

## CHAPTER 156

### VETERINARIANS

BOARD OF VETERINARY MEDICINE			
156.001	Definitions.	156.121	Facility inspection.
156.01	State Board of Veterinary Medicine.	156.122	Courts to report.
156.02	Applicants for license; qualifications.	156.123	Cooperation required.
156.03	Examination; payment.	156.124	Immunity.
156.04	Board to issue license.	156.125	Mental examination; access to medical data.
156.05	License.	156.126	Temporary suspension of license.
156.06	License recorded.	156.127	Forms of disciplinary action.
156.07	License renewal.	156.13	Penalties, how recovered.
156.071	Reinstatement of expired license.	156.14	Expenses.
156.072	Nonresidents; licenses.	156.15	Cease and desist orders.
156.073	Temporary permit.	VETERINARY PRESCRIPTION DRUGS	
156.074	Temporary license.	156.16	Definitions.
156.081	Revocation; suspension.	156.17	Possession prohibited.
156.082	Veterinary medical records.	156.18	Veterinary prescription drugs.
156.10	Unlawful practice without license or permit; gross misdemeanor.	156.19	Extra-label use.
156.11	Firms not to practice.	156.20	Inspections and samples.
156.12	Practice of veterinary medicine.		

#### BOARD OF VETERINARY MEDICINE

##### 156.001 DEFINITIONS.

Subdivision 1. **Terms.** Except where the context otherwise indicates, for the purposes of this chapter, and acts amendatory thereof, the terms defined in this section have the meanings given them.

Subd. 2. **Accredited or approved college of veterinary medicine.** "Accredited or approved college of veterinary medicine" means a veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation or approval by the American Veterinary Medical Association Council on Education.

Subd. 3. **Animal.** "Animal" does not include poultry.

Subd. 4. **Board.** "Board" means the state Board of Veterinary Medicine.

Subd. 5. **Compensation.** "Compensation" includes but is not limited to all fees, monetary rewards, discounts, and emoluments received directly or indirectly.

Subd. 6. **Educational commission for foreign veterinary graduates certificate; ECFVG certificate.** "Educational commission for foreign veterinary graduates certificate" or "ECFVG certificate" means a certificate issued by the American Veterinary Medical Association Education Commission for Foreign Veterinary Graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine.

Subd. 6a. **Firm.** "Firm" includes a corporation, limited liability company, and limited liability partnership, wherever incorporated, organized, or registered.

Subd. 7. **Foreign college of veterinary medicine.** "Foreign college of veterinary medicine" means a college of veterinary medicine other than an accredited or approved college of veterinary medicine.

Subd. 8. **Licensee.** "Licensee" means a person licensed to practice veterinary medicine in the state of Minnesota.

Subd. 9. **Operation.** "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 this chapter.

Subd. 10. **Practice of veterinary medicine.** "Practice of veterinary medicine" has the meaning given by section 156.12.

Subd. 11. **Veterinary medicine.** "Veterinary medicine" includes veterinary surgery, obstetrics, pathology, radiology, dentistry, ophthalmology, cardiology, dermatology,

laboratory animal medicine, and all other branches or specialties of veterinary medicine.

**History:** 1965 c 204 s 1; 1975 c 271 s 6; 1976 c 285 s 1; 1985 c 228 s 1; 1996 c 415 s 2,3; 1999 c 231 s 151-153

#### 156.01 STATE BOARD OF VETERINARY MEDICINE.

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

Subd. 2. **Nomination of appointees.** Whenever the occasion arises pursuant to this chapter for the appointment of a veterinarian member of the board by the governor, the board of directors of the Minnesota Veterinary Medical Association may recommend to the governor, at least 30 days in advance of the date that the appointment is to be made, not more than three veterinarians qualified to serve on the board for each appointment to be made.

Subd. 3. **Officers.** The board shall elect from its number a president 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 rules that are necessary to carry this chapter into effect. It shall hold examinations for applicants for license to engage in veterinary practice at a time and place of its own choosing. Notice of an examination must be posted 90 days before the date set for the examination in all veterinary schools approved by the board in the state, and must be published in the American Association of Veterinary State Boards "Directory of Veterinary Licensure Requirements." The board may hold other meetings it deems necessary; but no meeting shall exceed three days duration.

Subd. 4. [Repealed, 1976 c 222 s 209]

Subd. 5. **Correspondence; record; registers.** The executive director 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.

Subd. 6. **Immunity.** Members and employees of the board and consultants or other persons engaged in the investigation of violations and in the preparation, presentation, or management of and testimony pertaining to charges of violations of section 156.081 or other board regulatory provisions on behalf of the board are not civilly liable for any actions, transactions, or publications in the performance of their duties in accordance with those provisions.

**History:** (5851-1) 1937 c 119 s 1; 1965 c 204 s 2; 1973 c 638 s 39,40; 1975 c 136 s 44,45; 1975 c 271 s 6; 1976 c 222 s 123,124; 1976 c 239 s 62; 1985 c 248 s 70; 1991 c 199 art 1 s 48; 1996 c 415 s 4-7; 1999 c 231 s 154

#### 156.02 APPLICANTS FOR LICENSE; QUALIFICATIONS.

Subdivision 1. **License application.** Application for a license to practice veterinary medicine in this state shall be made in writing to the Board of Veterinary Medicine upon a form furnished by the board, accompanied by satisfactory evidence that the applicant is at least 18 years of age, is of good moral character, and has one of the following:

(1) a diploma conferring the degree of doctor of veterinary medicine, or an equivalent degree, from an accredited or approved college of veterinary medicine;

(2) an ECFVG certificate; or

(3) a certificate from the dean of an accredited or approved college of veterinary medicine stating that the applicant is a student in good standing expecting to be graduated at the completion of the current academic year of the college in which the applicant is enrolled.

