

Board of Veterinary Medicine

Sunset Review Commission Report

Submitted December 5, 2011



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Introduction

Public protection and public safety continues to be the mission and top priority of the Minnesota Board of Veterinary Medicine. The board has effectively and efficiently met this mission with the resources derived exclusively from licensing fees and spending authority appropriated by the legislature and the Governor. The Minnesota Board of Veterinary Medicine and the 16 other allied health profession regulatory boards in Minnesota are sole profession, collaborative state agencies that continue to be recognized nationally as a model for organizational structure and regulation. Several Board of Veterinary Medicine members also serve on national committees and boards that influence the regulation of veterinary medicine throughout North America.

Section I. Key Functions, Powers, Duties, Mission

The mission, goals, and objectives intended for the Board and of the problem or need that the Board was intended to address and the extent to which the mission, goals, and objectives have been achieved and the problem or need has been addressed

Board Mission

The mission of the Board is to promote, preserve, and protect the health, safety and welfare of the public and animals through the effective control and regulation of the practice of veterinary medicine.

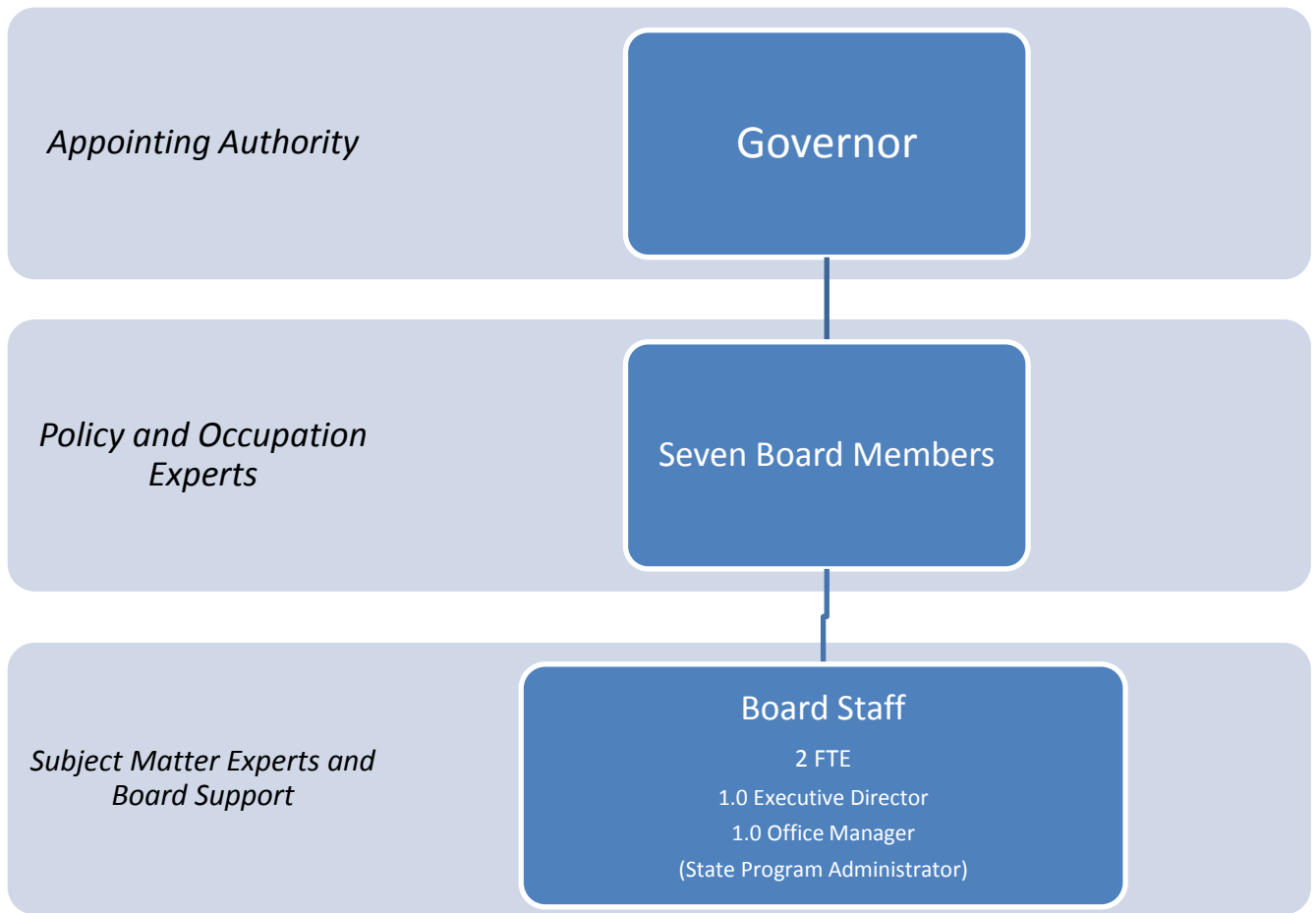
The Minnesota Board of Veterinary Medicine is the licensing and regulatory agency for veterinarians in the state of Minnesota. The Board was established by the Minnesota Legislature in 1893 to protect the public and ensure the citizens of Minnesota that individuals practicing veterinary medicine have met rigid requirements for education and competency. The Board achieves this mission by:

- Ensuring that educational standards for prospective licensees and continuing education for licensees are maintained.
- Licensing qualified individuals so that Minnesota citizens seeking to use veterinary licensee services will be able to identify those working in the field with skills necessary to provide services in compliance with Minnesota Statutes and Rules.
- Implementing disciplinary and compliance actions when licensees do not perform in compliance with standards.
- Educating the public on veterinary related professions, practitioners, and standards.
- Enforcing standards of safe practice and ethical conduct;
- Investigating and resolving complaints against licensed veterinarians;
- Providing public information to consumers of veterinary health care services;
- Assuring an ethical and competent veterinary healthcare workforce.

Legislative authority for the regulation of health professions is granted in MN [Statute §214](#). Specific regulatory authority for the Practice of Veterinary Medicine lies in [MN Statute §156](#) and [MN Rule 9100](#).

The board members that serve on the Board of Veterinary Medicine are appointed by the Governor to four-year terms; five members are licensed veterinarians and two are public members. Board members receive \$55 per diem. These 7 board members along with 2 board staff are subject matter experts who are uniquely qualified to perform regulatory oversight of a profession. Working in conjunction with the Governor's appointments representative, the board strives to maintain board member diversity with respect to gender, ethnicity, practice type (companion animal or food animal), area of expertise and geographic location (7 county metro vs. greater Minnesota).

