

# Legislative Analysis



## AMENDMENTS TO PUBLIC HEALTH CODE ON VETERINARIANS AND VET TECHNICIANS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

House Bill 4408 (passed by the House as H-3) (*Public Act 47 of 2016*)  
Sponsor: Rep. Kathy Crawford

Analysis available at  
<http://www.legislature.mi.gov>

House Bill 4999 (passed by the House as H-1)  
Sponsor: Rep. Edward McBroom (*Public Act 49 of 2016*)

Committee: Agriculture  
Complete to 1-4-16

**BRIEF SUMMARY:** House Bills 4408 and 4999 would amend several sections of the Public Health Code related to veterinarians and veterinarian technicians. Specifically, HB 4408 would amend continuing education requirements for veterinarians and veterinarian technicians, while HB 4999 relates to veterinary prescribers and the fees paid by veterinarian and veterinarian technicians. The bills would take effect 90 days after the date each is enacted, and are tie-barred to each other, meaning neither can take effect unless both are enacted.

**FISCAL IMPACT:** House Bill 4408 could have a nominal fiscal impact on the Department of Licensing and Regulatory Affairs (LARA), if the Board of Veterinary Medicine opted to require continuing education, to the extent that the Board, with administrative support from LARA, would need to promulgate continuing education standards and approve educational programs. Expenditures made by or on behalf of the Board are supported with regulatory fees paid by licensed health professionals.

### **THE APPARENT PROBLEM:**

Presently, there is no continuing education requirement for veterinarians or vet techs. Organizations representing those groups have testified that many other states have such a requirement, as do other occupations related to healthcare in Michigan. HB 4408 would create a continuing education requirement.

HB 4999 seeks to allow reciprocity for veterinarian prescribers who are licensed in another state so their prescriptions can be filled by pharmacists in Michigan. According to testimony presented by the bill sponsor, there is a difference of opinion between the Department of Licensing and Regulatory Affairs and the Department of Agriculture and Rural Development regarding the ability of pharmacists licensed in Michigan to fill prescriptions issued by an out of state prescriber.

### **THE CONTENT OF THE BILLS:**

#### **House Bill 4408**

House Bill 4408 would amend the Public Health Code by adding a new section, Section 18813, which would require licensees seeking renewal of a veterinarian license or veterinarian technician license to provide the Department of Licensing and Regulatory

Affairs (LARA) with evidence of completion of continuing education courses, if so requested by LARA.

Individuals seeking renewal of a veterinarian license must complete at least 45 hours of continuing education courses, while those seeking renewal of a veterinarian technician license are required to complete at least 15 hours of continuing education courses.

The continuing education courses or programs must be approved by the Michigan Board of Veterinary Medicine and have been completed during the three years immediately preceding the licensee's application for license renewal.

### **House Bill 4999**

House Bill 4999 would amend several sections of the Public Health Code to:

- Add veterinary prescribers *licensed to practice in another state* to the existing provisions found within these sections, which generally relate to the ability to prescribe and dispense controlled substances.
- Increase fees related to licensure for veterinarians and veterinarian technicians.
- Allow certain communications to be sent by electronic mail (email) rather than regular mail if so desired by a licensee or registrant.

### ***Out-of-State Veterinary Prescriber***

Currently, the code prohibits a practitioner (e.g., a pharmacist or prescriber) from dispensing a controlled substance under a prescription by a physician prescriber or dentist practitioner in another state unless that person is authorized under the laws of that state to practice dentistry, medicine, or osteopathic medicine and surgery and to prescribe controlled substances. The bill would add to this provision, a veterinarian prescriber licensed to practice in another state who is authorized under the laws of that state to prescribe controlled substances.

The bill also would add the terms "veterinarian prescriber" and "veterinary medicine" to the existing term "prescription." It would also add "veterinarian prescriber" to additional existing provisions relating to dispensing drugs that require a prescription from a physician prescriber or dentist prescriber.

A prescriber is currently defined as, "a licensed dentist, a licensed doctor of medicine, a licensed doctor of osteopathic medicine and surgery, a licensed doctor of podiatric medicine and surgery, a licensed optometrist certified to administer and prescribe therapeutic pharmaceutical agents, a licensed veterinarian, or another licensed health professional acting under the delegation and using, recording, or otherwise indicating the name of the delegating licensed doctor of medicine or licensed doctor of osteopathic medicine and surgery."

The bill also would allow the department to deliver or serve a notice or other communication to a licensee or registrant by email rather than first-class mail if that person has provided an email address to the department, and authorized and agreed in writing to allow the department to deliver or service notices and communications using that email address that would otherwise be sent using first-class mail.

## ***BACKGROUND INFORMATION:***

Because both bills modify requirements are related to the licensure and re-licensure of veterinarian and vet technicians, the bill sponsors agreed to tie-bar their respective bills in order to ensure that the respective changes made by each bill are reflected in the new 3-year licensing cycle.

## ***FISCAL INFORMATION:***

### ***Fees in HB 4999***

The fees cited in statute would increase as follows:

- Veterinarian application processing fee: to \$25, from \$20
- Veterinary technician application processing fee: to \$15, from \$10
- Veterinarian license fee: to \$70, from \$50, annually
- Veterinary technician fee: to \$40, from \$20, annually

However, fees in the bill reflect the current fees actually charged for application processing, and represent an increase from \$55 to \$70 for veterinarian licenses and from \$25 to \$40 for technician licenses. This is because the Department of Licensing and Regulatory Affairs can charge fees exceeding the statutory fees to reflect increases in compensation for LARA employees. HB 4999 also states that the fee changes apply to licensing fees required to be paid after December 31, 2018.

## ***ARGUMENTS:***

### ***For:***

As stated above, House Bill 4999 would allow the prescriptions written by veterinarians licensed in another state to be dispensed in Michigan. This treats veterinarians as other prescribers are treated and is practical in areas bordering on other states. House Bill 4408 would impose continuing education requirements on veterinarians and veterinarian technicians, as many other states do, and is supported by the profession.

## ***POSITIONS:***

The Michigan Veterinary Society indicated support for HB 4408, substitute H-3, and HB 4999, substitute H-1. (11-4-15)

LARA indicated support for HB 4999 as introduced (10-28-15)

Legislative Analyst: Josh Roesner  
Fiscal Analyst: Paul B.A. Holland

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.