

# Minnesota Board of Veterinary Medicine

## BVM BITS



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Minnesota Board of Veterinary Medicine  
 2829 University Ave SE #401  
 Minneapolis, MN 55414  
 Phone: (651) 201-2844  
 Fax: (651) 201-2842  
 TTY: 1-800-627-3529  
[www.vetmed.state.mn.us](http://www.vetmed.state.mn.us)  
[vet.med@state.mn.us](mailto:vet.med@state.mn.us)  
[Veterinary Practice Act](#)

## 2015 Board Member Appointments

Governor Dayton announced the appointment of Dr. Amy Kizer to the Board of Veterinary Medicine for a four year term on June 19, 2015. Dr. Kizer brings her veterinary experience with both small animals and a variety of exotic animals and fish. She is the veterinarian for the Sea Life Aquarium at the Mall of America, and teaches veterinary students at the University of Minnesota about veterinary care for small exotic animals. A 2002 graduate of the University of Minnesota, she owns and works at Lexington Pet Clinic in Eagan.



### What Defines the Standard of Care? Dr. Barbara Fischley, Board Member

As board members, we are often asked “What **IS** the standard of care?” This is a complex yet sometimes simple issue that is critical to our review of complaints from the public. We must first answer the question: What is the prevailing standard of care in the State of Minnesota for the professional care pertinent to the complaint? That is, do a majority of veterinarians practice this way now? Once established, the standard of care (SOC) applies to all veterinarians, urban or rural. It is not acceptable to say that the SOC is different in rural areas because of socio-economic conditions. The SOC must be offered to ALL clients. It is their option to decline or accept it. If the client declines, that fact should be noted in the medical record.

Another aspect of this issue is that the SOC is fluid, changing as science progresses. For example, back in the 1980’s at the Univ. of MN, the scalpel and guillotine methods for declawing cats were both taught. Now, the scalpel technique and the laser technique are the more science-based, acceptable methods.

Board Certified Specialists assist in establishing the SOC. When these knowledgeable experts give testimony in a legal hearing, that testimony can be cited as a SOC for that discipline. For example, when a Board Certified specialist states that using digital anesthetic blocs in cat declaws is the SOC, as board members, we can cite such testimony in argument during complaint review. There are many such veterinarians in this state, and it has been my experience that they are very welcoming of questions regarding SOC. When the board mandates through disciplinary action that a Board Certified Specialist come into your practice to advise you, that specialist is essentially teaching the SOC.

The mission of the Minnesota Board of Veterinary Medicine is to promote, preserve, and protect the health, safety and welfare of the public and animals through the effective control and regulation of the practice of veterinary medicine.



If you are in doubt about the SOC for a certain treatment or diagnostic test, pick up the phone (or email) and talk to a specialist. Don't forget your CE is a key source for understanding the latest advances in our profession and what will become the SOC in the near future.

Veterinary teaching hospitals also help establish the standard of care. What is being taught to the next class of graduates is a good indicator of SOC and where it is heading. Science is always in transition and the type of medicine being taught is based on scientific evidence. Whether one chooses a standard treatment or an alternative treatment, one should have a scientific justification for using it. So, pay attention to what the new grads are presenting to practice and the current veterinary literature.

The minimum Standard of Care for the medical record of a veterinary patient is defined in Rule 9100.0800. Legally, a medical record must contain the following:

- name, address, telephone # of owner
- identity of the animals, including age, sex & breed
- date of examination, treatment and surgery
- brief history of the condition of each animal, herd, or flock
- examination findings
- laboratory & radiographic reports
- tentative diagnosis
- treatment plan
- medication and treatment (amount & frequency)

This is considered a minimal SOC for medical records LEGALLY. However, if you someday have a client complaint against you, your record needs to document at least a summary of everything that was done, said by you and your client, and offered as care in order to defend your position. For example, if you did a physical examination, note the animal's vital signs in the record. Remember, "If it isn't written down, it didn't happen".

