

§ 2-301

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Board" means the State Board of Veterinary Medical Examiners.
- (b-1) "Convicted" includes:
- (1) A finding of guilt by a court or a jury; and
 - (2) The acceptance by a court of a defendant's plea of guilty, nolo contendere, or Alford plea.
- (c) "Direct supervision" means that a veterinarian licensed and registered in the State is in the immediate vicinity where veterinary medicine is being performed and is actively engaged in the supervision of the practice of veterinary medicine.
- (d) "License" means a license to practice veterinary medicine in the State.
- (e) "Member" means a member of the State Board of Veterinary Medical Examiners.
- (f) "Practice of veterinary medicine" includes, but is not limited to, the practice by any person who:
- (1) Diagnoses, advises, prescribes, or administers a drug, medicine, biological product, appliance, application, or treatment of any nature, for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal;
 - (2) Performs a surgical operation, including cosmetic surgery, upon any animal;
 - (3) Performs dentistry on any animal;
 - (4) Performs any manual procedure upon an animal for the diagnosis or treatment of sterility or infertility of the animal;
 - (5) Represents himself as engaged in the practice of veterinary medicine;
 - (6) Offers, undertakes, or holds himself out as being able to diagnose, treat, operate, vaccinate, or prescribe for any animal disease, pain, injury, deformity, or physical condition; or
 - (7) Uses any words, letters, or titles in connection or under circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine. This use is prima facie evidence of the intention to represent himself as engaged in the practice of veterinary medicine.
- (g) The term "practice of veterinary medicine" does not include or apply to:
- (1) Any person practicing veterinary medicine in the performance of civil or military official duties in the service of the United States or of the State;
 - (2) Experimentation and scientific research of biological chemists or technicians engaged in the study and development of methods and techniques, directly or indirectly related or applicable to the problems of the practice of veterinary medicine;

- (3) A person who advises with respect to or performs acts which the Board, by rule or regulation, has prescribed as accepted management practices in connection with livestock production;
- (4) A physician licensed to practice medicine in the State or to his assistant while engaged in educational research;
- (5) A person administering to the ills and injuries of his own animals if they otherwise comply with all laws, rules and regulations relative to the use of medicines and biologics;
- (6) A farrier or a person actively engaged in the art or profession of horseshoeing as long as his actions are limited to the art of horseshoeing or trimming and maintaining horse hooves;
- (7) 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;
- (8) A person who floats (files) equine teeth or removes caps;
- (9) A person who scales or cleans animal teeth;
- (10) A registered veterinary technician when performing a procedure under the responsible direct supervision of a veterinary practitioner as provided by regulations adopted by the Board;
- (11) A person practicing acupuncture in accordance with the principles of oriental medical theories if the person:
- (i) Is licensed under Title 1A of the Health Occupations Article;
 - (ii) Is certified as an animal acupuncturist by the Board of Acupuncture;
 - (iii) Practices only acupuncture, acupressure, and moxibustion;
 - (iv) Cooperates and consults with a veterinary practitioner by:
 1. Beginning acupuncture treatment on an animal only if the animal has been seen by a veterinary practitioner within the previous 14 days;
 2. Adhering to the terms and conditions of treatment decided by the veterinary practitioner, including the degree of communication and collaboration between the veterinary practitioner and the person practicing acupuncture;
 3. Reporting to the veterinary practitioner at the end of treatment or at monthly intervals, at the discretion of the veterinary practitioner; and
 4. Not working on an animal for which the person has not been appropriately trained, in accordance with regulations adopted by the Board of Acupuncture; and
 - (v) Has successfully completed a specialty training program in animal acupuncture that:

1. Is approved by the Board of Acupuncture;
2. Is offered by a school holding nationally recognized accreditation;
3. Consists of at least 135 hours; and
4. Enables the person to:
 - A. Design effective treatments of animals based on traditional acupuncture theories and principles, including appropriate knowledge of functional animal anatomy and physiology;
 - B. Handle and restrain animals to the extent appropriate in the practice of acupuncture;
 - C. Demonstrate sufficient knowledge of animal diseases and zoonoses that would require the immediate attention of a veterinary practitioner; and
 - D. Communicate effectively with a veterinary practitioner; or

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

(13) A student of veterinary medicine practicing veterinary medicine who has successfully completed 3 years of veterinary education at an institution approved by the Board and who works under the responsible direct supervision, as defined by the Board, of a veterinary practitioner.

(h) "Veterinarian" means any person who is a graduate of a college of veterinary medicine.

