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## BOARD OF VETERINARY MEDICINE RULES

AS OF JUNE 30, 2021

This version of the Administrative Rules of Montana is provided as a tool for board members and department staff. In case of inconsistencies, the rule text in the Montana Administrative Register is the official rule text and will prevail.

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DEPARTMENT OF LABOR AND INDUSTRY

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## Subchapter 1

## Organizational Rule

24.225.101 BOARD ORGANIZATION (1) The Board of Veterinary Medicine hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 37-18-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; TRANS, from Commerce, 2005 MAR p. 323.)



## Subchapter 2

## Procedural Rules

24.225.201 PROCEDURAL RULES (1) The Board of Veterinary Medicine hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 37-18-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; TRANS, from Commerce, 2005 MAR p. 323.)

24.225.202 PUBLIC PARTICIPATION RULES (1) The Board of Veterinary Medicine hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in chapter 2 of Title 8. (History: 37-18-202, MCA; IMP, 2-3-103, MCA; NEW, 1978 MAR p. 612, Eff. 4/25/78; TRANS, from Dept. of Prof & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; TRANS, from Commerce, 2005 MAR p. 323.)

## Subchapter 3

## Definitions

24.225.301 DEFINITIONS (1) "Animal" means any member of the animal kingdom other than humans, whether living or dead.

(2) "Approved euthanasia and restraint drugs" means those substances as defined in 37-18-602, MCA, and ARM 24.225.930 which are approved by the board for euthanizing animals under subchapter 9 of these rules.

(3) "Attorney-in-fact" means the individual given power of attorney by a certified euthanasia agency as designated on the agency's DEA permit application.

(4) "Drug Enforcement Administration" or "DEA" means the United States Department of Justice agency responsible for enforcing narcotics laws.

(5) "Emergency" means any instance in which an animal has a condition that threatens its life and immediate treatment is required to sustain life.

(6) "Encounter" means an in-person visit, telephone conversation, or any telehealth interactions between the licensee and a client.

(7) "For remuneration or hire" means direct or indirect payment for the services rendered. This includes not only monetary payments but also payment by giving or receiving of material goods or services.

(8) "Occasional case" means the practice of veterinary medicine in this state no more than three days in any calendar year by a veterinarian actively licensed and in good standing in another state or jurisdiction who is supervised by a veterinarian licensed in this state. As per 37-18-104, MCA, veterinarians meeting this definition are exempt from licensing requirements.

(9) "Patient" means any animal or group of animals receiving veterinary care from a licensee.

(10) "Support personnel" means any person employed by a licensed veterinarian who assists a licensed veterinarian in the practice of veterinary medicine. The term does not include embryo transfer technicians.

(11) "Veterinarian/client/patient relationship" or "VCPR" exists when:

(a) both the veterinarian and client acknowledge the veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to allow the veterinarian to assume that responsibility;

(b) the veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by:

(i) virtue of a physical examination of the animal(s); or

(ii) medically appropriate and timely visits to the premises where the animal(s) are kept; and

(c) the veterinarian is available for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen or the veterinarian has made reasonable arrangements for follow-up care.

(12) "Veterinary prescription drugs" means those drugs restricted by federal law to use by or on the order of a licensed veterinarian (section 503(f) Food, Drug and Cosmetic Act). The law requires that such drugs be labeled with the statement: "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian." (History: 37-18-202, 37-18-603, MCA; IMP, 37-18-102, 37-18-104, 37-18-603, MCA; NEW, Eff. 5/5/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1998 MAR p. 464, Eff. 2/13/98; AMD, 1999 MAR p. 411, Eff. 3/12/99; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 766, Eff. 3/24/06; AMD, 2018 MAR p. 1281, Eff. 7/7/18; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

## Subchapter 4

## General Provisions

24.225.401 FEE SCHEDULE

(1) Veterinarians	
(a) Renewal of license	\$145
(b) Application for examination	200
(c) Application for licensees from other states	200
(d) Temporary permit	75
(2) Embryo transfer technicians	
(a) Application	100
(b) Examination	450
(c) Renewal of certification	145
(3) Euthanasia technicians and agencies	
(a) Technician application	80
(b) Technician renewal	145
(c) Agency application	150
(d) Agency renewal	257
(e) Agency inspection	200
(4) Additional standardized fees are specified in ARM 24.101.403.	
(5) All fees are nonrefundable. (History: 37-1-134, 37-18-202, 37-18-603,	

MCA; IMP, 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-18-302, 37-18-603, MCA; NEW, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1047, Eff. 5/14/82; AMD, 1988 MAR p. 1523, Eff. 7/15/88; AMD, 1991 MAR p. 2030, Eff. 11/1/91; AMD, 1995 MAR p. 2800, Eff. 12/22/95; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1996 MAR p. 3214, Eff. 12/20/96; AMD, 1999 MAR p. 1126, Eff. 5/21/99; AMD, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2011 MAR p. 1151, Eff. 6/24/11; AMD, 2013 MAR p. 1443, Eff. 8/9/13; AMD, 2013 MAR p. 1443, Eff. 8/9/13.)

Rule 24.225.402 reserved

24.225.403 FEE ABATEMENT (1) The Board of Veterinary Medicine adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2006 MAR p. 766, Eff. 3/24/06.)

Rule 24.225.404 reserved

24.225.405 SUPPORT PERSONNEL (1) Support personnel shall work under the supervision of a veterinarian licensed and residing in Montana, who is responsible for the services performed by the support personnel. Support personnel shall not diagnose, initiate treatment, perform surgery, prescribe medicine, prognosticate or accept a direct fee for services rendered as support personnel. Support personnel may only administer anesthesia when the supervising veterinarian is physically present.

(2) The supervising veterinarian is responsible for determining the competency of the support personnel to perform animal health care tasks delegated to the support personnel. In addition, the supervising veterinarian shall be responsible for making all decisions relative to the diagnosis, treatment, management and future disposition of the animal patient.

(a) When the supervising veterinarian is on the premises, the veterinarian shall examine the animal patient before delegating any tasks to support personnel;

(b) When the supervising veterinarian is not on the premises, the veterinarian must instruct support personnel by radio or telephone as to the appropriate action to take. These instructions are to be recorded in writing by the support personnel in the animal patient's file and initialed and dated by the supervising veterinarian within 24 hours.