Continuing education is a mandated tool for lifelong learning. Veterinary conferences and journals are excellent sources for what is likely coming down the road as SOC. One article in JAVMA does not constitute a SOC though. An often underutilized resource is our colleagues. Be open to discussions and questions from your peers about SOC when you meet.

Read that reference article with new evidence of efficacy cited on a listserv by an expert. We all want to practice the best possible medicine. Just because "it's worked well for the last twenty years" doesn't mean it is still the prevailing SOC.

Remember, the SOC advances as science progresses. As veterinarians, we must advance with it to meet the current SOC, the needs of the animals, and their ever more knowledgeable owners. Stay current in your knowledge and practice accordingly.

## 10 Steps to a Successful CE Audit

Every year, the Board of Veterinary Medicine conducts an audit of a subset of veterinarians to ascertain that at least the minimum number of continuing education credits for license renewal was obtained. At renewal, every veterinarian verifies that he or she has met this requirement during the preceding 24 months between March 1 and the end of February. However, in some cases, that statement is untrue, and can result in Board action. Resultant orders become public and may include fines.

The following steps will help veterinarians avoid such consequences:

1. Keep all documentation pertaining to CE in a single, secure place.
2. Consider saving all certificates of attendance by using the free VCET program through AAUSB. <https://www.aavsb.org/vcet>
3. Review the specific requirements for Minnesota, including CE categories, to ascertain that any CE you select to attend is either approved by RACE or by the Minnesota Board of Veterinary Medicine. Certain CE providers are automatically approved, such as AVMA, MVMA, AAHA, USDA APHIS and colleges of veterinary medicine.
4. Recognize that requirements for relicensure in other states are usually less, so therefore not equivalent. That means you would not be eligible for a CE audit waiver solely based on an active license in another state. Look at total hours, type of CE, and limits on specific types of CE. Minnesota does not count carryover hours from the preceding renewal period.

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## Successful CE Audit cont. Cont. from pg 3

5. Webinars are considered interactive if you participate in real time. If you view them from a webinar archive, that learning is considered self-study. The CE provider should state whether the program is interactive or non-interactive.
6. Count your credits before sending in your renewal.
7. If you attend a meeting that is not approved by RACE or MN, but has content that is valuable to your professional work as a veterinarian, apply for an individual CE approval within 30 days of the CE event. This entails sending the board a simple form and a copy of the program along with speaker credentials
8. If you do not have enough approvable credits, contact the Board before sending in your renewal, and ask for a 6 month extension. Virtually all requests for one renewal are granted.
9. If you are audited, remember to include time spent reading veterinary journals or reference texts under the self-study section, even if you think you have enough credits. For example, if you read parts of every issue of JAVMA, this might amount to at least 30 minutes a month, and a total of 12 hours over 24 months. This self-study would constitute 4 hours of CE credit.
10. Call the Board staff with any questions regarding CE credits and CE programs.

## License Renewal & CE Extensions

Even-numbered licenses expire on February 28, 2016. Renewal notices will be sent by email on 12/1/15 and by postcard 12/28/15. Online renewals begin in early December. You will need to create a new online user name and password to renew this year. Instructions for creating an online account will be included with regular renewal information. Please remember that you need a total of 40 hours of continuing education credits from March 1, 2014 through February 28, 2016. Thirty of these hours must be interactive. It takes 30 actual hours of self-study to claim the maximum of 10 hours of non-interactive CE. Most on-line courses are non-interactive. There is a maximum of 10 hours allowed for practice management topics. If you will not have 40 hours prior to the renewal period, please contact the Board.