(i) "Veterinary practitioner" means a licensed and registered veterinarian engaged in the practice of veterinary medicine.

(j) "Veterinary technician" means a person who is registered with the Board as a veterinary technician.

§ 2-302

(a) There is a State Board of Veterinary Medical Examiners in the Department.

(b) The Board has seven members, five of whom:

- (1) Are licensed and registered veterinarians of the State;
- (2) Are residents of the State;
- (3) Have engaged in active practice for five years at some time;
- (4) Are in good standing; and
- (5) Are appointed and qualified.

Of these five veterinarian members, at least two must have their practices predominantly for large animals. Two members of the Board shall not be veterinarians.

(c) The Governor shall appoint the members of the Board with the advice and consent of the Senate. Each appointment shall be made from a list of at least three names for each vacancy submitted to the Governor, or to the Governor-elect, by the Secretary.

(d) Each member serves a term of five years or until his successor is elected and qualified. A member is not eligible to serve for more than two full successive terms except as otherwise provided in this section. If any member ceases legally and physically to reside in the State, his office is vacant.

(e) The Governor shall remove any of the members for misconduct in office, incompetence, immorality, willful neglect of duty, or any cause which is a ground for revocation of a license to practice veterinary medicine in the State. The member may be removed only after reasonable notice and an opportunity for hearing is provided.

§ 2-302.1

(a) In this section, "veterinary review committee" means a committee or board that:

- (1) Is within one of the categories described in subsection (b) of this section; and
- (2) Performs any of the functions listed in subsection (c) of this section.

(b) For purposes of this section, a veterinary review committee is:

- (1) A regulatory board or agency that is established by State or federal law to license, certify, or discipline any veterinary practitioner;
- (2) A committee of the Maryland Veterinary Medical Association or any of its component societies; or
- (3) Any person who contracts with a veterinary practitioner to perform any of those functions listed in subsection (c) of this section that are limited to the review of services provided by the veterinary practitioner.

(c) For purposes of this section, a veterinary review committee has the following powers and duties:

- (1) To evaluate and seek to improve the quality of veterinary care that is provided by veterinary practitioners;
- (2) To evaluate the need for and the level of performance of veterinary care that is provided by veterinary practitioners; or
- (3) To evaluate and provide assistance to any veterinary practitioner who is in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(d) Except as otherwise provided in the section, the proceedings, records, and files of a veterinary review committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being reviewed and evaluated by the veterinary review committee.

(e) Subsection (d) of this section does not apply to:

(1) A civil action brought by a party who claims to be aggrieved by a decision of the veterinary review committee; or

(2) Any record or document that:

(i) Is considered by a veterinary review committee; and

(ii) Otherwise would be subject to discovery and introduction into evidence in a civil trial.

(f) A person who acts in good faith and within the scope of jurisdiction of a veterinary review committee is not civilly liable for:

(1) Any action as a member of the veterinary review committee; or

(2) Giving information to, participating in, or contributing to the function of the veterinary review committee.

§ 2-303

(a) There is a State Board of Veterinary Medical Examiners Fund.

(b) Board to set fees.-

(1) The Board shall set reasonable fees necessary to carry out its responsibilities under this subtitle.

(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the Board as provided in subsection (e) of this section.

(c) The Board shall publish in its rules and regulations the fees that it sets.

(d) Payment and distribution of fees.-

(1) The Board shall pay all fees collected under the provisions of this title to the Comptroller of the State.

(2) The Comptroller shall distribute the fees received from the Board to the Board of Veterinary Medical Examiners Fund.

(e) Purpose and nature of Fund.-

(1) The Board of Veterinary Medical Examiners Fund shall be used exclusively to cover the actual

documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

(2) (i) The Board of Veterinary Medical Examiners Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(ii) Any unspent portions of the Board of Veterinary Medical Examiners Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Board of Veterinary Medical Examiners Fund to be used for the purposes specified in this title.

(f) Administration of Fund.-

(1) The Chairman of the Board or the designee of the Chairman shall administer the Board of Veterinary Medical Examiners Fund.

(2) Moneys in the Board of Veterinary Medical Examiners Fund may be expended only for any lawful purpose authorized by the provisions of this title.

(g) Audit.- The Legislative Auditor shall audit the accounts and transactions of the Board of Veterinary Medical Examiners Fund as provided in § 2-1220 of the State Government Article.

