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MINNESOTA BOARD OF VETERINARY MEDICINE

BVM Bits

MINNESOTA

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Veterinary Practice Act

Upcoming Deadline for Renewal of Licenses Ending in an Even Number

Veterinarians must renew their license by March 1, 2022 if their license number ends with an even number. A late fee of $100 for an active license ($50 for inactive) will be incurred after that date. (https://mn.gov/boards/veterinary-medicine/license/license-renewal.jsp) Renewal can be done online via the Board's website and paid for with a credit card. A paper form to fill out and mail with a check can be downloaded from the website. A paper form can also be requested by calling the Board office at 651-201-2844 or by requesting one via an email to vet.med@state.mn.us.

Changing from active status to **inactive** status requires the paper form. Veterinarians wishing to **retire** their license need to send a statement with that request to the Board via email, letter, or fax. If choosing to not renew, a veterinarian should inform the Board to avoid license suspension for nonpayment at the Board's May 11, 2022 Board meeting.

Veterinarians lacking the requisite 40 continuing education credits need to request a 12-month extension in writing by March 1, 2022. The credits must be earned by March 1, 2023. Documentation of completion of all 40 credits must be sent to the Board by that date. The credits earned after March 1, 2022 to meet the 2022 40 credit renewal requirement may not be counted again for the 2024 renewal.

New Guidance on CBD Products from the Board of Pharmacy

As more cannabinoid (CBD) manufacturers provide analyses of the THC content of hemp-derived products and more evidence based clinical trials are published, veterinarians may be able to discern which clinical problems may benefit from CBD treatment.

Per Dr. Cody Wiberg, Executive Director of the Minnesota Board of Pharmacy: *"Under state law, anyone can sell CBD products – as long as those products meet the requirements of Minn. Stats. §151.72. Products that don't meet those requirements are considered adulterated and misbranded. We have told pharmacies that they can sell products that meet 151.72. The FDA might consider even 151.72 compliant products to be misbranded and adulterated – but they seem to be only taking action against manufacturers that make blatant drug treatment claims."*

Continued…

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.

New Guidance on CBD Products from the Board of Pharmacy Continued…



Minnesota Statute 151.72 applies to veterinarians who are legally "practitioners" and "dispensers". Veterinarians who are considering use and sale of CBD products for their patients should be familiar with the stringent requirements of that statute. The Board of Veterinary Medicine expects licensed veterinarians to be judicious in the use of CBD products, explain the lack of FDA safety testing and approval to the animal owner as well as to follow these regulations:

151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.

Subdivision 1. **Definitions.**

(a) For the purposes of this section, the following terms have the meanings given.

(b) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 3.

(c) "Labeling" means all labels and other written, printed, or graphic matter that are:

(1) affixed to the immediate container in which a product regulated under this section is sold; or

(2) provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets.

Subd. 2. **Scope.**

(a) This section applies to the sale of any product that contains nonintoxicating cannabinoids extracted from hemp other than food that is intended for human or animal consumption by any route of administration.

(b) This section does not apply to any product dispensed by a registered medical cannabis manufacturer pursuant to sections 152.22 to 152.37.

Subd. 3. **Sale of cannabinoids derived from hemp.**

Notwithstanding any other section of this chapter, a product containing nonintoxicating cannabinoids may be sold for human or animal consumption if all of the requirements of this section are met.

Subd. 4. **Testing requirements.**

(a) A manufacturer of a product regulated under this section must submit representative samples of the product to an independent, accredited laboratory in order to certify that the product complies with the standards adopted by the board. Testing must be consistent with generally accepted industry standards for herbal and botanical substances, and, at a minimum, the testing must confirm that the product:

(1) contains the amount or percentage of cannabinoids that is stated on the label of the product;

(2) does not contain more than trace amounts of any pesticides, fertilizers, or heavy metals; and

(3) does not contain a delta-9 tetrahydrocannabinol concentration that exceeds the concentration permitted for industrial hemp as defined in section 18K.02, subdivision 3.

(b) Upon the request of the board, the manufacturer of the product must provide the board with the results of the testing required in this section.

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New Guidance on CBD Products from the Board of Pharmacy Continued…

Subd. 5. **Labeling requirements.**

(a) A product regulated under this section must bear a label that contains, at a minimum:

(1) the name, location, contact phone number, and website of the manufacturer of the product;

(2) the name and address of the independent, accredited laboratory used by the manufacturer to test the product; and

(3) an accurate statement of the amount or percentage of cannabinoids found in each unit of the product meant to be consumed; or

(4) instead of the information required in clauses (1) to (3), a scannable bar code or QR code that links to the manufacturer's website.

The label must also include a statement stating that this product does not claim to diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the United States Food and Drug Administration (FDA) unless the product has been so approved.

(b) The information required to be on the label must be prominently and conspicuously placed and in terms that can be easily read and understood by the consumer.

(c) The label must not contain any claim that the product may be used or is effective for the prevention, treatment, or cure of a disease or that it may be used to alter the structure or function of human or animal bodies, unless the claim has been approved by the FDA.



Subd. 6.**Enforcement.**

(a) A product sold under this section shall be considered an adulterated drug if:

(1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;

(2) it has been produced, prepared, packed, or held under unsanitary conditions where it may have been rendered injurious to health, or where it may have been contaminated with filth;

(3) its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;

(4) it contains any color additives or excipients that have been found by the FDA to be unsafe for human or animal consumption; or

(5) it contains an amount or percentage of cannabinoids that is different than the amount or percentage stated on the label.

