



MINNESOTA BOARD OF VETERINARY MEDICINE

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October 23, 1992

TO: Legislative Commission to Review Administrative Rules

FROM: Roland C. Olson, DVM
Executive Director

A handwritten signature in cursive script, appearing to read "R. Olson", is written over the typed name and title.

Pursuant to Minn. Stat. 14.23, a copy of proposed Board of Veterinary Medicine Rule changes and additions, along with a copy of the Statement of Need and Reasonableness, is submitted.

RCO/dc

Enc.

STATE OF MINNESOTA
COUNTY OF RAMSEY

MINNESOTA BOARD OF
VETERINARY MEDICINE

In the Matter of the Proposed
Permanent Rules Relating to
Licensure and Practice

STATEMENT OF NEED
AND REASONABLENESS

I. Introduction

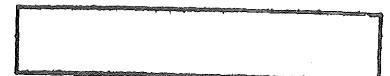
The purpose of the Board of Veterinary Medicine is to examine and license qualified individuals desiring to practice veterinary medicine in Minnesota and to ensure that licensees meet and maintain competency standards.

The Board of Veterinary Medicine is proposing revisions of current rules regarding housing of hospitalized animals and suspension of license for non-payment of renewal fees. New rules are being proposed for the collection of miscellaneous fees, defining acts of commission or omission constituting unprofessional conduct, establishing minimum standards of practice, requiring identification in professional advertising, requiring direct supervision of consultants and establishing criteria for designation of specialist practitioners.

Minn. Stat. 156 establishes the Minnesota Board of Veterinary Medicine. Authority for the Board to effectuate Chapter 156 and develop the details of its programs through rulemaking is contained in Minn. Stat. 156.01 Subd. 3. The Board is authorized to define unprofessional conduct by rule under Minn. Stat. 156.081 Subd. 2 (15). The authority to adopt fee and license renewal rules is set forth at Minn. Stat. 214.06.

The Legislative Commission to
Review Administrative Rules

OCT 27 1992



II. Small Business Considerations

Minn. Stat. 14.115 requires administrative agencies, when proposing a rule or an amendment to an existing rule, to consider various methods for reducing the impact of the proposed rule or amendment on small businesses and to provide opportunity for small businesses to participate in the rulemaking process. It is the Board's opinion that Minn. Stat. 14.115 does not apply to this proposed rule amendment.

However, in the event of disagreement with the Board's position, the Board has reviewed the five suggested methods listed in section 14.115, subdivision 2, for reducing the impact of the rules on small businesses. The five suggested methods enumerated in subdivision 2 are as follows:

- (a) the establishment of less stringent compliance or reporting requirements for small businesses;
- (b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (c) the consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and
- (e) the exemption of small businesses from any or all requirements of the rule.

As part of its review the Board considered the feasibility of implementing each of the five suggested methods, and considered whether implementing any of the five methods would be consistent with the statutory objectives that are the basis for this rulemaking.

1. It would not be feasible to incorporate any of the five suggested methods into this proposed rule amendment.

Methods (a)-(c) of subdivision 2 relate to lessening compliance or reporting requirements for small businesses either by (a) establishing less

stringent requirements, (b) establishing less stringent schedules or deadlines for compliance with the requirements, or (c) consolidating or simplifying the requirements. Since the Board is not proposing any compliance or reporting requirements for either small or large businesses, it follows that there are no such requirements for the Board to lessen with respect to small businesses. If, however, this proposed amendment is viewed as compliance or reporting requirements for businesses, then the Board finds that it would be unworkable to lessen with respect to small businesses. If, however, this proposed amendment is viewed as compliance or reporting requirements for businesses, then the Board finds that it would be unworkable to lessen the requirements for those veterinarians who practice in a solo or clinic setting of fewer than 50 employees, since that would include the vast majority of veterinarians. Method (d) suggests replacing design or operational standards with performance standards for small businesses. The Board's amendment does not propose design or operational standards for businesses, and therefore there is no reason to implement performance standards for small businesses as a replacement for design or operational standards that do not exist. Finally, method (e) suggests exempting small businesses from any or all requirements of the rule. Under the Board's view that this proposed rule amendment does not in any way regulate the business operation of veterinarians, there are no rule requirements from which to exempt small businesses. However, if this proposed amendment is viewed as regulating businesses insofar as they regulate veterinarians, then it would hardly make sense for the Board to exempt from its rules those veterinarians who practice in a solo or clinic setting with fewer than 50 employees, since they constitute the vast

majority of veterinarians. For all of these reasons, it is not feasible for the Board to incorporate into its proposed amendment any of the five methods specified in subdivision 2 of the small business statute.