Organizational Chart



| Fiscal Year | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|-------------|------|------|------|------|------|------|
| FTE | 1.75 | 1.75 | 1.75 | 1.75 | 1.75 | 2.0 |

Minnesota Board of Veterinary Medicine Six Year History of Funding

| | Fiscal Year | | | | | |
|-----------------------|-------------|-----------|-----------|-----------|-----------|-----------|
| | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
| Revenues | \$306,209 | \$306,185 | \$320,320 | \$325,585 | \$323,345 | \$332,208 |
| Direct Expenditures | \$155,339 | \$214,444 | \$164,289 | \$174,933 | \$169,494 | \$174,472 |
| Indirect Expenditures | \$85,311 | \$221,122 | \$216,454 | \$71,791 | \$58,448 | \$78,623 |

BOARD MEMBERS

PRACTICE NAME & LOCATION

Dr. Barbara Fischley, Secretary
Companion animal veterinarian
North Branch, MN 55056
Term expires January, 2014

Mr. Jeremy Geske, Vice President
Public member – food animal background
New Prague, MN 56071
Term expires January, 2013

Dr. John Lawrence, President
Companion animal veterinarian
Lonsdale, MN 55046
Term expires January, 2015

Smith Veterinary Hospital
Burnsville, MN 55337

Dr. Joanne Schulman
Companion animal veterinarian
Golden Valley, MN 55422
Term expires January, 2014

Kenwood Pet Clinic
Minneapolis, MN 55405

Dr. Ron Swiggum
Large animal veterinarian
St. Charles, MN 55972
Term expires January, 2015

St. Charles Veterinary Clinic
St. Charles, MN 55972

Ms. Sharon Todoroff
Public member – companion animal background
Columbus, MN 55014
Term expires January, 2012

Dr. Michelle Vaughn
Companion animal veterinarian
Richfield, MN 55423
Term expires January, 2015

Shady Oak Veterinary Clinic
Minnetonka, MN 55343

Three scheduled board meetings are held annually. Complaint committees, which are made up of two board members, meet occasionally to conduct disciplinary or educational conferences with licensees. Most complaint committee work is done via the internet through a secured website format. There are three complaint committees, one for large animal complaints and two for companion animal complaints, supported by board staff and an assistant attorney general. Only board members serving on the complaint committee determine the outcome of the complaint and possible remedy for the identified violations. These complaint committees work diligently to assure public safety and licensee accountability in a timely and direct manner for both complainants and the subject of the complaint. Formal disciplinary action taken against a licensee is approved by the entire board.

The Board has two employees that make up the 2 FTE positions. The board employees carry out policy as determined by the board, receive and investigate complaints, carry out administrative licensing functions, track and ensure compliance with disciplinary actions, and are the primary contact for licensed veterinarians and the citizens of Minnesota who have questions or concerns regarding the practice of veterinary medicine.

| At a Glance | |
|--|---|
| Credentialing Services <ul style="list-style-type: none">• 3100 Licensed Veterinarians• 325 Professional Firms• 300 License Verifications• 250 New Licensees | Discipline Services <ul style="list-style-type: none">• Resolve 40 disciplinary actions against veterinarians• Monitor 15 veterinarians under disciplinary order• Assure monitoring of veterinarians in Health Professional Services Program |
| Education Services <ul style="list-style-type: none">• 140 CE program approvals | Investigative Services <ul style="list-style-type: none">• Investigate 140 jurisdictional complaints against veterinarians who violate the veterinary practice act• Investigate 35 complaints of unlicensed practice |

(Collected FY 2010 year end)

Key Activity Goals & Measures

Key Goals

- Maintain excellence in veterinary regulation.
- Enhance and expand online services to licensees and the public.
- Prompt investigation of complaints and disciplinary matters.
- Continue outreach to the profession regarding regulatory changes and professional responsibilities.

Key Measures

- Currently the Board has greater than 85% of its licensees using the online renewal service.
- 70% increase in the number of consumer complaints filed since 1998.
- 15% increase in total numbers of licensees since 1998.
- Public protection – the Board’s website offers several services to the public including viewing disciplinary orders, access to information on complaint process and obtaining forms and information regarding how to file a complaint, viewing disciplinary history of individual licensees.
- Online services – the Board offers license verification, address and contact information changes, license renewals and information for licensees and the public.
- Public information – Board website, newsletters, presentations, public outreach, brochures, real people answering the phone during business hours.
- Licenses are issued within 24 hours of an applicant meeting all requirements.
- License verifications are issued to other licensing jurisdictions within 24 hours of receipt of request and meeting all requirements.

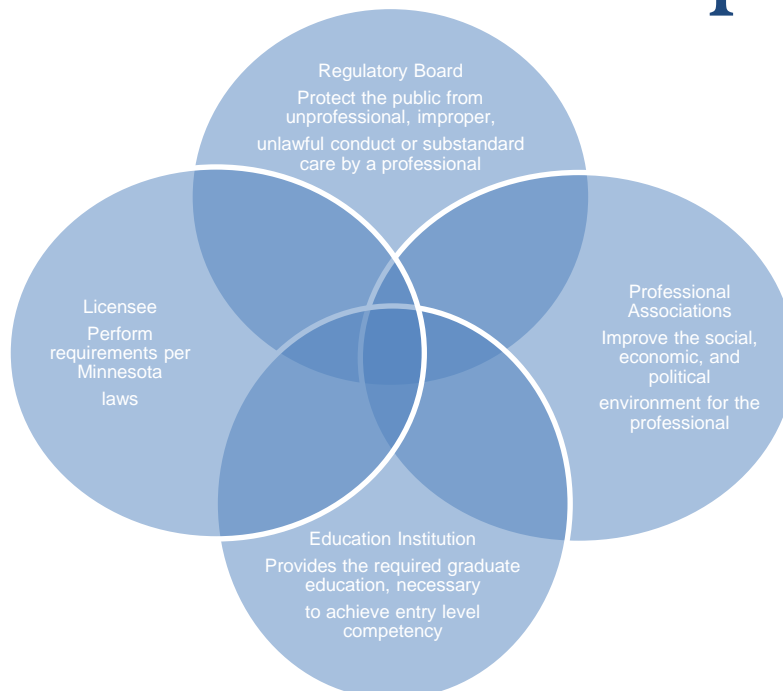
Section II. Operations – Effectiveness and Collaboration

The efficiency and effectiveness of the Board

The Board of Veterinary Medicine acts in a collaborative manner with other Health Profession Regulatory Boards, licensees, teaching institutions and the profession to maintain an efficient and effective veterinary professional regulatory scheme. The Board of Veterinary Medicine is part of a group of early innovators to embrace electronic government services (IT) and shared workforce to perform common back office functions for all the Health Profession Regulatory Boards (ASU and IT). Other examples of effective collaboration among the Health Profession Regulatory Boards are the use of shared conference rooms, shared copiers and service rooms. **Through these efficient and collaborative efforts the Minnesota Board of Veterinary Medicine has been able to maintain all fees at the same level since 1997.**

The Board of Veterinary Medicine, comprised of governor appointed members, oversees the regulation of veterinary medicine in Minnesota. These Board members work in the Minnesota community outside of state government in addition to their role on the board. These Board Members put in extra hours to offer public and professional expertise to Minnesota state government. In collaboration with the Board's staff, these individuals are entrusted with the protection of public health and safety through regulation of veterinary professionals, and through administration of complaints regarding the practice of veterinary medicine. The use of citizen driven operation of a professional regulatory scheme is the model for efficiency and effectiveness.

