

9100.0700 UNPROFESSIONAL CONDUCT.

Subpart 1. **Prohibited acts.** The following acts by a licensed veterinarian are unprofessional conduct and constitute grounds for disciplinary action against the licensee:

- A. failure to meet the minimum standards of practice in part 9100.0800;
- B. engaging in conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, in which case, proof of actual injury need not be established;
- C. engaging in veterinary practice that is professionally incompetent in that it may create unnecessary danger to a patient's life, health, or safety;
- D. claiming to have performed or charging for an act or treatment that was, in fact, not performed or given;
- E. asserting or implying in a public manner material claims of professional superiority in the practice of veterinary medicine that cannot be substantiated;
- F. practicing veterinary medicine under a false or assumed name or impersonating another practitioner of a like, similar, or different name;
- G. practicing under an expired, terminated, or suspended veterinary license;
- H. failing, within 30 days, to provide information in response to a written request made by the board pursuant to an investigation by or on behalf of the board;
- I. promoting, aiding, abetting, or permitting the practice of veterinary medicine by an unlicensed person;
- J. prescribing or dispensing, delivering, or ordering delivered a controlled substance without first having established a veterinarian-client-patient relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot and determining that treatment with the controlled substance is therapeutically indicated. Use of euthanizing drugs in recognized animal shelters or government animal control facilities is exempt from this requirement;
- K. using, misusing, or selling, other than for medical treatment of animal patients, any of the controlled drugs listed in Minnesota Statutes, chapter 152, or the federal Controlled Substances Act;
- L. violating or failing to comply with a state or federal law or regulation relating to the storing, labeling, prescribing, or dispensing of controlled substances;
- M. prescribing, providing, obtaining, ordering, administering, dispensing, giving, or delivering controlled drugs to or for an animal solely for training, show, or racing purposes and not for a medically sound reason;

N. performing surgery to conceal genetic or congenital defects, in any species, with the knowledge that the surgery has been requested to deceive a third party;

O. promoting, selling, prescribing, or using a product for which the ingredient formula is unknown to the veterinarian;

P. refusing the board or its agent the right to inspect a veterinary facility at reasonable hours, pursuant to an investigation by or on behalf of the board;

Q. performing or prescribing unnecessary or unauthorized treatment;

R. representing conflicting interests unless full disclosure of the veterinarian's dual relationship is made and consented to by all parties of the transaction;

S. failing to report to law enforcement or humane officers inhumane treatment to animals, including staged animal fights or training for fights, of which the veterinarian has direct knowledge;

T. fraudulently issuing or using a certificate of veterinary inspection, test chart, vaccination report, or other official form used in the practice of veterinary medicine to prevent the dissemination of animal disease, transportation of diseased animals, or the sale of inedible products of animal origin for human consumption;

U. issuing a certificate of veterinary inspection for an animal unless the veterinarian performs the inspection and the appropriate tests as required to the best of their knowledge;

V. surreptitiously obtaining, through theft, unauthorized copying, duplicating, or other means, client lists, mailing lists, medical records, or computer records that are the property of another veterinarian, veterinary partnership, or professional veterinary corporation;

W. a licensed veterinarian whose United States Department of Agriculture accreditation has been removed by federal authority may be subject to disciplinary action by the board upon proof of the acts or omissions constituting the grounds for removal of accreditation; and

X. failure to report to the board any disciplinary action taken against his or her veterinary license in another jurisdiction.

Statutory Authority: *MS s 156.01; 156.081; 214.06*

History: *17 SR 2106*

Published Electronically: *October 2, 2007*