2. Reducing the impact of the proposed amendments on small businesses would undermine the objectives of the Minnesota licensing law for veterinarians.

Pursuant to the Minnesota licensing law for veterinarians, Minn. Stat. 156, the Board was created for the purpose of establishing requirements for licensure and adopting a code of professional conduct governing appropriate practices or behavior for veterinarians. Pursuant to Minn. Stat. 156.01, subd. 3, the Board is specifically mandated to "make, alter or amend such rules as may be necessary to carry into effect" the Minnesota licensing law for veterinarians. Given these statutory mandates, it is the Board's duty to establish rules relating to veterinary practice which apply to and govern all applicants and licensees, regardless of the nature of their practice. As it has been stated above, it is the Board's position that the proposed amendment will not affect small businesses, and certainly does not have the potential for imposing a greater impact on veterinarians in a solo or small practice than on veterinarians practicing in a large business setting. It has also been explained above that the Board considers it infeasible to implement any of the five suggested methods enumerated in subdivision 2 of the small business statute. Nonetheless, to the extent that the proposed rule amendment may affect the business operation of a veterinarian or group of veterinarians and to the extent it may be feasible to implement any of the suggested methods for lessening the impact on small businesses, the Board believes it would be unwise and contrary to the purposes to be served by this rule for the Board to exempt one group of veterinarians - indeed, the majority of veterinarians - from the

requirements of this rule. Similarly, the Board believes it would be unwise and contrary to its statutory mandate for the Board to adopt one set of licensure requirements for those veterinarians who work in a large business setting and adopt another, less stringent, set of licensure requirements to be applied to those veterinarians who practice in a solo or small clinic practice. It is the Board's view that this rule amendment must apply equally to all veterinarians, if the public whom they serve is to be adequately protected.

Licensees, regardless of whether they are considered as individuals or small businesses, will have the opportunity to participate in the rulemaking process.

III. 9100.0100 Definitions

The definitions beginning with Subp. 1, are needed to provide consistent terminology for use by persons affected by the rules and to identify and clarify terms used in parts 9100.0100 through 9100.1000. Words or phrases used in a manner consistent with common usage are not defined.

Subp. 1. Scope. This subpart is necessary and reasonable for purposes of clarification only.

Subp. 1a. Board. This subpart is necessary and reasonable for purposes of clarification only.

Subp. 1b. Biologic. This definition is needed for clarification purposes. It is reasonable in that the definition is consistent with Dorlands Medical Dictionary, 27th edition, p. 207.

Subp. 1c. Controlled substance. This definition is reasonable as it refers to the state and federal statutes which define drugs that are strictly controlled due to abuse potential.

Subp. 1d. Emergency Veterinary Facility. "Veterinary Facility" is defined in Subp. 7 below. It is necessary to define "emergency" for clarification purposes. The definition is reasonable in that a facility holding itself up to be an emergency facility must be equipped and staffed to in fact provide professional diagnostic and treatment service on an emergency basis during usual non-business hours when immediate professional service at a veterinary facility likely would not be available.

Subp. 2. Equipment. The only change proposed is grammatical.

Subp. 3. Housing facility. The only changes proposed are grammatical.

Subp. 3a. Humane treatment. This definition is necessary to establish a standard of care for which all licensees are to be accountable. The definition is reasonable in that it is derived from language contained in Minn. Stat. 343.20, Subd. 3 regarding the prevention of cruelty to animals.

Subp. 4. Premises. The only changes proposed are grammatical.

Subp. 4a. Prescription drug. This definition is needed to distinguish the phrase "prescription drug" from "over the counter drug". It is reasonable because it is consistent with the definition in Minn. Stat. 156.16, Subd. 14, which is the statute that addresses veterinary drug responsibility.

Subp. 4b. Sterile Surgery. This definition is necessary for clarification purposes. The definition is reasonable in that "sterile" implies freedom from infectious agents and "surgery" is an operative procedure on the body during which the skin or mucous membrane are cut, and in which the operative field, instruments and surgeon must be sterile to prevent infection.