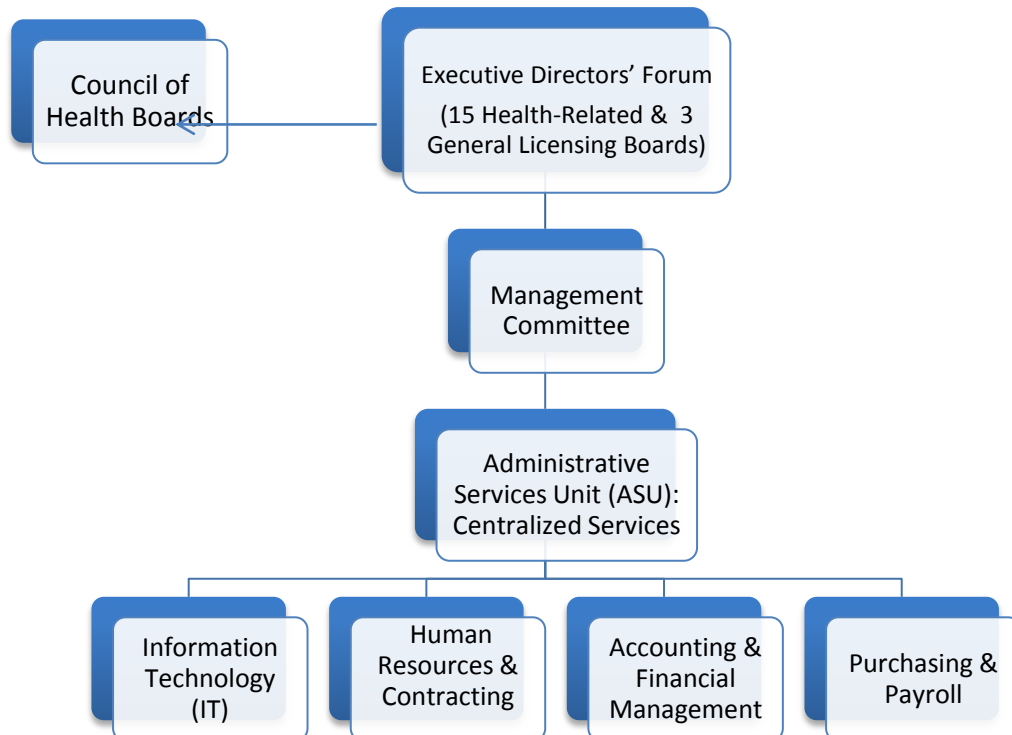
Organizational Relationships



Minnesota Health-Related Licensing Boards: Nationally Recognized Model for Occupational Governance

Administrative Services Unit

The Administrative Services Unit (ASU) (M.S. 214.07) is funded by all the independent boards and consists of 7.12 FTE staff members who perform shared administrative and business services for all the boards. ASU provides shared service to the Boards in the areas of finance, budgeting, accounting, purchasing, reporting, banking, human resources, professional and technical contracts, information technology, policy development and payroll. ASU also facilitates the Boards' cooperative policy and planning efforts, and coordinates the Voluntary Health Care Provider Program (which provides malpractice coverage for physicians, physician assistants, dentists, dental hygienists, and nurses serving in a voluntary capacity at a charitable organization). ASU's annual budget is determined by the Executive Directors Forum, and the oversight of ASU is assigned on a rotating basis to one of the health-related boards; the current ASU oversight Board is the Minnesota Board of Examiners for Nursing Home Administrators. ASU is managed through the Executive Directors Forum's Management Committee.



Minnesota Health-Related Licensing Boards: Information Technology

Information Technology Workgroup

Under the auspices of the Executive Director Forum, an Information Technology Work group has been in operation for several years and this group is responsible for coordination of Health Profession Regulatory Boards technological projects and implementation of technological improvements. The Health Profession Regulatory Boards have developed cooperative IT capabilities. This structure ensures an IT group that is responsive and directly accountable to the end user who is also their employer. This collaborative structure will now become part of the states IT enterprise through the Office of Enterprise Technology.

| Certified and Diversified IT Administrators | Award Winning Security Model | Advanced Hardware Standards |
|--|---|--|
| <ul style="list-style-type: none"> • Collaborative financial resources to achieve a combination of developers, data base experts, and security credentialed staff members, including two Certified Information Systems Security Professionals (CISSIP) IT Administrators. | <ul style="list-style-type: none"> • HLBs received National Association of State Chief Information Officers (NASCIO) award for its Continuity of Operations Plan (COOP) • HLBs received national awards for work performed in IT security and emergency preparedness • Minnesota Board of Medical Practice received the Minnesota Government Recognition Award • Enforced strict passphrase policy across HLB since 2006 which exceeds industry standards | <ul style="list-style-type: none"> • Advanced technology infrastructure that integrates storage area network (SAN) devices to centralized secure data storage • Segmented internal network traffic and utilization of an active industry-leading firewall • Advanced technology typically utilized in larger agencies including: server virtualization and clustering, automated computer patching/updating, and vulnerability scanning • VMware clusters enable HLBs to manage server hardware with no downtime |

Online Services

The Board of Veterinary Medicine supports and utilizes electronic technology to maintain the efficient regulation for Minnesota licensed veterinarians. Currently the board is capable of electronic renewal of licenses, online license verification, and online updating of licensee contact information. The board initiated online electronic government services within this past decade with over 80% of licensees using the service for renewals. The board response time to customer inquiries is typically less than 24 hours. The board uses advanced technology to provide interactive usable websites for public access.

| Applicants | Licensees | Public |
|---|--|--|
| <ul style="list-style-type: none"> • Applications for licensure • Submission of documents • Application review • Examination site authorization • Examination retake authorizations • Application status • Downloadable forms and applications | <ul style="list-style-type: none"> • Downloadable forms and applications • Online applications and license renewal • Address changes • Secure credit card transactions • License verifications for other jurisdictions • Notification of license renewal | <ul style="list-style-type: none"> • Public orders and compliance history • Board disciplinary and adverse action reports • License verification • Data requests • Automated licensure data with other state agencies • Customized data requests |

Health Professionals Services Program (HPSP)

HPSP is a state program developed as a cooperative effort to fill a need identified by the Health Profession Regulatory Boards who regulate licensed health professionals. The role of HPSP is to enhance public protection and provide support for regulated health care professional whose ability to practice with reasonable skill and safety may be impaired due to illness. HPSP performs the monitoring function of a licensed health professional who may be suffering from an illness due to chemical abuse/addiction or mental or physical health illnesses.