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 board at least 60 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. Required with application.** Every application shall contain the following information and material:

(1) the application fee set by the board in the form of a check or money order payable to the board, which fee is not returnable in the event permission to take the examination is denied for good cause;

(2) a copy of a diploma from an accredited or approved college of veterinary medicine or a certificate from the dean or secretary of an accredited or approved college of veterinary medicine showing the time spent in the school and the date when the applicant was duly and regularly graduated or will duly and regularly graduate or verification of ECFVG certification;

(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 they have known the applicant, and any other facts as may be proper to enable the board to determine the qualifications of the applicant; and

(4) if the applicant has served in the armed forces, a copy of discharge papers.

**Subd. 3. Examination of certain individuals.** The board may, on an individual basis, permit individuals not qualified for a Minnesota license by reason of graduation from a nonaccredited or approved college of veterinary medicine to take the national examinations in veterinary medicine when necessary as a prerequisite to obtaining the ECFVG certification.

**History:** (5851-2) 1937 c 119 s 2; 1965 c 204 s 3; 1973 c 725 s 22; 1975 c 271 s 6; 1976 c 222 s 125; 1976 c 285 s 2,3; 1985 c 228 s 2; 1986 c 444; 1989 c 314 s 3; 1996 c 415 s 8; 1999 c 231 s 155,156

### 156.03 EXAMINATION; PAYMENT.

Upon filing the application and any other papers, affidavits, or proof that the Board of Veterinary Medicine may require, together with the payment of the application fee and appropriate examination fee as set by the board, the board shall issue to the applicant a permit to take the national examination in veterinary medicine and the Minnesota Veterinary Jurisprudence Examination. All applicants must be evaluated using an examination prescribed by the board. A passing score for the national examination must be the criterion referenced passing score as determined by the National Board Examination Committee.

**History:** (5851-3) 1937 c 119 s 3; 1965 c 204 s 4; 1975 c 271 s 6; 1976 c 222 s 126; 1976 c 285 s 4; 1999 c 231 s 157

### 156.04 BOARD TO ISSUE LICENSE.

The Board of Veterinary Medicine shall issue to every applicant who has successfully passed the required examination, who has received a diploma conferring the degree of doctor of veterinary medicine or an equivalent degree from an accredited or approved college of veterinary medicine or an ECFVG certificate, and who shall have

been adjudged to be duly qualified to practice veterinary medicine, a license to practice.

**History:** (5851-4) 1937 c 119 s 4; 1975 c 271 s 6; 1976 c 285 s 5; 1996 c 415 s 9

#### 156.05 LICENSE.

The license shall be subscribed by the president and secretary of the Board of Veterinary Medicine and have affixed to it by the director the seal of the board.

**History:** (5851-5) 1937 c 119 s 5; 1965 c 204 s 5; 1975 c 271 s 6; 1985 c 247 s 25; 1996 c 415 s 10

#### 156.06 LICENSE RECORDED.

The license, before issued, shall be recorded in a book or computer database to be kept in the office which the Board of Veterinary Medicine shall establish for the purpose of carrying out the provisions of this chapter. These records shall be available for public inspection with proper restrictions as to their preservation as provided in section 13.41.

**History:** (5851-6) 1937 c 119 s 6; 1965 c 204 s 6; 1975 c 271 s 6; 1996 c 415 s 11

#### 156.07 LICENSE RENEWAL.

Persons licensed under this chapter shall conspicuously display their license in their principal place of business.

Persons now qualified to practice veterinary medicine in this state, or who shall hereafter be licensed by the Board of Veterinary Medicine to engage in the practice, shall periodically renew their license in a manner prescribed by the board. The board shall establish license renewal fees and continuing education requirements. The board may establish, by rule, an inactive license category, at a lower fee, for licensees not actively engaged in the practice of veterinary medicine within the state of Minnesota. The board may assess a charge for delinquent payment of a renewal fee.

Any person who is licensed to practice veterinary medicine in this state pursuant to this chapter, shall be entitled to receive a license to continue to practice upon making application to the board and complying with the terms of this section and rules of the board.

**History:** (5851-7) 1937 c 119 s 7; 1963 c 578 s 1; 1965 c 204 s 7; 1975 c 271 s 6; 1976 c 222 s 127; 1976 c 285 s 6; 1986 c 444; 1996 c 415 s 12

#### 156.071 REINSTATEMENT OF EXPIRED LICENSE.

Except as otherwise provided in this chapter, an expired license, which is suspended by the board pursuant to section 156.07, may be reinstated at any time within five years after its suspension on filing an application with the board and by payment of the renewal fee in effect on the last preceding regular renewal date, plus all back fees, late fees, and reinstatement fees. In addition, satisfactory evidence of meeting yearly continuing education requirements must be furnished to the board.

A person who fails to renew a 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 on complying with the following conditions:

- (1) the person 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) the person takes and passes the examinations, if any, which would be required if the person 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 the person is qualified to practice veterinary medicine; and

(4) the person pays all of the fees that would be required if the person were then applying for the license for the first time.