Subp. 5. Veterinarian. The only change proposed is grammatical.

Subp. 6. Veterinarian-client-patient relationship. This definition is necessary to affirm that the criteria defining a veterinarian-client-patient relationship are identical in the rules and the enabling statute.

Subp. 7. Veterinary facility. This definition is for clarification purposes only.

9100.0200 Premises

Subp. 1. Biologics and other drugs. All proposed changes would improve grammar and incorporate, by reference, the U.S. Pharmacopeia National Formulary.

Subp. 2. Cages. This rule is needed to explicitly require that separate compartments meeting minimum size requirements must be provided for individual animals, but also permits co-mingling in certain situations. The change is reasonable in that it allows veterinarians flexibility in housing animals and also provides reasonable space guidelines.

Subp. 3. Communicable or contagious diseases. All proposed changes are grammatical.

Subp. 4. Equipment. All proposed changes are grammatical.

Subp. 5. Food and water. The additional statement proposed is needed to establish minimum standards for food and water provided to hospitalized animals. Requirements as stated are reasonable as they are commonly accepted animal care standards. See Merck Veterinary Manual, 7th Edition, pp. 1090-1091.

Subp. 6. Pest control. All proposed changes are grammatical.

Subp. 7. Sanitation. All proposed changes are grammatical.

Subp. 8. Storage. All proposed changes are grammatical.

Subp. 9. Waste disposal. All proposed changes are grammatical.

Subp. 10. Water and electric power. All proposed changes are grammatical.

9100.0300. Housing Facilities

Subp. 1. Cleaning and disinfecting. All proposed changes are grammatical.

Subp. 2. Drainage. All proposed changes are grammatical.

Subp. 3. Heating. All proposed changes are grammatical.

Subp. 4. Interior surfaces. All proposed changes are grammatical.

Subp. 5. Lighting. All proposed changes are grammatical.

Subp. 6. Outdoor housing facilities. All proposed changes are grammatical.

Subp. 7. Structural strength. All proposed changes are grammatical.

Subp. 8. Ventilation. All proposed changes are grammatical.

Subp. 9. Notice of unattended facility. This subpart is needed to prevent misunderstanding on the part of an animal's owner as to the condition under which a hospitalized animal will be kept in a veterinary facility. The requirement is reasonable in that the owner has a right to know the housing situation of his/her animal.

9100.0400 Application Fees to Practice Veterinary Medicine.

Subp. 1. Amount. Approval of the Commissioner of Finance has been obtained to restructure the examination fees from the previous flat rate of \$185 to fees based on the actual number of examinations (from one to three) that the candidate is required to take. The examination fees are set to cover the purchase price of the national examinations and other incidental costs to the Board (proctor per diem, etc.) for administering the examinations. The variable fee schedule will lower the cost for some examinees and raise the cost (to a maximum \$250) for others.

Subp. 2. Fees nonreturnable. All proposed changes are grammatical.

9100.0500 Renewal Fee.

Subp. 1. Required for licensure. All proposed changes are grammatical.

Subp. 2. Amount. All proposed changes are grammatical.

Subp. 3. Date due. A specific renewal deadline is needed to establish the date when a license renewal is past due. It is reasonable to use a postmark date of the last day of February as the final day for mail payment to avoid late fee payments for renewal fees received at the Board Office after March 1.

Subp. 4. Late penalty. All proposed changes are grammatical.

Subp. 5. Penalty for failure to pay. Change of the procedure for notifying licensees when renewal payment is past due and that their license will be suspended for non-payment is needed to simplify and reduce the cost to the Board for the license suspension process. The proposed procedure for notification of licensees is similar to that of 7200.3510, Rules of the Board of Psychology, and 2500.1110, Rules of the Board of Chiropractic Examiners. It is reasonable for the Board of Veterinary Medicine to use the same procedure, as it has worked well for several years for the Psychology and Chiropractic Boards and has shown to be an expeditious and economical procedure. It is also a fair procedure, as multiple past due notices are required and ample opportunity is provided to a delinquent licensee to renew their license prior to suspension.