HPSP Effective July 1, 2001, Minnesota Statute §214.29 creates health professionals services program:

Each health-related licensing board, including the emergency medical services regulatory board under chapter 144E, shall either conduct a health professionals service program under sections 214.31 to 214.37 or contract for a diversion program under section 214.28.

At present, all Health Licensing Boards, the Office of Unlicensed Complementary and Alternative Health Care Practice programs administered by Minnesota Department of Health, and the Emergency Medical Services Regulatory Board, participate in HPSP.

Section III. Authority for Additional Activities Not Specified in Statute

Identification of any activities of the Board in addition to those granted by statute and of the authority for those activities and the extent to which those activities are needed

The Board of Veterinary Medicine actively participates in other activities that, although not specifically defined in Statute or Rule, are vital to the regulatory activity of the veterinary profession and to meet the Board's mission of public protection.

Board staff and board members participate in continuing education events that are aimed to inform and educate the public, veterinary students and licensed veterinarians. These educational opportunities serve both to inform the public of the roles and responsibilities of the Board of Veterinary Medicine and licensed veterinarians but also act as a "preventative medicine" approach to veterinary students and licensed veterinarians to keep these individuals abreast of the rights and obligations that go along with being a licensed veterinarian and practicing in a regulated profession.

The Board of Veterinary Medicine works hand in hand with other state (MN Board of Animal Health, MN Dept. of Revenue, BeReady MN) and federal (DEA, USDA) agencies through data exchange and collaborative projects to ensure public protection and compliance with state and federal laws and regulation.

Board members and staff participate in, and are in leadership positions of, the American Association of Veterinary State Boards (AAVSB), a North American association of state veterinary boards. This organization addresses emerging and ongoing problems with the regulation of the practice of veterinary medicine and administers the North American veterinary disciplinary database and the national exam score repository. It also provides information exchange and collaboration to serve as a framework to maintain consistency among states in model practice acts and disciplinary actions. The Minnesota Board of Veterinary Medicine along with other Minnesota Health Profession Regulatory Boards are held out as a national model for a cooperative, efficient and effective sole profession collaborative state agency regulatory scheme.

The Executive Directors (ED) Forum consists of the Executive Directors of each independent board. The Forum meets at least once a month to discuss issues and concerns affecting all boards, and is governed by a standard set of bylaws. The Forum was created with a goal of working together on matters of common concern, thus increasing the **efficiency** and **effectiveness** of each individual board. The Forum establishes committees to develop recommendations for consideration by the Forum. These committees include the Policy Committee and the Management Committee. The primary objective of public safety is achieved most effectively if primary staff is assigned to focus on a specific health profession. To assure fiscal efficiency, boards review general objectives and promote cooperation among the boards through the Executive Director Forum in an effort to eliminate duplication of similar effort. The Forum reviews general objectives, reviews policy, promotes intra-board cooperation, assures fiscal efficiency, and eliminates duplication of similar effort.

Some of the tasks accomplished through the action of the Executive Directors Forum include:

- Virtualization of servers, resulting in substantial savings and greater storage capacity. On behalf of the Executive Directors Forum, a submission was made to the National Association of State Chief Information Officers (NASCIO) for Disaster Recovery Planning, regarding the Health

Licensing Boards' project of virtualizing its servers arising from its development and application of its Continuation of Operations Plan (COOP).

- Further technological advances include addition of a Shared Storage Area Network, tripling storage capacity of the Boards, and advances toward using technology at Board meetings to reduce reliance on paper documents.
- Participation in cooperative efforts with the Department of Health and among the Boards to share information regarding licensee / registrant investigations in full compliance with Data Practices Act requirements, including ad hoc Just Culture / Health meetings regarding coordinating Department of Health investigations and Health Board investigations, and exchange of information under § 214.10, subd. 8 (c). This has included development with the Attorney General Office of a data sharing memo that permits joint investigations to be conducted among health licensing boards, and provides for sharing of investigative data.
- Reviewing requirements and limitations pertaining to criminal background checks of applicants, and received updates on proposed legislation from law enforcement entities.
- Standardization of online complaint form throughout health licensing boards. Review was undertaken, with cooperation and guidance from Attorney General's Office, of methods to provide standard information to complainants at the time of opening a complaint file, as well as standardization of appeal information in closing letters under the auspices of a temporary Chapter 214 Work Group.
- Response to surveys regarding IT capacity, security and functionality.
- Enactment and approval of the Boards' first AWAIR plan, in compliance with federal and state requirements.
- Policy committee regularly met to provide coordinated response for Boards regarding legislative initiatives.
- A joint workforce planning report was completed, to prepare for ensuring qualified, competent workforce.
- The ED Forum worked collaboratively in providing information to MN Responds! to ensure that credentials of licensed health professionals are quickly available in case of a major emergency, as well as arranging for regular transfer of data between Department of Health, Board of Animal Health and health licensing databases.
- Electronic governmental services were increased and improved and include expanded information available online and greater interactivity, as well as heavy use by licensees of online renewal services.

Individual board staff, Board Members and the Executive Director have participated in numerous organizations regarding health and safety, including:

- National Board of Veterinary Medical Examiners Committee on Irregular Behavior and Score Validity for the United States Veterinary Medical Licensing Examination.
- HPSP Program Committee
- Drive to Excellence Sourcing Communication
- Continuation of Operations Planning (COOP)

The Administrative Services Unit (ASU) is funded by all the independent boards and consists of 7.12 FTE staff members who perform shared administrative and business services for all the boards. The unit provides service to the boards in the areas of budgeting, accounting, purchasing, human resources, professional and technical contracts, information technology, policy development and payroll. ASU also facilitates the boards' cooperative policy and planning efforts, frequently staffs Executive Directors Forum committees. ASU's annual budget is determined by the Executive Directors Forum, and the

oversight of ASU is assigned on a rotating basis to one of the health-related boards; the current ASU oversight Board is the Minnesota Board of Examiners for Nursing Home Administrators. The annual assessment of ASU effectiveness is performed by the Executive Directors Forum.

