

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1505

H.P. 1098

House of Representatives, April 1, 2003

An Act To Amend the Licensing Requirements for Veterinarians

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SULLIVAN of Biddeford.
Cosponsored by Senator SHOREY of Washington.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 32 MRSA §4859, sub-§4,** as amended by PL 1997, c. 246,
§11, is repealed.

6 **Sec. 2. 32 MRSA §4861,** as amended by PL 1997, c. 246, §§13 to
8 18, is further amended to read:

10 **§4861. Application for license; qualifications and
examination**

12 Any A person desiring a license to practice veterinary
14 medicine in this State shall make written application ~~to the~~
~~board and pay the required licensure fee set under section~~
16 ~~4863-A.~~ The application must show that the applicant holds a
doctorate degree in veterinary medicine from an approved
18 veterinary medicine program that is a graduate of a veterinary
school recognized and approved by the American Veterinary Medical
Association United States Department of Education and by the
20 board, and is a person of good moral character and provide such
22 other information and proof as the board may require establish by
rule. ~~The application must be accompanied by a fee not to exceed~~
24 ~~\$50 established by the board.~~ The board may adopt rules
applicable to graduates of approved veterinary medicine programs
26 by the Commissioner of Education and rules applicable to foreign
educated graduates who can demonstrate equivalent education and
28 training. Rules adopted pursuant to this section are routine
technical rules as defined by Title 5, chapter 375, subchapter
2-A.

30 ~~An applicant who is not a graduate of a school of veterinary~~
32 ~~medicine accredited by the American Veterinary Medical~~
~~Association must possess a certificate issued by the Educational~~
34 ~~Commission for Foreign Veterinary Graduates or a Certificate of~~
~~Qualification issued by the Canadian Veterinary Medical~~
36 ~~Association, unless the applicant is applying for licensure by~~
~~endorsement and at the time the applicant became licensed in the~~
38 ~~state, province or territory from which the applicant is~~
~~applying, an Educational Commission for Foreign Veterinary~~
40 ~~Graduates certificate was not required by this State.~~

42 ~~If the board determines that the applicant possesses the~~
~~proper qualifications, it shall admit the applicant to the next~~
44 ~~examination. If an applicant is found not qualified to take the~~
~~examination, the secretary of the board shall immediately notify~~
46 ~~the applicant in writing of such a finding and the grounds~~
~~therefor. An applicant found unqualified may request a hearing on~~
48 ~~the question of the applicant's qualifications under the~~
~~procedure set forth in Title 5, chapter 375, subchapter IV.~~

50

1. ~~Examinations.~~ ~~The board shall hold at least one examination during each year and may hold such additional examinations as are necessary. The secretary shall give public notice of the time and place for each examination reasonably in advance of the date set for the examination. A person desiring to take an examination must make application at least 45 days before the date of the examination and pay an examination fee not to exceed \$100, as determined by the board.~~

~~The preparation, administration and grading of examinations is governed by rules prescribed by the board.~~

~~After each examination, the secretary shall notify each examinee of the result of the examination, and the board shall issue a certificate to each person successfully completing the examination. The secretary shall record the certificate and issue a license upon payment of the license fee. Any person failing an examination must be admitted to any subsequent examination on payment of the application fee.~~

1-A. Examinations. Examinations, written or practical, must be prepared to measure the competence of an applicant to engage in the practice of veterinary medicine. The board may require successful completion of an equivalency examination or assessment mechanism for foreign educated and trained applicants that is designed to evaluate educational equivalence, including clinical competencies and a command of the English language.

The board may employ and cooperate and contract with an organization or consultant in the preparation, administration and grading of an examination, but shall retain sole discretion and responsibility for determining which applicants have successfully passed the examination. The applicant shall pay the required examination fee set under section 4863-A.

2. Oral or practical examination. At its discretion, the board may orally or practically examine any person qualifying for licensure under this section. The examination may cover laws and rules relating to the practice of veterinary medicine.

3. Temporary permit. The board may issue without examination a temporary permit to practice veterinary medicine in this State to a qualified applicant for license pending examination. A temporary permit issued pursuant to this subsection expires the day after the notice of results of the first examination given after the permit is issued. ~~The fee for the temporary permit, which may not exceed \$30, must be set by the board.~~ The applicant shall pay the required temporary permit fee set under section 4863-A.

2 All persons granted permits under this section shall furnish
proof of liability insurance to cover the date of this permit.

4 **4. Permit for performance of relief veterinary service.**

6 The board may issue without examination a permit to perform
relief veterinary service in this State to a qualified graduate
of ~~a veterinary school, recognized and approved by the American~~
8 Veterinary Medical Association person who holds a doctorate
10 degree in veterinary medicine from an approved veterinary
12 medicine program that is recognized by the United States
14 Department of Education and by the board, and who holds a current
license for the practice of veterinary medicine issued by another
state, territory or district of the United States. The board may
establish, by rule, the application process. The initial term of
a permit issued under this subsection may not exceed 30 days.
16 Extensions may be granted in the discretion of the board. The
18 ~~fee for the relief permit, which may not exceed \$50, must be set~~
by the board. The applicant shall pay the required relief permit
fee set under section 4863-A.

