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MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: January 29, 2020

BILL NUMBER: SB 189

SHORT TITLE: STATE BOARD OF VETERINARY MEDICAL EXAMINERS - PRACTICING VETERINARY MEDICINE WITHOUT A LICENSE - CEASE AND DESIST ORDER AND CIVIL PENALTY

MDA POSITION: SUPPORT

EXPLANATION:

The State Board of Veterinary Medical Examiners – the body that licenses veterinarians, registered veterinary technicians, veterinary hospitals, and animal control facilities – is a program within the Maryland Department of Agriculture. The Board investigates complaints and can take disciplinary action against its licensees who violate the Maryland Veterinary Practice Act and related Code of Maryland Regulations. The Board has no direct authority to address reports of the unlicensed practice of veterinary medicine by non-veterinarians. The Board can go to court for injunctive relief or refer the incident to the State's Attorney but cannot do anything directly. SB 189 would give the Board authority to investigate allegations of unlawful practice and to issue cease and desist orders and civil penalties against unauthorized practitioners. The primary intention of this bill is to protect animals, pet owners and public health.

BACKGROUND INFORMATION:

It is currently unlawful for a non-veterinarian to provide veterinary care; however, the enforcement of these laws falls primarily to the State Attorney's Office or to local law enforcement which may have higher priorities. Unlicensed care, however, is a deep concern for those in the veterinary and public health professions. We believe these allegations would best be investigated and enforced by the agency with the most experience and knowledge of veterinary medicine.

The State Board periodically receives complaints about non-veterinarians treating pets and causing harm or potentially causing harm. These are not usually out-and-out animal cruelty cases in which someone is intentionally hurting or abusing animals. Most law enforcement agencies take animal cruelty complaints very seriously. These complaints often involve alleged fly-by-night operations or back room providers who know – or should know – that they are not legally allowed to provide such services and are often “duping” pet owners into believing they are getting quality care.

The Veterinary Practice Act defines the practice of veterinary medicine as 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.

The Veterinary Practice Act, excludes the following from the definition.

- (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, with certain requirements stipulated in law;

(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.

SB 189 is designed to enforce the above and to protect pet owners/consumers and public health, as well as the integrity of the Practice Act and veterinary profession, by helping to ensure unlicensed providers are prohibited from providing care they are unqualified to provide.

If you have additional questions, please contact Cassie Shirk, Director of Legislation and Governmental Affairs, at cassie.shirk@maryland.gov or 410-841-5886.