§ 2-304

(a) The Board may:

(1) Adopt rules and regulations to effectuate this subtitle;

(2) Engage additional employees for professional, clerical, and special work as necessary and as provided in the State budget;

(3) Subpoena any witness to take his testimony;

(4) Require production of books, papers, records, and other documentary evidence, and examine them in relation to any matter which the Board may investigate or hear; and

(5) Establish reasonable standards for the practice of veterinary medicine, including conduct and ethics.

(b) Members or their designated inspectors may enter veterinary facilities at any reasonable hour to enforce the Board rules and regulations.

(c) The Board shall maintain an office within the State and a telephone number listed for use by the general public.

(d) The Board shall inspect every veterinary hospital facility in the State at least once every two years.

(e) Authorization to practice; requirements.-

(1) The Board may authorize the practice of a health occupation on an animal by a health care practitioner licensed, certified, or otherwise authorized under the Health Occupations Article.

(2) If the Board authorizes the practice of a health occupation on an animal under paragraph (1) of this subsection, the Board may:

(i) Impose requirements for education, training, and supervision by a veterinary practitioner; and

(ii) Require the registration of each health care practitioner authorized to practice a health occupation on an animal in accordance with this subsection.

(f) Report of suspected instances of animal cruelty; immunity from civil liability.-

(1) The Board shall adopt regulations encouraging a veterinary practitioner to report suspected instances of animal cruelty, including suspected animal fighting, to a local law enforcement or county animal control agency.

(2) A veterinary practitioner shall be immune from any civil liability that results from a report in good faith to a local law enforcement or county animal control agency under this subsection.

§ 2-305

(a) In this section, "animal control facility" means a humane society, as defined in § 10-601 of the Criminal Law Article, or a county or municipal designated animal shelter.

(b) The Board, on terms and conditions satisfactory to the Board, 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.

(c) Application; fee.-

(1) (i) The owner of an animal control facility shall apply for the license.

(ii) The Board shall issue a license in the name of the owner of an animal control facility.

(2) The application shall designate one individual at the facility responsible for the drugs.

(3) The annual license fee is \$100.

(d) In accordance with procedures set out in § 2-311 of this subtitle, the Board may:

(1) Reject an application for a license; or

(2) Suspend or revoke a license for failure to comply with the Board's regulations.

(e) An animal control facility licensed under this section shall comply with the Board's requirements relating to employee training.

(f) A member of the Board, or the Board's designated inspector, may enter an animal control facility licensed under this section at any reasonable hour to enforce the Board's regulations.

(g) In consultation with the Department of Health and Mental Hygiene, the Board shall adopt regulations necessary to carry out this section.

§ 2-306

(a) Authority to prescribe standards; continuing education requirement.-

(1) The Board has the exclusive power to establish and alter the standards of preliminary and professional education and training requirements of applicants for the examination for a license.

(2) The Board may establish an annual continuing education requirement of at least 12 hours as a condition to any license renewal.

(b) The Board may investigate and determine the acceptability of and approve or disapprove any college or institution for the education and training of students desiring to practice veterinary medicine. It may cancel or revoke approval if the college or institution no longer is deemed satisfactory. However, the approval of the American Veterinary Medical Association of a college or institution is sufficient to qualify the college or institution. Any veterinarian desiring to be licensed to practice veterinary medicine shall have completed the course of study prescribed by an approved college or institution.

§ 2-307

(a) The Board shall prescribe the subject, character, manner, time, and place for every written examination, and the procedure for filing applications for the examination. It shall conduct the written examination so that the identity of the applicant is not known to the Board until the examination is graded. The Board shall make a written report of every examination and preserve it in the Board office for three years.

(b) An applicant for the examination shall pay a fee set by the Board to the Board secretary at the time he files his application.

(c) The Board shall issue a license to, and annually register, any person who:

(1) Passes the examination;

(2) Is of good moral character; and

(3) Has a diploma from an approved college or institution conferring upon him the degree of Doctor of Veterinary Medicine.

§ 2-307.1

- (a) In reviewing an application for licensure of a veterinarian or in investigating any matter brought against a veterinary practitioner, the Board may direct the applicant, veterinarian, or veterinary practitioner to submit to a mental or physical examination when the Board has reasonable evidence indicating the inability of that individual to practice veterinary medicine competently.
- (b) In return for the privilege given by the State in issuing a license or registration, the applicant, veterinarian, or veterinary practitioner is deemed to have:
 - (1) Consented to submit to an examination under this section if directed by the Board in writing:
and
 - (2) Waived any claim of privilege as to the examination report or testimony regarding the report.
- (c) The report or testimony of an examining physician or other person designated by the Board is confidential except as to contested case proceedings as defined by the Administrative Procedure Act.
- (d) The unreasonable failure or refusal of an applicant, a veterinarian, or a veterinary practitioner to submit to an examination is prima facie evidence of the applicant's, veterinarian's or veterinary practitioner's inability to practice veterinary medicine competently unless the Board finds that the failure or refusal was beyond the control of the applicant, veterinarian, or veterinary practitioner.
- (e) The Board shall pay the reasonable cost of any examination made under this section.

