

CHAPTER 156

VETERINARIANS

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156.01 STATE VETERINARY EXAMINING BOARD. There is hereby created a state veterinary examining board which shall consist of five qualified veterinarians appointed by the governor. Each appointee shall have practiced veterinary medicine in this state for at least five years prior to his appointment and shall be a graduate of a reputable veterinary college. Each member of the board shall be appointed for a term of five years; provided, that the first board appointed by the governor pursuant to this chapter shall consist of five members, who shall hold office for one, two, three, four, and five years, respectively.

Whenever the occasion arises pursuant to this chapter for the appointment of a member of the board by the governor the board of trustees of the Minnesota state veterinary medical society shall recommend to the governor, at least 30 days in advance of the date that the appointment is to be made, three veterinarians qualified to serve on the board for each appointment so to be made and the governor may appoint one of these persons so recommended to fill the vacancy.

The board shall elect from its number a president and a secretary-treasurer. The board shall have a seal and the power to administer oaths and take testimony. It shall make, alter, or amend such rules and regulations as may be necessary to carry into effect the provisions of this chapter. It shall hold meetings at the capitol for the examination of applicants for license to engage in veterinary practice on the Tuesday preceding the second Wednesday in January and July each year and may hold such other meetings as it deems necessary; but no meeting shall exceed three days duration. Each member shall receive \$10 per day for actual services together with mileage at the rate of five cents per mile for necessary travel. Such fees and mileage shall be paid out of the funds of the board.

The board shall have the power to provide for its office and necessary furniture, fixtures, and supplies and to appoint and employ and at will to remove and discharge such officers, agents, and other employees as it deems necessary to perform its duties, and to fix the salaries and define the duties of such officers, agents, and employees.

The secretary shall conduct all correspondence necessary to carry out the provisions of this chapter; he shall keep a record of all proceedings, including the name of every applicant for registration or examination, which record shall show the age of the applicant, the extent of his study and practice, the name of the veterinary college from which he was graduated, and the date of such graduation. Such record shall be prima facie evidence of the matters therein contained. The secretary shall receive such compensation as the board may provide.

[1937 c. 119 s. 1] (5851-1)

156.02 APPLICANTS FOR LICENSE; QUALIFICATIONS. Application for a license to practice veterinary medicine in this state shall be made to the veterinary examining board upon a form furnished by the board, accompanied by satisfactory evidence that the applicant is at least 21 years of age, is of good moral character, and has received a diploma conferring the degree of doctor of veterinary medicine, or its equivalent, from some reputable veterinary school approved by the board. The application shall contain any other information that the board may, in its sound judgment, require. If the board deems it advisable, it may require that such application be verified by the oath of the applicant.

[1937 c. 119 s. 2] (5851-2)

156.03 FEE; EXAMINATION. Upon filing such application and any other papers, affidavits, or proof that the veterinary examining board may require, together with the payment to the board of a fee of \$25, the board, if satisfied, shall issue to the applicant for license an order for examination. Every applicant for a license shall submit to a theoretical or practical examination, or both, as designated by the board. The examination may be oral, or written, or both.

[1937 c. 119 s. 3] (5851-3)

156.04 BOARD TO ISSUE LICENSE. The veterinary examining board shall issue to every applicant who has successfully passed the required examination and who shall have been adjudged to be duly qualified to practice veterinary medicine a license to practice.

[1937 c. 119 s. 4] (5851-4)

156.05 LICENSE. The license shall be subscribed by the members of the veterinary examining board and have affixed to it by the secretary-treasurer the seal of the board.

[1937 c. 119 s. 5] (5851-5)

156.06 LICENSE RECORDED. The license, before issued, shall be recorded in a book to be kept in the office which the veterinary examining board shall establish for the purpose of carrying out the provisions of this chapter. The number of the book and the page therein containing the recorded copy of the license shall be noted upon the face of the license. These records shall be open to public inspection with proper restrictions as to their preservation.

[1937 c. 119 s. 6] (5851-6)

156.07 ANNUAL REGISTRATION. Each person now qualified to practice veterinary medicine in this state, or who shall hereafter be licensed by the veterinary examining board to engage in such practice, shall register with the board before the first day of May each year and thereupon the license of such veterinarian shall be renewed for such calendar year.

The fee for such registration shall be \$2 and shall be paid by each licensed veterinarian in this state to the secretary of the board before the first day of May each year.

Any such veterinarian failing so to register and pay this registration fee before May first each year shall pay to the secretary-treasurer of the board the sum of \$5 before his license shall be renewed; provided, that in the event any such licensed veterinarian fails to register and to pay the registration fee provided herein within 60 days after May first in any year, then and in that event the board shall revoke his license to practice veterinary medicine in this state.

Any person who, on March 31, 1937, shall be legally licensed to practice veterinary medicine in this state shall be entitled to receive a license to continue such practice upon making application to the board and complying with the terms of this section for annual registration.