The Management Committee makes recommendations to the Executive Directors Forum on issues relating to the internal management of the boards' cooperative activities. The responsibilities of the committee include the following:

- Management of the Administrative Services Unit budget and review of ASU performance
- Through the Administrative Services Unit, administers shared conference rooms and shared equipment, such as copiers
- Coordinating the boards' computer collaboration efforts
- Developing recommended policies and procedures for all boards, and reviewing best practices
- Oversight of the Administrative Services Unit

The functions of the policy committee have been to make recommendations to the Executive Directors Forum on issues relating to public policy. The responsibilities of the committee have included the following:

- Reviewing legislative proposals
- Making recommendations on legislative initiatives affecting all the boards
- Undertaking efforts to make investigative data more readily available to share among health boards

Under the auspices of the Executive Director Forum, an Information Technology Work group has been in operation for several years, and this group is responsible for coordination of HLB technological projects and implementation of technological improvements.

Section IV. Authority related to Fees, Inspections, Enforcement

An assessment of authority of the Board relating to fees, inspections, enforcement, and penalties

To fulfill the mission of the board the majority of staff time and resources are expended on the regulation of veterinary medicine licensees, investigation of complaints from the public and servicing disciplinary and corrective Orders.

Fees that are collected by the Board of Veterinary Medicine are deposited in the Special Revenue Fund. The board is responsible for collecting sufficient revenue to cover both direct and indirect expenditures which includes covering its prorated share of support functions provided outside of the Board itself. These include legal support (Attorney General), statewide e-licensing system development and operations (Office of Enterprise Technology), centralized administrative support (Health Boards Administrative Services Unit) and funding for services to health professionals (Health Professionals Services Program). Board of Veterinary Medicine licensing fees have not changed since 1997.

The Board of Veterinary Medicine does not have sufficient authority to address the increasing number of complaints regarding lay people (non-licensees) practicing veterinary medicine without a license on animals owned by the citizens of Minnesota. Citation and fine authority with appropriate due process and legal appeal would assist the board in addressing the public protection conundrum of illegal action and unlicensed and unaccountable individuals practicing veterinary medicine.

| Fee | Amount |
|--------------------------------------|---------------|
| Jurisprudence Examination | \$50 |
| Application | \$50 |
| Initial License | \$200 |
| Biennial Active License Renewal | \$200 |
| Biennial Inactive License Renewal | \$100 |
| Temporary Permit | \$50 |
| Late fee (Inactive renewal) | \$50 |
| Late fee (Active renewal) | \$100 |
| Professional Firm Registration | \$100 |
| Professional Firm Annual Report | \$25 |
| Duplicate License | \$10 |
| Mailing List | \$100 |
| CE Sponsor Approval | \$50 |
| License Verification | \$25 |

Minnesota Statute [§156.127 subdivision 1 \(7\)](#) provides authority to impose administrative penalties upon regulated veterinarians.

Credentials

| Year | Credentials Renewed | New Licenses Issued | Total Licenses Issued | Online Renewals | |
|--------------------|---------------------|---------------------|-----------------------|-----------------|-----|
| 7/1/2008-6/30/2010 | 2,847 | 276 | 3,114 | 2,278 | 85% |
| 7/1/2006-6/30/2008 | 3,046 | 304 | 2,758 | 1,783 | 65% |
| 7/1/2004-6/30/2006 | 2,662 | 275 | 2,955 | 1,162 | 44% |

| Year | Type of Complaint | Complaints Received | Complaints Closed | Cases Left Open |
|--------------------|------------------------|---------------------|-------------------|--|
| 7/1/2008-6/30/2010 | Incompetence | 66 | | Less than one year: 11 More than one year: 2 |
| | Unprofessional Conduct | 37 | | |
| | Chemical Dependency | 5 | | |
| | Unlicensed Practice | 32 | | |
| | Sanitation | 4 | | |
| | Non-jurisdictional | 4 | | |
| | Total | | 148 | |
| 7/1/2006-6/30/2008 | Incompetence | 64 | | Less than one year: 111 More than one year: 8 |
| | Unprofessional Conduct | 35 | | |
| | Chemical Dependency | 7 | | |
| | Unlicensed Practice | 23 | | |
| | Sanitation | 3 | | |
| | Non-jurisdictional | 4 | | |
| | Total | | 134 | |
| 7/1/2004-6/30/2006 | Incompetence | 57 | | Less than one year: 135 More than one year: 2 |
| | Unprofessional Conduct | 73 | | |
| | Chemical Dependency | 2 | | |
| | Unlicensed Practice | 40 | | |
| | Sanitation | 4 | | |
| | Non-Jurisdictional | 5 | | |
| | Total | | 182 | |

7/1/2008-6/30/2011

- 300 License Verifications
- 140 CE program approvals
- 325 Professional Firms

Section V. Regulation and Public Protection

Whether less restrictive or alternative methods of performing any function that the agency performs could adequately protect or provide service to the public

Regulatory Authority. The Board of Veterinary Medicine, like all other US jurisdictions, licenses veterinarians and believes this is the appropriate level of regulation for veterinarians. Veterinarians work directly with the food animal population and companion animals. Incompetent, impaired or unethical practitioners are a significant risk of harm to the citizens and animals of Minnesota, the United States food supply and safety as well as the potential of transmission of zoonotic diseases to the general public. The Board of Veterinary Medicine also registers veterinary professional firms pursuant to Minnesota Statutes section 319B.

Fiduciary Obligation. Minnesota [Statute 214.06](#) and Minnesota [Statute §214.055](#) requires the Board to collect fees sufficient to cover expenditures. Fees collected are deposited in the Special Government Revenue Fund and appropriated by the legislature. An alternative and less burdensome method would be to deposit funds in a State Dedicated Special Revenue Fund which would provide the Board the fiscal authority without this legislative appropriation. Fees established by the legislature and oversight by the Minnesota Management and Budget would provide external and internal audit control mechanisms and assurance to the public of compliance with Minnesota law and best accounting practices while deleting a layer of bureaucracy.

Legal Services. Minnesota statute §214 requires legal and investigative services be provided by the Attorney General's Office (AGO). The Boards of Dentistry, Medical Practice and Nursing have implemented a system in which Board staff draft legal documents of notice rather than the AGO. The AGO reviews the documents for accuracy and compliance with law. This practice has resulted in a 50% decrease in the time from receipt of complaint to a review before the Board. There was no change in the cost to the Board. A logical expansion of this practice would be for the health-licensing boards to retain their own legal counsel and investigative staff rather than contracting with the AGO; thus, eliminating a layer of involvement. Legal and investigative services would be shared among the health-related licensing boards on a fee for use basis. Based on the experience with drafting of notices, complaint resolution time would be reduced, and public safety enhanced.