§ 2-308

- (a) In order to enforce this subtitle and aid in the prosecution of any violation, every licensee who practices veterinary medicine in the State shall register annually with the Board.
- (b) Every licensee annually shall pay the Board a registration fee set by the Board for the privilege of continuing his license.

§ 2-309

- (a) A person may register with the Board as a veterinary technician.
- (b) Veterinary Technician Committee; composition; expenses.-
 - (1) There is a Veterinary Technician Committee under the Board's jurisdiction. The Committee consists of 7 members who are appointed by the Board, subject to the approval of the Secretary. The Board shall determine the qualifications and term of each member.

(2) Each member of the Committee may not receive compensation but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(c) The Committee, subject to the Board's approval shall:

(1) Evaluate, examine, and determine the qualifications for applicants for registration as a veterinary technician;

(2) Recommend to the Board the subject, scope, form, date, time, and location for each examination;

(3) Establish continuing education requirements for veterinary technicians;

(4) Define the duties and responsibilities of registered veterinary technicians;

(5) Recommend to the Board reasonable rules and regulations to carry out the provisions of this section; and

(6) Generally assist the Board in registering and regulating veterinary technicians.

(d) To apply for registration, an applicant shall:

(1) Submit an application to the Board on the form the Board requires; and

(2) Pay to the Board an application fee set by the Board.

(e) The Board shall register any applicant who:

(1) Meets the requirements of this section;

(2) Meets the Board's educational requirements;

(3) Passes a Board approved examination;

(4) Is of good moral character; and

(5) Is at least 18 years old.

(f) A registration is issued for a term of 3 years and expires on June 30 of the third year after the date issued unless the registration is renewed as provided in this section.

(g) The Board shall renew the registration of any applicant for an additional 3-year term if the applicant:

(1) Submits a renewal application on the form that the Board requires;

(2) Pays to the Board a renewal fee set by the Board;

(3) Complies with the Board's continuing education requirements; and

(4) Otherwise is entitled to be registered.

(h) In accordance with the hearing provisions of § 2-311 of this subtitle, the Board may refuse to register an applicant, suspend or revoke the registration, or reprimand and censure, or place on probation any veterinary technician, if the veterinary technician:

- (1) Practices veterinary medicine except as permitted under this subtitle;
- (2) Fraudulently or deceptively obtains a registration;
- (3) Is professionally, physically, or mentally incompetent;
- (4) Is convicted of a felony or a crime involving moral turpitude;
- (5) Is convicted of a violation of any federal or State law relating to narcotic drugs;
- (6) Is grossly negligent or deliberately cruel to an animal;
- (7) Violates any provisions of this subtitle; or
- (8) Is determined by the Board to be incompetent as a veterinary technician.

§ 2-310

The Board may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee after a hearing, if the veterinarian:

- (1) Is unable to practice veterinary medicine competently due to a physical or mental disability;
- (2) Is convicted of a violation of any federal or State law relating to prescription drugs, a controlled dangerous substance under Title 5, Subtitle 4 of the Criminal Law Article, or a controlled substance as defined by 21 U.S.C. § 812;
- (3) Is convicted of a felony, or of a crime involving moral turpitude;
- (4) Is convicted of violating any provision of this subtitle, any unlawful or fraudulent practice, or any fraudulent, misleading, or deceptive representation or advertising concerning his professional qualifications or the quality of materials or drugs used by him in his professional work or in the treatment of animals;
- (5) Has a final judgment entered against him in a civil malpractice case involving gross personal negligence;
- (6) Obtains the license by fraud or misrepresentation, either in the application, or in passing the

examination;

(7) Is guilty of employing or permitting to practice veterinary medicine any person who does not hold a license to practice veterinary medicine in the State;

(8) Fails to comply with Board rules or regulations after receiving a license;

(9) Is grossly negligent or deliberately cruel to an animal;

(10) After a hearing, is determined by four members to be incompetent as a veterinary practitioner; or

(11) Is disciplined by a licensing authority of another state, including the suspension or revocation of a license to practice veterinary medicine, for an act that would be grounds for disciplinary action under this section.