(3) A veterinary support person may, under the general authority and at the responsibility of his/her veterinary employer, render emergency care to a patient without direct authorization when it would appear that to delay treatment and care for the time necessary to send the animal to another practitioner would be life threatening. Such care may be rendered only after reasonable efforts have been made to contact the employing veterinarian or another veterinarian who could manage the case within allowable time constraints. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1998 MAR p. 464, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.406 through 24.225.409 reserved

24.225.410 RECORD-KEEPING STANDARDS (TRANSFERRED) (History: 37-1-131, 37-1-319, 37-18-202, MCA; IMP, 37-1-131, 37-1-316, 37-1-319, MCA; NEW, 1999 MAR p. 1509, Eff. 7/2/99; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2014 MAR p. 1092, Eff. 5/23/14; TRANS, to ARM 24.225.514, 2018 MAR p. 1281, Eff. 7/7/18.)

Rules 24.225.411 through 24.225.414 reserved

24.225.415 MANAGEMENT OF INFECTIOUS WASTES (TRANSFERRED) (History: 37-1-131, 37-18-202, 75-10-1006, MCA; IMP, 75-10-1006, MCA; NEW, 1994 MAR p. 1993, Eff. 7/22/94; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08; TRANS, to ARM 24.225.520, 2018 MAR p. 1281, Eff. 7/7/18.)

Rules 24.225.416 through 24.225.419 reserved

24.225.420 INSPECTION AND SANITATION (TRANSFERRED) (History: 37-1-131, 37-18-202, MCA; IMP, 37-1-131, 37-18-102, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2014 MAR p. 1092, Eff. 5/23/14; TRANS, to ARM 24.225.521, 2018 MAR p. 1281, Eff. 7/7/18.)

Rules 24.225.421 through 24.225.424 reserved

24.225.425 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2017 MAR p. 191, Eff. 2/4/17; AMD, 2018 MAR p. 1281, Eff. 7/7/18; AMD, 2021 MAR p. 556, Eff. 5/15/21.)

Rule 24.225.426 reserved

24.225.427 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with the following modifications:

(a) Nonviolent misdemeanor convictions involving animals in (5)(a) are routine if the conviction date is more than four years before the application date, unless the applicant is still in custody due to the conviction; and

(b) Nonviolent felony convictions involving animals in (5)(b) are routine if the conviction date is more than ten years before the application date, unless the applicant is still in custody due to the conviction. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

## Subchapter 5

## Veterinarian Licensing

24.225.501 TEMPORARY PERMITS (1) An applicant for licensure as a veterinarian by examination may apply for a temporary permit if the applicant has met all the requirements in ARM 24.225.503 with the exception of passage of the national licensing examination.

(2) Applicants must:

(a) submit a completed application on forms provided by the department. Completed applications include appropriate fees and required documentation;

(b) provide verification the applicant is scheduled to take the national examination described in ARM 24.225.504; and

(c) be supervised by a veterinarian licensed in Montana. The supervising veterinarian is responsible for the standard of care provided by the temporary licensee.

(3) Any temporary permit holder who fails the national examination must notify the board immediately. Failure of the examination automatically voids the temporary practice permit. The applicant may retake the examination, but another temporary permit will not be issued.

(4) A temporary permit is valid for six months. An extension may be granted by the board for a verifiable and rational reason. (History: 37-1-319, MCA; IMP, 37-1-305, 37-1-319, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1998 MAR p. 464, Eff. 2/13/98; AMD, 2000 MAR p. 2303, Eff. 8/25/00; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2018 MAR p. 1281, Eff. 7/7/18.)

24.225.502 OCCASIONAL CASE EXEMPTION (REPEALED) (History: 37-1-131, 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 2006 MAR p. 766, Eff. 3/24/06; REP, 2018 MAR p. 1281, Eff. 7/7/18.)

24.225.503 VETERINARIAN LICENSE REQUIREMENTS – ORIGINAL APPLICANTS (1) Applicants for licensure not currently licensed in another state or jurisdiction must submit a completed application on forms provided by the department electronically or by paper. Completed applications include appropriate fees and required documentation.

(2) Applicants must meet the following education requirements:

(a) have graduated from a school of veterinary medicine accredited or approved by the American Veterinary Medical Association (AVMA) Council on Education. A transcript evidencing graduation must be certified and sent directly from the school or the American Association of Veterinary State Boards (AAVSB); or

(b) if graduated from a foreign veterinary school not accredited by the AVMA Council on Education, proof of completion of either of the following certification programs which must be sent directly from the source:

(i) the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates (ECFVG); or

(ii) the AAVSB Program for the Assessment of Veterinary Education Equivalence (PAVE).

(3) In addition to the requirements in (1) and (2), the applicant must:

(a) have passed the national exam as described in ARM 24.225.504 within 62 months of the application date. Test results must be sent directly to the board from the testing agency or AAVSB;

(b) pass the state jurisprudence exam as described in ARM 24.225.504; and

(c) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.

(4) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees. (History: 37-1-131, 37-18-202, MCA; IMP, 37-1-131, 37-18-302, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1047, Eff. 5/14/82; AMD, 1983 MAR p. 1663, Eff. 11/11/83; AMD, 1986 MAR p. 948, Eff. 5/30/86; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1998 MAR p. 464, Eff. 2/13/98; AMD, 2000 MAR p. 2303, Eff. 8/25/00; AMD, 2003 MAR p. 1288, Eff. 6/27/03; AMD, 2004 MAR p. 327, Eff. 2/13/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2011 MAR p. 1151, Eff. 6/24/11; AMD, 2018 MAR p. 1281, Eff. 7/7/18.)



24.225.504 VETERINARIAN EXAMINATIONS (1) Veterinarian applicants must pass the national North American Veterinary Licensing Examination (NAVLE) or its successor unless (2) applies.

(a) An applicant may not take the NAVLE or its successor more than five times unless approved by the board.

(b) An applicant may not take the NAVLE or its successor more than five years after the initial attempt date unless approved by the board.

(c) Each of the final two attempts must be at least one year after the previous attempt.

(d) Any attempt(s) to pass the exam prior to fall 2007 will not count toward the five-attempt limit.

(2) Veterinarian applicants who took the national exam prior to 2000 must have passed one of the following:

(a) the National Board Examination and the Clinical Competency Test with a converted score of 70 or greater as received by the board from the official score reporting agency; or

(b) the National Board Examination with a converted score of 70 or greater and have been licensed on the basis of a competency (not jurisprudence) examination by a veterinary board under the laws of another state of the United States or a Canadian province.

