

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1287 Veterinary Medical Practice

**SPONSOR(S):** Renuart and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 716

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee		Haston	Luczynski
2) Regulatory Affairs Committee			

### SUMMARY ANALYSIS

Chapter 474, F.S., governs the regulation of veterinary medical practice. The chapter provides the minimum education and competency requirements for veterinarian licensure. The chapter also creates the Board of Veterinary Medicine that is responsible for adopting rules to regulate the practice of veterinary medicine.

Current law requires each person who provides veterinary medical services to maintain medical records. The law also sets forth, among other things, the confidentiality requirements for animal medical patient records and the conditions in which the records can be furnished.

Current law provides that certain individuals and groups who engage in veterinary medical practices under certain conditions are exempt from chapter 474. Under current law, those identified in the exemption provision are exempt from all of chapter 474, including the requirements for veterinary medical patient records.

This bill requires those individuals and groups otherwise exempt from chapter 474, F.S., to comply with the requirements for veterinary medical patients records.

This bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

Chapter 474, F.S., governs the practice of veterinary medicine. The chapter creates the Board of Veterinary Medicine (the “board”); the board is responsible for creating rules to regulate the practice of veterinary medicine. Any person wishing to be licensed as a veterinarian must apply to the Department of Business and Professional Regulation (“DBPR”) to take a licensure examination.<sup>1</sup> Section 474.207, F.S., sets forth the various education and competency requirements for veterinarian licensure.

Section 474.2165, F.S., provides various requirements and procedures for veterinary medical patient records. Each person who provides veterinary medical services must maintain medical records. Among other things, the section sets forth the confidentiality requirements for veterinary medical patient records and the conditions in which the records can be furnished.

Chapter 474, F.S., provides for certain exemptions, describing classes of individuals and groups to which or whom the chapter does not apply.<sup>2</sup> The following are exempt:

- Any faculty member practicing only in conjunction with teaching duties at an accredited school or college of veterinary medicine located in Florida;
- A person practicing as an intern or resident veterinarian who does not hold a valid license issued under chapter 474, F.S., and who is a graduate in training at an accredited school or college of veterinary medicine located in Florida;
- A student in a school or college of veterinary medicine while in the performance of duties assigned by her or his instructor or when working as a preceptor under the immediate supervision of a licensee, if such preceptorship is required for graduation from an accredited school or college of veterinary medicine;
- Any doctor of veterinary medicine in the employ of a state agency or the U.S. Government while actually engaged in the performance of her or his official duties;
- Any person administering to the ills of injuries of her or his own animals (but only a veterinarian may immunize a or treat an animal for diseases that are communicable to humans and that are of public health significance);
- A person hired on a part-time or temporary basis, or as an independent contractor, by an owner to assist with herd management and animal husbandry tasks for herd and flock animals, or a person hired on a part-time or temporary basis, or as an independent contractor, by an owner under limited circumstances;
- State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof, which or who conduct experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment, or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine;
- Any veterinary aide, nurse, laboratory technician, preceptor, or other employee of a licensed veterinarian who administers medication or who renders auxiliary or support assistance under the responsible supervision of a licensed veterinarian, including those tasks identified by rule of the board requiring immediate supervision;
- A veterinarian, licensed by and actively practicing veterinary medicine in another state, who is board certified in a specialty recognized by the board and who responds to a request of a

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<sup>1</sup> s. 474.207, F.S.

<sup>2</sup> s. 474.203, F.S.

veterinarian licensed in this state to assist with the treatment on a specific case of the animals of a single owner, as long as the veterinarian licensed in this state requests the other veterinarian's presence.

### Current Situation

In 2014, the Legislature passed CS/HB 993, which became effective on July 1, 2014, and created a public records exemption for personal identifying information of a person employed by, under contract with, or volunteering for a public research facility, including a state university, that conducts animal research or is engaged in activities related to animal research.<sup>3</sup> Such information is exempt from public records requirements when the information is contained in the following records:

- Animal records, including animal care and treatment records;
- Research protocols and approvals;
- Purchase and billing records related to animal research or activities;
- Animal care and committee records; and
- Facility and laboratory records related to animal research or activities.<sup>4</sup>

Under current law, those groups or individuals identified in s. 474.203, F.S., are exempt from all of chapter 474, including the requirements relating to veterinary medical patient records set forth in s. 474.2165, F.S.<sup>5</sup> Thus, while personal identifying information contained in certain veterinary medical patient records are exempt from public records requirements,<sup>6</sup> such information may not receive the confidentiality protections that are afforded under s. 474.2165, F.S.

### Effect of the Bill

The bill amends s. 474.203, F.S., requiring those otherwise exempt from chapter 474, F.S., to comply with the requirements for veterinary medical patients records set forth in s. 474.2165, F.S. Thus, individuals or groups who are otherwise not required to be licensed as a veterinarian are generally required to keep medical patient records private and comply with the other provisions related to the ownership and control of such records.

To the extent that some of the individuals described in s. 474.203, F.S., are employees of a state agency, this bill appears to have the effect of creating a public exemption. See drafting comments for further explanation.

The bill also makes technical amendments to s. 474.203, F.S.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 474.203, F.S., relating to exemptions.

**Section 2.** Provides an effective date of July 1, 2015.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

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<sup>3</sup> Florida House of Representatives, Final Bill Analysis of 2014 Committee Substitute for House Bill 993, p. 1 (May 14, 2014).

<sup>4</sup> *Id.*

<sup>5</sup> s. 475.203, F.S.

<sup>6</sup> See Florida House of Representatives, Final Bill Analysis of 2014 Committee Substitute for House Bill 993, p. 1 (May 14, 2014).

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

See notes in 'Drafting Issues or Other Comments' for discussion of public records issues.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

To the extent that some of the individuals described in s. 474.203, F.S., are employees of a state agency, this bill appears to have the effect of creating a public records exemption. Article I, s. 24(c) of the State Constitution requires a newly created public record exemption to be brought as a separate bill and requires a two-third vote of the members present and voting for final passage.

The sponsor has agreed to file an amendment to correct the form of the bill.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**