## Caution: Until a New DVM Passes the NAVLE & Is Licensed

Every year, a few senior veterinary students fail to pass the North American Veterinary Licensing Examination (NAVLE) before graduation. After graduation, that individual cannot legally practice veterinary medicine, even under the direct supervision of a licensed veterinarian. He or she may only perform supporting functions similar to a veterinary technician. Why? MN §156.12 Practice of Veterinary Medicine, Subd. 2. Authorized activities (b) allows a person who is a regular student in an accredited or approved college of veterinary medicine to perform duties or actions assigned by instructors or preceptors or working under the direct supervision of a licensed veterinarian. This includes surgery. That privilege of practicing veterinary medicine under direct supervision ceases to exist when the individual is no longer a student. In other words, although trained to do so, the graduate veterinarian who is not licensed, cannot diagnose or treat disease, prescribe medication, do surgery or perform obstetrical procedures. If a licensed veterinarian were to allow this unlicensed individual to practice veterinary medicine, this is considered unprofessional conduct under Minnesota Rule 9100.0700, Subp.1. Prohibited acts: I. promoting, aiding, abetting, or permitting the practice of veterinary medicine by an unlicensed person.

## CE Planning Alert

Western Veterinary Conference dates have changed to March 6-10 for 2016, thus falling outside of the audit range for continuing education credit (3/1/14-2/28/16) for the Minnesota license renewal period. Please plan your continuing education schedule accordingly if you typically attend the WVC for your CE hours.

## Professional Firm Renewal Reminder

Annual professional firm renewals will be sent out by the Board in November to each professional firm. Renewal forms and a \$25.00 annual registration fee are due by January 1. If you need to update your firm's contact information, please contact the Board at [vet.med@state.mn.us](mailto:vet.med@state.mn.us)



# Criminal Background Checks for License Applications Begin on January 1, 2016

Beginning on January 1, 2016, Minnesota law and Board policy now require that all **applicants** for initial licensure or **license reinstatement** must complete a fingerprint-based criminal background check (Minn. Stat. § [214.075](#)). Veterinarians with existing licenses will be required to have a one-time criminal background check (CBC) in the future in conjunction with license renewal. This check is in addition to the self-disclosure questions on the license application and renewal forms.

The Minnesota Health Licensing Boards have cooperatively established the Criminal Background Check Program to help you efficiently complete this mandatory background check. Fingerprints are crosschecked with databases of the Bureau of Criminal Apprehension, Federal Bureau of Investigation and Minnesota Predatory Offender Registration databases. The results will be confidentially reported to the Minnesota Board of Veterinary Medicine and could impact license approval if the report includes a conviction of a gross misdemeanor or felony.

When a veterinarian applies for licensure, the criminal background check fee (\$34.72) must be bundled into the other licensing fees and paid at the same time. After all required licensing fees are paid, the applicant will be mailed a packet containing additional information and directions from the Criminal Background Check Program. The applicant is responsible for having her or his fingerprints taken promptly and for completing all required paperwork so as to not delay finalizing the license application. Previously taken fingerprints cannot be used. Some agencies charge a fee for fingerprinting services. Fingerprinting can be done without a fee at the Criminal Background Check Program office at the address below. Please contact that office to make an appointment after receipt of the information packet.

The time required for a CBC varies with the workload at the Bureau of Criminal Apprehension (BCA) and cannot be expedited. During periods of high numbers of CBC requests, BCA's search of records may take weeks. For example, May would be a very busy month due to the surge in applications from new graduates in many health professions. For fastest service, applicants can come to the Board of Veterinary Medicine with their veterinary license application and check for all fees, and be handed the CBC packet. All of the CBC forms can be filled out on site, and, with a prearranged appointment, fingerprinting can be done the same day at the CBC Program office.

If a license applicant has met all of the other licensing requirements but is still awaiting the results of the CBC, the State Jurisprudence Examination may still be administered to minimize additional potential delays.

Please note: The report received from the BCA and FBI is only valid for a year. Applications that are not completed within a year of the CBC will be invalid and no fees will be refunded.

Please direct any questions you have about the background check process to Criminal Background Check Program staff, and not the Board.