(3) In addition to passing the applicable examination as described in (1) or (2), all applicants must pass a jurisprudence examination prescribed by the board covering the statutes and rules governing the practice of veterinary medicine in Montana.

(a) Applicants must pass the jurisprudence examination with a score of 90 percent or greater.

(b) Any applicant who fails the jurisprudence examination may retake the examination. (History: 37-1-131, 37-18-202, MCA; IMP, 37-1-131, 37-18-302, MCA; NEW, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 948, Eff. 5/30/86; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1996 MAR p. 3214, Eff. 12/20/96; AMD, 2000 MAR p. 2303, Eff. 8/25/00; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2011 MAR p. 1151, Eff. 6/24/11; AMD, 2018 MAR p. 1281, Eff. 7/7/18.)

Rule 24.225.505 reserved

24.225.506 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as veterinarians, embryo transfer technicians, and euthanasia technicians.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as veterinarians, embryo transfer technicians, and euthanasia technicians.

Satisfactory evidence includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and

(c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 1273, Eff. 6/13/14.)

24.225.507 VETERINARIAN LICENSE REQUIREMENTS – OUT-OF-STATE APPLICANTS (1) Applicants for licensure currently licensed in another state or jurisdiction must submit a completed application on forms provided by the department, electronically or by paper. Completed applications include appropriate fees and required documentation.

(2) Applicants must:

(a) hold a current, active license in good standing to practice veterinary medicine in another state or jurisdiction; and

(b) meet all the licensing requirements described in ARM 24.225.503, with the exception that the national examination does not have to have been passed within 62 months prior to the date of application.

(3) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees. (History: 37-1-131, 37-18-202, MCA; IMP, 37-1-304, 37-18-302, MCA; NEW, 1995 MAR p. 2800, Eff. 12/22/95; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 2000 MAR p. 2303, Eff. 8/25/00; AMD, 2002 MAR p. 1984, Eff. 7/26/02; AMD, 2004 MAR p. 327, Eff. 2/13/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 766, Eff. 3/24/06; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2018 MAR p. 1281, Eff. 7/7/18.)

Rules 24.225.508 and 24.225.509 reserved

24.225.510 RENEWALS (REPEALED) (History: 37-1-141, 37-18-202, MCA; IMP, 37-1-141, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; AMD, 1989 MAR p. 1195, Eff. 8/18/89; AMD, 1996 MAR p. 2579, Eff. 10/4/96; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; REP, 2017 MAR p. 191, Eff. 2/4/17.)

24.225.511 CONTINUING EDUCATION (1) Veterinarians are required to obtain a total of 20 continuing education (CE) hours prior to renewal on November 1 of even-numbered years. The 20 hours must be obtained during the 24-month period prior to renewal in even-numbered years.

(a) No more than ten of the 20 hours may be obtained through online courses.

(b) Practice management CE hours may not exceed 25 percent of the total hours required.

(2) Continuing education requirements will not apply until the licensees' first full year of licensure. Licensees licensed less than two years but more than one year are required to have ten CE hours prior to renewal.

(3) Licensees are responsible for selecting quality programs that focus on protecting the health, safety, and welfare of the public and contribute to veterinarians' professional knowledge and competence. Acceptable CE activities:

(a) directly relate to the scope of practice of veterinary medicine as defined in board statutes and rules;

(b) review existing concepts and techniques;

(c) convey information beyond the basic professional education;

(d) update knowledge on the practice and advances in veterinary medicine; and/or

(e) reinforce professional conduct or ethical obligations of the licensee.

(4) All licensees shall affirm an understanding of their recurring duty to comply with CE requirements as a part of annual license renewal.

(5) The board may randomly audit up to 50 percent of renewed licensees' CE hours.

(6) All CE must be documented to show proof of completion. The licensee is responsible for maintaining these records for one year following the renewal cycle reporting period and for making those records available upon board request.

Documentation must include the following information:

(a) licensee name;

(b) course title and description of content;

(c) presenter or sponsor;

(d) course date(s); and

(e) number of CE hours earned.

(7) Licensees found to be in noncompliance with CE requirements may be subject to administrative suspension. Licensees may not apply CE hours used to complete delinquent CE requirements for the next education reporting period.

(8) Any CE hours required by disciplinary order do not apply toward the 20 hours that are required annually under this rule.

(9) A licensee may request a hardship exemption from CE requirements due to certified illness or undue hardship. Requests will be considered by the board. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, 37-1-321, MCA; NEW, Eff. 4/5/76; AMD, 1978 MAR p. 1332, Eff. 8/25/78; AMD, 1979 MAR p. 154, Eff. 2/16/79; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; AMD, 1989 MAR p. 1195, Eff. 8/18/89; AMD, 1991 MAR p. 2030, Eff. 11/1/91; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1999 MAR p. 411, Eff. 3/12/99; AMD, 2003 MAR p. 1288, Eff. 6/27/03; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2014 MAR p. 1092, Eff. 5/23/14; AMD, 2018 MAR p. 1281, Eff. 7/7/18.)

Rule 24.225.512 reserved

24.225.513 CONTINUING EDUCATION INSTRUCTORS (1) "Instructs" as used in 37-18-102, MCA, does not apply to individuals who present continuing education courses, in the state of Montana, which meet board requirements for approved continuing education. (History: 37-1-319, 37-18-202, MCA; IMP, 37-1-306, 37-18-102, MCA; NEW, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2018 MAR p. 1281, Eff. 7/7/18.)