Section VI Agency Structure and Program Administration

The extent to which the jurisdiction of the Board and the programs administered by the Board overlap or duplicate those of other agencies, the extent to which the Board coordinates with those agencies, and the extent to which the programs administered by the Board can be consolidated with the programs of other state agencies

No other state agency has the legal authority or the subject matter experts and expertise available to credential, regulate, investigate and discipline veterinarians. Duplicative services and functions of each Health Profession Regulatory Board has been combined into other state programs like Administrative Services Unit (ASU) or outsourced to other state agencies. The combining of back office (HR, accounting, contracts, purchasing and payroll) and administrative functions of the Health Profession Regulatory Boards allows the Board of Veterinary Medicine and the other Health Profession Regulatory Boards to focus on regulatory function that was granted by legislative action, Statute and Rule. This model of the consolidation and collaboration of common back office and administrative functions would serve well as an example for other state agencies and programs.

Section VII Complaint Resolution Process

The promptness and effectiveness with which the agency addresses complaints concerning entities or other persons affected by the agency, including an assessment of the agency's administrative hearings process

The Board of Veterinary Medicine goes to great lengths to provide a prompt response and outstanding “customer service” to Minnesota citizens and licensees. Complaints that are received are acted on within one week. Response from the licensee is required within 30 days as defined by Rule. When all pertinent information is collected, a complaint committee along with the Board’s assistant Attorney General reviews the investigational documents and then determines a course of action which can range from dismissal of the complaint to immediate suspension of licensure.

The Board of Veterinary Medicine’s administrative hearings process is clearly defined in MN Statute [§ 14.48-14.70](#). This process is designed to assure that State agencies afford proper due process (Constitutional) protections to licensees subject to potential disciplinary action. This process has withstood the test of time, and been filtered through experience over many years. Certainly, any time a case is required to move through contested case proceedings (as opposed to concluding via consent agreement) the process will be lengthier and more costly for both sides. However, it gives an opportunity for both sides to fully air their position, including providing evidence and arguments through a neutral finder of fact, the Administrative Law Judge (ALJ). Interestingly, the ALJ is not the final arbiter of whether or not disciplinary action is imposed. The end result of the trial is merely a report that ends with a recommendation as to whether or not disciplinary action is warranted. This recommendation will then go to the board for final resolution.

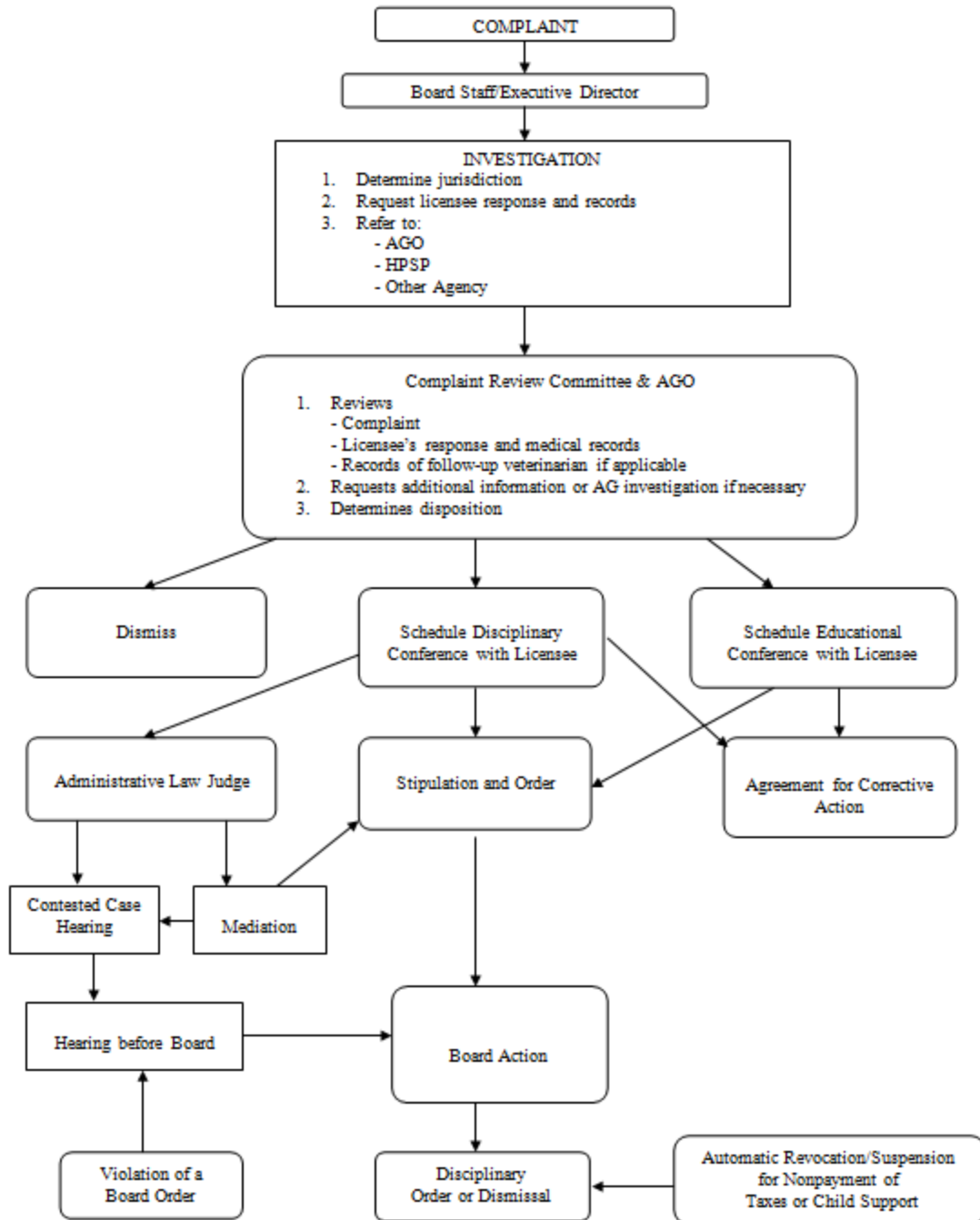
The neutral Board reviews the recommendations of the ALJ, and reviews the entire record including all evidence submitted on behalf of both sides. (This includes documents that may well be in the many hundreds of pages.) During this process, the Board has been completely isolated from this case and only the complaint panel originally managing the case has been involved in the proceedings. When the case is finally tried and the report is completed, the neutral Board has its first opportunity to study the case. The neutral Board is completely separated from the complaint panel, and no communication is allowed between the Panel and the rest of the neutral Board. A new attorney is assigned to the neutral Board, known as the “advising attorney,” and staff is separated on this matter. When the case gets to the Board for consideration, both sides (i.e. the panel and the licensee) are then allowed to argue their position to the neutral Board (addressing only what is in the official record.) The licensee and the panel are excused from deliberations, and the neutral Board deliberates and makes its final decision on the case. Once that decision is established in a written order, it is served on both sides. This is the first that both sides become aware of the actual outcome. This may or may not be the end of the proceeding. During the process, the neutral Board has three options with regard to the ALJ’s report: It can accept findings and recommendations completely; it can modify the findings or recommendations; or it can reject the findings or recommendations entirely. The Board brings something to the table that the trial judge cannot and that is the professional knowledge and expertise of the Board members, which is one of the many reasons that the Board of Veterinary Medicine exists. The Board Members cannot substitute their expertise for the Judge’s trial experience without providing significant rationale for doing so. However, provided the Board does a reasonable job of explaining its rationale for diverting from the ALJ’s findings, they are likely to prevail. Numerous Appellate and Supreme Court decisions over the years have acknowledged and accepted these circumstances.