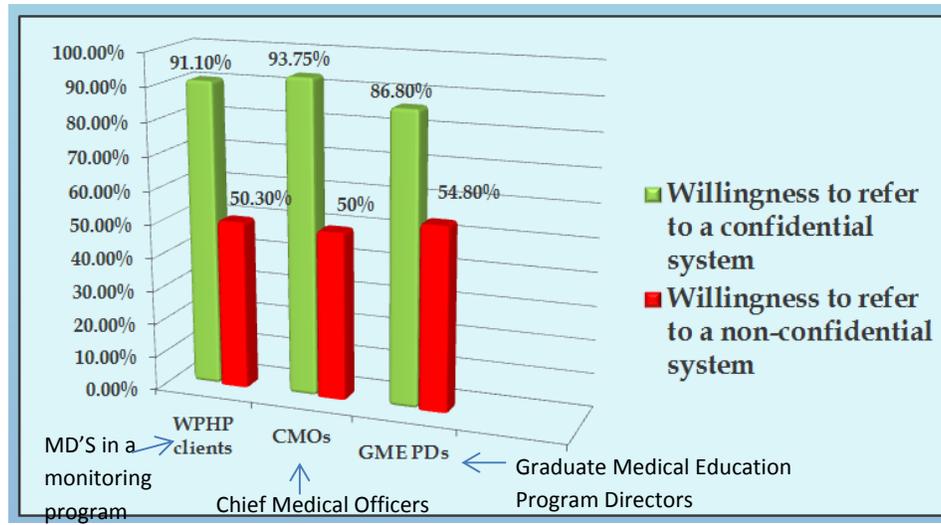


Criminal Background Check Program  
2829 University Avenue SE, Suite 555  
Minneapolis, MN 55414-4202  
(651) 201-2822 Email: [cbc.staff@state.mn.us](mailto:cbc.staff@state.mn.us)

## Help for Impaired Colleagues: 3rd Party Referral

Veterinary medicine is a stressful profession that creates higher rates of depression and suicide than the general population and many categories of medical professionals. Stress, as well as other personal issues such as chronic pain, may lead a veterinarian to become impaired as a result of excessive alcohol consumption and/or excessive use of opioid pain medications. Impairment may also take the form of a physical or mental health issue, such as Alzheimers. These individuals need professional help to remain professionally competent and safe, and to support their recovery.

Reluctance to report an impaired colleague is understandable but does not support a positive professional outcome. The option to confidentially report a colleague to a program designed to support and monitor impaired him or her increases the likelihood of positive resolution in physicians. The following graphic represents a very large survey of physicians in Washington State, where employers are legally mandated to report employee impairment.



From, "Does Lack of Anonymity for PHP Participants Prevent Referral of Potentially Impaired Providers for Intervention?" Charles Meredith, MD, Amanda Shaw, MPH, Chris Bundy, MD, MPH. Washington Physicians Health Program, Seattle WA; [cmeredith@wphp.org](mailto:cmeredith@wphp.org). With author's permission.

If you know or suspect that a veterinarian is impaired, third party referral to Minnesota's Health Professionals Services Programs (HPSP) should be very strongly considered. The process is simple, confidential, and the reporter can remain anonymous.

Click on the brief informational video on HPSP's home page to learn more about their programs: <http://mn.gov/health-licensing-boards/hpsp/>

If you have questions or doubts about the referral, call to speak to a case manager to confidentially discuss your concerns. The HPSP phone number is 651 642-0487.

Following receipt of a third party report, HPSP contacts the impaired individual by letter, requesting information about the concerns. Once received, that information and reports submitted by the individual's health care team are reviewed by the team of experienced social workers and licensed alcohol and drug counselors to determine if the evidence warrants an HPSP participation agreement. Each participation agreement is tailored to the individual's professional responsibilities and impairment. When the impaired individual signs the participation agreement, monitoring begins.

