

CHAPTER 156

VETERINARIANS

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156.001 DEFINITIONS. Subdivision 1. Except where the context otherwise indicates, for the purposes of Minnesota Statutes, Chapter 156, and acts amendatory thereof, the terms defined in this section have the meanings given them.

Subd. 2. "Animal" does not mean poultry or birds of any kind.

Subd. 3. "Board" means the state veterinary examining board.

Subd. 4. "Compensation" includes but is not limited to all fees, monetary rewards, discounts, and emoluments received directly or indirectly.

Subd. 5. "Licensee" means a person licensed to practice veterinary medicine in the state of Minnesota.

Subd. 6. "Operation" includes but is not limited to any act of cutting, scraping, or disturbing the intact body surface in any way, and any surgical or dental procedure, except as otherwise provided in Minnesota Statutes, Chapter 156.

Subd. 7. "Practice of veterinary medicine" has the meaning given by Minnesota Statutes, Section 156.12.

[1965 c 204 s 1]

156.01 STATE VETERINARY EXAMINING BOARD. Subdivision 1. There is hereby created a state veterinary examining board which shall consist of five qualified veterinarians appointed by the governor. Each appointee shall be a resident of the state of Minnesota, 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 and until his successor is appointed and qualifies; 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. Vacancies occurring during an appointed term shall be filled by the governor for the unexpired term.

Subd. 2. 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.

Subd. 3. The board shall elect from its number a president, vice president, secretary, treasurer, and such other officers as are necessary, all from within its membership. One person may hold the offices of both secretary and treasurer. The board shall have a seal and the power to subpoena witnesses, 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 examinations for applicants for license to engage in veterinary practice twice each year at a time and place of its own choosing. Notice of such examination shall be posted 90 days before the date set for an examination in all veterinary schools approved by the board in the state, and shall be published in the journal of the American Veterinary Medical Association. The board may hold such other meetings as it deems necessary; but no meeting shall exceed three

days duration. Each member shall receive \$35 per day for actual services together with mileage and subsistence at the rates provided for state employees. Such fees and mileage shall be paid out of the funds of the board.

Subd. 4. 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.

Subd. 5. The secretary shall conduct all correspondence necessary to carry out the provisions of this chapter. The board shall keep an official record of all meetings. The board shall keep an official register of all applicants for licenses and a register of licensees. Such registers shall be prima facie evidence of the matters therein contained.

[1937 c 119 s 1; 1965 c 204 s 2] (5851-1)

156.02 APPLICANTS FOR LICENSE; QUALIFICATIONS. Subdivision 1. Application for a license to practice veterinary medicine in this state shall be made in writing 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 the information and material required by subdivision 2 and any other information that the board may, in its sound judgment, require. The application shall be filed with the secretary of the board at least 30 days before the date of the examination. If the board deems it advisable, it may require that such application be verified by the oath of the applicant.

Subd. 2. Every application shall contain the following information and material: (1) A fee of \$50 in the form of a check or money order payable to the state treasurer, which fee shall not be returnable in the event permission to take the examination is denied upon good cause; (2) A certificate from the dean or secretary of an approved college of veterinary medicine showing the time spent in such school, and the date when the applicant was duly and regularly graduated therefrom. If the applicant attended more than one college of veterinary medicine, he shall furnish transcripts from each as to work done in each; (3) Affidavits of at least two veterinarians and three adults who are not related to the applicant setting forth how long a time, when, and under what circumstances such persons have known the applicant, details respecting the applicant's habits and general reputation, and such other facts as may be proper to enable the board to determine the moral character of the applicant; (4) If the applicant has served in the armed forces, he shall furnish a copy of his discharge papers.

[1937 c 119 s 2; 1965 c 204 s 3] (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 \$50, 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; 1965 c 204 s 4] (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 the seal of the board.

[1937 c 119 s 5; 1965 c 204 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. These

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records shall be open to public inspection with proper restrictions as to their preservation.

[1937 c 119 s 6; 1965 c 204 s 6] (5851-6)

156.07 ANNUAL REGISTRATION. Every person licensed under Minnesota Statutes, Chapter 156, shall conspicuously display his license in his principal place of business.

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 March 1 each year and thereupon the license of such veterinarian shall be renewed for such calendar year.