Subp. 6. Suspension. The proposed procedure for suspension of a license is needed to allow the Board to proceed with license suspensions expeditiously and economically while still protecting the interests and rights of the licensee. An identical method of license suspension is specified in 7200.3605, Rules of the Board of Psychology. It is reasonable

for the Board of Veterinary Medicine to follow a similar procedure. The requirements for removal of suspension are established in Minn. Stat. 156.071.

9100.0600 Miscellaneous Fees.

Subp. 1. Temporary license fee. Currently, temporary licenses are issued at no charge. There is a need to recoup the administrative costs for issuance of a temporary license. Since a duly examined and licensed veterinarian pays \$40 yearly to maintain a license, it is reasonable to assess a similar charge of \$40 to an unlicensed otherwise qualified individual for a permit that allows that person to practice veterinary medicine in Minnesota, for potentially up to nine months, while awaiting examination. The Commissioner of Finance has approved this one-time fee.

Subp. 2. Duplicate license. There is a need to recover the preparation and mailing costs for licenses reissued due to loss, name change, etc. A \$10 fee for this service is reasonable. The Commissioner of Finance has approved this one-time fee.

9100.0700 Unprofessional Conduct

Subp. 1. Prohibited acts. This rule is necessary for clarification purposes to define unprofessional conduct as required by Minn. Stat. 156-081, Subd. 2 (15).

A. It is necessary to establish that the referenced minimum standards of practice are used as a criteria for judging unprofessional conduct. It is reasonable to expect a licensed veterinarian, in the course of professional practice, to practice at a level of competency not less than the minimum standards of practice.

B. This is necessary to incorporate deceptive, fraudulent or careless behavior as indicators of unprofessional conduct. It is reasonable to expect a licensed veterinarian to function in an ethical and careful

manner. This language is essentially identical to that in Minn. Stat. 147.091, Subd. 1, (g), Physicians and Surgeons, Osteopaths.

C. This is necessary to establish incompetency as a criteria for judging unprofessional conduct by a licensee. It is reasonable to require an individual licensed to practice veterinary medicine to do so in a competent manner. The language is essentially identical to that in Minn. Stat. 147.091, Subd. 1, (g), Physicians and Surgeons, Osteopaths.

D. This statement is necessary to establish that false billing is unprofessional conduct. It is reasonable grounds for discipline should a licensee be found to have engaged in this type of fraudulent activity.

E. There is a method for licensees with legitimate, verifiable expertise in a specialty area of veterinary practice to advertise their capabilities (See 9100.0800, Subp. 11, Specialist Practitioners). The Board feels it is necessary to make every licensee aware that only specialty certified individuals may advertise that fact and it is reasonable for protection of the consumer to restrict specialty advertising to those individuals duly qualified and certified as specialists by the American Veterinary Medical Association.

F. For the public's protection it is necessary for consumers of veterinary services to know beyond a reasonable doubt who they are dealing with so that credentials, past complaints, etc., can be verified by a client. It is also a legal requirement at both the federal and state level that correct names be used in drug ordering, prescription writing, and on health certificates and test charts. The Board feels it is reasonable to list the using of a false identity as an act to be considered unprofessional conduct.

G. It is unlawful to practice veterinary medicine without a license (Minn. Stat. 156.10); therefore, the Board feels that the continuing practice of veterinary medicine by a person no longer licensed should be considered unprofessional conduct in addition to a violation of the basic statute (Minn. Stat. 156.10) prohibiting practice without a license.

H. There is a need to establish a time period in which licensees are required to respond to requests for information desired by the Board pursuant to an investigation. Thirty days is a reasonable amount of time for a licensee to prepare and submit an answer to a query from the Board.

I. As more paraveterinary medical personnel are trained and entering the work force, it is necessary to specifically establish that the licensed veterinarian is subject to Board disciplinary action should the veterinarian fail to control and supervise the actions of his/her employee. It is reasonable that a known association with an individual engaged in the illegal practice of veterinary medicine should be considered unprofessional conduct and grounds for discipline.

J. This rule specifically relates to controlled drugs (i.e. drugs with abuse potential as identified in both federal [Controlled Substances] and state [Minn. Stat. 152.02] statutes). Because of the great potential for misuse and abuse, it is necessary and reasonable to require that use of controlled substances in animals must be in the context of a veterinary-client-patient relationship and therapeutically indicated.

