

CHAPTER 156

VETERINARIANS

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156.001 DEFINITIONS. Subdivision 1. 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. "Animal" does not mean poultry or birds of any kind.

Subd. 3. "Board" means the state board of veterinary medicine.

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

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

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

Subd. 7. "Practice of veterinary medicine" has the meaning given by section 156.12.

Subd. 8. "Veterinary medicine" includes veterinary surgery, obstetrics, pathology, radiology, dentistry, ophthalmology, cardiology, dermatology, laboratory animal medicine, and all other branches or specialties of veterinary medicine.

[1965 c 204 s 1; 1975 c 271 s 6; 1976 c 285 s 1]

156.01 STATE BOARD OF VETERINARY MEDICINE. Subdivision 1. 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 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 and Laws 1976, Chapter 222, Sections 2 to 7.

Subd. 2. 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 of the Minnesota state veterinary medical society may recommend to the governor, at least 30 days in advance of the date that the appointment is to be made, three veterinarians qualified to serve on the board for each appointment so to be made.

Subd. 3. 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 such rules and regulations as may be necessary to carry into effect the provisions of this chapter. It shall hold examinations for applicants for license to engage in veterinary practice at a time and place of its own choosing. Notice of such examination shall be posted 90 days before the date set for an examination in all veterinary schools approved by the board in the state, and shall be published in the journal of the American Veterinary Medical Association. The board may hold such other meetings as it deems necessary; but no meeting shall exceed three days duration.

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 [Repealed, 1976 c 222 s 209]

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

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

156.02 APPLICANTS FOR LICENSE; QUALIFICATIONS. Subdivision 1. Application for a license to practice veterinary medicine in this state shall be made in writing to the 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 received a diploma conferring the degree of doctor of veterinary medicine, or an equivalent degree, from a veterinary school approved by the board, or a certificate from the dean of an approved college of veterinary medicine stating that the applicant is a student in good standing expecting to be graduated at the completion of the next academic term of the college in which he is enrolled. The application shall contain the the information and material required by subdivision 2 and any other information that the board may, in its sound judgment, require. The application shall be filed with the secretary of the board at least 30 days before the date of the examination. If the board deems it advisable, it may require that such application be verified by the oath of the applicant.

Subd. 2. Every application shall contain the following information and material: (1) A fee as set by the board in the form of a check or money order payable to the state treasurer, which fee shall not be returnable in the event permission to take the examination is denied upon good cause; (2) A certificate from the dean or secretary of an approved college of veterinary medicine showing the time spent in 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, he shall furnish transcripts from each as to work done in each; (3) Affidavits of at least two veterinarians and three adults who are not related to the applicant setting forth how long a time, when, and under what circumstances they have known the applicant, and any other facts as may be proper to enable the board to determine the qualifications of the applicant; (4) If the applicant has served in the armed forces, he shall furnish a copy of his discharge papers.

[1937 c 119 s 2; 1965 c 204 s 3; 1973 c 725 s 22; 1975 c 271 s 6; 1976 c 222 s 125; 1976 c 285 s 2,3] (5851-2)

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 to the board of a fee as set by the board, the board, if satisfied, shall issue to the applicant for license an order for examination. Every applicant for a license shall submit to a theoretical or practical examination, or both, as designated by the board. The examination may be oral, or written, or both.

[1937 c 119 s 3; 1965 c 204 s 4; 1975 c 271 s 6; 1976 c 222 s 126; 1976 c 285 s 4] (5851-3)

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 veterinary school approved by the board, and who shall have been adjudged to be duly qualified to practice veterinary medicine a license to practice.

[1937 c 119 s 4; 1975 c 271 s 6; 1976 c 285 s 5] (5851-4)

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

[1937 c 119 s 5; 1965 c 204 s 5; 1975 c 271 s 6] (5851-5)

156.06 LICENSE RECORDED. The license, before issued, shall be recorded in a book 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 public inspection with proper restrictions as to their preservation.

[1937 c 119 s 6; 1965 c 204 s 6; 1975 c 271 s 6] (5851-6)

156.07 LICENSE RENEWAL. Every person licensed under this chapter, shall conspicuously display his license in his principal place of business.

Each person now qualified to practice veterinary medicine in this state, or who shall hereafter be licensed by the board of veterinary medicine to engage in the practice, shall periodically renew his license in a manner prescribed by the board. Renewal fees shall be set by the board. 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.

[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] (5851-7)

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 the board and by payment of the renewal fee in effect on the last preceding regular renewal date, plus all back fees and the late filing fee.

