



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

MEMORANDUM

TO: Deborah Goodwin
Special Assistant to the County Executive

FROM: Marc P. Hansen, Chief *Marc Hansen*
Division of General Counsel

DATE: February 27, 2000

SUBJECT: Animal Matters Hearing Board – Veterinary Technician – Qualification

Question

Section 5-104 of the County's animal control law provides that the membership of the Animal Matters Hearing Board must include a veterinarian or veterinary technician.¹ State law defines a veterinary technician as a person who is registered with the Board of Veterinary Medical Examiners.² You have asked if a person must be registered as veterinary technician with the Board of Veterinary Medical Examiners in order to qualify as a veterinary technician under Section 5-104.

Answer

A court must interpret a statute in such a way as to carry out the intent of the legislative body that enacted the statute.³ When construing the intent of a legislative body, the language used in the statute should be given its ordinary and generally understood meaning.⁴ Because most veterinary technicians are not registered with the State Board of Veterinary Medical Examiners, a person who has experience providing medical care to animals under the direct supervision of a veterinarian is a veterinary technician for the purpose of Section 5-104—even if the person is not registered as a veterinary technician with the State Board of Veterinary Medical

¹Section 5-104, Montgomery County Code (1994).

²Md. Code Ann., Agric. §2-301(j).

³*Kaczorowski v. City of Baltimore*, 309 Md. 505, 525 A.2d 628 (1987).

⁴*Brodsky v. Brodsky*, 319 Md. 92, 560 A.2d 1235 (1990).

Examiners.

Discussion

The County Council generally revised the County animal control law by enacting Bill 28-98 in April 1999. Prior to the enactment of Bill 28-98, the animal control law provided that the Animal Matters Hearing Board must include a representative of the Montgomery County Veterinary Medical Association. Bill 28-98 broadened that requirement to provide that a member of the Board must include "a veterinarian or veterinary technician."

According to Michael Cogan, the legislative attorney who worked extensively on Bill 28-98 there are no Council records indicating whether the council intended that a veterinary technician must be registered with the State Board of Veterinary Medical Examiners.

The present chair of the Animal Matters Hearing Board, Diana Clements, and the former chair of the Board, Mindy Hurwitz, were involved in drafting Bill 28-98. Both have indicated that Section 5-104 was amended to broaden the pool of potential members of the Animal Matters Hearing Board. They also have indicated that many veterinary technicians are not registered with the Board of Veterinary Medical Examiners.

State law requires that veterinary medicine must be practiced by licensed and registered veterinarians. But state law permits "any nurse, attendant, technician, intern, or other employee of a licensed and registered veterinarian" to provide auxiliary medical treatment to animals under the direct supervision of a licensed and registered veterinarian.⁵ State law further provides that a veterinary technician who is registered with the State Board of Veterinary Medical Examiners may—under the direct supervision of a veterinary practitioner—administer anesthesia, apply casts and splints, perform dental extractions, and suture existing skin incisions.⁶

Although the term "veterinary technician" has a narrow meaning under state law, the term apparently includes among practitioners of veterinary medicine the larger universe of all those who assist a licensed and registered veterinarian in rendering supporting medical assistance to animals.

Conclusion

In my view the term "veterinary technician" as used in Section 5-104 of the County Code,

⁵Md. Code Ann. Agric. §2-301(g)(7).

⁶Md. Code Ann. Agric. §2-301(i).

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includes any "nurse, attendant, technician, intern, or other employee of a licensed and registered veterinarian" who administers medication or renders supporting assistance to an animal under the direct supervision of a veterinarian. Accordingly, a veterinary technician for purposes of Section 5-104 does not need to be registered with the State Board of Veterinary Medical Examiners.

If the Council does not agree with this interpretation, the Council may wish to consider amending Section 5-104 to clarify this matter.

MPH:plb

cc: Charles W. Thompson, Jr., County Attorney
Diana Clements, Chair, Animal Matters Hearing Board
Mindy Hurwitz, Board of Appeals
Michael Cogan, Legislative Attorney
Edward B. Lattner, Associate County Attorney
Justina Ferber, Legislative Analyst

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