K. To specifically identify the drugs considered "controlled drugs" is necessary so that there is no question in licensees' minds as to which drugs are controlled and must be used only for animal therapeutic purposes. Because of abuse potential, it is reasonable that the misuse of controlled drugs should be considered unprofessional conduct.

L. It is necessary that all licensees be made aware that the safeguards required by the federal Controlled Substances Act and Minn. Stat. 152 for controlled drugs must be maintained. Due to theft, misuse and street sale potential, it is reasonable that failure to properly maintain and safeguard controlled drugs should be considered unprofessional conduct.

M. This rule is proposed for adoption as a result of a position statement adopted by the American Association of Equine Practitioners stating that any use of controlled drugs in racing horses must be for medical reasons only. (See Attachment 1.) This rule is necessary to make it absolutely clear that use of controlled substances in performance animals for any reason other than bona fide therapeutic purposes is prohibited. The integrity of the veterinary profession in treating race and show animals must be upheld and, therefore, it is reasonable that violation of this rule should be considered unprofessional conduct.

N. Surgically correcting defects in animals for deceptive purposes is fraudulent and an unethical practice that violates the public trust and such activity is necessary and reasonable to be specified as unprofessional conduct.

O. The Board feels it is necessary for a licensee, in the course of professional treatment and medication dispensing, to have knowledge of the product they are prescribing, both for protection of the animal's health and for protection of consumer health. It is reasonable to consider violations of this rule, which would endanger both animal and public health, to be unprofessional conduct.

P. Present statutes (156.12, Subd. 5) allow inspection of veterinary premises, upon written complaint, for cleanliness and sanitation. The Board finds it is necessary to broaden this authority so that no notice

inspections can be made pursuant to complaint investigations regarding drug storage, record keeping, paraprofessional supervision, etc. It is reasonable that Board members/agents should be able to inspect veterinary premises when such an inspection directly relates to an investigation by the Board.

Q. It is necessary to inform all licensees that any unnecessary or unauthorized treatment of an animal will be considered unprofessional conduct and the Board feels it is reasonable to discipline licensees if they engage in those activities.

R. The Board feels it is necessary to define when and under what conditions a licensee may represent conflicting interests, such as representing both the buyer and the seller of an animal, and if such a dual relationship occurs in violation of the established guidelines it is reasonable that the licensee be considered to have engaged in unprofessional conduct.

S. Requiring licensees to report inhumane treatment of animals that they may observe is necessary for the protection of the animals' welfare, as well as a statutory requirement (Minn. Stat. 346.37, Subd. 6). It must be made clear to licensees that they have an obligation (legal and moral) to the welfare of an animal and it is felt to be reasonable to consider ignoring this obligation as evidence of unprofessional conduct.

T. and U. Both rules are necessary to insure that licensees maintain the integrity and validity of the various certificates, charts, etc., such as official interstate health certificates, that are required to be completed when animals are tested for communicable disease, sold to other parties, exhibited at fairs and shipped in interstate commerce. Because the danger to animal or public health is great if official documents are

falsified or incorrect, it is reasonable to judge failure to comply with proper procedures in certifying to an animal's health or to fitness of animal products as unprofessional conduct on the part of a licensee.

V. This rule is necessary to prevent the illegal obtaining of client information which is the property of another veterinarian. The Board feels that actions of this nature by a veterinarian are serious enough to be considered unprofessional conduct and subject to disciplinary action.

W. This rule is necessary to alert licensees to the fact that loss of U.S. Department of Agriculture Animal/Plant Health Inspection Services accreditation, as a result of improper activity on the part of the licensee relative to documentation/certification of official animal health records and test results, will be considered unprofessional conduct and it is reasonable to allow the Board to discipline individuals who have, by due process, lost their federal accredited status.

X. The Board feels it is necessary to require licensees to self-report any disciplinary actions taken against their professional license in another jurisdiction. The proposed requirement is reasonable in that the Minnesota Board will then be aware of disciplinary actions of other jurisdictions and can impose restrictions on or revoke an individual's Minnesota license, if warranted, under the authority of Minn. Stat. 156.081, Subd. 6.

9100.0800 Minimum Standard of Practice

Subp. 1. General standard. This is needed to provide guidelines for standards of practice that are acceptable to the Board and to the public. Minimum standards are also necessary to establish for licensees what is expected of them in the course of their professional practice. The Board feels it is reasonable to expect a licensee to practice veterinary medicine

at a level of competency equivalent to the prevailing standards established for the species of animal being treated. It is also reasonable that a veterinarian-client-patient relationship must exist for a licensee to make an informed evaluation of and decisions for the treatment of animals.