The annual fee for such registration shall be not more than \$10 as deemed necessary by the board to maintain sufficient funds to carry out its duties. Such fees shall be paid by each licensed veterinarian in this state to the secretary of the board before March 1 each year. Notice of such fee shall be given to all veterinarians licensed in the preceding year by January 1 of the year for which the license fee is due.

Any such veterinarian failing so to register and pay this registration fee before March 1 each year shall pay to the secretary of the board the sum of \$10 plus the regular fee before his license shall be renewed; provided, that in the event any such licensed veterinarian fails to pay the registration fee provided herein within 60 days after March 1 in any year, then and in that event the board shall suspend his license to practice veterinary medicine in this state.

Any person who is licensed to practice veterinary medicine in this state pursuant to Minnesota Statutes, Chapter 156, 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.

Any person who was qualified to practice veterinary medicine on or before March 31, 1937, and who has remained active in the field of veterinary medicine for a period of 35 years but who has failed to register with the state veterinary examining board may receive a license to practice veterinary medicine upon making application to the board and complying with the terms of this section for annual registration.

[1937 c 119 s 7; 1963 c 578 s 1; 1965 c 204 s 7] (5851-7)

156.071 REINSTATEMENT OF EXPIRED LICENSE. Except as otherwise provided in Minnesota Statutes, Chapter 156, an expired license, which is suspended by the board pursuant to Minnesota Statutes, Section 156.07, may be reinstated at any time within five years after its suspension on filing an application for reinstatement on a form prescribed by the board and by payment of the renewal fee in effect on the last preceding regular renewal date, plus all back fees and the late filing fee.

A person who fails to renew his license within five years after its suspension may not renew it, and it shall not be restored, reissued, or reinstated thereafter, but such person may apply for and obtain a new license if he complies with the following conditions: (1) He is of good moral character; (2) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension; (3) He takes and passes the examination, if any, which would be required of him if he were then applying for a license for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest he is qualified to practice veterinary medicine; and (4) He pays all of the fees that would be required of him if he were then applying for the license for the first time.

[1965 c 204 s 8]

156.072 NONRESIDENTS; LICENSES. Subdivision 1. A doctor of veterinary medicine duly admitted to practice in any of the other states or territories or District of Columbia desiring permission to practice veterinary medicine in this state shall submit his application to the board upon forms prescribed by the board. Upon proof that he has been duly licensed to practice in such other state or territory or in the District of Columbia and has been actively engaged in practicing veterinary medicine therein, for at least five years next preceding his application; or has been engaged in full time teaching of veterinary medicine in an approved college for at least five years next preceding his application, the examination may be waived, upon the recommendation of the board,

and the applicant be admitted to practice without examination. However, the board may impose such other tests as it considers proper.

Subd. 2. Such doctor of veterinary medicine shall accompany his application by the following:

(1) A certified copy of his license registration and affidavits of two practicing doctors of veterinary medicine of the state, territory or District of Columbia so certifying that they are well acquainted with such applicant, that he is a person of good moral character, that he has been actively engaged in practicing or teaching as the case may be in such state, territory, or District of Columbia for the period above prescribed;

(2) A certificate from the proper body therein having jurisdiction over the conduct of practice of veterinary medicine that such applicant is in good standing and not under pending charges of misconduct; and

(3) A fee of \$100 in form of check or money order payable to the treasurer of the state of Minnesota, no part of which shall be refunded, should the application be denied.

Subd. 3. A doctor of veterinary medicine duly admitted to practice in any of the other states or territories or in the District of Columbia desiring admission to practice in this state but who has not been actively engaged in the practice thereof for the period prescribed herein must be examined for admission in accordance with the rules prescribed herein for those not admitted to practice anywhere and in addition, must meet all of the requirements of this section except that the fee shall be \$50 instead of \$100.

[1965 c 204 s 9]

156.08 [Repealed, 1965 c 204 s 13]

156.081 REVOCATION; SUSPENSION. Subdivision 1. The board may revoke or suspend for a certain time the license of any person to practice veterinary medicine or any branch thereof in this state after notice and hearing for any of the causes provided in this section. Such person shall be entitled to counsel of his own choosing. The board shall have the power to subpoena witnesses and take testimony. The secretary, in all cases of suspension or revocation of licenses, shall enter on the register the fact of suspension or revocation, as the case may be. The record of such suspension or revocation so made by the secretary shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of the board in the matter of the suspension or revocation.

