

BEFORE THE BOARD OF VETERINARY MEDICINE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT,
ARM 24.225.301 definitions,)	ADOPTION, AND REPEAL
24.225.514 patient medical records)	
and recordkeeping, 24.225.550)	
unprofessional conduct, 24.225.709)	
continuing education, 24.225.904)	
certified euthanasia technicians –)	
license requirements, 24.225.907)	
board-approved training program)	
criteria, 24.225.910 certified)	
euthanasia technician examinations –)	
written and practical, 24.225.920)	
application for certified euthanasia)	
agencies, 24.225.921 inspections –)	
initial and annual, 24.225.925)	
continuing education – certified)	
euthanasia technicians, 24.225.950)	
unprofessional conduct; the adoption)	
of New Rule I certified euthanasia)	
agency operation standards, New)	
Rule II change of attorney-in-fact, New)	
Rule III closure of a certified)	
euthanasia agency or loss of DEA)	
permit; and the repeal of 24.225.901)	
definitions, 24.225.926 termination of)	
certified euthanasia technician)	
employment and retirement of)	
certificate)	

TO: All Concerned Persons

1. On March 13, 2020, the Board of Veterinary Medicine (board) published MAR Notice No. 24-225-41 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 440 of the 2020 Montana Administrative Register, Issue No. 5.

2. On March 12, 2020, Governor Steve Bullock declared an emergency in the State of Montana with regards the COVID-19 pandemic in Executive Order 2-2020, and on March 14, 2020, extended the emergency in Executive Order 3-2020. Due to the timing of the publication of the notice of public hearing and the issuance of the executive orders, the April 7, 2020 in-person public hearing was canceled.

3. Several written comments were received by the April 10, 2020 deadline. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: One commenter recommended the board amend ARM 24.225.514(6)(f) to add diagnostic and laboratory tests used and their results because they belong with the other objective data listed.

RESPONSE 1: The board agrees and is amending ARM 24.225.514(6) by moving language from (h) to (f) for better subject-matter grouping and ease of use by licensees and the public.

COMMENT 2: A commenter opined that diagnosis or tentative diagnosis should be a separate category in ARM 24.225.514(6) as the assessment part of a standard SOAP medical record. The commenter suggested this language should be before the treatment plan in (6).

RESPONSE 2: The board agrees with the comment and is amending ARM 24.225.514 accordingly.

COMMENT 3: A commenter suggested the board amend ARM 24.225.514(6) because amounts is listed twice, and dosage and duration should also be included.

RESPONSE 3: The board agrees and is amending ARM 24.225.514(6)(g)(ii) accordingly as the terminology is more accurate and falls within the board's intent for this requirement.

COMMENT 4: One commenter suggested the board strike "other" from ARM 24.225.514(14)(a) as it implies newspapers and written communications are also electronic means.

RESPONSE 4: The board agrees and is amending the section accordingly.

COMMENT 5: A commenter asked why the board included the caution that failure to comply with ARM 24.225.514(14)(c) could lead to disciplinary action. The commenter stated it seems unnecessary since failure to comply with any rules may justify disciplinary action.

RESPONSE 5: The board agrees and is amending ARM 24.225.514(14)(c) accordingly. The board notes that licensees are held accountable under all the board's statutes and rules and disciplinary action may be taken for failure to comply with any of the board's requirements.

COMMENT 6: One commenter asked if the board is going to use "veterinarian" instead of "licensee" in the rules then the board should make this change in ARM 24.225.514 and 24.225.550.

RESPONSE 6: The board agrees and is amending ARM 24.225.514(7) and 24.225.550(1)(c) and (1)(q) accordingly.

4. The board has amended ARM 24.225.301, 24.225.709, 24.225.904, 24.225.907, 24.225.910, 24.225.920, 24.225.921, 24.225.925, and 24.225.950 exactly as proposed.

5. The board has adopted New Rules I (24.225.922), II (24.225.923), and III (24.225.924) exactly as proposed.

6. The board has repealed ARM 24.225.901 and 24.225.926 exactly as proposed.

7. The board has amended ARM 24.225.514 and 24.225.550 with the following changes, stricken matter interlined, new matter underlined:

24.225.514 PATIENT MEDICAL RECORDS AND RECORDKEEPING

(1) through (6)(e) remain as proposed.

(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;

~~(g)~~ (h) treatments or intended treatment plans, or both, including:

(i) remains as proposed.

(ii) ~~amounts of all~~ dosage amounts medications administered, dispensed, or prescribed including ~~amount~~ dosage amounts and frequency for both inpatient and outpatient care;

~~(h) diagnosis or tentative diagnosis, including diagnostic and laboratory tests or techniques utilized, and the results of each;~~

(i) and (j) remain as proposed.

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

(8) through (13) remain as proposed.

(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 ~~other~~ electronic means that they are no longer available to patients;

(b) remains as proposed.

(c) specify who the new records owner is, and when applicable, where the patient medical records can be obtained. ~~Failure to comply with this subsection may lead to disciplinary action.~~

(15) and (16) remain as proposed.

24.225.550 UNPROFESSIONAL CONDUCT (1) through (1)(b) remain as proposed.

(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. ~~Licensees~~ Veterinarians must meet the currently accepted standards of practice for the profession of veterinary medicine as described under:

(i) through (p) remain as proposed.

(q) failure to report to the proper authorities cruel or inhumane treatment to animals, if the ~~licensee~~ veterinarian has direct knowledge of the cruel or inhumane treatment;

(r) and (s) remain as proposed.

BOARD OF VETERINARY MEDICINE
PAUL MCCANN, DVM, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ BRENDA NORDLUND
Brenda Nordlund, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 18, 2020.