary of Health is required to provide a statewide system to (1) control rabies; (2) grant authority to the public health veterinarian and the local health officer in matters pertaining to the disposition of animals that bite or otherwise expose rabies to an individual; (3) assist local political subdivisions regarding the laboratory testing of rabid animals; (4) treat each individual who is exposed or suspected of having been exposed to rabies; and (5) distribute, in accordance with the conditions set by the Secretary of Agriculture, the biological products that are needed to prevent and treat rabies.

Animal Control Facility License

Under § 2-305 of the Agriculture Article, SBVME may issue a license to an animal control facility to allow the animal control facility to administer drugs needed to sedate, euthanize, or sedate and euthanize animals. The owner of an animal control facility must apply for a license and the application must designate one individual at the facility responsible for the drugs. An animal control facility that is licensed under § 2-305 must comply with SBVME's requirements related to employee training. In consultation with MDH, SBVME must adopt regulations necessary to carry out the provisions authorizing the issuance of the license.

State Revenues: Special fund revenues may increase, beginning in fiscal 2024, to the extent that the expedited licensing process established by SBVME increases the number of out-of-state veterinary practitioners who seek to become licensed and registered in the State. The extent of any increase in revenues cannot be reliably estimated. Veterinarians licensed and registered in Maryland pay an annual fee of \$150, and new applicants also

pay a \$225 application/examination fee. Fees collected by SBVME are deposited in the SBVME Fund and used to cover the board's costs.

State Expenditures: General/special fund expenditures increase by \$25,000 in fiscal 2024 only, for one-time programming to update the SBVME licensing portal to reflect changes necessary to establish the expedited licensing process. To the extent sufficient special funds are not available in the SBVME Fund to cover this cost, general funds are assumed to be needed. Processing of any additional license applications and registrations in fiscal 2024 and/or future years resulting from the expedited licensing process is assumed to be handled with existing resources.

Efforts by the Secretary of Health to allow registered veterinary technicians or other clinical staff who work in or for an animal shelter or animal control facility to administer rabies vaccines are assumed to be handled with existing resources.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 325 (Delegate Terrasa, *et al.*) - Environment and Transportation.

Information Source(s): Baltimore, Charles, Garrett, and Howard counties; Maryland Department of Agriculture; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2023
rh/sdk Third Reader - March 24, 2023
Revised - Amendment(s) - March 24, 2023

Analysis by: Brandon Stouffer

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