**History:** 1965 c 204 s 8; 1986 c 444; 1996 c 415 s 13

### 156.072 NONRESIDENTS; LICENSES.

Subdivision 1. **Application.** A doctor of veterinary medicine duly admitted to practice in any state, commonwealth, territory, or district of the United States or province of Canada desiring permission to practice veterinary medicine in this state shall submit an application to the board upon forms prescribed by the board. Upon proof of licensure to practice in any United States or Canadian jurisdiction and having been actively engaged in practicing veterinary medicine therein, for at least three of the five years next preceding the application, or having been engaged in full time teaching of veterinary medicine in an approved or accredited college for at least three of the five years next preceding the application, or any combination thereof, the national examination in veterinary medicine may be waived, upon the recommendation of the board, and the applicant be admitted to practice without examination. However, the board may impose any other examinations it considers proper.

Subd. 2. **Required with application.** Such doctor of veterinary medicine shall accompany the application by the following:

(1) a copy of a diploma from an accredited or approved college of veterinary medicine or certification from the dean, registrar, or secretary of an accredited or approved college of veterinary medicine attesting to the applicant's graduation from an accredited or approved college of veterinary medicine, or a certificate of satisfactory completion of the ECFVG program.

(2) affidavits of two licensed practicing doctors of veterinary medicine residing in the United States or Canadian licensing jurisdiction in which the applicant is currently practicing, attesting that they are well acquainted with the applicant, that the applicant is a person of good moral character, and has been actively engaged in practicing or teaching in such jurisdiction for the period above prescribed;

(3) a certificate from the regulatory agency having jurisdiction over the conduct of practice of veterinary medicine that such applicant is in good standing and is not the subject of disciplinary action or pending disciplinary action;

(4) a certificate from all other jurisdictions in which the applicant holds a currently active license or held a license within the past ten years, stating that the applicant is and was in good standing and has not been subject to disciplinary action;

(5) in lieu of clauses (3) and (4), certification from the Veterinary Information Verification Agency that the applicant's licensure is in good standing;

(6) a fee as set by the board in form of check or money order payable to the board, no part of which shall be refunded should the application be denied;

(7) score reports on previously taken national examinations in veterinary medicine, certified by the Veterinary Information Verification Agency; and

(8) if requesting waiver of examination, provide evidence of meeting licensure requirements in the state of the applicant's original licensure that were substantially equal to the requirements for licensure in Minnesota in existence at that time.

Subd. 3. **Examination.** A doctor of veterinary medicine duly admitted to practice in any state, commonwealth, territory, or district of the United States or province of Canada desiring admission to practice in this state but who has not been actively engaged in the practice thereof for at least three of the preceding five years must be examined for admission in accordance with the requirements prescribed herein for those not admitted to practice anywhere.

Subd. 4. [Renumbered 156.073]

Subd. 5. [Renumbered subd 4]

**History:** 1965 c 204 s 9; 1976 c 222 s 128,129; 1976 c 285 s 7-9; 1986 c 444; 1996 c 415 s 14; 1999 c 231 s 158,206

**156.073 TEMPORARY PERMIT.**

The board may issue without examination a temporary permit to practice veterinary medicine in this state to a person who has submitted an application approved by the board for license pending examination, and holds a doctor of veterinary medicine degree or an equivalent degree from an approved or accredited college of veterinary medicine or an ECFVG certification. The temporary permit shall expire the day after publication of the notice of results of the first examination given after the permit is issued. No temporary permit may be issued to any applicant who has previously failed the national examination and is currently not licensed in any licensing jurisdiction of the United States or Canada or to any person whose license has been revoked or suspended or who is currently subject to a disciplinary order in any licensing jurisdiction of the United States or Canada.

**History:** 1965 c 204 s 9; 1976 c 222 s 128,129; 1976 c 285 s 7-9; 1986 c 444; 1996 c 415 s 14; 1999 c 231 s 158,206

**156.074 TEMPORARY LICENSE.**

A graduate of a nonaccredited or approved college of veterinary medicine, who has satisfactorily completed the fourth year of clinical study at an approved or accredited college of veterinary medicine and has successfully passed the national examination in veterinary medicine and the Minnesota Veterinary Jurisprudence Examination, and is enrolled in the ECFVG program, may be granted a temporary license. The holder of a temporary license issued under these provisions must practice under the supervision of a Minnesota licensed veterinarian. The temporary license is valid until the candidate obtains ECFVG certification or for a maximum of two years from the date of issue.

**History:** 1999 c 231 s 159

**156.08** [Repealed, 1965 c 204 s 13]

**156.081 REVOCATION; SUSPENSION.**

Subdivision 1. **Authority.** The board may limit, suspend, or revoke the license of any person to practice veterinary medicine in this state for any of the causes provided in this section. The executive director, in all cases of disciplined licenses, shall enter on the register the fact of the disciplinary action, as the case may be. The record of such disciplinary action made by the executive director 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 disciplinary action.