[1937 c. 119 s. 7] (5851-7)

156.08 REVOCATION OF LICENSE. On hearing the veterinary examining board shall revoke any license or renewal which is obtained by fraud or when the holder is guilty of gross moral or professional misconduct. The board may deny a renewal of license subject to review by the courts.

[1937 c. 119 s. 8] (5851-8)

156.09 LICENSE FILED WITH CLERK OF DISTRICT COURT. Every person licensed by the veterinary examining board shall file his license for record with the clerk of the district court in the county in which he resides within 60 days after the date when he commenced to practice veterinary medicine in such county. Upon removal to another county he shall file his license in like manner. It shall not be necessary to record the annual renewal of such license. The clerk of court's fees for filing such license for record shall be \$1.

The clerk shall keep in the record book of such licenses an index thereof showing the date and page of the record and in January each year shall furnish to the secretary of the board a list of licenses so filed. Upon notice to the clerk of the death or removal of a licensee or of a revocation of a license, he shall note the same upon the record of such license.

[1937 c. 119 s. 9] (5851-9)

156.10 PRACTICE OF VETERINARY MEDICINE WITHOUT LICENSE UNLAWFUL. It shall be unlawful for any person to practice veterinary medicine, or any branch thereof, in the state without having first secured a license, as pro-

vided in this chapter, and any person violating the provisions of this section shall be guilty of a gross misdemeanor and punished therefor according to the laws of the state.

[1937 c. 119 s. 10] (5851-10)

156.11 CORPORATIONS NOT TO PRACTICE. It shall be unlawful in the state of Minnesota for any corporation to practice veterinary medicine, or to hold itself out or advertise itself in any way as being entitled to practice veterinary medicine, or to receive the fees, or portions of fees, or gifts or other emoluments or benefits derived from the practice of veterinary medicine, or the performance of veterinary services by any person, whether such person be licensed to practice veterinary medicine or not. Any corporation violating the provisions of this section shall be guilty of a gross misdemeanor and fined not more than \$1,000 for each offense, and each day that this chapter is violated shall be considered a separate offense.

[1937 c. 119 s. 11] (5851-11)

156.12 PRACTICE OF VETERINARY MEDICINE. The practice of veterinary medicine, as used in this chapter, shall include the act or acts of prescribing, or applying, any drug, medicine, biologic, biochemical, or other material agency for the treatment of any animal, or for the testing of any animal for the diagnosis of any disease, or for the vaccination of any animal for the prevention of transmissible disease or diseases, or performing any operation for the treatment, relief, or cure of any sick, diseased, or injured animal for any fee or compensation or money or emolument, received or to be received directly or indirectly, or to publicly profess to do any of these things. Nothing in this chapter shall be construed to prohibit the dehorning of cattle or the castration of animals except the spaying of females; nor shall any provision of this chapter prohibit any one from rendering necessary gratuitous assistance in the treatment of any animal when the attendance of a licensed veterinarian cannot be procured. The word "animal," as used in this chapter, shall not include poultry or birds of any kind.

Any person who makes both a sale of, and applies or offers to apply, any drug, medicine, biologic preparation, including sera, vaccines, bacterins, tuberculin, mallein, johnin, or any other material agency for the treatment, vaccination, or testing of any animal belonging to, or in the custody of, the person to whom such sale is made, and from which sale such person derives any profit, commission, discount, or other emolument directly or indirectly, shall be presumed to have engaged in the practice of veterinary medicine and any profit, discount, commission, gift, or other emolument received directly or indirectly by such person so selling and applying said drug, biologic, biochemical, or other material agency shall be presumed to include a charge for the services in applying the same.

Nothing in this chapter shall prohibit the sale of or offering for sale of or recommending of animal remedies upon the containers of which there are or are not printed directions for the use thereof; provided, that the word "recommending," as used herein, shall not involve a diagnosis by the seller or his agent.

[1937 c. 119 s. 12] (5851-12)

156.13 PENALTIES, HOW RECOVERED. The penalties prescribed in this chapter may be recovered in a civil case instituted by the veterinary examining board in the name of the state or by a criminal prosecution upon complaint being made. In case any county attorney shall omit or refuse to conduct such civil action or such criminal prosecution, the board may employ another attorney for that purpose.

[1937 c. 119 s. 13] (5851-13)

156.14 FUNDS PAID TO STATE TREASURER FOR BENEFIT OF BOARD. All fees collected on behalf of the veterinary examining board, as provided by this chapter, and all receipts of every kind or nature received by the board shall be collected by the secretary-treasurer of the board and by him deposited in the state treasury and credited to the board. Such fund shall be known as the state veterinary examining board fund and shall be under the sole and exclusive jurisdiction of the board for the purposes of carrying out the provisions of this chapter. All expenditures from this fund shall be upon vouchers issued and signed by the secretary-treasurer of the board and transmitted, together with an abstract of such expenditures, to the state auditor for his approval.

[1937 c. 119 s. 14] (5851-14)