A contested case hearing before an Administrative Law Judge is a lengthy experience, but one that protects the integrity of the process. If the licensee disagrees with the outcome, the licensee still has

other options. The case can, as in any other legal proceeding, be appealed to the state Appellate court and furthered if needed. While lengthy and expensive, the Board acknowledges that this is the most equitable system to assure the rights of the individual. While the licensee may disagree with the ultimate outcomes, this set of procedures allows the individual proceeding to be held up to the very highest standard of scrutiny.

Rarely does a complaint proceed to an administrative hearing before an Administrative Law Judge. The vast majority of board actions are resolved through consent agreements or by other means.

**Minnesota Board of Veterinary Medicine
Complaint Review Process**



11/9/2011

| Year | Type of Complaint | Complaints Received | Complaints Closed | Cases Left Open |
|------------------------|------------------------|---------------------|-------------------|--|
| 7/1/2008- 6/30/2010 | Incompetence | 66 | | Less than one year: 11 More than one year: 2 |
| | Unprofessional Conduct | 37 | | |
| | Chemical Dependency | 5 | | |
| | Unlicensed Practice | 32 | | |
| | Sanitation | 4 | | |
| | Non-jurisdictional | 4 | | |
| | Total | 148 | | |
| 7/1/2006- 6/30/2008 | Incompetence | 64 | | Less than one year: 111 More than one year: 8 |
| | Unprofessional Conduct | 35 | | |
| | Chemical Dependency | 7 | | |
| | Unlicensed Practice | 23 | | |
| | Sanitation | 3 | | |
| | Non-jurisdictional | 4 | | |
| | Total | 134 | | |
| 7/1/2004- 6/30/2006 | Incompetence | 57 | | Less than one year: 135 More than one year: 2 |
| | Unprofessional Conduct | 73 | | |
| | Chemical Dependency | 2 | | |
| | Unlicensed Practice | 40 | | |
| | Sanitation | 4 | | |
| | Non-Jurisdictional | 5 | | |
| | Total | 182 | | |

The complaints open more than one year are due to a combination of lengthy/complex investigations and difficult negotiations regarding a disciplinary settlement of the complaint.

Section VIII Rules, Policy, Legislation Enactment/Development and Stakeholder Participation

An assessment of the Board's rulemaking process and the extent to which the Board has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules that benefit the public

Promulgation of Rules was last done by the Board of Veterinary Medicine in 1997. The Board and the Attorney General Office routinely review and evaluate the current Rules. It has been the opinion of the Attorney General Office and the board members that the current rules in place are adequate and effective and are not lacking or incomplete in any area. There has been no request by the public or the profession to engage in the promulgation or revision of rules, and the Board of Veterinary Medicine has consciously chosen not to engage in the rule writing process due to the significant expense in the face of limited Board of Veterinary Medicine budget. In addition, the formal rule writing process required in Minnesota is complex, burdensome and time consuming, which further diminishes limited resources.

Legislative changes have occurred to the Veterinary Practice Act MN Statute §156 over the last several biennia. Statute changes have come from Board of Veterinary Medicine initiatives with considerable stakeholder input. These legislative regulatory changes were necessary to address how the practice of veterinary medicine is delivered in order to protect the public. Legislative changes have also occurred as a legislative initiative with constituent encouragement and support.

The primary communication with the public occurs via the Board of Veterinary Medicine website www.vetmed.state.mn.us. This interactive tool provides volumes of information accessible to the public 24/7. All board meetings are open to the public with clear posting on the website as well as in the board office and at the entry of the building where the board office is located. Numerous telephone calls and emails are received daily from the public who seek additional information from the Board of Veterinary Medicine.

Section IX Compliance with Federal and State Laws Related to Employment, Data Privacy, Purchasing

The extent to which the Board has complied with federal and state laws and applicable rules regarding equality of employment opportunity and the rights and privacy of individuals, and state law and applicable rules of any state agency regarding purchasing guidelines and programs for historically underutilized businesses

Employment

The Board complies fully with federal and state laws regarding equality of employment opportunity, and the rights and privacy of individuals.

The Executive Director is entrusted with responsibility for ensuring that federal and state equal employment opportunity laws are fully complied with. This is achieved with assistant of the Board's designated affirmative action officer, located in the Administrative Services Unit, which provides shared services to each Board.

The Board maintains and updates an affirmative action plan on a biannual basis. Criteria for affirmative action plans are established by state law, MS. 43A.19 and 43A.191, and MMB Administrative Procedure 19.1. The Executive Director prepares and implements the Plan, and signs the Plan's Statement of Commitment. The current Affirmative Action Plan is on the Board's website.

Likewise, the Board fully complies with the Minnesota Human Rights Act and applicable federal equal opportunity laws. The Board works cooperatively with the Administrative Services Unit, which provides expertise on equal opportunity issues.

This Board has received no complaints of violation of equal employment opportunity laws.

All new employees are informed of equal employment opportunity policies and laws upon orientation, and a copy of the Board's affirmative action plan is reviewed with them, including equal opportunity provisions and the Board's complaint process. This Affirmative Action Plan is provided to all new employees, and is posted on the employee bulletin board. Training on equal opportunity / affirmative action requirements is periodically provided to staff through in-person training sessions and online training. Equal opportunity / affirmative action matters are regularly reviewed at Executive Director meetings and Office Manager meetings.