Subd. 2. **Causes.** The board may revoke, suspend, or impose limitations upon a license for any of the following causes:

(1) the employment of fraud, misrepresentation or deception in obtaining such license;

(2) being convicted of a felony or gross misdemeanor, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea, as evidenced by a certified copy of the conviction;

(3) being unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental or physical condition;

(4) existence of a professional connection with or the lending of one's name to any illegal practitioner of veterinary medicine;

(5) having been the subject of revocation, suspension, or surrender of a veterinary license in resolution of a complaint or other adverse action related to licensure in another jurisdiction or country;

(6) violating a state or federal narcotics or controlled substance law irrespective of any proceedings under section 152.18 or federal law;

(7) fraudulently conducting or reporting results of physical examinations<sup>41</sup> or biological tests used to detect and prevent the dissemination of animal diseases, transportation of diseased animals, or distribution of contaminated, infected, or inedible animal products, or failing to report, as required by law, any contagious or infectious disease;

(8) engaging in false, fraudulent, deceptive, or misleading advertising;

(9) conviction on a charge of cruelty to animals;

(10) 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;

(11) fraud, deception, or incompetence in the practice of veterinary medicine, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without actual injury having to be established;

(12) engaging in unprofessional conduct as defined in rules adopted by the board or engaging in conduct which violates any statute or rule promulgated by the board or any board order;

(13) being adjudicated by a court of competent jurisdiction, within or without this state, as a person who is incapacitated, mentally incompetent or mentally ill, chemically dependent, mentally ill and dangerous to the public, or a psychopathic personality;

(14) revealing a privileged communication from or relating to a client except when otherwise required or permitted by law;

(15) obtaining money, property, or services from a client through the use of undue influence, harassment, duress, deception, or fraud or through the improper use of the regulated individual's position as a professional;

(16) practicing outside the scope of practice authorized by the board's practice act; or

(17) making a false statement or misrepresentation to the board.

Subd. 3. [Repealed by amendment, 1996 c 415 s 15]

**History:** 1965 c 204 s 10; 1976 c 222 s 130; 1985 c 228 s 3; 1985 c 248 s 70; 1986 c 444; 1996 c 415 s 15; 2002 c 221 s 9

#### **156.082 VETERINARY MEDICAL RECORDS.**

Veterinary records of a client that are maintained by a state agency, statewide system, or political subdivision are private data on individuals or nonpublic data as defined in section 13.02.

**History:** 1996 c 415 s 16

**156.09** [Repealed, 1985 c 228 s 5]

#### **156.10 UNLAWFUL PRACTICE WITHOUT LICENSE OR PERMIT; GROSS MISDEMEANOR.**

It is a gross misdemeanor for any person to practice veterinary medicine in the state without having first secured a veterinary license or temporary permit, as provided in this chapter.

**History:** (5851-10) 1937 c 119 s 10; 1976 c 285 s 10; 1996 c 415 s 17; 1999 c 231 s 160

#### **156.11 FIRMS NOT TO PRACTICE.**

(a) It is unlawful in Minnesota for any firm, other than one organized pursuant to chapter 319B, 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 compensation derived from the practice of veterinary medicine or the performance of veterinary services by any person, whether that person is licensed to practice veterinary medicine or not. Any firm violating the provisions of this section is guilty of a gross misdemeanor

# MINNESOTA STATUTES 2004

and must be fined not more than \$3,000 for each offense. Each day that this section is violated is a separate offense.

(b) Notwithstanding section 319B.08, a veterinary medical practice firm has 12 months after the death of an owner before all of the owner's ownership interest must be acquired by the practice, by persons permitted to own the ownership interest, or by some combination.

**History:** (5851-11) 1937 c 119 s 11; 1971 c 450 s 1; 1976 c 239 s 72; 1984 c 628 art 3 s 11; 1997 c 174 art 12 s 70; 1999 c 86 art 1 s 37; 1999 c 231 s 161

## 156.12 PRACTICE OF VETERINARY MEDICINE.

Subdivision 1. **Practice.** The practice of veterinary medicine, as used in this chapter, shall mean the diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above. The practice of veterinary medicine shall include but not be limited to the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique. The 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.

Subd. 2. **Authorized activities.** No provision of this chapter shall be construed to prohibit:

(a) a person from rendering necessary gratuitous assistance in the treatment of any animal when the assistance does not amount to prescribing, testing for, or diagnosing, operating, or vaccinating and when the attendance of a licensed veterinarian cannot be procured;

(b) a person who is a regular student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by instructors or preceptors or working under the direct supervision of a licensed veterinarian;

(c) a veterinarian regularly licensed in another jurisdiction from consulting with a licensed veterinarian in this state;

(d) the owner of an animal and the owner's regular employee from caring for and administering to the animal belonging to the owner, except where the ownership of the animal was transferred for purposes of circumventing this chapter;

(e) veterinarians who are in compliance with subdivision 6 and who are employed by the University of Minnesota from performing their duties with the College of Veterinary Medicine, College of Agriculture, Agricultural Experiment Station, Agricultural Extension Service, Medical School, School of Public Health, or other unit within the university; or a person from lecturing or giving instructions or demonstrations at the university or in connection with a continuing education course or seminar to veterinarians or pathologists at the University of Minnesota Veterinary Diagnostic Laboratory;

(f) any person from selling or applying any pesticide, insecticide or herbicide;

(g) any person from engaging in bona fide scientific research or investigations which reasonably requires experimentation involving animals;

(h) any employee of a licensed veterinarian from performing duties other than diagnosis, prescription or surgical correction under the direction and supervision of the veterinarian, who shall be responsible for the performance of the employee;

(i) a graduate of a foreign college of veterinary medicine from working under the direct personal instruction, control, or supervision of a veterinarian faculty member of the College of Veterinary Medicine, University of Minnesota in order to complete the requirements necessary to obtain an ECFVG certificate.

Subd. 3. **Requirement to be engaged in practice.** Any person who sells or offers to apply, any prescription drug, biologic preparation, including sera, vaccines, bacterins, tuberculin, mallein, johnin, or any other agent for the treatment, vaccination, or testing



of any animal belonging to another, shall be engaged in the practice of veterinary medicine.

