

Minnesota Board of Veterinary Medicine

BVM BITS



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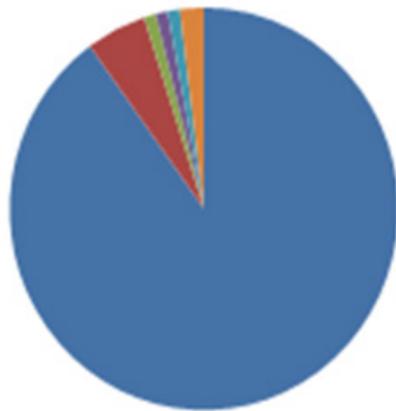
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Money and the Board

As a government agency, the Minnesota Board of Veterinary Medicine is funded by its income. The legislature grants the Board the authority to spend it for Board functions. License fees comprise 90% of the Board's annual income of approximately \$360,000. The license fees have not been raised since 1997, although a surcharge of \$20 was added to the biennial renewal cost on 2010 by the state government to support its centralized information technology branch. This fee will be discontinued as of July 1, 2015. Other very minor categories of revenue include professional firm registrations and annual reports, license verifications to other states, continuing education sponsor applications, and disciplinary penalties.

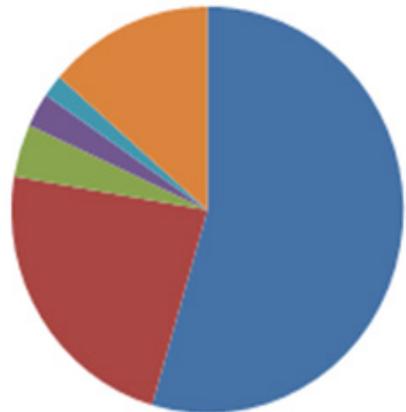
What is the Board's revenue spent on? In fiscal year 2014, the largest expenditure was salaries of the two Board staff members (52% of expenditures). Legal services provided by the Office of the Attorney General comprised 22% of expenditures, followed by this Board's portion of the Health Licensing Boards' Administrative Services Unit (5%), and office rent (4%). Support of the Health Professional Services Program (HPSP) was 2.6%. The Board members, who volunteer their time, receive a daily per diem from meetings and case review hours. In fiscal year 2014, that cost was only 1.7% of the total costs for the Board.

Revenues



- License fees
- Continuing Ed Approvals
- Professional firms
- License Verifications
- Penalties
- Miscellaneous

Expenditures



- Board salaries
- HPSP
- Legal services
- Per diems
- Office rent
- Miscellaneous

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.



Minnesota Board of Pharmacy's Guidance on Compounding of Veterinary Products

On March 4, 2015, the Pharmacy Board issued the following guidance to veterinarians and pharmacies, pursuant to MN Stats. §214.108. It will remain in effect only until the Board can promulgate appropriate rules related to this issue. *Compounding pursuant to a patient-specific prescription is **not** the subject of this guidance.*

The full document is available at:

<http://mn.gov/health-licensing-boards/images/Urgent%20and%20Emergency%20Veterinary%20Compounding%20Guidance%20Document.pdf>

1. Pharmacies licensed by the Board can already compound and dispense drugs, pursuant to a prescription received in advance of the dispensing, provided that such compounding and dispensing is done according to MN Stats. §151.253 and the applicable rules of the Board. Note that only pharmacies that have selected the non-sterile and/or sterile compounding licensing categories are allowed to compound drugs. A pharmacy's license type can be checked at:

<https://www.hlb.state.mn.us/mnbop/GLSuiteWeb/Clients/MNBOPharm/Public/LicenseSearch.aspx>

2. The Board will exercise enforcement discretion and not take action against a pharmacy that, in good faith, provides a compounded drug to a veterinarian, at wholesale and without first receiving a patient-specific prescription, **only** when:

- a) The compounded drug is needed to treat animals in urgent or emergency situations; that is, where the health of an animal is threatened, or where suffering or death of an animal is likely to result, from failure to treat.
- b) Timely access to a compounding pharmacy is not available, as determined by the prescribing veterinarian.
- c) There is no FDA-approved, commercially manufactured drug that is suitable for treating the animal; or there is a documented shortage of such drug.

- d) The compounded drug is to be administered by a veterinarian or a bona fide employee of the veterinarian; or dispensed to a client of a veterinarian in an amount not to exceed what is necessary to treat an animal for a period of five days.
- e) The pharmacy is licensed by the Board as a drug wholesaler. (Except that a pharmacy could distribute compounded drugs as described in this guidance until May 1, 2015 without being licensed as a drug wholesaler).
- f) The pharmacy has selected the sterile or non-sterile compounding licensing category.
- g) The pharmacy is appropriately registered by the United States Drug Enforcement Administration when providing compounded products that contain controlled substances.