Subp. 2. Pharmaceutical services.

A. This is necessary to reaffirm that the veterinarian must be familiar with the history and condition of animals and the care provided to the animals. It is reasonable to require a veterinarian-client-patient relationship for a veterinarian to properly and legally (Minn. Stat. 156.19, Subd. 1b) provide veterinary prescription drugs to animals.

B. It is necessary for the safety of the animal and the public health, for a veterinarian to be responsible for proper usage of a prescription drug or to provide adequate instruction for prescription drug use if the drug is to be administered by a non-licensed person. This is a reasonable standard, in that the veterinarian, by virtue of training and education, possesses the knowledge required to use prescription drugs in animals that non-veterinarians do not have.

C. It is necessary and reasonable, to maintain drug safety and efficacy, that drugs and biologics be handled in accordance with the current state laws cited in the rule and the nationally accepted recommendations of the U.S. Pharmacopeia National Formulary.

Subp. 3. Sterile surgical services.

A, B, C, D and E. The requirements specified in these paragraphs are basic requirements similar to the published standards of the American Animal Hospital Association that meet minimal acceptable standards of care for sterile surgery. The requirements are necessary to establish for veterinarians what the Board and the public expect of licensees performing

animal surgery in Minnesota. The requirements are reasonable and no veterinary practitioners should encounter difficulty in meeting these standards.

Subp. 4. Record keeping.

A. It is reasonable for a veterinarian to have to document the facts relating to the medical or surgical treatment of animals. These records would be necessary for another veterinarian to provide knowledgeable follow-up treatment, to help establish (if questioned) the level of competency, to track the type and amount of drugs used, and serve as a health history of the animal. (1) through (9) are headings/subjects necessary for clarification purposes to insure that records contain complete and pertinent information relating to an animal patient. These headings were derived from the record keeping standards published by the American Animal Hospital Association.

B. It is reasonable to exempt large groups of animals, as found in commercial food producing operations, from the requirement to have an individual medical record and, therefore, it is permissible to maintain records on production animals on a per client basis.

C. To prevent confusion, it is necessary to establish a minimum length of time for medical records and radiograph retention. Three years is a reasonable retention time, commonly used in many other jurisdictions, the states of Washington, California and North Carolina being several examples of other states requiring a three-year retention period.

D. Frequently, veterinarians refuse to provide records, or a summary thereof, to clients having their animal examined or treated by another veterinarian. This may be harmful to the animal by causing delays in treatment or unnecessary duplication of services. Therefore, it is

necessary and reasonable to require licensees to provide records (or accurate summaries) to an owner or owner's agent upon request.

E. It is necessary to establish the ownership of radiographs taken by or at the request of a veterinarian. It is also necessary to have provisions for another veterinarian to have access to those radiographs for further diagnosis or treatment, at the animal owner's request. It is reasonable, to prevent unnecessary duplication or delay of services, that a second veterinarian should have access to the radiograph as needed and that the radiograph should be returned to the original veterinarian.

F. A client should reasonably expect that records on their animals will be maintained in a private manner and not released, without authorization, to third parties. Because unauthorized release of information contained in an animal health record may affect the financial relationship between a client and a third party, it is necessary to include this requirement in the rules to remind licensees of their obligations to their clients.

Subp. 5. Emergency service

A. Minimum staffing requirements of a veterinarian on premises are necessary for professional diagnoses and treatment of animals and it is reasonable to require a veterinarian in the facility during advertised business hours to provide timely professional assistance to clients in emergency situations.

B. In order to assist the public in obtaining veterinary service after normal business hours, it is necessary and reasonable to specify that hours of operation, availability of a veterinarian, and phone and address of the emergency facility must be present in advertisements for emergency service.

C. This part is necessary to clarify terminology used in advertising. It is reasonable that a clinic providing "on call" veterinary service should not be permitted to advertise that service as an emergency facility, in that an "on call" veterinarian may not be able to respond quickly enough to deal with a true emergency situation.