Subd. 4. **Titles.** It is unlawful for a person who has not received a professional degree from an accredited or approved college of veterinary medicine, or ECFVG certification, to use any of the following titles or designations: Veterinary, veterinarian, animal doctor, animal surgeon, animal dentist, animal chiropractor, animal acupuncturist, or any other title, designation, word, letter, abbreviation, sign, card, or device tending to indicate that the person is qualified to practice veterinary medicine.

Subd. 5. [Repealed, 1996 c 415 s 33]

Subd. 6. **Faculty licensure.** (a) Veterinary Medical Center clinicians at the College of Veterinary Medicine, University of Minnesota, who are engaged in the practice of veterinary medicine as defined in subdivision 1 and who treat animals owned by clients of the Veterinary Medical Center must possess the same license required by other veterinary practitioners in the state of Minnesota except for persons covered by paragraphs (b) and (c).

(b) A specialty practitioner in a hard-to-fill faculty position who has been employed at the College of Veterinary Medicine, University of Minnesota, for five years or more prior to 2003 or is specialty board certified by the American Veterinary Medical Association may be granted a specialty faculty Veterinary Medical Center clinician license which will allow the licensee to practice veterinary medicine in the state of Minnesota in the specialty area of the licensee's training and only within the scope of employment at the Veterinary Medical Center.

(c) A specialty practitioner in a hard-to-fill faculty position at the College of Veterinary Medicine, University of Minnesota, who has graduated from a board-approved foreign veterinary school may be granted a temporary faculty Veterinary Medical Center clinician license. The temporary faculty Veterinary Medical Center clinician license expires in two years and allows the licensee to practice veterinary medicine as defined in subdivision 1 and treat animals owned by clients of the Veterinary Medical Center. The temporary faculty Veterinary Medical Center clinician license allows the licensee to practice veterinary medicine in the state of Minnesota in the specialty area of the licensee's training and only within the scope of employment at the Veterinary Medical Center. The holder of a temporary faculty Veterinary Medical Center clinician license who is enrolled in a PhD program may apply for two two-year extensions of an expiring temporary faculty Veterinary Medical Center clinician license. Any other holder of a temporary faculty Veterinary Medical Center clinician license may apply for one two-year extension of the expiring temporary faculty Veterinary Medical Center clinician license. Temporary faculty Veterinary Medical Center clinician licenses that are allowed to expire may not be renewed. The board shall grant an extension to a licensee who demonstrates suitable progress toward completing the requirements of their academic program, specialty board certification, or full licensure in Minnesota by a graduate of a foreign veterinary college.

(d) Temporary and specialty faculty Veterinary Medical Center clinician licenses must abide by all the laws governing the practice of veterinary medicine in the state of Minnesota and are subject to the same disciplinary action as any other veterinarian licensed in the state of Minnesota.

(e) The fee for a license issued under this subdivision is the same as for a regular license to practice veterinary medicine in Minnesota. License payment deadlines, late payment fees, and other license requirements are also the same as for regular licenses.

**History:** (5851-12) 1937 c 119 s 12; 1965 c 204 s 11; 1976 c 285 s 11; 1984 c 427 s 1; 1985 c 228 s 4; 1986 c 444; 1996 c 415 s 18-20; 1999 c 231 s 162,163; 2004 c 254 s 25,26

#### 156.121 FACILITY INSPECTION.

The executive director, or an authorized representative of the board may, in response to a complaint, inspect a facility in which veterinary medicine is practiced, at

any time during which the facility is open for business, to ensure compliance with the requirements of this chapter and the regulations of the board.

**History:** 1996 c 415 s 21

#### 156.122 COURTS TO REPORT.

The court administrator shall report to the board a judgment or finding by a court that a person regulated by the board:

(1) is a person who is mentally ill, chemically dependent, mentally ill and dangerous to the public, or is a sexual psychopathic personality or sexually dangerous person under chapter 253B or other applicable law;

(2) is guilty of a felony or gross misdemeanor; violation of a law involving the use, possession, or sale of a controlled substance; or operating a motor vehicle under the influence of alcohol or a controlled substance; or

(3) is in need of a guardian under sections 524.5-101 to 524.5-502.

**History:** 1996 c 415 s 22; 2002 c 221 s 10; 2004 c 146 art 3 s 11

#### 156.123 COOPERATION REQUIRED.

A regulated person who is the subject of an investigation, or who is questioned in connection with an investigation, by or on behalf of the board shall cooperate fully with the investigation. Requests must be consistent with the nature and seriousness of the conduct being investigated. Cooperation includes responding fully and promptly to questions raised by or on behalf of the board relating to the subject of the investigation, providing copies of client and other records in the regulated person's possession relating to the matter under investigation as requested by the board, assisting the board in its investigation which includes executing releases for records as requested by the board, and appearing at disciplinary or educational conferences scheduled by the board.

**History:** 1996 c 415 s 23

#### 156.124 IMMUNITY.

Any licensee of the board, person, agency, institution, facility, business, or organization is immune from civil liability for submitting a report in good faith to the board under this section or for otherwise reporting to the board violations or alleged violations of section 156.081 or any of the board's regulatory provisions, or for cooperating with an investigation of a report.

**History:** 1996 c 415 s 24

#### 156.125 MENTAL EXAMINATION; ACCESS TO MEDICAL DATA.

Subdivision 1. **Order for examination; consent.** If the board has probable cause to believe that grounds exist under section 156.081, subdivision 2, clause (3) or (13), against a regulated person, the executive director may authorize the issuance of an order directing the regulated person to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this section, every regulated person is considered to have consented to submit to a mental or physical examination or chemical dependency evaluation when ordered to do so and to have waived all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that the testimony or reports constitute a privileged communication. An order for examination under this chapter is private data on an individual.