20 **5. Licensure by endorsement.** The board shall grant a
22 license by endorsement to a veterinarian who:

24 A. Has submitted a complete application;

26 B. Has paid the application and license fees established by
the board set under section 4863-A;

28 C. Is licensed in good standing in another state, United
30 States territory or province of Canada or, if an applicant
does not meet the definition of good standing, as
32 established by the board, the applicant shall provide, to
the satisfaction of the board, that the applicant is
34 qualified for licensure in the State and may practice under
the restrictions and limitations on that license, and those
36 limitations, if any, may include conditions of probation
before the issuance of a license;

38 D. ~~Has passed the National Board of Examination and the~~
40 ~~Clinical Competency Test as prepared under the authority of~~
42 ~~the National Board of Examination Committee for Veterinary~~
44 ~~Medicine or its predecessor organization, the National Board~~
46 ~~of Veterinary Medical Examiners or a subsequent national~~
licensing examination prepared under the authority of the
48 ~~National Board of Examination Committee for Veterinary~~
50 ~~Medicine or the American Association of Veterinary State~~
Boards, or an equivalent examination as established by the
board unless, at the time the applicant became licensed in
the state, province or territory from which the applicant is
applying, the National Board Examination, Clinical

2 ~~Competency Test or subsequent examination prepared under the~~
3 ~~authority of the National Board of Examination Committee for~~
4 ~~Veterinary Medicine was not required in this State in which~~
5 ~~case the applicant need only have passed whatever national~~
6 ~~licensing examinations were required of entry level~~
7 ~~licensees in the State at the time;~~

8 D-1. Has successfully passed an examination pursuant to
9 subsection 1-A pertaining to the practice of veterinary
10 medicine as determined by board rule. The board may require
11 the applicant to submit to an examination covering the laws
12 and rules pertaining to the practice of veterinary medicine
13 in this State; and

14 E. Has actively practiced clinical veterinary medicine for
15 3,000 hours during the 3 years preceding application; ~~and.~~

16 ~~F. Has successfully completed an examination established~~
17 ~~by the board covering the laws and rules pertaining to the~~
18 ~~practice of veterinary medicine in the State.~~

19 **Sec. 3. 32 MRSA §4863, first and 2nd ¶¶,** as amended by PL 1997,
20 c. 246, §20, are further amended to read:

21 All licenses expire annually on such date as the
22 commissioner may designate, and may be renewed with the board by
23 payment of a renewal fee established ~~by the board~~ set under
24 section 4863-A. At least 30 days prior to the annual renewal
25 date, the Department of Professional and Financial Regulation
26 shall mail a notice to each licensee and registrant that the
27 license or registration ~~will expire~~ expires on the renewal date
28 and provide a renewal application form for reregistration.

29 Licenses may be reinstated up to 90 days after the date of
30 expiration upon payment of a late fee ~~of \$10~~ set under section
31 4863-A in addition to the renewal fee. A person who submits an
32 application for renewal more than 90 days after the license
33 renewal date is subject to all requirements governing new
34 applicants under this chapter, except that the board may, giving
35 due consideration to the protection of the public, waive
36 examination if that renewal application is made within 2 years
37 from the date of the expiration. In addition, the board may levy
38 penalties for nonrenewal.

39 **Sec. 4. 32 MRSA §4863-A** is enacted to read:

40 §4863-A. Fees

41 The Director of the Office of Licensing and Registration
42 within the Department of Professional and Financial Regulation

2 may establish by rule fees for purposes authorized under this
3 chapter in amounts that are reasonable and necessary for their
4 respective purposes, except that the fee for any one purpose may
5 not exceed \$150 annually. Rules adopted pursuant to this section
6 are routine technical rules pursuant to Title 5, chapter 375,
7 subchapter 2-A.

8 **Sec. 5. 32 MRSA §4864, sub-§12, ¶D**, as amended by PL 1997, c.
9 246, §23, is further amended to read:

10 D. The continuance of a veterinarian directly or indirectly
11 in the employ of or in association with any veterinarian
12 after knowledge that such veterinarian is engaged in the
13 violation of the provisions of this chapter; ~~or~~

14 **Sec. 6. 32 MRSA §4864, sub-§13**, as enacted by PL 1975, c. 477,
15 §4, is amended to read:

16 **13. Lack of sanitation.** Failure to maintain veterinary
17 premises and equipment in a clean and sanitary condition as
18 defined by the board in accordance with the sanitation provisions
19 included in Title 7, section 3451, 3936; or

20 **Sec. 7. 32 MRSA §4864, sub-§14** is enacted to read:

21 **14. Violation.** Violation of a provision of this chapter or
22 a rule adopted by the board.

23 **Sec. 8. 32 MRSA §4865-A, sub-§10, ¶C**, as amended by PL 1993,
24 c. 404, Pt. A, §12, is further amended to read:

25 C. Fraud or dishonesty in the application or reporting of
26 any test for disease in animals, or making a false report of
27 any contagious or infectious disease or while performing any
28 other duties of a registered veterinary technician; and

29 **Sec. 9. 32 MRSA §4865-A, sub-§11** is enacted to read:

30 **11. Violation.** Violation of a provision of this chapter or
31 a rule adopted by the board.

42 SUMMARY

43 This bill amends licensure requirements for veterinarians by
44 granting authority for the Maine State Board of Veterinary
45 Medicine to consider alternative pathways to licensure for
46 foreign educated and trained applicants and to set criteria by
47 rule. This bill makes technical adjustments to bring the Maine
48 Veterinary Practice Act in line with other laws. It allows the
49

2 Director of the Office of Licensing and Registration within the
Department of Professional and Financial Regulation to set
licensure fees instead of the State Board of Veterinary Medicine.