24.225.514 PATIENT MEDICAL RECORDS AND RECORDKEEPING

- (1) Patient medical records shall be maintained for every animal accepted and treated by a veterinarian as:
- (a) an individual patient; and
  - (b) every animal group (e.g., herd, litter, flock).
- (2) Patient medical records:
- (a) must be maintained for a minimum of three years after the last visit by the patient;
  - (b) are the property of the practice and the practice owner where the records were prepared;
  - (c) must be legibly written;
  - (d) must be maintained and stored in an orderly, legible manner for easy retrieval by the veterinarian;
  - (e) must be safeguarded against loss, tampering, or use by unauthorized persons, readily available; and
  - (f) must contain sufficient information to permit any authorized veterinarian to proceed with the care and treatment of the patient by reading the medical record.
- (3) In no case do the requirements in this rule eliminate the requirement to maintain drug records as specified by state and federal law and other rules in this chapter.
- (4) Veterinarians may substitute the words "herd," "flock," or other collective term in place of the word "patient" when appropriate.
- (5) Patient medical records may be kept in a daily log or in the billing records, provided the records meet the requirements of this rule.
- (6) Patient medical records must include, but are not limited to the following:
- (a) patient identification, including description, sex (if readily determinable), breed, and age;
  - (b) presenting complaint and relevant patient history;
  - (c) client identification, including name, address, and phone number;
  - (d) a record of every encounter and consultation regarding the patient;
  - (e) results of any part of a physical examination, including but not limited to weight, temperature, pulse, and respiration, and condition;
  - (f) all written records and notes, radiographs, sonographic images, video recordings, photographs, or other imaging and laboratory reports, including diagnostic and laboratory tests or techniques utilized, and the results of each;
  - (g) diagnosis or tentative diagnosis;
  - (h) treatments or intended treatment plans, or both, including:
    - (i) medications; and
    - (ii) all medications administered, dispensed, or prescribed including dosage amounts and frequency for both inpatient and outpatient care;
      - (i) when pertinent, a prognosis; and
      - (j) any authorizations, details of conversations, releases, waivers, discharge instructions, or other related documents.

(7) Veterinarians shall indicate by recognizable means on each patient's medical record any treatment the veterinarian has performed, or which the veterinarian has directed support personnel to perform.

(8) All radiographs referenced in (6) shall be permanently labeled to identify:

- (a) the veterinarian or business name of the practice;
- (b) the patient;
- (c) the owner;
- (d) date the radiograph was taken; and
- (e) anatomical orientation of the radiograph.

(9) Information within patient medical records is privileged and confidential, and may not be released to anyone except the following:

- (a) owner of the patient;
- (b) persons authorized by the owner;
- (c) other veterinarians involved with the treatment and care of the patient; or
- (d) as required by (12).

(10) Information within patient medical records must be released upon consent of the owner or authorized person(s). Consent may be in written, electronic, or other form of waiver, and must be documented in the patient's medical record. Confidentiality is waived under the conditions of (12).

(11) When requested by the owner or person(s) authorized by the owner as per (9), copies or summaries of the veterinary medical records and images must be provided by the veterinarian within a reasonable time period and as promptly as required by medical necessity. The veterinary practice may charge a reasonable fee for the preparation of summaries and copying of the records and images.

(12) Veterinary medical information may be disclosed without consent of the owner or person(s) authorized by the owner as follows:

- (a) when required by court order or subpoena;
- (b) when the owner has made the veterinarian's care and treatment an issue in civil or criminal proceedings;
- (c) upon request for statistical or scientific research, as long as the information is abstracted and de-identified;
- (d) upon request of public health officials, animal health officials, federal, state, or local officials, or agricultural authorities when it is deemed necessary to protect the welfare of the animal, and/or to protect public health and safety; or
- (e) in response to a complaint filed with the board.

(13) A veterinarian may retain an animal or refuse to release records for failure to pay veterinary bills.

(14) A veterinarian-practice owner terminating practice, retiring, relocating, or selling a practice shall:

- (a) notify clients within 30 days by local newspaper, in writing, or via electronic means that they are no longer available to patients;
- (b) offer clients the opportunity to obtain a copy of their veterinary records; and
- (c) specify who the new records owner is, and when applicable, where the patient medical records can be obtained.

(15) A veterinarian may not remove, copy, or use any part of any patient medical records without the express permission of the practice owner or per (9) and (10).

(16) If a veterinarian, based upon the veterinarian's medical opinion, is willing to dispense medication the veterinarian must also provide a prescription in place of said medication should the owner request a prescription. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-316, 37-1-319, MCA; NEW, 1999 MAR p. 1509, Eff. 7/2/99; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2014 MAR p. 1092, Eff. 5/23/14; TRANS, from ARM 24.225.410, 2018 MAR p. 1281, Eff. 7/7/18; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

#### 24.225.515 FORFEITURE OF LICENSE AND RESTORATION

(REPEALED) (History: 37-18-202, MCA; IMP, 37-18-307, MCA; NEW, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; TRANS, from Commerce, 2005 MAR p. 323; REP, 2006 MAR p. 1583, Eff. 7/1/06.)

Rules 24.225.516 through 24.225.519 reserved

#### 24.225.520 MANAGEMENT OF INFECTIOUS WASTES (1) Each

veterinarian licensed by the board shall store, transport off the premises, and dispose of infectious wastes, as defined in 75-10-1003, MCA, in accordance with the requirements set forth in 75-10-1005, MCA. (History: 37-1-131, 37-18-202, 75-10-1006, MCA; IMP, 75-10-1006, MCA; NEW, 1994 MAR p. 1993, Eff. 7/22/94; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08; TRANS, from ARM 24.225.415, 2018 MAR p. 1281, Eff. 7/7/18.)

#### 24.225.521 INSPECTION AND SANITATION (1) The board may perform,

or have performed in its behalf, inspections of any licensed veterinarian's premises to verify standards of sanitation and cleanliness in the public interest subsequent to a complaint being filed or during an investigation.

(2) The premises inspection may include but is not limited to office and reception area, practice vehicle, small and large animal exam room, housing and surgery areas, waste disposal, insect control, grounds, and odor. (History: 37-1-131, 37-18-202, MCA; IMP, 37-1-131, 37-18-102, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2014 MAR p. 1092, Eff. 5/23/14; TRANS, from ARM 24.225.420, 2018 MAR p. 1281, Eff. 7/7/18.)

Rules 24.225.522 through 24.225.549 reserved



24.225.550 UNPROFESSIONAL CONDUCT (1) For the purposes of implementing the provisions of 37-1-319, MCA, the board defines "unprofessional conduct" as follows:

- (a) violation of any state or federal statute or administrative rule regulating the practice of veterinary medicine, including any statute or rule defining or establishing standards of patient care or professional conduct or practice, or any rules established by any health agency or authority of the state or a political subdivision of those entities;
- (b) resorting to fraud, misrepresentation, or deception in the examination or treatment of an animal, or in billing or reporting to a person, company, institution, or agency;
- (c) failing to provide care in a competent and humane manner consistent with prevailing standards of practice for the species of animal and the professed area of expertise of the veterinarian. Veterinarians must meet the currently accepted standards of practice for the profession of veterinary medicine as described under:
  - (i) Title 37, chapter 18, MCA;
  - (ii) ARM Title 24, chapter 225; and
  - (iii) as otherwise found to be accepted within the profession as gauged by the reasonable conduct of other professionals engaged in the practice of veterinary medicine;
- (d) possession, use, addiction to, prescription for use, diversion, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, or violation of any drug law;
- (e) dispensing or prescribing a veterinary prescription drug or veterinary feed directive drug without a valid VCPR;
- (f) failure to respond to a request from the board, including:
  - (i) not furnishing any papers or documents in the possession of and under the control of the licensee related to a complaint; or
  - (ii) not furnishing in writing a full and complete explanation covering the matter contained in a complaint;
- (g) practice beyond the scope of practice encompassed by the license except when reasonably undertaken in an emergency situation to protect life, health, or property;
- (h) offering, undertaking, or agreeing to cure or treat disease or affliction by a secret method, procedure, treatment, or the treating, operating, or prescribing for any health condition by a method, means, or procedure that the licensee refuses to divulge upon demand from the board;
- (i) failing to adequately supervise auxiliary staff to the extent that the patient's physical health or safety is at risk;
- (j) practicing veterinary medicine after the practitioner's license is expired, terminated, revoked, or suspended;
- (k) cruel or inhumane treatment of animals;
- (l) abandoning, neglecting, or otherwise physically abusing a patient once the veterinarian has undertaken treatment of the patient;

- (m) making public any information without consent as per ARM 24.225.514;
- (n) violation of professional ethical standards by making public false or misleading negative information about another veterinarian's professional standing or reputation;
- (o) identifying oneself as a member of an American Veterinary Medical Association (AVMA)-recognized specialty organization if such certification has not been awarded and maintained, or using terms implying a specialty in a false and misleading manner;
- (p) failure to disclose records in accordance with ARM 24.225.514 in a reasonable period of time;
- (q) failure to report to the proper authorities cruel or inhumane treatment to animals, if the veterinarian has direct knowledge of the cruel or inhumane treatment;
- (r) failure to refer if a client requests a referral; or
- (s) failure to obtain the client's consent before placing an animal under anesthesia, performing any surgical procedure, or transporting the animal to another facility, except in emergency situations. (History: 37-1-131, 37-1-136, 37-1-319, MCA; IMP, 37-1-131, 37-1-136, 37-1-316, 37-1-319, MCA; NEW, 1989 MAR p. 1195, Eff. 8/18/89; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1999 MAR p. 411, Eff. 3/12/99; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2014 MAR p. 1092, Eff. 5/23/14; AMD, 2017 MAR p. 191, Eff. 2/4/17; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

Subchapter 6 reserved

## Subchapter 7

## Embryo Transfer

24.225.701 DEFINITIONS - LIMITATION ON PRACTICE (1) For the purposes of these embryo transfer rules, the phrase "nonsurgical embryo transfer" means the procedure of the removal of ova or embryos from a donor bovine animal and subsequent implantation of the embryos into a surrogate mother bovine animal, including the follow-up verification of pregnancy status.

(2) The practice of nonsurgical embryo transfer involves basic knowledge, skills and abilities in manual rectal palpation, synchronization and stimulation with hormones, administration of local anesthetics, flushing with lab media, use of microscopes, freezing and thawing of embryos, catheterizing animals, administration of antibiotics and grading of embryos.

(3) Permissible practices and procedures that may be performed by embryo transfer technicians are limited to those that fall within the scope of nonsurgical embryo transfer, as defined in this rule. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.702 and 24.225.703 reserved

24.225.704 APPLICATION REQUIREMENTS AND QUALIFICATIONS FOR CERTIFICATION (1) Applications for certification as embryo transfer technician (ETT) shall be made on forms provided by the department.

(2) Applications shall include:

- (a) a current photograph of the applicant certified by a notary;
- (b) certified transcripts verifying the required education sent directly from the college or university attended; and
- (c) an original form signed by the applicant and a veterinarian licensed to practice and residing in this state in which the veterinarian agrees to supervise the possession and administration of specific drugs necessary for embryo transfer procedures.

(3) Applicants must be at least 18 years of age and have successfully completed at least six semester hours of 300 level reproductive physiology and endocrinology courses from accredited colleges or universities.

(4) Applicants shall submit a completed application with the proper fee as set forth in ARM 24.225.401 and supporting documents to the board office no later than August 1 to be eligible for the fall examination.

(5) An application shall remain active for two years from the date the application is received at the board office. An applicant who, for any reason, fails or neglects to complete the licensing process within two years shall be required to file another application and submit another application fee. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; AMD, 1994 MAR p. 1993, Eff. 7/22/94; AMD, 1996 MAR p. 2579, Eff. 10/4/96; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2009 MAR p. 2483, Eff. 12/25/09.)

Rule 24.225.705 reserved

24.225.706 CERTIFICATION EXAMINATIONS AND REEXAMINATIONS

- (1) Certification examinations will consist of a written examination and a practical examination.
- (2) Examinations will be administered at times and places designated by the board in advance.
- (3) The written examination will test the applicants' knowledge of reproductive physiology, embryology, endocrinology, pharmacology, grading of embryos, freezing and storing of embryos and export regulations.
  - (a) The passing score on the written examination will be 70 percent overall.
- (4) The practical examination will test the applicants' knowledge and skills in administration of epidural blocks, catheterization, use of pipettes, and palpation.
  - (a) Practical examinations will be graded on a pass-fail basis.
- (5) If an applicant fails either the written examination or the practical examination, he or she must pay the required examination fee and retake the entire examination, both written and practical.
- (6) There will be no limit on the number of times an applicant may retake the examination to qualify for certification. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.707 and 24.225.708 reserved

24.225.709 CONTINUING EDUCATION (1) Nonsurgical embryo transfer technicians are required to obtain a total of ten continuing education (CE) hours prior to renewal on November 1.

(2) No more than five of the ten hours may be obtained through online courses.

(3) Continuing education requirements will not apply until after the licensee's first renewal.

(4) Licensees are responsible for selecting quality programs that focus on protecting the health, safety, and welfare of the public and contribute to nonsurgical embryo transfer technicians' professional knowledge and competence. Acceptable CE activities:

(a) directly relate to the scope of practice of nonsurgical embryo transfer as defined in board statutes and rules;

(b) review existing concepts and techniques;

(c) convey information beyond the basic professional education;

(d) update knowledge on the practice and advances in nonsurgical embryo transfer; and/or

(e) reinforce professional conduct or ethical obligations of the licensee.

(5) All licensees shall affirm an understanding of their recurring duty to comply with CE requirements as a part of annual license renewal.

(6) The board may randomly audit up to 50 percent of renewed licensees.