Subd. 2. **Failure to submit to or complete an examination.** Failure to submit to or complete an examination or evaluation, unless the failure was due to circumstances beyond the control of the regulated person, constitutes an admission that grounds exist under section 156.081, subdivision 2, clause (3) or (13), against the regulated person, based on the factual specifications in the examination or evaluation order, and may result in an application being denied or, after a contested case hearing as described in this subdivision, a disciplinary order. The only issues to be determined at the hearing

are whether the executive director had probable cause to authorize the examination or evaluation order and whether the failure to submit was due to circumstances beyond the control of the regulated person. Neither the record of a proceeding under this subdivision nor the orders entered by the board are admissible, subject to subpoena, or to be used against the regulated person in a proceeding in which the board is not a party.

Subd. 3. **Obtaining data and health records.** In addition to ordering a physical or mental examination and notwithstanding section 13.384, 144.335, 144.651, or 595.02, or any other law limiting access to medical or other health records, the board may authorize obtaining data and health records relating to a regulated person without the regulated person's consent if the executive director has probable cause to believe that grounds exist under section 156.081, subdivision 2, clause (3) or (13), against the regulated person. A regulated person, insurance company, health care facility, provider as defined in section 144.335, subdivision 1, paragraph (b), or government agency shall comply with any written request under this subdivision and is not liable in any action for damages for releasing the data requested if the data are released in accordance with a written request made under this subdivision. Information on individuals obtained under this subdivision is investigative data under section 13.41.

*History: 1996 c 415 s 25; 1999 c 227 s 22*

#### **156.126 TEMPORARY SUSPENSION OF LICENSE.**

In addition to any other remedy provided by law, the board, acting through its executive director and one or more designated board members without a hearing, may temporarily suspend the license of a regulated person if the executive director and one or more designated board members finds that the regulated person has violated a statute or rule that the board is empowered to enforce and continued practice by the regulated person would create an imminent risk of harm to others. The suspension is in effect upon service of a written temporary suspension order on the regulated person specifying the statute or rule violated. Service of the temporary suspension order is effective upon personal service or service by first class mail upon the regulated person or counsel at the regulated person's or counsel's last known address. The temporary order remains in effect until the board issues an order after a limited hearing described in this subdivision or upon agreement between the board and the regulated person. Within ten days of service of the temporary suspension order, the board shall conduct a limited hearing before its own members on the sole issue of whether there is a reasonable basis for the temporary suspension order to remain in effect. Both parties shall be given an opportunity to present evidence and oral argument at the hearing. Within five business days after the hearing, the board shall issue an order and, if the temporary suspension is to remain in effect, initiate a contested case hearing to be commenced within 45 days after service of the order. The administrative law judge shall issue a report within 30 days after closing the contested case hearing record. The board shall issue a final order within 30 days after receiving the administrative law judge's report.

*History: 1996 c 415 s 26*

#### **156.127 FORMS OF DISCIPLINARY ACTION.**

Subdivision 1. **Board action.** When grounds exist under section 156.081, or other statute or rule which the board is authorized to enforce, the board may take one or more of the following disciplinary actions:

- (1) deny an application for a license;
- (2) revoke the regulated person's license;
- (3) suspend the regulated person's license;
- (4) impose limitations on the regulated person's license;
- (5) impose conditions on the regulated person's license;
- (6) censure or reprimand, publicly or privately, the regulated person;

# MINNESOTA STATUTES 2004

(7) impose an administrative penalty not exceeding \$10,000 for each separate violation, the amount of the penalty to be fixed so as to deprive the person of any economic advantage gained by reason of the violation, to discourage similar violations, or to reimburse the board for the cost of the investigation and proceeding including, but not limited to, fees paid for services provided by the Office of Administrative Hearings, legal and investigative services provided by the Office of the Attorney General, court reporter services, witnesses, reproduction of records, board members' per diem compensation, board staff time, and board and staff expenses; or

(8) take any other action justified by the facts of the case.

**Subd. 2. Agreement.** When grounds exist under section 156.081, or other statute or rule which the board is authorized to enforce, the executive director and complaint committee may enter into an agreement with the regulated person for corrective action which may include requiring the regulated person:

(1) to complete an educational course or activity;

(2) to submit to the executive director or designated board member a written protocol or reports designed to prevent future violations of the same kind;

(3) to meet with a board member or board designee to discuss prevention of future violations of the same kind;

(4) to perform other action justified by the facts; or

(5) to cease performing specific acts or procedures justified by the facts.

The listing of these measures in this subdivision does not preclude a board from including the measures in an order for disciplinary action.

**Subd. 3. Disciplinary action and reinstatement fee.** Upon reinstating a regulated person's license or granting an applicant's license, the board may, at its discretion, impose any disciplinary action, cost, or penalty listed in subdivision 1, as well as any reinstatement fee.

**Subd. 4. Annual publication of disciplinary actions.** At least annually, the board may publish and make available to the public a description of all public disciplinary action taken by the board. The publication must include, for each disciplinary action taken, the name and the business address of the regulated person, and the form of disciplinary action taken by the board.

**History:** 1996 c 415 s 27; 2003 c 66 s 11,12

## 156.13 PENALTIES, HOW RECOVERED.

The penalties prescribed in this chapter may be recovered in a civil case instituted by the Board of Veterinary Medicine 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.

