

Legislative Analysis



VETERINARY PRESCRIBER: PROHIBIT CERTAIN ACTIONS

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House Bill 4999 as introduced
Sponsor: Rep. Edward McBroom
Committee: Agriculture
Complete to 10-27-15

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

SUMMARY:

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; and
- Increase fees related to licensure for veterinarians and veterinarian technicians.

The bill would take effect 90 days after the date it is enacted, and is tie-barred to House Bill 4408 (although HB 4408, as introduced, is not tie-barred to this bill). A more detailed summary follows.

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 presently 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."

Fees

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 \$75, from \$50, annually
- Veterinary technician fee: to \$35, from \$20, annually

However, as noted in the Fiscal Impact statement below, fees in the bill reflect the current fees actually charged for application processing, and represent an increase from \$55 to \$75 for veterinarian licenses and from \$25 to \$35 for technician licenses. This is because the Department of Licensing and Regulatory Affairs can charge fees exceeding the statutory fees to reflect increase compensation for LARA employees.

FISCAL IMPACT:

The bill would have a positive fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) to the extent that the bill increases statutory application and annual licensure fees paid by (prospective) veterinary professionals.

According to LARA, during FY 2013-14, revenue generated by application and licensure fees paid by (prospective) veterinary professionals totaled approximately \$287,800, while departmental expenditures to administer and enforce the regulation of veterinary professionals totaled approximately \$314,865; consequently, net expenditures to regulate veterinary medicine during FY 2013-14 was approximately \$27,065, which was subsidized via application and licensure fees paid by other licensed health professionals.

Current law authorizes LARA to increase statutory application and licensure fees annually by an amount not to exceed the average wage and salary increase for departmental employees. Accordingly, actual fee amounts exceed statutory amounts and are \$25 and \$15 for application fees paid by (prospective) veterinarians and technicians, respectively, and \$55 and \$25 for annual licensure fees paid by veterinarians and technicians, respectively. The fee increases in the bill would bring the statutory application fees into equivalence with the actual application fees; however, the annual licensure fees would be increased by \$20 and \$10 for veterinarians and technicians, respectively.

Again, according to LARA, there were approximately 3,895 current veterinarian licensees and approximately 2,876 current technician licensees during FY 2013-14. Thus, the licensure fee increases in the bill would generate approximately \$106,660 per annum, which, in addition to the revenue currently generated, would be more than sufficient to adequately offset expenditures to administer and enforce the regulation of veterinary professionals.

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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.