(7) All CE must be documented to show proof of completion. The licensee is responsible for maintaining these records for one year following the renewal cycle reporting period and for making those records available upon board request.

Documentation must include the following information:

(a) licensee name;

(b) course title and description of content;

(c) presenter or sponsor;

(d) course date(s); and

(e) number of CE hours earned.

(8) Licensees found to be in noncompliance with CE requirements may be subject to administrative suspension. Licensees may not apply CE hours used to complete delinquent CE requirements for the next education reporting period.

(9) Any CE hours required by disciplinary order do not apply toward the ten hours that are required annually under this rule.

(10) A licensee may request a hardship exemption from CE requirements due to certified illness or undue hardship. Requests will be considered by the board. (History: 37-1-319, MCA; IMP, 37-1-131, 37-1-141, 37-1-306, 37-1-319, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

Rules 24.225.710 through 24.225.714 reserved

24.225.715 RECORD KEEPING (1) Embryo transfer technicians must make and maintain the following records related to embryo transfers.

(a) For each donor insemination, a written record of the permanent identification or registration name and registration number of the male whose semen is used. The embryo transfer technician must use his records compiled under this rule when completing forms for, or providing data to, breed associations and others.

(b) For each donor collection, a written record showing:

(i) permanent identification or registration name and registration number of each female from which embryos were recovered;

(ii) date of recovery of each embryo;

(iii) the number of transferable embryos recovered, including stage and grade as established by the International Embryo Transfer Society (IETS);

(iv) identification of each recipient to which embryos were transferred;

(v) date of transfer of each embryo; and

(vi) complete records of all embryos divided.

(c) For all embryos recovered:

(i) all frozen embryos must be labeled and graded in keeping with the standardized procedures of IETS;

(ii) an inventory record of all frozen embryos in storage must be maintained; and

(iii) a record of all divided embryos in storage must be maintained in such a manner that animals that result from divided embryos can be identified on applications for their respective registration, if necessary.

(d) For embryo transfer technicians who purchase and sell embryos, complete records of the embryo transactions at the time of sale, including, but not limited to, date of sale of all embryo sales, together with the name and address of the purchaser, the permanent identification and breed of the recipient and the identity of the embryo transferred.

- (e) For embryo transfer technicians maintaining recipient herds:
  - (i) the identity of all recipients at the time acquired;
  - (ii) the date each animal was acquired;
  - (iii) the name and address of the person or firm from whom it was acquired;
  - (iv) the official health record, including brucellosis calfhood vaccination and certificate/tag/tattoo, if available;
  - (v) a complete record of health testing, vaccinating and parasite control while the animal was in the possession or custody of the embryo transfer technician; and
  - (vi) the date of each embryo transfer and the date removed from the premises, the name and address of the person or firm receiving said recipient and the identity of the embryo.
- (f) For all embryo transfer technicians using specific drugs, a drug log on a form provided by the board showing the identity, date of acquisition and disposition of all drugs the embryo transfer technician obtains and administers.
- (2) All of the foregoing records must be maintained for a period of at least six years. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.716 through 24.225.719 reserved



24.225.720 USE OF SPECIFIC DRUGS AND SUPERVISION

REQUIREMENTS (1) Possession and administration of drugs by an embryo transfer technician is limited to the following specific drug categories:

- (a) local anesthetics;
- (b) antibiotics used in reproductive work; and
- (c) synchronizing and stimulating hormones used in reproductive work.

(2) Possession and administration of specific drugs by embryo transfer technicians must be under the supervision of a veterinarian licensed to practice and residing in Montana. Records of supervision forms signed by the technicians and the supervising veterinarians will be maintained by the board. When a new or different veterinarian agrees to supervise a technician, it is the technician's responsibility to see that a new supervision form is filed with the board. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.721 through 24.225.749 reserved

24.225.750 UNPROFESSIONAL CONDUCT (1) The board may, with respect to the practice of nonsurgical embryo transfer, either refuse to grant a certificate of registration or suspend or revoke a certificate of registration on the grounds and procedures set forth in 37-1-312, MCA.

(2) For the purpose of implementing the provisions of 37-18-104, MCA, the board defines "unprofessional conduct" subject to the disciplinary powers of the board for embryo transfer technicians as follows:

(a) violation of any state or federal statute or administrative rule regulating the practice of embryo transfer;

(b) resorting to fraud, misrepresentation, or deception in the examination or treatment of an animal, or in billing or reporting to a person, company, institution, or agency;

(c) incompetence, negligence, or use of any practice or procedure in the practice of embryo transfer which creates an unreasonable risk of physical harm or serious financial loss to the client;

(d) suspension, revocation, or restriction of the individual's certificate to practice embryo transfer by competent authority in any state, federal, or foreign jurisdiction for reasons that would be grounds for disciplinary sanction in this jurisdiction, a certified copy of the order or agreement being conclusive evidence of the revocation, suspension, or restriction;

(e) failing to cooperate with an investigation authorized by the Board of Veterinary Medicine by:

(i) not furnishing any papers or documents in the possession of and under the control of the certificate holder;

(ii) not furnishing in writing a full and complete explanation covering the matter contained in the complaint; or

(iii) not responding to subpoenas issued by the board or the department, whether or not the recipient of the subpoena is the accused in the proceedings.

(f) practice beyond the scope of practice encompassed by the certificate;

(g) failing to maintain appropriate records as specified in the rules of the board;

(h) failing to adequately supervise auxiliary staff to the extent that the donor or recipient's physical health or safety is at risk;

(i) performing embryo transfer while the embryo transfer technician's certificate is expired, terminated, suspended, or revoked;

(j) willful or repeated violations of rules established by any health agency or authority of the state or a political subdivision thereof; or

(k) cruel or inhumane treatment of animals. (History: 37-1-319, 37-18-202, MCA; IMP, 37-1-141, 37-1-316, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; AMD, 1996 MAR p. 2579, Eff. 10/4/96; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Subchapter 8 reserved

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## Subchapter 9

## Euthanasia Technicians and Agencies

24.225.901 DEFINITIONS (REPEALED) (History: 37-18-202, 37-18-603, MCA; IMP, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; REP, 2020 MAR p. 1633, Eff. 8/29/20.)

Rules 24.225.902 and 24.225.903 reserved

24.225.904 CERTIFIED EUTHANASIA TECHNICIANS – LICENSE REQUIREMENTS (1) Application for licensure as a certified euthanasia technician must be made on forms prescribed by the department. Completed applications include appropriate fees and required documentation.