Release of Medical Records

Must you release medical records to client if asked? The answer is yes, even if the client owes the practice money. MN Rule 9100.0800 Subpart 4 (Record keeping) states: Medical records, or an accurate summary of them, must be released to the animal owner or the owner's authorized agent, including the board, within two weeks of a written request. A reasonable charge for copying or preparation of a summary may be made, except in the case of a board investigation, in which case no charges are authorized. Furthermore, a radiograph is considered part of the medical record, and must be permanently identified. It must be released on the written request of another veterinarian who has the written authorization of the owner of the animal to whom it pertains. Film radiographs must be returned within a reasonable time to the practice originally prepared the radiograph(s). If a veterinarian is using digital radiography, a compact disc with the files would fall under the same category. Beware that downloads of files, such as DICOM images in some systems removes all identifiers. Veterinarians should work with their vendor to be able to export files with identifiers intact or added back into the image. Lastly, the contents of medical records must be kept private and not released to third parties unless authorized by the client or required by law. For example, law enforcement can request medical records via a search warrant. The Department of Health can request rabies vaccination information in the case of an animal bite, as vaccination status of the animal determines the course of action for both the animal and human.



Criminal Background Checks

Criminal background checks will be required for all veterinary license applicants soon. This will entail fingerprinting at a government -approved site followed by screening through FBI and Bureau of Criminal Apprehension (BCA) databases. The CBC fee is \$34.75, plus \$10 for fingerprinting if done at the BCA.

Veterinarians that are already licensed will need to have the same criminal background check in the following months, most likely on a staggered timeline. The information resulting from the CBC is considered private, but the Board can investigate concerns that arise, and consider discipline if warranted. Details of this legislative mandate can be found at:

<https://www.revisor.mn.gov/statutes/?id=214.075>



Limits of Gifts to Practitioners by Manufacturers and their Representatives

Veterinarians are considered dispensers and practitioners under the statutes and rules of the Minnesota Board of Pharmacy. One of them, Minn. Stat. 151.461, restricts the value of gifts to individual practitioners by drug manufacturers to \$50.00 per year. It has been on the books since 1993.

Dr. Cody Wiberg, Executive Director of the Board of Pharmacy, has provided a number of points to clarify what veterinarians and veterinary drug manufacturers need to know:

- Product samples that are meant for *free* distribution to clients/patients are not considered gifts and are therefore not subject to the \$50 annual gift limit.
- Educational materials developed by a manufacturer to specifically educate practitioners *about its products* are also not considered to be gifts.

- However, paying for subscriptions to journals or online drug or practice resources, providing free copies of textbooks, providing items to be handed out to clients/patients that don't specifically relate to the manufacturer's products, etc. would not be exempt from the gift limitation
- Any meals or food provided by a manufacturer directly to a practitioner would be considered a gift, subject to the \$50 annual gift limit. This applies to food that a sales rep might provide during an office visit and to meals that are part of a CE program that is *directly* arranged and paid for by a manufacturer's representative. When a practitioner owns the practice, even food given to employees of the practitioner is effectively a gift to the practitioner.
- A manufacturer is allowed to give an **unrestricted** educational grant to a third party, such as a professional association. The grant cannot be paid to a practitioner or to a business owned by practitioners – the entity that receives the grant must not be controlled by a practitioner. The grant must be unrestricted and the entity that receives the grant should be in control of selecting the venue, the topics and the speakers. If those conditions are met, meals served during the CE program would not be considered gifts. Unless they are of very nominal value, manufacturers should not directly or indirectly provide other items. For example, manufacturers who set up exhibition tables can give out candy or small “trinkets” to practitioners who stop by. But if they give items such as textbooks, expensive pens, mugs, etcetera, those would all be considered gifts subject to the \$50 annual gift limit.
- The \$50 gift limit is per manufacturer, not per drug company representative.

The Board of Pharmacy has developed a guidance document on this subject which is available at:

<http://mn.gov/health-licensing-boards/pharmacy/resources/faqs/paymentstopractitioners.jsp>

Manufacturers are encouraged to directly contact the Board of Pharmacy about any questions they have.



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Tips: Who to Call?

Board of Veterinary Medicine: license, CE, veterinary and lay person complaints, Veterinary Practice Act, professional firms

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



Contact Information for Related Boards

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:

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