The Board of Veterinary Medicine is NOT informed so long as the individual complies with the participation agreement. The length of the participation agreement is typically 3 years.

The Board of Veterinary Medicine will be informed if the veterinarian does not respond to HPSP's request or refuses to sign a participation agreement. If an enrolled veterinarian fails to comply with the participation agreement, HPSP will discharge the individual from the HPSP program and inform the Board. The Board then opens a complaint, launches an investigation, and most often remands the individual to HPSP under Board order. Alternatively, the veterinarian's license is suspended if there is serious risk of imminent harm.

## Board Member Contact Information

Barbara S. Fischley, DVM  
8273 307<sup>th</sup> Ave. NE  
North Branch, MN 55056  
[barbara.fischley@state.mn.us](mailto:barbara.fischley@state.mn.us)

Amy Kizer, DVM  
Lexington Pet Clinic  
1095 Diffley Rd, Suite A  
Eagan, MN 55123  
[amy.kizer@state.mn.us](mailto:amy.kizer@state.mn.us)

Mary Olson, DVM  
East Central Veterinarians  
2004 Mahogany St.  
Mora, MN 55051  
[mary.j.olson@state.mn.us](mailto:mary.j.olson@state.mn.us)

David Richter  
36672 – 145<sup>th</sup> Ave.  
Montgomery, MN 56069  
[david.richter@state.mn.us](mailto:david.richter@state.mn.us)

Ronald Swiggum, DVM  
St. Charles Veterinary Clinic  
106 W. Circle Dr.  
St. Charles, MN 55972  
[ron.swiggum@state.mn.us](mailto:ron.swiggum@state.mn.us)

Ms. Sharon Todoroff  
6343 Pine Street  
Columbus, MN 55014  
[sharon.todoroff@state.mn.us](mailto:sharon.todoroff@state.mn.us)

Michelle Vaughn, DVM  
Shady Oak Veterinary Clinic  
10015 Minnetonka Blvd.  
Minnetonka, MN 55343  
[michelle.vaughn@state.mn.us](mailto:michelle.vaughn@state.mn.us)

## Tips: Who Else to Call?

- **Board of Animal Health:** reportable diseases, rabies certificates, MN health certificates, animal identification
- **Board of Chiropractic Examiners:** human chiropractors working on animals
- **Board of Pharmacy:** compounding, drug label requirements, complaints regarding a pharmacy or pharmacist, license check
- **DEA:** controlled substances
- **MVMA:** veterinary technician credentials and CE
- **USDA/APHIS:** federal accreditation, health certificates requirements
- **DNR:** wildlife questions
- **FDA:** Veterinary feed directives, AMDUCA

## Contact Information for Related Agencies

### Minnesota Board of Animal Health:

625 Robert Street North, St. Paul, MN 55155

<http://mn.gov/bah/>

Phone: (651) 296-2942 Fax: (651) 296-7417

### Drug Enforcement Agency:

100 Washington Avenue South, Suite 800 Minneapolis, MN 55401

[www.deadiversion.usdoj.gov/index.html](http://www.deadiversion.usdoj.gov/index.html)

DEA Regional Field Office at (612) 344-4136

National office toll free 1-800-882-9539

### Minnesota Board of Pharmacy:

2829 University Avenue SE, Suite 530

Minneapolis, MN 55414

<http://www.pharmacy.state.mn.us/>

Phone: (651) 201-2825 Fax: (651) 210-2837

### Minnesota Department of Health:

Joni Scheftel, DVM, MPH, DACVPM State Public Health Veterinarian,

625 Robert St. North St. Paul, MN 55155-2538 651-201-5107

[joni.scheftel@state.mn.us](mailto:joni.scheftel@state.mn.us)

### FDA Minneapolis State Liaison:

Ryan Benedict 612-758-7191 [ryan.benedict@fda.gov](mailto:ryan.benedict@fda.gov)