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

[1965 c 204 s 8]

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

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

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

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

Subd. 3. A doctor of veterinary medicine duly admitted to practice in any of the other states or territories or in the District of Columbia desiring admission to practice in this state but who has not been actively engaged in the practice thereof for the period prescribed herein must be examined for admission in accordance with the rules prescribed herein for those not admitted to practice anywhere and in addition, must

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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. 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 or an equivalent degree from a 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.

[1965 c 204 s 9; 1976 c 222 s 128,129; 1976 c 285 s 7-9]

156.08 [Repealed, 1965 c 204 s 13]

156.081 REVOCATION; SUSPENSION. Subdivision 1. The board may revoke or suspend for a certain time the license of any person to practice veterinary medicine or any branch thereof in this state for any of the causes provided in this section. The executive secretary, in all cases of suspension or revocation of licenses, shall enter on the register the fact of suspension or revocation, as the case may be. The record of such suspension or revocation so made by the secretary shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of the board in the matter of the suspension or revocation.

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

- (1) The employment of fraud, misrepresentation or deception in obtaining such license.
- (2) Conviction of a crime involving moral turpitude or conviction of a felony, in which case the record shall be conclusive evidence of such conviction.
- (3) Chronic inebriety or addiction to the use of habit forming drugs.
- (4) Existence of professional connection with or the lending of one's name to any illegal practitioner of veterinary medicine and the various branches thereof.
- (5) Violation or attempt to violate, directly or indirectly, any of the provisions of this chapter.
- (6) Revocation by a sister state or territory of a license or certificate by virtue of which one is licensed to practice veterinary medicine in that state or territory, notwithstanding that such license or certificate did not support the application for license to practice in this state.
- (7) Conviction of or cash compromise of a charge or violation of the Harrison Narcotic Act, regulating narcotics, in which case the record of such conviction or compromise, as the case may be, shall be conclusive evidence.
- (8) Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests.
- (9) Employment of anyone but a veterinarian licensed in the state of Minnesota to demonstrate the use of biologics in the treatment of animals.
- (10) False or misleading advertising having for its purpose or intent deception or fraud.
- (11) Habitual conduct reflecting unfavorably on the profession of veterinary medicine or conduct in violation of law or rules or regulations of the board.
- (12) Conviction on a charge of cruelty to animals.
- (13) Failure, after written notification by the board, to keep one's premises and all equipment therein in a clean and sanitary condition, according to reasonable standards adopted by the board.
- (14) Fraud, deception, or incompetence in the practice of veterinary medicine.

A plea or verdict of guilty to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this section. The board may order the license suspended or revoked, or may decline to issue a license,

when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal.

Subd. 3. The adjudication of insanity or mental illness, of any licensee shall operate as a suspension of his right to practice under 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.

[1965 c 204 s 10; 1976 c 222 s 130]

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

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

[1937 c 119 s 9; 1975 c 271 s 6] (5851-9)

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.

[1937 c 119 s 10; 1976 c 285 s 10] (5851-10)

156.11 CORPORATIONS NOT TO PRACTICE. It shall be unlawful in the state of Minnesota for any corporation, other than one organized pursuant to chapter 319A, to practice veterinary medicine, or to hold itself out or advertise itself in any way as being entitled to practice veterinary medicine, or to receive the fees, or portions of fees, or gifts or other emoluments or benefits derived from the practice of veterinary medicine, or the performance of veterinary services by any person, whether such person be licensed to practice veterinary medicine or not. Any corporation violating the provisions of this section shall be guilty of a gross misdemeanor and fined not more than \$1,000 for each offense, and each day that this chapter is violated shall be considered a separate offense.

[1937 c 119 s 11; 1971 c 450 s 1; 1976 c 239 s 72] (5851-11)

156.12 PRACTICE OF VETERINARY MEDICINE. Subdivision 1. 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. 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 his 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) A member of the faculty of an accredited college of veterinary medicine classified as an intern or resident from performing his regular functions with that college; or a newly appointed faculty member from performing his regular functions with that college, until the next examination; or a person from lecturing or giving instructions or demonstrations at an accredited college of veterinary medicine 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 his or her performance.

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

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

Subd. 5. The board may, at any time upon written complaint, inspect the premises in which veterinary medicine is being practiced for cleanliness and sanitation and may direct action to insure adequate cleanliness and sanitation.

[1937 c 119 s 12; 1965 c 204 s 11; 1976 c 285 s 11] (5851-12)

156.13 PENALTIES, HOW RECOVERED. The penalties prescribed in this chapter may be recovered in a civil case instituted by the 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.

[1937 c 119 s 13; 1975 c 271 s 6] (5851-13)

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.

[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] (5851-14)