(b) A product sold under this section shall be considered a misbranded drug if the product's labeling is false or misleading in any manner or in violation of the requirements of this section.

(c) The board's authority to issue cease and desist orders under section 151.06; to embargo adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under section 214.11, extends to any violation of this section.

History: *1Sp2019 c 9 art 11 s 76; 2021 c 30 art 3 s 27*

Emergency Medical Personnel Can Legally Treat Wounded Police Dogs



The Veterinary Practice Act (Link to https://www.revisor.mn.gov/statutes/cite/156.12) was amended last legislative session to legally allow a person certified by the Emergency Medical Services Regulatory Board (EMSRB) under chapter 144E (Link to https://www.revisor.mn.gov/statutes/cite/144E/pdf) to provide emergency medical care to a police dog wounded in the line of duty. Paramedics and emergency medical technicians are licensed by EMSRB. Emergency Medical Responders (EMR) are registered by EMSRB and may perform at a minimum, basic emergency skills before the arrival of a licensed ambulance service with which the EMR must be affiliated.

Until further law is passed, details of types of treatment of the dogs within the ambulance are determined by the medical director of the ambulance service. The ambulance providing the service will bring the dog to a veterinarian that can provide emergency treatment. Additional legislation is expected in the upcoming session.

No Open Appointments and Emergencies



Scheduling disruptions due to safety and other concerns arising from the ongoing COVID pandemic, shortages caused by illness, and the general employee shortages that have plagued veterinary clinics, have made scheduling routine appointments as well as urgent or emergency care difficult for pet owners. When pet owners are unable to locate care for their pets, whether the care is scheduled or urgent, the frustration and anger owners can experience has resulted in complaints against clinics and veterinarians. Whether the reason is a full schedule and insufficient time on the part of veterinarians and staff or inadequate clinic and kennel space for drop-offs, the stress and helplessness experienced by owners in the face of what they perceive to be a threat to their beloved pet – illness, injury, potential toxin exposure or other medical symptoms – is very real.

While it is stressful for owners to have requests for care refused, per Minnesota regulations, veterinarians and veterinary clinics are not required to see a patient or offer emergency services. Complaints with such allegations are reviewed by two small animal veterinarians that work to understand both the client and the veterinarian perspectives. The standard of care could be difficult to maintain If the veterinarian is overbooked and/or if there is insufficient time and staff to fully assess and treat a patient. If a veterinary clinic overbooks appointments, it can also be difficult to maintain records and communications that are integral components of the overall care of the patient and management of the veterinarian-client-patient relationship. Failure to meet standard of care and poor clinical recordkeeping are common contributors to client/patient experiences that result in Board complaints.

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No Open Appointments and Emergencies Continued…



Effective, empathetic communication with the pet owner is critical, both by the veterinarian and by staff persons. If this communication is for an existing client, a note in the pet's medical record should document any conversations with the owner, particularly if it was suggested by veterinarians or clinic staff to take the animal to an emergency clinic or another practice in the area that might have an open appointment. In cases where there is no availability at a given veterinary clinic, keep in mind that contact information to facilitate the client's search would often be appreciated.

Communication breakdowns between clients and veterinary clinic staff or veterinarians have also been reported for clients whose pets are seen in the clinic during times when restricted client entry policies are in effect. Restricted client entry into the clinic for medical care of their animal increases emotional stress for many and can impact decision making. Delegating patient status updates to staff may be necessary but all communications should be noted in the medical record. While it may be challenging in the current pandemic environment, it is important to pay more, not less, attention to client communication when clients are not able to speak face to face with those caring for their pet to foster the trust and confidence needed to provide excellent care in a difficult situation.

Manual Signature Required for Controlled Substances Prescriptions

Last fall, the Drug Enforcement Administration (DEA) reminded all veterinarians with a DEA registration and all pharmacies that a manual signature was needed for all prescriptions for controlled substances. This requirement should be shared with staff and all veterinarians in the clinic that do not have their own DEA registration. The requirement does not apply to controlled substances that are dispensed from the veterinary practice.

DEA's communication reiterates that paper prescriptions, including prescriptions created on paper and prescriptions generated by computer or a prescription application that are printed out or faxed, must be manually signed by the practitioner. This includes prescriptions faxed via computer or a prescription application which does not meet the requirements for electronic prescriptions in part 1311. Further, registrants are reminded that "the responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription." 21 CFR 1306.04(a).



For information regarding DEA's Diversion Control Division, please visit www.DEAdiversion.usdoj.gov. Please contact the Diversion Control Division, Policy Section at (571) 362-3260 for further questions.

MINNESOTA
BOARD OF VETERINARY MEDICINE

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Tips: Who Else to Call?

Board of Animal Health: reportable diseases, rabies certificates, MN health certificates, animal identification, commercial dog and cat breeders
Board of Chiropractic Examiners: human chiropractors working on animals
Board of Pharmacy: compounding, drug label requirements, pharmacy or pharmacist complaints, license verification, prescription monitoring program
DEA: controlled substances, DEA registration
MVMA: veterinary technician credentials and CE
USDA/APHIS: federal accreditation, heath certificate requirements
DNR: wildlife questions
FDA: Veterinary feed directives, AMDUCA
MN Pollution Control Agency: disposal of medications and other substances from a veterinary practice

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
DEA Regional Field Office at (612) 344-4136
National Office toll free 1-800-882-9539

Minnesota Board of Pharmacy:
335 Randolph Ave, Suite 230, St. Paul, MN 55102
http://www.pharmacy.state.mn.us/
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Minnesota Department of Health:
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FDA Minneapolis State Liaison:
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