§ 2-310.1

(a) In lieu of or in addition to suspension of the license, the Board may impose a penalty of not more than \$5,000 for a first offense.

(b) In addition to revocation of the license, the Board may impose a penalty of not more than \$5,000 for a first offense.

(c) In addition to suspension or revocation of the license, the Board may impose a penalty of not more than \$10,000 for a second or subsequent offense.

(d) Penalties collected by the Board under this section shall be paid into the General Fund of the State.

(e) The Board shall establish such rules and regulations as are necessary to carry out the provisions of this section.

§ 2-311

(a) Before any license is suspended or revoked, the Board shall give the licensee at least ten days written notice of the time and place of the hearing. Notice shall be given by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, addressed to the post-office address shown on the annual registration or in other information the Board possesses.

(b) A copy of the charges shall be furnished the licensee and he shall be afforded an opportunity to be heard personally and to be represented by counsel before the Board. The licensee shall have the opportunity to confront witnesses against him.

(c) Every witness at the hearing shall testify under oath. The chairman or any member may administer the oath. The Board may compel the attendance of witnesses by subpoena.

(d) The Board shall report its action in writing, stating the reasons for the action. A copy shall be delivered or mailed to the person against whom the complaint is made.

(e) The licensee may appeal to the circuit court of the county where the licensee has an office. The court shall hear and determine all matters connected with the action of the Board from which appeal is taken in accordance with the Administrative Procedure Act.

(f) The licensee and the Board may appeal from the decision of the circuit court to the Court of Special Appeals, subject to the time and manner provided for the taking of an appeal to this Court.

§ 2-312

At any time within two years from the date of revocation of any license, the Board, by the affirmative vote of four members, may issue without examination a new license to any person whose license was revoked. After the expiration of two years, the person may obtain a license only by compliance with the same requirements which are imposed by this subtitle on other license applicants.

§ 2-313

A person may not:

(1) Practice veterinary medicine unless he is licensed, registered, and authorized to engage in the practice under the provisions of this subtitle;

(2) Practice veterinary medicine under a name other than the one on his license and registration, or induce any person to so practice in violation of this subtitle;

(3) Practice veterinary medicine unless his license and registration are displayed in his regularly established office and place of practice;

(4) Own, maintain, conduct, operate, or manage a veterinary office, veterinary dental office, veterinary hospital, or a dog, cat, or animal hospital, unless (i) he is a licensed veterinarian, or (ii) the office or hospital is under the direct supervision and control of a licensed and registered veterinarian and a licensed or registered veterinarian is employed in the office or hospital;

(5) Advertise any veterinary office, veterinary dental office, veterinary hospital, or a dog, cat, or animal hospital except in accordance with the rules and regulations of the Board;

(6) Practice veterinary medicine and sell or dispense any medication, which is not in the original manufacturer's container labeled with the information required below, for use by a household pet unless he affixes to the container in which the medication is sold or dispensed, a label clearly showing the brand, generic or chemical name and strength, if indicated, of the medication, the type of animal for whom designated and the owner's last name. However, this provision does not apply to the dispensing of any medication of any kind for use in the treatment, care or cure of farm animals, poultry, fowl, or other animals, used in the furtherance of farming activities;

(7) Advertise as a Board registered veterinary technician unless registered with the Board as required by this subtitle; or

(8) Practice as a veterinary technician unless employed by a veterinary practitioner.

§ 2-314

A person licensed by the State of Maryland to provide veterinary care or a student of veterinary medicine who works under the responsible direct supervision of a veterinary practitioner as defined by § 2-301(c) of this subtitle who, for no fee or compensation, renders veterinary aid, care, or assistance in an emergency situation in which the owner or custodian of the animal is not available to grant permission shall have the immunity from liability described under § 5-614 of the Courts and Judicial Proceedings Article.

§ 2-315

(a) The Board may bring an action for an injunction against a person who violates any provision of this subtitle.

(b) An action for an injunction under this section is in addition to, and not instead of, disciplinary actions taken under § 2-310 of this subtitle or the imposition of civil penalties under § 2-310.1 of this subtitle.

§ 2-316

The provisions of this subtitle creating the State Board of Veterinary Medical Examiners and relating to the regulation of veterinarians and any regulations promulgated under this subtitle are of no effect and may not be enforced after July 1, 2021.