

## CHAPTER 415—H.F.No. 2059

*An act relating to veterinarians; changing the veterinary practice act; amending Minnesota Statutes 1994, sections 13.99, by adding a subdivision; 156.001, subdivisions 3 and 6; 156.01, subdivisions 1, 2, 5, and by adding a subdivision; 156.02; 156.04; 156.05; 156.06; 156.07; 156.071; 156.072; 156.081; 156.10; 156.12, subdivisions 2, 3, and 4; 156.16, subdivisions 3 and 14; 156.17; and 156.18, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 156; repealing Minnesota Statutes 1994, section 156.12, subdivision 5.*

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

Section 1. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 53b. **VETERINARY RECORDS.** Veterinary records on clients are classified under section 156.082.

Sec. 2. Minnesota Statutes 1994, section 156.001, subdivision 3, is amended to read:

Subd. 3. **ANIMAL.** "Animal" does not ~~mean~~ include poultry or birds of any kind.

Sec. 3. Minnesota Statutes 1994, section 156.001, subdivision 6, is amended to read:

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 graduates of a foreign college of veterinary medicine 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.

Sec. 4. Minnesota Statutes 1994, section 156.01, subdivision 1, is amended to read:

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 qualified 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 and shall be graduates of an accredited veterinary college. 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.

Sec. 5. Minnesota Statutes 1994, section 156.01, subdivision 2, is amended to read:

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 ~~trustees~~ directors of the Minnesota state veterinary medical society 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 ~~so~~ to be made.

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Sec. 6. Minnesota Statutes 1994, section 156.01, subdivision 5, is amended to read:

Subd. 5. **CORRESPONDENCE; RECORD; REGISTERS.** The executive ~~secretary~~ 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.

Sec. 7. Minnesota Statutes 1994, section 156.01, is amended by adding a subdivision to read:

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.

Sec. 8. Minnesota Statutes 1994, section 156.02, is amended to read:

**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 ~~secretary~~ of the board at least 45 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) ~~A~~ the fee as set by the board in the form of a check or money order payable to the state treasurer board, which fee shall is not be returnable in the event permission to take the examination is denied upon 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. If the applicant attended more than one college of veterinary medicine, the applicant shall furnish transcripts from

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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 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, the applicant shall furnish 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.

Sec. 9. Minnesota Statutes 1994, section 156.04, is amended to read:

**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 a an accredited or approved college of veterinary school approved by the board medicine or an ECFVG certificate, and who shall have been adjudged to be duly qualified to practice veterinary medicine, a license to practice.

Sec. 10. Minnesota Statutes 1994, section 156.05, is amended to read:

**156.05 LICENSE.**

The license shall be subscribed by the ~~members~~ president and secretary of the board of veterinary medicine and have affixed to it by the ~~director~~ the seal of the board.

Sec. 11. Minnesota Statutes 1994, section 156.06, is amended to read:

**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 open to available for public inspection with proper restrictions as to their preservation as provided in section 13.41.

Sec. 12. Minnesota Statutes 1994, section 156.07, is amended to read:

**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 shall be set by the board 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.

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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.

Sec. 13. Minnesota Statutes 1994, section 156.071, is amended to read:

**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 for ~~reinstatement~~ on a form prescribed by with 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 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 ~~examination~~ 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.

Sec. 14. Minnesota Statutes 1994, section 156.072, is amended to read:

**156.072 NONRESIDENTS; LICENSES.**

Subdivision 1. **APPLICATION.** 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 an application to the board upon forms prescribed by the board. Upon proof of licensure to practice in any other state or territory or in the District of Columbia and ~~has~~ having been actively engaged in practicing veterinary medicine therein, for at least ~~three~~ three of the five years next preceding the application, or ~~has~~ having been engaged in full time ~~teaching~~ teaching of veterinary medicine in an approved or accredited college for at least ~~three~~ three of the five years next preceding the application, or any combination thereof, 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 any other tests as it considers proper.

Subd. 2. **REQUIRED WITH APPLICATION.** Such doctor of veterinary medicine shall accompany the application by the following:

(1) ~~A certified copy of the 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 the applicant is a person of good moral character, and 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~~ regulatory agency having jurisdiction over the conduct of practice of veterinary medicine that such applicant is in good standing

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and is not under the subject of disciplinary action or pending charges of misconduct; and disciplinary action;

(3) 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; and

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

Subd. 3. **EXAMINATION.** 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 at least three of the preceding five years must be examined for admission in accordance with the rules requirements 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 may differ from the fee charged to those not admitted to practice in other states.