D. A client of an emergency service has the right to receive a complete medical record for presentation to a follow-up care provider. It is necessary and reasonable for proper follow-up care that the items listed in D. (1) through (7) be addressed in the record provided to the owner/caretaker.

E. Equipment requirements are necessary to insure a facility advertising emergency service can in fact provide the services expected by the public. The equipment listed is standard for an emergency clinic and considered by the Board to be a reasonable requirement for an emergency facility to meet.

Subp. 6. Mobile Veterinary Practice

A. (1), (2), (3). These are necessary for definition purposes.

B. In the interest of proper care for animal patients, it is necessary for mobile practices that are not equipped for long term hospitalization, surgery, or radiology to have an established relationship with a fixed veterinary facility for provision of those services and it is reasonable that animal owners/caretakers should be informed of that relationship so that they have an alternate source of care if the mobile veterinarian is not available.

C. It is necessary that a mobile practice maintain the same standards of practice required of a fixed practice; the Board feels this is a reasonable expectation as is the requirement for establishment of a veterinarian-client-patient relationship.

D. It is necessary and reasonable, for protection of animal patients, to require ambulatory units to be clean and sanitary. It is also necessary, and the Board feels reasonable, to expect ambulatory units to be equipped to provide professional service to clients' animals at a level commensurate with prevailing standards of practice.

E. This is the same inspection authority that already exists for the inspection of fixed veterinary facilities (Minn. Stat. 156.12, Subd. 5), and it was felt necessary to clarify that the same authority exists for the Board to inspect mobile units, and it is reasonable for the Board to have this authority to properly fulfill their duties.

Subp. 7. Supervision

A. The Board feels it is necessary for both the employing veterinarian and non-licensed assistants to be clearly aware that the veterinarian is responsible for any illegal practice of veterinary medicine on the part of the employee. It is necessary, in order to provide an animal patient with the level of care and treatment expected by the owner/caretaker, that a licensed veterinarian examine an animal prior to delegating health care tasks to unlicensed assistants. It is reasonable that a veterinarian be subject to Board discipline should these standards not be met.

B. The functions of surgery, diagnosis and prognosis, and prescribing are the practice of veterinary medicine as defined in Minn. Stat. 156.12 and it is necessary and reasonable to prohibit the performance of those tasks by non-licensed employees.

C. It is necessary to specify the criteria by which the Board will judge the acceptability of employee supervision by the veterinarian. It is reasonable to expect the licensee to insure that employees are operating

within prescribed limits and that the supervising veterinarian is within physical proximity of the supervisee.

Subp. 8. Humane Care. Veterinarians must be held accountable for acts of omission or commission which unnecessarily cause pain, injury or death to an animal. It is necessary to include humane care as a standard of practice so that public confidence in the integrity of veterinary medicine is maintained. It is reasonable that a licensee should be subject to disciplinary action should an act of omission or commission on his/her part cause unnecessary pain, suffering or death of an animal.

Subp. 9. Informed Consent. The client has the right to be informed of reasonable alternatives of care as well as approximate cost of care, for their animal(s). It is necessary that the veterinarian provides this information to the client.

Subp. 10. Advertising. This requirement is necessary to prevent blind ads which may deceive the consumer and to enable the Board to readily investigate complaints of false/deceptive advertising. The Board feels it is reasonable, and would not unduly or unfairly restrict trade, that advertisements for professional services should contain the identification and location of the advertiser.

Subp. 11. Specialist Practitioners.

A. In order to prevent false or deceptive advertising which may mislead the consumer, it is necessary to restrict specialist advertising to those licensees who, in fact, are properly certified by a recognized specialty board. It is reasonable that only specialty boards duly recognized by the American Veterinary Medical Association serve as the determinant for specialty certification.

B. It is also necessary, to prevent deceptive advertising, to limit the term "specialty" or "specialists" in hospital advertising to those hospitals staffed with all specialty certified professional staff.

It is reasonable that only a hospital or clinic staffed with specialty veterinarians be allowed to advertise as a specialty hospital or clinic.

9100.0900 Consulting

Clarifies 156.12, Subd. 1, (c), which permits a licensed veterinarian from another jurisdiction to consult with a veterinarian in this state. This adds a necessary and reasonable requirement that the consultant works under the direct supervision of a Minnesota licensee, which would offer the client recourse, through Board action against the Minnesota licensee, should acts in violation of the practice act occur.