

DEPARTMENT OF COMMUNITY HEALTH

DIRECTOR'S OFFICE

VETERINARY MEDICINE - GENERAL RULES

(By authority conferred on the department of community health by sections 16145 and 18801 of 1978 PA 368, MCL 333.16145 and MCL 333.18801 and Executive Reorganization Order Nos. 1996-1, 1996-2, and 2003-1 MCL 330.3101, 445.2001, and 445.2011)

PART 1. GENERAL PROVISIONS

R 338.4901 Definitions.

Rule 1. As used in these rules:

- (a) "Board" means board of veterinary medicine.
- (b) "Client" means an owner, as defined in section 18802(3) of the code, or a responsible party.
- (c) "Code" means 1978 PA 368, MCL 333.1101.
- (d) "Department" means the department of community health.
- (e) "Patient" means an animal, as defined in section 18802(2) of the code.

History: 1979 ACS 8, Eff. Nov. 25, 1981; 2011 AACS.

R 338.4902 Licensure by examination; requirements.

Rule 2. An applicant for a Michigan veterinary license by examination shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall meet both of the following requirements:

- (a) Either graduated from a board-approved veterinary college or obtained a certificate from the educational commission for foreign veterinary graduates of the American veterinary medical association.
- (b) Achieved a score of pass on the North American veterinary licensing examination developed by the national board of veterinary medical examiners.

History: 1981 AACS; 1990 AACS; 2011 AACS.

R 338.4903 Examinations; approval and adoption.

Rule 3. The board approves and adopts the North American veterinary licensing examination developed by the national board of veterinary medical examiners.

History: 1981 AACS; 1990 AACS; 2011 AACS.

R 338.4904 Rescinded.

History: 1981 AACCS; 1990 AACCS.

R 338.4905 Rescinded.

History: 1981 AACCS; 1990 AACCS.

R 338.4906 Licensure by endorsement; requirements.

Rule 6. (1) An applicant for a Michigan veterinary license by endorsement shall submit a completed application on a form provided by the department with the requisite fee. An applicant shall meet the requirements of the code and the administrative rules promulgated pursuant to the code.

(2) An applicant shall have either graduated from a board-approved veterinary college or obtained a certificate from the educational commission for foreign veterinary graduates of the American veterinary medical association.

(3) If the applicant was first licensed in another state of the United States and engaged in the practice of veterinary medicine for a minimum of 5 years immediately preceding the date of filing an application for Michigan veterinary licensure, it will be presumed that the applicant meets the requirements of section 16186(1)(a) of the code.

(4) If an applicant does not meet the requirements of subrule (3) of this rule, the applicant shall have been first licensed in another state of the United States after he or she achieved a score of pass on the North American veterinary licensing examination developed by the national board of veterinary medical examiners.

(5) In addition to meeting the requirements of either subrule (3) or (4) of this rule, the applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a veterinarian, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

History: 1981 AACCS; 1990 AACCS; 2011 AACCS.

R 338.4907 Rescinded.

History: 1981 AACCS; 1990 AACCS.

R 338.4908 Approval of veterinary colleges; adoption of standards.

Rule 8. (1) The board approves and adopts herein by reference the standards for accrediting colleges of veterinary medicine adopted by the American veterinary medical association (avma) council on education entitled "Accreditation Policies and Procedures of the AVMA Council on Education", April 1, 2008.

(2) The standards for accrediting colleges of veterinary medicine adopted by the American veterinary medical association council on education may be obtained, at no cost, from the American Veterinary Medical Association, 1931 North Meacham Road, Suite 100, Schaumburg, IL 60173 or at the association's website at <http://www.avma.org>. A copy of the handbook is available for inspection and distribution at cost from the Board of Veterinary Medicine, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 1981 AACS; 1990 AACS; 2011 AACS.

R 338.4909 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4910 Supervision of veterinary student by veterinarian.

Rule 10. Supervision of a veterinary student by a veterinarian as required in section 18812 of the code is that degree of close physical proximity necessary for the supervising veterinarian to directly observe and monitor the performance of the student and to ensure that the activities of the student are within the scope of the orders, assignments, or prescriptions of the veterinarian.

History: 1981 AACS; 1990 AACS.

R 338.4911 Veterinary examination of patient when procedures are delegated; veterinarian observation of delegatee's performance.

Rule 11. A veterinarian shall not delegate the performance of acts, tasks, or functions that fall within the practice of veterinary medicine unless the veterinarian has first examined the patient on which the delegated procedures are to be performed and determined the need for such veterinary services. The delegating veterinarian shall observe and monitor the performance of the delegated procedures to the extent necessary to ensure that the activities of the delegatee are within the scope of the orders, assignments, or prescriptions of the veterinarian.