**History:** (5851-13) 1937 c 119 s 13; 1975 c 271 s 6

## 156.14 EXPENSES.

The expenses of administering sections 156.001 to 156.14 shall be paid from the appropriations made to the state Board of Veterinary Medicine.

**History:** (5851-14) 1937 c 119 s 14; 1965 c 204 s 12; 1973 c 638 s 41; 1975 c 271 s 6; 1976 c 222 s 131

## 156.15 CEASE AND DESIST ORDERS.

**Subdivision 1. Issuance.** In addition to the remedies and procedures applicable to the health-related licensing board provided in chapter 214, the board's complaint review committee, on behalf of the board, may issue and have served upon a person an order requiring the person to cease and desist from the unauthorized practice of veterinary medicine, or from violating or threatening to violate a statute, rule, or order which the board has authority to enforce. The order must be calculated to give

reasonable notice of the rights of the person to request a hearing and must state the reasons for the entry of the order.

Subd. 2. **Service.** Service of an order under this section is effective if the order is served on the person or counsel of record personally or by certified mail to the most recent address provided to the board for the person or counsel of record.

Subd. 3. **Hearing.** Unless otherwise agreed by the complaint review committee and the person requesting the hearing, the hearing must be held no later than 30 days after the written request for the hearing is received by the complaint review committee.

Subd. 4. **Report; further order.** The administrative law judge shall issue a report within 30 days of the close of the contested case hearing record. Within 30 days after receiving the report and any exceptions to it, the board shall issue a further order vacating, modifying, or making permanent the cease and desist order as the facts require.

Subd. 5. **Finality; effect.** If no hearing is requested within 30 days of service of the order, the order becomes final and remains in effect until it is modified or vacated by the board.

Subd. 6. **Default proceeding.** If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person is in default and the proceeding may be determined against that person upon consideration of the cease and desist order, the allegations of which may be considered to be true.

**History:** 2001 c 108 s 1

## VETERINARY PRESCRIPTION DRUGS

### 156.16 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to sections 156.16 to 156.20.

Subd. 2. **Client.** "Client" means the owner or caretaker of an animal who arranges for the animal's veterinary care.

Subd. 3. **Dispensing.** "Dispensing" means distribution of veterinary prescription drugs or over-the-counter drugs for extra-label use by a person licensed as a pharmacist by the Board of Pharmacy or a person licensed by the Board of Veterinary Medicine.

Subd. 4. **Extra-label use.** "Extra-label use" means the actual or intended use of a human or veterinary drug in an animal in a manner that is not in accordance with the drug's labeling.

Subd. 5. **Food-producing animals.** "Food-producing animals" means livestock or poultry raised commercially for human consumption.

Subd. 6. **Over-the-counter drug.** "Over-the-counter drug" means a veterinary drug labeled "for veterinary use only" or "for animal use only" that does not require a prescription or is not required to have the restrictive legend: "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

Subd. 7. **Patient.** "Patient" means an animal for which a veterinary prescription drug is used or intended to be used.

Subd. 8. **Person.** "Person" means an individual, or a firm, partnership, company, corporation, trustee, association, agency, or other public or private entity.

Subd. 9. **Pharmacist.** "Pharmacist" means an individual with a valid Minnesota license to practice pharmacy.

Subd. 10. **Prescription.** "Prescription" means an order from a veterinarian to a pharmacist or another veterinarian authorizing the dispensing of a veterinary prescription drug to a client for use on or in a patient.

Subd. 11. **Veterinarian.** "Veterinarian" means an individual with a valid Minnesota license to practice veterinary medicine.

Subd. 12. **Veterinarian-client-patient relationship.** "Veterinarian-client-patient relationship" means a relationship in which the conditions in paragraphs (a) to (d) have been met.

(a) The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the instructions of the veterinarian.

(b) The veterinarian has sufficient knowledge of the animal to initiate at least a general, preliminary, or tentative diagnosis of the medical condition of the animal. The veterinarian must be acquainted with the keeping and care of the animal by virtue of an examination of the animal or medically appropriate and timely visits to the premises where the animal is kept.

(c) The veterinarian is available for consultation in case of adverse reactions or failure of the regimen of therapy.

(d) The veterinarian maintains records documenting patient visits, diagnosis, treatments, and drugs prescribed, dispensed, or administered, and other relevant information.

Subd. 13. **Veterinary drug.** "Veterinary drug" means:

(1) a drug for animal use recognized in the official United States Pharmacopoeia or National Formulary of the United States;

(2) a drug intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals;

(3) a drug, other than feed, medicated feed, or a growth promoting implant intended to affect the structure or function of the body of an animal; or

(4) a drug intended for use as a component of a drug in clause (1), (2), or (3).

Subd. 14. **Veterinary prescription drug.** "Veterinary prescription drug" means:

(1) a drug that is not safe for animal use except under the supervision of a veterinarian, and that is required by federal law to bear the following statement: "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian";

(2) a drug that is required by state law to be dispensed only on order or prescription of a licensed veterinarian;

(3) the extra-label use of an over-the-counter animal drug or human drugs; and

(4) a medicament compounded by mixing two or more legally obtained over-the-counter or prescription drugs.

**History:** 1989 c 314 s 4; 1996 c 415 s 28,29

### 156.17 POSSESSION PROHIBITED.

A person may not possess a veterinary prescription drug unless the person is a licensed veterinarian or pharmacist, a bona fide employee of a veterinarian acting in the course of that employment, a client holding a veterinary prescription drug by or on the order of a veterinarian, a manufacturer or wholesaler of veterinary drugs, an animal health researcher, or a person performing official state or federal regulatory duties.