(2) Applicants for an original license must:

(a) be at least 18 years of age;

(b) have completed a euthanasia training program as described in ARM 24.225.907;

(c) have passed both a written and practical euthanasia training and exam as described in ARM 24.225.910 within 36 months of the application date; and

(d) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.

(3) Applicants for licensure currently licensed as a certified euthanasia technician in another jurisdiction must:

(a) hold a current, active license in good standing to practice euthanasia in another state or jurisdiction whose standards at the time of application are substantially equivalent to Montana standards; and

(b) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.

(4) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-1-131, 37-1-304, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08, AMD, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

Rules 24.225.905 and 24.225.906 reserved

24.225.907 BOARD-APPROVED TRAINING PROGRAM CRITERIA

- (1) Training courses for euthanasia technicians must include instruction on the following topics:
- (a) proper dosage, handling, and storage of approved euthanasia and restraint drugs listed in ARM 24.225.930;
  - (b) maintaining human safety when conducting animal euthanasia;
  - (c) pharmacology of approved euthanasia and restraint drugs;
  - (d) proper animal handling techniques to ease trauma and stress;
  - (e) animal anatomy;
  - (f) proper euthanasia and restraint drug storage and security per state and federal regulations;
  - (g) state and federal recordkeeping requirements for euthanasia and restraint drugs; and
  - (h) how to verify and record death of the animal. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-1-131, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2011 MAR p. 1151, Eff. 6/24/11; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

Rules 24.225.908 and 24.225.909 reserved

24.225.910 CERTIFIED EUTHANASIA TECHNICIAN EXAMINATIONS – WRITTEN AND PRACTICAL (1) The written and practical examinations for euthanasia must test on all criteria taught as part of the required training course in ARM 24.225.907.

(2) Seventy percent is the passing score for the written examination.

(3) The practical examination will be graded by the instructor on a pass or fail basis. The practical exam must consist of a hands-on demonstration by the individual showing the individual can conduct euthanasia by:

(a) safely and effectively restraining an animal; and

(b) administering the required euthanasia and restraint drugs. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-1-131, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2011 MAR p. 1151, Eff. 6/24/11; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

Rules 24.225.911 through 24.225.919 reserved

24.225.920 APPLICATION FOR CERTIFIED EUTHANASIA AGENCIES

(1) Application for licensure as a certified euthanasia agency must be made on forms prescribed by the department. Completed applications include appropriate fees and required documentation.

(2) Applicants for licensure as a certified euthanasia agency must:

(a) complete a power of attorney form appointing an attorney-in-fact for purposes of DEA orders;

(b) pass an initial inspection by a board-designated inspector as described in ARM 24.225.921; and

(c) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.

(3) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-1-131, 37-18-603, 37-18-604, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2009 MAR p. 2483, Eff. 12/25/09; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

24.225.921 INSPECTIONS – INITIAL AND ANNUAL (1) Applicants must pass an initial inspection of the facility by a board-designated inspector prior to a license being issued.

(a) Results of the inspection will be provided to the licensee.

(b) If there are any items of noncompliance, the attorney-in-fact must submit a written response to the board which addresses those items of noncompliance. The response must be received by the department within ten days of the attorney-in-fact receiving notification of noncompliance.

(c) If issues of noncompliance are not corrected within ten days of the attorney-in-fact receiving notice of noncompliance, a report of noncompliance will be reviewed by the board at the next regularly scheduled board meeting following the initial inspection. For good cause the board may order a re-inspection, the cost of which will be paid by the applicant.

(2) A board-designated inspector will conduct annual on-site inspections of all existing certified euthanasia agency facilities.

(a) Inspections may be conducted with or without advance notice to the licensee.

(b) Results of the inspection will be provided to the licensee.

(c) If there are any items of noncompliance, the attorney-in-fact must submit a written response to the board which addresses those items of noncompliance. The response must be received by the board within ten days of the licensee receiving notification of noncompliance.

(d) A report of significant noncompliance will be reviewed by the board screening panel per the department's standard compliance process.

(3) If the inspector determines that an item of noncompliance substantially affects the public health, safety, or welfare, or jeopardizes animals under the control of the certified euthanasia agency, the inspector must immediately inform law enforcement and the board, which may summarily suspend the licensee's certificate pursuant to 2-4-631, MCA, and applicable Montana law. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-1-131, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2011 MAR p. 1151, Eff. 6/24/11; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

24.225.922 CERTIFIED EUTHANASIA AGENCY OPERATION

STANDARDS (1) A certified euthanasia agency cannot operate unless:

- (a) a license has been issued by the board;
- (b) the licensee has a current DEA permit, including a DEA number; and
- (c) the certified euthanasia agency has a designated attorney-in-fact.

(2) Certified euthanasia agencies must:

- (a) have a designated area for euthanasia that can hold at least two people;
- (b) maintain the euthanasia area in a clean and sanitary condition at all times;

- (c) have bright, even light in the euthanasia area;
- (d) have proper ventilation in the euthanasia area;
- (e) have a table or work area for handling animals during euthanasia;
- (f) have a designated surface or cabinet to store equipment;
- (g) display the facility license and licenses of all licensed staff in a

conspicuous place so they can be seen by members of the public. Personal addresses on licenses may be covered;

- (h) have sufficient materials on-site for euthanasia, including, but not limited to:

- (i) medical quality needles;
- (ii) disposal container for used sharps as defined in 75-10-1003, MCA, that meets the requirements in 75-10-1005, MCA;

- (iii) syringes;
- (iv) first aid kit;
- (v) electric clippers;
- (vi) stethoscope;
- (vii) humane restraint devices;
- (viii) towels; and
- (ix) disinfectant;

- (i) comply with all state and federal laws pertaining to storage of approved euthanasia and restraint drugs; and

- (j) comply with all state and federal laws pertaining to recordkeeping requirements for approved euthanasia and restraint drugs. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-1-131, 37-18-603, 37-18-604, MCA; NEW, 2020 MAR p. 1633, Eff. 8/29/20.)



24.225.923 CHANGE OF ATTORNEY-IN-FACT (1) When there is a change of the appointed attorney-in-fact, the certified euthanasia agency must:

- (a) comply with any DEA notification requirements concerning the change of the attorney-in-fact; and
- (b) complete a department power of attorney form appointing a new attorney-in-fact. The form must be submitted to the board within ten days of the change. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-1-131, 37-18-603, 37-18-604, MCA; NEW, 2020 MAR p. 1633, Eff. 8/29/20.)