Subd. 4. The board may enter into reciprocity agreements with other states that have comparable licensing requirements and may issue a license without requiring an examination.

Subd. 5. **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 degree doctor of veterinary medicine degree or an equivalent degree from an approved or accredited veterinary college approved by the board. 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 examination in this state or in any other state, territory, or district of the United States or a foreign country.

Sec. 15. Minnesota Statutes 1994, section 156.081, is amended to read:

#### 156.081 **REVOCATION; SUSPENSION.**

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

Subd. 2. **CAUSES.** The board may revoke or, 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;

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(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, 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) ~~Chronic inebriety or addiction to the use of habit forming drugs, 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 and the various branches thereof;~~

(5) ~~Violation or attempt to violate, directly or indirectly, any of the provisions of this chapter.~~

(6) ~~Revocation by another 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 of the board.~~

(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 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;

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

(13) (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;

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(14) (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;

(15) (12) engaging in unprofessional conduct as defined in rules adopted by the board.

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 the right to practice under this chapter. 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, 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 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.

#### Sec. 16. [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.

Sec. 17. Minnesota Statutes 1994, section 156.10, is amended to read:

#### 156.10 UNLAWFUL PRACTICE WITHOUT LICENSE OR PERMIT.

It shall be unlawful for any person to practice veterinary medicine, or any branch thereof, in the state without having first secured a license or temporary permit, 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.

Sec. 18. Minnesota Statutes 1994, section 156.12, subdivision 2, is amended to read:

**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,

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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 treating the animal belonging to the owner, except where the ownership of the animal was transferred for purposes of circumventing this chapter;

(e) veterinarians 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;

(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 licensed veterinarian faculty member of the College of Veterinary Medicine, University of Minnesota in order to complete the requirements necessary to obtain an ECFVG certificate.

Sec. 19. Minnesota Statutes 1994, section 156.12, subdivision 3, is amended to read:

Subd. 3. Any person who ~~both sells and applies~~ or offers to apply, any prescription drug, medicine, biologic preparation, including sera, vaccines, bacterins, tuberculin, mallein, johnin, or any other material ~~agency agent~~ for the treatment, vaccination, or testing of any animal belonging to another, shall be engaged in the practice of veterinary medicine.

Sec. 20. Minnesota Statutes 1994, section 156.12, subdivision 4, is amended to read:

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

Sec. 21. **[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

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

**Sec. 22. [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 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 of the person under sections 525.54 to 525.61.

**Sec. 23. [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.

**Sec. 24. [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.

**Sec. 25. [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

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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 13.42, 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.

#### **Sec. 26. [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.

#### **Sec. 27. [156.127] FORMS OF DISCIPLINARY ACTION.**

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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;
- (7) impose an administrative penalty not exceeding \$5,000 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 or to discourage repeated violations; 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 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.

Sec. 28. Minnesota Statutes 1994, section 156.16, subdivision 3, is amended to read:

Subd. 3. DISPENSING. "Dispensing" means distribution of veterinary prescription drugs or over-the-counter drugs for extra-label use by a person registered licensed

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as a pharmacist by the board of pharmacy to ~~dispense~~ or a person licensed by the board of veterinary medicine.

Sec. 29. Minnesota Statutes 1994, section 156.16, subdivision 14, is amended to read:

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; and

(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.

Sec. 30. Minnesota Statutes 1994, section 156.17, is amended to read:

#### 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.

Sec. 31. Minnesota Statutes 1994, section 156.18, subdivision 1, is amended to read:

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 a ~~veterinary~~ an animal or human drug for an animal without a prescription from a veterinarian. A veterinarian or the veterinarian's authorized agent 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 sell 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;

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- (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.

Sec. 32. Minnesota Statutes 1994, section 156.18, subdivision 2, is amended to read:

**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.

Sec. 33. **REPEALER.**

Minnesota Statutes 1994, section 156.12, subdivision 5, is repealed.

Presented to the governor March 30, 1996

Signed by the governor April 2, 1996, 12:36 p.m.

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