**History:** 1989 c 314 s 5; 1996 c 415 s 30

### 156.18 VETERINARY PRESCRIPTION DRUGS.

Subdivision 1. **Prescription.** (a) A person may not dispense a veterinary prescription drug to a client without a prescription or other veterinary authorization. A person may not make extra-label use of an animal or human drug for an animal without a prescription from a veterinarian. A veterinarian or the veterinarian's authorized employee may dispense a veterinary prescription drug to a client or oversee the extra-label use of a veterinary drug directly by a client without a separate written prescription, providing there is an existing veterinarian-client-patient relationship.

(b) A veterinarian may dispense prescription veterinary drugs and prescribe and dispense extra-label use drugs to a client without personally examining the animal if a

bona fide veterinarian-client-patient relationship exists and in the judgment of the veterinarian the client has sufficient knowledge to use the drugs properly.

(c) A veterinarian may issue a prescription or other veterinary authorization by oral or written communication to the dispenser, or by computer connection. If the communication is oral, the veterinarian must enter it into the patient's record. The dispenser must record the veterinarian's prescription or other veterinary authorization within 72 hours.

(d) A prescription or other veterinary authorization must include:

- (1) the name, address, and, if written, the signature of the prescriber;
- (2) the name and address of the client;
- (3) identification of the species for which the drug is prescribed or ordered;
- (4) the name, strength, and quantity of the drug;
- (5) the date of issue;
- (6) directions for use; and
- (7) withdrawal time.

(e) A veterinarian may, in the course of professional practice and an existing veterinarian-client-patient relationship, prepare medicaments that combine drugs approved by the United States Food and Drug Administration and other legally obtained ingredients with appropriate vehicles.

(f) A veterinarian or a bona fide employee of a veterinarian may dispense veterinary prescription drugs to a person on the basis of a prescription issued by a licensed veterinarian. The provisions of paragraphs (c) and (d) apply.

(g) This section does not limit the authority of the Minnesota Racing Commission to regulate veterinarians providing services at a licensed racetrack.

**Subd. 2. Label of dispensed veterinary drugs.** (a) A veterinarian or the veterinarian's authorized agent dispensing a veterinary prescription drug or prescribing the extra-label use of an over-the-counter drug must provide written information which includes the name and address of the veterinarian, date of filling, species of patient, name or names of drug, strength of drug or drugs, directions for use, withdrawal time, and cautionary statements, if any, appropriate for the drug.

(b) If the veterinary drug has been prepared, mixed, formulated, or packaged by the dispenser, all of the information required in paragraph (a) must be provided on a label affixed to the container.

(c) If the veterinary drug is in the manufacturer's original package, the information required in paragraph (a) must be supplied in writing but need not be affixed to the container. Information required in paragraph (a) that is provided by the manufacturer on the original package does not need to be repeated in the separate written information. Written information required by this paragraph may be written on the sales invoice.

**Subd. 3. Records on veterinary drug transactions.** A veterinarian must maintain complete records of receipt and distribution of each prescription veterinary drug. The records may be kept in the form of sales invoices, shipping records, prescription files, or a record or log established solely to satisfy the requirements of this subdivision. Records must include:

- (1) the name of the drug;
- (2) the name and address of the person from whom the drug was shipped and the date and quantity received; and
- (3) the name and address of the person to whom the drug was distributed and the date and quantity shipped or otherwise distributed.

**Subd. 4. Record keeping.** Records required by this section must be kept for at least two years after dispensing of the drug has been completed.

**History:** 1989 c 314 s 6; 1996 c 415 s 31,32

**156.19 EXTRA-LABEL USE.**

A person, other than a veterinarian or a person working under the control of a veterinarian, must not make extra-label use of a veterinary drug in or on a food-producing animal, unless permitted by the prescription of a veterinarian. A veterinarian may prescribe the extra-label use of a veterinary drug if:

(1) the veterinarian makes a careful medical diagnosis within the context of a valid veterinarian-client-patient relationship;

(2) the veterinarian determines that there is no marketed drug specifically labeled to treat the condition diagnosed, or that drug therapy as recommended by the labeling has, in the judgment of the attending veterinarian, been found to be clinically ineffective;

(3) the veterinarian recommends procedures to ensure that the identity of the treated animal will be carefully maintained; and

(4) the veterinarian prescribes a significantly extended time period for drug withdrawal before marketing meat, milk, or eggs.

**History:** 1989 c 314 s 7

**156.20 INSPECTIONS AND SAMPLES.**

Subdivision 1. **Authority.** To enforce sections 156.16 to 156.19, a veterinarian must allow authorized representatives of the Board of Veterinary Medicine, after receiving allegations of a violation of sections 156.16 to 156.19 and upon presenting appropriate credentials to the veterinarian in charge, to:

(1) enter premises in which veterinary drugs are held for distribution in Minnesota at reasonable times, within reasonable limits, and in a reasonable manner;

(2) inspect pertinent records, equipment, materials, containers, and facilities bearing on whether veterinary drugs are in compliance with sections 156.16 to 156.19; and

(3) collect samples.

Subd. 2. **Limits on inspection.** An inspection authorized by this section may not extend to financial information, pricing information, personnel information, or sales information other than shipment information. An inspection must be started and completed with reasonable promptness.

**History:** 1989 c 314 s 8