History: 1981 AACS; 1990 AACS; 2011 AACS.

R 338.4912 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4913 Veterinary facilities; sanitation requirements; inspection report; notice of complaint.

Rule 13. (1) A departure from the provisions of this rule is deemed to constitute a departure from, or failure to conform to, minimal standards of acceptable and prevailing veterinary medical practice.

(2) A veterinary facility shall be maintained in a sanitary manner.

(3) The determination of whether a veterinary facility is maintained in a sanitary manner shall include, without limitation, consideration of whether the following requirements have been met:

(a) The facility shall be maintained in a clean and orderly condition.

(b) Floors, walls, windows, exam tables, and all equipment and storage cabinets shall be kept clean.

(c) Some form of sterilization shall be employed on all surgical instruments that is consistent with the standards of veterinary practice.

(d) Kennels in a facility or connected with a facility shall be kept clean. Excrement shall be promptly removed and disposed of in a proper manner. Enclosed facilities shall be properly screened and ventilated.

(4) The board or its designated agent may inspect any facility during regular business hours. The inspection function may be delegated to a representative of the state department of public health, to a representative of the local department of health, or to a licensed veterinarian selected by the board.

History: 1981 AACCS.

R 338.4914 Clinical academic limited licenses.

Rule 14. (1) An applicant for a clinical academic limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, the applicant shall have been appointed to the academic faculty of a board-approved Michigan college of veterinary medicine.

(2) A clinical academic limited license authorizes the holder thereof to engage in the practice of veterinary medicine only to the extent necessary to fulfill his or her employment obligations as a clinical instructor at a college of veterinary medicine approved by the board. The holder of a clinical academic limited license shall not do either of the following:

(a) Engage in the practice of veterinary medicine outside of the limitations specified by the college of veterinary medicine at the time of appointment to the academic faculty and in conjunction with the application for limited license.

(b) Hold himself or herself out to the public as being engaged in the private practice of veterinary medicine.

History: 1981 AACCS; 1990 AACCS.

R 338.4914a Educational limited licenses.

Rule 14a. (1) An applicant for an educational limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules

promulgated pursuant to the code, an applicant shall meet both of the following requirements:

(a) Achieve a score of pass on the North American veterinary licensing examination developed by the national board of veterinary medical examiners.

(b) Admitted as a student to a postgraduate training program at a college of veterinary medicine approved by the board.

(2) The holder of an educational limited license shall not do either of the following:

(a) Engage in the practice of veterinary medicine outside of his or her postgraduate training program in the college of veterinary medicine approved by the board for the training.

(b) Hold himself or herself out to the public as being engaged in the private practice of veterinary medicine.

History: 1990 AACCS; 2011 AACCS.

R 338.4915 Relicensure.

Rule 15. (1) An applicant for relicensure whose license has been lapsed for less than 3 years under section 16201(3) of the code may be relicensed after submitting a completed application on a form provided by the department with the requisite fee. The applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a veterinarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(2) An applicant for relicensure whose license has been lapsed for 3 years or more under section 16201(3) of the code may be relicensed after submitting a completed application on a form provided by the department with the requisite fee and satisfying either of the following requirements:

(a) If the applicant had been licensed in another state of the United States and had legally engaged in the practice of veterinary medicine within the 3-year period immediately preceding the date of the application for relicensure, then the applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a veterinarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(b) If the applicant had not engaged in the practice of veterinary medicine within the 3-year period immediately preceding the date of the application for relicensure, then the applicant shall do both of the following:

(i) Have his or her licensure verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as veterinarian, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(ii) Take or retake the North American veterinary license examination developed by the national board of veterinary medical examiners (nbvme) and achieve a score of pass as recommended by the nbvme.

History: 1981 AACS; 1990 AACS; 2011 AACS.

R 338.4916 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4917 Rescinded.

History: 1981 AACS; 1990 AACS.

R 338.4918 Assessment of fines.

Rule 18. When a fine has been designated as an available sanction for violation of sections 16221 to 16226 of the code, in the course of assessing a fine, the board may take into consideration the following factors without limitation:

(a) The extent to which the licensee obtained financial benefit from any conduct comprising part of the violation found by the board.

(b) The willfulness of the conduct found to be part of the violation determined by the board.

(c) The public harm, actual or potential, caused by the violation found by the board.

(d) The cost incurred in investigating and proceeding against the licensee.

History: 1990 AACS; 2011 AACS.

R 338.4919 Rescission.

