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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2801

03/06/2014 Authored by Persell
The bill was read for the first time and referred to the Committee on Agriculture Policy

1.1 A bill for an act
1.2 relating to veterinarians; specifying appointments to the Board of Veterinary
1.3 Medicine must reflect the geography of the state; modifying the process for
1.4 temporary suspension of veterinarian licenses; amending Minnesota Statutes
1.5 2012, sections 156.01, subdivision 1; 156.126.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 156.01, subdivision 1, is amended to read:

1.8 Subdivision 1. **Creation; membership.** There is hereby created a state Board of
1.9 Veterinary Medicine which shall consist of two public members as defined by section
1.10 214.02 and five licensed veterinarians appointed by the governor. Each appointee shall be
1.11 a resident of the state of Minnesota, and the veterinarian members of the board shall have
1.12 practiced veterinary medicine in this state for at least five years prior to their appointment.
1.13 The governor shall make appointments to the board that reflect the geography of the
1.14 state. Membership terms, compensation of members, removal of members, the filling of
1.15 membership vacancies, and fiscal year and reporting requirements shall be as provided in
1.16 sections 214.07 to 214.09. The provision of staff, administrative services and office space;
1.17 the review and processing of complaints; the setting of board fees; and other provisions
1.18 relating to board operations shall be as provided in chapter 214.

1.19 **EFFECTIVE DATE.** This section is effective the day following final enactment
1.20 and applies to appointments made after that date.

1.21 Sec. 2. Minnesota Statutes 2012, section 156.126, is amended to read:

1.22 **156.126 TEMPORARY SUSPENSION OF LICENSE.**

2.1 In addition to any other remedy provided by law, the board, acting through its
 2.2 executive director and one or more designated board members without a hearing, may
 2.3 temporarily suspend the license of a regulated person if the executive director and one or
 2.4 more designated board members finds that the regulated person has violated a statute or
 2.5 rule that the board is empowered to enforce and continued practice by the regulated person
 2.6 would create an imminent risk of harm to ~~others~~ an animal. The suspension is in effect
 2.7 upon service of a written temporary suspension order on the regulated person specifying
 2.8 the statute or rule violated. Service of the temporary suspension order is effective upon
 2.9 personal service or service by first class mail upon the regulated person or counsel at the
 2.10 regulated person's or counsel's last known address. The temporary order remains in effect
 2.11 until the board issues an order after ~~a limited hearing described in this subdivision~~ hearing
 2.12 evidence and oral arguments from both parties or upon agreement between the board and
 2.13 the regulated person. Within ten days of service of the temporary suspension order, the
 2.14 board shall conduct a limited hearing before its own members on the sole issue of whether
 2.15 there is a reasonable basis for the temporary suspension order to remain in effect. ~~Both~~
 2.16 ~~parties shall be given an opportunity to present evidence and oral argument at the hearing.~~
 2.17 Four members of the board voting in the affirmative are required to find a reasonable basis
 2.18 for the temporary suspension to remain in effect. If the board determines that a temporary
 2.19 suspension is to remain in effect, within five business days after the hearing board's
 2.20 decision, the board shall issue an order and, if the temporary suspension is to remain in
 2.21 effect, initiate a contested case hearing to under sections 14.57 to 14.62 with the Office of
 2.22 Administrative Hearings. The contested case hearing shall be commenced within 45 days
 2.23 after service of the order. The chief administrative law judge shall appoint an administrative
 2.24 law judge with the attempt to utilize personnel having expertise in the subject to be dealt
 2.25 with in the hearing. Both parties shall be given an opportunity to present evidence and
 2.26 oral arguments at the hearing. The administrative law judge shall issue a report within 30
 2.27 days after closing the contested case hearing record. ~~The board shall issue a final order~~
 2.28 ~~within 30 days after receiving the administrative law judge's report.~~ The report or order of
 2.29 the administrative law judge constitutes the final administrative decision in the case.

2.30 **EFFECTIVE DATE.** This section is effective the day following final enactment
 2.31 and applies to temporary suspensions beginning on or after that date.