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State of Minnesota

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Page No. **355**

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **3139**

February 18, 2008

Authored by Tschumper

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

March 3, 2008

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

March 10, 2008

Calendar For The Day

Amended

Read Third Time as Amended

Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to veterinary medicine; recognizing Program for the Assessment of
1.3 Veterinary Education Equivalence certification; limiting use of certain drugs;
1.4 changing certain requirements; regulating prescription of drugs; amending
1.5 Minnesota Statutes 2006, sections 156.001, by adding a subdivision; 156.02,
1.6 subdivisions 1, 2; 156.04; 156.072, subdivision 2; 156.073; 156.12, subdivisions
1.7 2, 4, 6; 156.15, subdivision 2; 156.16, subdivisions 3, 10; 156.18, subdivisions
1.8 1, 2; 156.19.

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

1.10 Section 1. Minnesota Statutes 2006, section 156.001, is amended by adding a
1.11 subdivision to read:

1.12 Subd. 10a. Program for the Assessment of Veterinary Education Equivalence;
1.13 PAVE certificate. A "Program for the Assessment of Veterinary Education Equivalence"
1.14 or "PAVE" certificate is issued by the American Association of Veterinary State Boards,
1.15 indicating that the holder has demonstrated knowledge and skill equivalent to that
1.16 possessed by a graduate of an accredited or approved college of veterinary medicine.

1.17 Sec. 2. Minnesota Statutes 2006, section 156.02, subdivision 1, is amended to read:

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

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

1.25 (2) an ECFVG or PAVE certificate; or

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

2.5 The application shall contain the information and material required by subdivision
2.6 2 and any other information that the board may, in its sound judgment, require. The
2.7 application shall be filed with the board at least 60 days before the date of the examination.
2.8 If the board deems it advisable, it may require that such application be verified by the
2.9 oath of the applicant.

2.10 Sec. 3. Minnesota Statutes 2006, section 156.02, subdivision 2, is amended to read:

2.11 Subd. 2. **Required with application.** Every application shall contain the following
2.12 information and material:

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

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

2.21 (3) affidavits of at least two veterinarians and three adults who are not related to
2.22 the applicant setting forth how long a time, when, and under what circumstances they
2.23 have known the applicant, and any other facts as may be proper to enable the board to
2.24 determine the qualifications of the applicant; ~~and~~

2.25 (4) if the applicant has served in the armed forces, ~~a copy of discharge papers;~~
2.26 proof thereof; and

2.27 (5) proof of United States citizenship or legal resident alien status, along with the
2.28 date of residency expiration, if applicable.

2.29 Sec. 4. Minnesota Statutes 2006, section 156.04, is amended to read:

2.30 **156.04 BOARD TO ISSUE LICENSE.**

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

3.1 shall have been adjudged to be duly qualified to practice veterinary medicine, a license to
3.2 practice. If the licensee is a legal resident alien, a license to practice granted under this
3.3 section shall expire on the same date that the licensee's legal resident status expires.

3.4 Sec. 5. Minnesota Statutes 2006, section 156.072, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

3.32 Sec. 6. Minnesota Statutes 2006, section 156.073, is amended to read:

3.33 **156.073 TEMPORARY PERMIT.**

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

4.12 Sec. 7. Minnesota Statutes 2006, section 156.12, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

5.10 Sec. 8. Minnesota Statutes 2006, section 156.12, subdivision 4, is amended to read:

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

5.17 Sec. 9. Minnesota Statutes 2006, section 156.12, subdivision 6, is amended to read:

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

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

5.30 (c) A specialty practitioner in a hard-to-fill faculty position at the College of
5.31 Veterinary Medicine, University of Minnesota, who has graduated from a board-approved
5.32 foreign veterinary school may be granted a temporary faculty Veterinary Medical Center
5.33 clinician license. The temporary faculty Veterinary Medical Center clinician license
5.34 expires in two years and allows the licensee to practice veterinary medicine as defined