Rule 19. R 287.1, R 287.451 to R 287.459, and R 287.461 of the Michigan Administrative Code, appearing on pages 1380 to 1383 of the 1979 Michigan Administrative Code, are rescinded.

History: 1981 AACS.

R 338.4920 Safeguards for drugs used in practice of veterinary medicine.

Rule 20. (1) If drugs are dispensed in the manufacturer's original container, the original instructions shall be included.

(2) If drugs are dispensed in other than the manufacturer's original container, both of the following provisions shall apply:

(a) The container shall be equipped with a child-safe lock mechanism, if appropriate.

(b) The veterinarian's own label shall be affixed to the container and shall include all of the following information:

- (i) The date the drug was dispensed.
- (ii) The name of the patient.
- (iii) The name of the client.
- (iv) Complete instructions for use of the drug.
- (v) The name of the drug.
- (vi) The strength for unit dose.
- (vii) The quantity dispensed.
- (viii) The withholding time for food-producing animals and poultry.
- (ix) The expiration date of the drug, when appropriate.
- (x) The veterinarian's name or clinic's name, telephone number, and any appropriate precautionary statements, such as "Keep out of reach of children."

History: 1990 AACCS.

R 338.4921 Medical records; requirements.

Rule 21. (1) A veterinarian who practices veterinary medicine in Michigan shall maintain a medical record for each patient that accurately reflects the veterinarian's evaluation and treatment of the patient. Entries in the patient record shall be made in a timely fashion. The patient record shall contain documentation of a valid veterinarian-patient-client relationship.

(2) A record shall be maintained on either a herd or flock, or an individual patient. Records shall be legible and shall be retrievable. A record shall be maintained in either a written, electronic, audio, or photographic format.

(3) A record for an individual patient, group, herd, or flock shall document all of the following:

- (a) Identification that may include, but not be limited to, a tattoo, tag number, lot number, pen number, age, name, markings, sex, and species of the patient, as available.
- (b) Date of the last veterinary service.
- (c) Name, address, and telephone number of the client.
- (d) Location of patients, if not at the location of the veterinary practice.
- (e) Reason for the contact including, but not limited to, the case history, problem and/or signs of a problem, and whether the contact was a routine health visit or an emergency call.
- (f) Vaccination history, when appropriate and if known.
- (g) Results of the physical examination and a list of abnormal findings.
- (h) Laboratory reports and other reports, when appropriate.
- (i) Diagnostic procedures utilized and the reports that pertain to these procedures.
- (j) Procedures performed including, but not limited to, surgery and rectal palpations.
- (k) Daily progress notes, if hospitalized.
- (l) Documentation of informed consent, if appropriate.
- (m) Documentation of diagnostic options and treatment plans.
- (n) Records of any client communication deemed relevant.
- (o) Documentation of prescribed medication.

(4) Records shall be maintained for a minimum of 3 years from the date of the last veterinary service.

History: 2011 AACCS.

R 338.4922 Veterinarian-client-patient relationship; requirements.

Rule 22. All of the following requirements shall be met for a veterinarian-client-patient relationship to exist:

(a) A veterinarian shall assume responsibility for making clinical judgments regarding the health of the patient and the need for medical treatment, and a client shall have agreed to follow the veterinarian's instructions.

(b) A veterinarian shall have sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. "Sufficient knowledge," as used in this subrule, means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the patient by virtue of an examination of the patient, or by medically appropriate and timely professional visits to where the patient is kept.

(c) A veterinarian shall be readily available, or shall arrange for emergency coverage, for follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen.

History: 2011 AACCS.

R 338.4923 Dispensing or prescribing a prescription product; veterinarian-client-patient relationship required.

Rule 23. (1) If a veterinarian recommends a specific medication for a patient, the veterinarian shall honor a client's request for a prescription in lieu of dispensing a prescription product.

(2) Without a veterinarian-client-patient relationship, a veterinarian's merchandising or use of veterinary prescription drugs, including the extra-label use of any pharmaceutical, may be considered unprofessional conduct in violation of section 16221 of the code.

History: 2011 AACCS.

R 338.4924 Terminating a veterinarian-client-patient relationship.

Rule 24. (1) A veterinarian may terminate a veterinarian-client-patient relationship by notifying the client that the veterinarian no longer wishes to serve that patient and client.

(2) If the veterinarian-client-patient relationship has been terminated but an ongoing medical or surgical condition exists, the patient shall be referred to another veterinarian for diagnosis, care, and treatment. The former attending veterinarian shall continue to provide life-saving support, as needed, during the transition period.

History: 2011 AACCS.