24.225.924 CLOSURE OF A CERTIFIED EUTHANASIA AGENCY OR LOSS OF DEA PERMIT (1) The designated attorney-in-fact must notify the board within ten days of closure of a certified euthanasia agency.

- (2) As part of the notification in (1) the designated attorney-in-fact must:
  - (a) provide current contact information for the attorney-in-fact including but not limited to a mailing address and telephone number; and
  - (b) verify that all euthanasia and restraint drugs and records are managed according to state and federal laws pertaining to these types of substances. The verification must confirm:
    - (i) all euthanasia and restraint drugs, including controlled substances, have been either:
      - (A) destroyed; or
      - (B) transferred to an authorized person(s), including the name and address of the person(s) to whom the euthanasia and restraint drugs were transferred;
    - (ii) for controlled substances, the following:
      - (A) the date of transfer; and
      - (B) the name and amount of controlled substances transferred; and
    - (iii) the return of DEA registration and all unused DEA 222 forms (order forms) to the DEA.
- (3) The designated attorney-in-fact must notify the board within ten days if a certified euthanasia agency loses its existing DEA permit and comply with the requirements in (2)(b). (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-1-131, 37-18-603, 37-18-604, MCA; NEW, 2020 MAR p. 1633, Eff. 8/29/20.)

24.225.925 CONTINUING EDUCATION – CERTIFIED EUTHANASIA TECHNICIANS

(1) Certified euthanasia technicians are required to obtain continuing education (CE) hours prior to renewal on May 30 every three years after the first year of licensure. The CE must be obtained within the twelve months between the second and third renewals.

(2) Approved CE to meet board requirements consists of both:

(a) a euthanasia training program as described in ARM 24.225.907; and

(b) passing both a written and practical euthanasia training exam as described in ARM 24.225.910.

(3) All licensees shall affirm an understanding of their recurring duty to comply with CE requirements as a part of annual license renewal.

(4) The board may randomly audit up to 50 percent of renewed licensees.

(5) All CE must be documented to show proof of completion. The licensee is responsible for maintaining these records for one year following the renewal cycle reporting period and for making those records available upon board request.

Documentation must include the following information:

(a) licensee name;

(b) course title and description of content;

(c) presenter or sponsor;

(d) course date(s); and

(e) number of CE hours earned.

(6) Licensees found to be in noncompliance with CE requirements may be subject to administrative suspension. Licensees may not apply CE hours used to complete delinquent CE requirements for the next education reporting period.

(7) Any CE hours required by disciplinary order do not apply toward the CE that are required annually under this rule.

(8) A licensee may request a hardship exemption from CE requirements due to certified illness or undue hardship. Requests will be considered by the board.

(History: 37-1-131, 37-1-319, 37-18-202, 37-18-603, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

24.225.926 TERMINATION OF CERTIFIED EUTHANASIA TECHNICIAN EMPLOYMENT AND RETIREMENT OF CERTIFICATE (REPEALED) (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, 4/11/08; REP, 2020 MAR p. 1633, Eff. 8/29/20.)

Rules 24.225.927 through 24.225.929 reserved

24.225.930 APPROVED EUTHANASIA DRUGS (1) The following drug is an approved euthanasia drug:

(a) sodium pentobarbital.

(2) The following drugs are approved euthanasia restraint drugs:

(a) ace-promazine; and

(b) xylazine. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2009 MAR p. 2483, Eff. 12/25/09.)

Rules 24.225.931 through 24.225.949 reserved

24.225.950 UNPROFESSIONAL CONDUCT (1) For the purposes of implementing the provisions of 37-1-319, MCA, and in addition to 37-1-316, MCA, the board further defines unprofessional conduct as follows:

- (a) violation of any state or federal regulations regulating the practice of animal euthanasia;
- (b) cruel or inhumane treatment of animals;
- (c) incompetence, negligence, cruelty, or use of any practice or procedure in the practice of animal euthanasia, which creates an unreasonable risk of physical harm to the animal, staff, or public;
- (d) possession and use of euthanasia and restraint drugs for any purpose other than animal euthanasia as described in these rules;
- (e) violation of any state or federal drug laws;
- (f) failure to cooperate with an investigation or inspection authorized by the Board of Veterinary Medicine;
- (g) failure to meet the certified euthanasia agency operation standards described in these rules, including but not limited to maintaining sanitary conditions and appropriate records of euthanasia and restraint drugs;
- (h) practicing as a CEA or as a CET if a certificate is expired, terminated, revoked, or suspended;
- (i) willful or repeated violations of rules regarding euthanasia established by any health agency or authority of the state or a political subdivision thereof;
- (j) resorting to fraud, misrepresentation, or deception in the euthanasia of an animal;
- (k) failure of a certified euthanasia agency to have current DEA registration;
- (l) use of unapproved drugs or methods for euthanasia;
- (m) euthanasia of an animal for which the certified euthanasia technician has not received training; or
- (n) failure to store euthanasia or restraint drugs or other controlled substances used in the euthanasia of animals in compliance with established DEA requirements. (History: 37-1-131, 37-1-319, 37-18-202, 37-18-603, MCA; IMP, 37-1-131, 37-1-316, 37-1-319, 37-18-603, 37-18-604, 37-18-605, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2020 MAR p. 1633, Eff. 8/29/20.)

Subchapters 10 through 23 reserved

## Subchapter 24

## Complaint Procedures

24.225.2401 COMPLAINT PROCEDURE (1) A person, government, or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the department.

(3) Upon receipt of the written complaint form, the department shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action including dismissal, investigation, or a finding of reasonable cause of violation of a statute or rule. The department shall notify both complainant and licensee of the determination made by the screening panel.

(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.

(5) The screening panel shall review anonymous complaints to determine whether appropriate investigative or disciplinary action may be pursued, or whether the matter may be dismissed for lack of sufficient information. (History: 37-18-202, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1996 MAR p. 2579, Eff. 10/4/96; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Rules 24.225.2402 through 24.225.2404 reserved

24.225.2405 SCREENING PANEL (1) The board screening panel shall consist of at least four board members, three of whom shall be the licensed veterinarian board members who have served on the board the longest, and one of whom shall be the public member of the board. The president may reappoint or replace screening panel members as necessary at the president's discretion. (History: 37-18-202, MCA; IMP, 37-1-307, MCA; NEW, 1996 MAR p. 2579, Eff. 10/4/96; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)