Subd. 2. The board may revoke or suspend a license for any of the following causes:

(1) The employment of fraud, misrepresentation or deception in obtaining such license.

(2) Conviction of a crime involving moral turpitude or conviction of a felony, in which case the record shall be conclusive evidence of such conviction.

(3) Chronic inebriety or addiction to the use of habit forming drugs.

(4) Existence of professional connection with or the lending of one's name to any illegal practitioner of veterinary medicine and the various branches thereof.

(5) Violation or attempt to violate, directly or indirectly, any of the provisions of Minnesota Statutes, Chapter 156.

(6) Revocation by a sister state or territory of a license or certificate by virtue of which one is licensed to practice veterinary medicine in that state or territory, notwithstanding that such license or certificate did not support the application for license to practice in this state.

(7) Conviction of or cash compromise of a charge or violation of the Harrison Narcotic Act, regulating narcotics, in which case the record of such conviction or compromise, as the case may be, shall be conclusive evidence.

(8) Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.

(9) Employment of anyone but a veterinarian licensed in the state of Minnesota to demonstrate the use of biologics in the treatment of animals.

(10) False or misleading advertising having for its purpose or intent deception or fraud.

(11) Habitual conduct reflecting unfavorably on the profession of veterinary medicine or conduct in violation of law or rules or regulations of the board.

(12) Conviction on a charge of cruelty to animals.

(13) Failure, after written notification by the board, to keep one's premises and all equipment therein in a clean and sanitary condition, according to reasonable standards adopted by the board.

(14) Fraud, deception, or incompetence in the practice of veterinary medicine.

A plea or verdict of guilty to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this section. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal.

Subd. 3. The adjudication of insanity or mental illness, of any licensee shall operate as a suspension of his right to practice under Minnesota Statutes, Chapter 156. Such suspension shall continue until such licensee is restored to capacity by proper authorities, except that any such licensee may practice veterinary medicine while on a provisional discharge.

[1965 c 204 s 10]

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 provided 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, anesthetic, or other material agency for the treatment of any animal, or for the testing of any animal for the diagnosis of any disease, condition of pregnancy or sterility, or for the vaccination of any animal for the prevention of transmissible disease or diseases, surgically altering the appearance of an animal, spaying of female animals, or performing any operation for the treatment, relief, or cure of any sick, diseased, or injured animal. Such practice shall not be construed to include the dehorning of cattle and goats or the castration of cattle, swine, goats, and sheep, or the docking of sheep; nor shall any provision of this chapter prohibit any one from rendering necessary gratuitous assistance in the treatment of any animal when the same does not amount to prescribing, testing for, or diagnosing, operating, or vaccinating or when the attendance of a licensed veterinarian cannot be procured, nor shall it prohibit the employment

by a licensed veterinarian of a regularly enrolled student in an approved college of veterinary medicine who has successfully completed his third year therein and who has obtained from the board an undergraduate permit to practice in the office and under the direct supervision of a practicing veterinarian licensed within this state, which permit is valid for a period of one year only.

Nothing herein contained shall be construed to prevent or prohibit any acts performed by state agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, or their employees or associates, in the conduct of experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment, or techniques, for the diagnosis and treatment of human ailments.

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 another, shall be engaged in the practice of veterinary medicine.

A person who does not hold a license or permit to practice veterinary medicine and who assumes or uses any of the following titles or designations is guilty of practicing veterinary medicine without a license: Veterinary, veterinarian, animal doctor, animal surgeon, or any other title, designation, word, letter, abbreviation, sign, card, or device tending to indicate that the person is qualified to practice veterinary medicine.

The board may, at any time upon written complaint, inspect the premises in which veterinary medicine is being practiced for cleanliness and sanitation and may direct action to insure such cleanliness and sanitation.

[1937 c 119 s 12; 1965 c 204 s 11] (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 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 money in the state treasury credited to the state veterinary examining board fund is annually appropriated to the board for the purposes of carrying out the provisions of Minnesota Statutes, Chapter 156.

[1937 c 119 s 14; 1965 c 204 s 12] (5851-14)