6.1 in subdivision 1 and treat animals owned by clients of the Veterinary Medical Center.
6.2 The temporary faculty Veterinary Medical Center clinician license allows the licensee to
6.3 practice veterinary medicine in the state of Minnesota in the specialty area of the licensee's
6.4 training and only within the scope of employment at the Veterinary Medical Center while
6.5 under the direct supervision of a veterinarian currently licensed and actively practicing
6.6 veterinary medicine in Minnesota, as defined in section 156.04. The direct supervising
6.7 veterinarian must not have any current or past conditions, restrictions, or probationary
6.8 status imposed on the veterinarian's license by the board within the past five years. The
6.9 holder of a temporary faculty Veterinary Medical Center clinician license who is enrolled
6.10 in a PhD program may apply for up to two additional consecutive two-year extensions
6.11 of an expiring temporary faculty Veterinary Medical Center clinician license. Any other
6.12 holder of a temporary faculty Veterinary Medical Center clinician license may apply for
6.13 one two-year extension of the expiring temporary faculty Veterinary Medical Center
6.14 clinician license. Temporary faculty Veterinary Medical Center clinician licenses that are
6.15 allowed to expire may not be renewed. The board shall grant an extension to a licensee
6.16 who demonstrates suitable progress toward completing the requirements of their academic
6.17 program, specialty board certification, or full licensure in Minnesota by a graduate of a
6.18 foreign veterinary college.

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

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

6.26 Sec. 10. Minnesota Statutes 2006, section 156.15, subdivision 2, is amended to read:

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

6.30 Sec. 11. Minnesota Statutes 2006, section 156.16, subdivision 3, is amended to read:

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

7.1 Sec. 12. Minnesota Statutes 2006, section 156.16, subdivision 10, is amended to read:

7.2 Subd. 10. **Prescription.** "Prescription" means an order from a veterinarian to a
 7.3 pharmacist or another veterinarian authorizing the dispensing of a veterinary prescription
 7.4 ~~drug~~ drugs, human drugs for extra-label use, or over-the-counter drugs for extra-label use
 7.5 to a client for use on or in a patient.

7.6 Sec. 13. Minnesota Statutes 2006, section 156.18, subdivision 1, is amended to read:

7.7 Subdivision 1. **Prescription.** (a) A person may not dispense a veterinary
 7.8 prescription drug to a client without a prescription or other veterinary authorization. A
 7.9 person may not make extra-label use of an animal or human drug for an animal without a
 7.10 prescription from a veterinarian. A veterinarian or the veterinarian's authorized employee
 7.11 may dispense a veterinary prescription ~~drug to~~ drugs, human drugs for extra-label use, or
 7.12 an over-the-counter drug for extra-label use by a client ~~or oversee the extra-label use of~~
 7.13 ~~a veterinary drug directly by a client~~ without a separate written prescription, providing
 7.14 there is documentation of the prescription in the medical record and there is an existing
 7.15 veterinarian-client-patient relationship. The prescribing veterinarian must monitor the use
 7.16 of veterinary prescription drugs, human drugs for extra-label use, or over-the-counter
 7.17 drugs for extra-label use by a client.

7.18 (b) A veterinarian may dispense prescription veterinary drugs and prescribe and
 7.19 dispense extra-label use drugs to a client without personally examining the animal if
 7.20 a bona fide veterinarian-client-patient relationship exists and in the judgment of the
 7.21 veterinarian the client has sufficient knowledge to use the drugs properly.

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

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

- 7.27 (1) the name, address, and, if written, the signature of the prescriber;
 7.28 (2) the name and address of the client;
 7.29 (3) identification of the species for which the drug is prescribed or ordered;
 7.30 (4) the name, strength, and quantity of the drug;
 7.31 (5) the date of issue;
 7.32 (6) directions for use; ~~and~~
 7.33 (7) withdrawal time; ~~;~~
 7.34 (8) expiration date of prescription; and
 7.35 (9) number of authorized refills.

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

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

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

8.10 Sec. 14. Minnesota Statutes 2006, section 156.18, subdivision 2, is amended to read:

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

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

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

8.26 Sec. 15. Minnesota Statutes 2006, section 156.19, is amended to read:

8.27 **156.19 EXTRA-LABEL USE.**

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

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

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

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

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

9.8 (5) the veterinarian has met the criteria established in Code of Federal Regulations,
9.9 title 21, part 530, which define the extra-label use of medication in or on animals.