The Board conducts its hiring processes in accordance with all applicable collective agreements, and state and federal law. This is accomplished through consultation with the Board's affirmative action designee. The Board uses the State's resume-base, skill-matching process. Resumes are evaluated against established minimum qualifications. Hiring processes are closely reviewed to insure compliance with equal employment opportunity. Interview questions are established based on knowledge, skills, and abilities required to perform the responsibilities of each position.

The Board's home webpage has an affirmative action / equal opportunity statement, lists the phone number for hearing/speech relay, and provides an e-mail address for comments on the web page.

The Board responds to all applicable State surveys regarding equal opportunity/affirmative action, including an Annual ADA Survey.

Applicants and the general population are becoming increasingly diverse, including cultural and language diversity. The licensing boards continue to examine matters pertaining to possible barriers in licensure, as well as issues surrounding working with clients and patients from diverse populations.

As previously stated in section I, Working in conjunction with the Governor's appointments representative, the board strives to maintain board member diversity with respect to gender, ethnic diversity, practice type (companion animal or food animal), area of expertise and geographic location (7 county metro vs. greater Minnesota).

Purchasing and Contracting

The Board complies with all purchasing requirements, including the State's Targeted Group/Economically Disadvantaged small business program. Contractual guidance is provided by the Administrative Services Unit. The Administrative Services Unit also provides the services of a Buyer who has been trained in all State purchasing requirements, including Targeted Group/Economically Disadvantaged preferences in purchasing. The Board is also strongly supportive of Minncor purchasing.

Applicable rules of any state agency regarding purchasing guidelines and programs for historically under-utilized businesses.

The Board is aware of State contracting requirements regarding accessibility for IT services over \$25,000; assistance in these matters is provided by Administrative Services Unit IT and Contract staff. Training on these matters has been provided by the Department of Administration, Materials Management Division.

All departments and agencies making direct purchases in accordance with this authority must follow the policies and procedures and instructions contained in this manual and all applicable laws and rules, including but not limited to:

- Minnesota Statutes Chapters 13, 16A, 16B, and 16C,
- Minn. Stat. §§ 10A.07, 15.43, 43A.38, 609.43, and 609.456,
- Minnesota Rules Chapter 1230, and
- Uniform Commercial Code (UCC) as adopted by Minnesota (see Minnesota Statutes Chapter 336).

Securing personal records

All confidential data is housed in a locked office when not open during normal business hours and staffed by a board employee. In addition all files containing confidential information are kept in lockable file cabinets when not being used. Confidential electronic records are kept on secured servers protected by fire walls and redundant security measures as required by OET. All electronic security measures meet or exceed industry standards.

Record Retention schedules

The Board of Veterinary Medicine follows a record retention schedule that was approved in March 1980.

Tennessee warnings

Appropriate Tennessee warnings, reviewed and approved by the Attorney General Office, are included in all correspondence with licensees and non-licensees that may be involved in a complaint investigation.

Security Profiles – related to MAPS, SEMA4, SWIFT, Fiscal Notes, Budget, Payroll, HR, Warehouse data

Certified profile status reports are viewed and are due to the Minnesota Department of Management and Budget every year. When profiles are added or changed individual staff profiles are reviewed. Individual profiles are maintained and reviewed frequently to ensure compliance with statutes, rules, policies and procedures.

Financial Policies

The health related licensing boards follow statutes, rules, policies and procedures related to financial operations. The Minnesota Department of Management and Budget and the Minnesota Department of Administration provide policies and procedures and training related to financial activities that staff are required to maintain. The Administrative Services unit provides policies and procedures for the Health Related Licensing Boards staff to follow. This will ensure compliance with financial operations.

Section X Potential Conflict of Interest

The extent to which the Board issues and enforces rules relating to potential conflicts of interest of its employees

Minnesota Statute §214 clearly addresses conflict of interest issues regarding board members and licensee interaction and licensee complaint and investigation. All board members review MN Statute §214 with regard to conflict of interest annually.

The Executive Director of the Board is responsible for enforcing rules relating to potential conflicts of interest of its employees.

The Executive Directors of all the Health Profession Regulatory Boards agreed to have each incumbent employee review State Code of Conduct provisions and to be recertified in the employee's understanding of the code annually. All new Board employees are also informed of the Code at employment orientation, and are instructed to certify understanding of their responsibilities under the code. The State Code of Conduct (MMB Operating Policy & Procedure 01003-01) outlines the standards and expectations regarding employee honesty, integrity, and ethical behavior.

The Code of Ethics for State Employees [Executive Branch] with the State of Minnesota (Minnesota Statutes 43A.38) is reviewed at orientation with all new employees, and is also discussed regularly at Office Managers meeting and Executive Directors meetings.

Questions regarding conflict of interest are directed to the Attorney General's Office or Administrative Services Unit staff, which seeks additional guidance as required from Minnesota Management and Budget.

Provisions regarding potential conflict of interest in regard to contracting are heavily regulated by Minnesota statutes. Provisions regarding institutional conflict of interest have been reviewed at meetings of Office Managers and of Executive Directors.

Board staff has received training from the Department of Administration, Materials Management Division, regarding appropriate contracting procedures, including conflict of interest. Adherence to state contracting statutes and regulations minimize the risk of conflict of interest.

Section XI Compliance with Chapter 13-Data Practices and Requests for Information

The extent to which the Board complies with chapter 13 and follows records management practices that enable the agency to respond efficiently to requests for public information

Record Retention schedules

The Board of Veterinary Medicine follows a record retention schedule that was approved in March 1980.

Tennessee warnings

Appropriate Tennessee warnings, reviewed and approved by the Attorney General Office are included in all correspondence with licensees and non licensees that may be involved in a complaint investigation.

The Board of Veterinary Medicine complies with all data privacy laws defined in MN Statute §13 and frequently consults with the Attorney General Office for clarification of the application and interpretation of MN Statute §13. All requests for public information are addressed as promptly as possible and are provided to the requestor following Assistant Attorney General review or legal consultation. Public disciplinary documents are available via link posted on the Board of Veterinary Medicine website. All open meeting laws are observed and followed by the Board of Veterinary Medicine without exception.

Section XII Effect of Federal Intervention and Funding

The effect of federal intervention or loss of federal funds if the Board is abolished

Elimination of the regulation and licensure of veterinarians in Minnesota would directly impact the State's access to federal funding sources. Many USDA and FDA animal disease program investigations, disease control and eradication programs and reimbursement funds require a licensed veterinarian to provide veterinary services. The deregulation of veterinary medicine would have immediate and significant impact on food safety and inspection, disease investigation and eradication, and public health. Federal funding of meat inspection and residue investigation that requires the services of a licensed veterinarian could be lost and public safety would be compromised. It is also necessary that a licensed veterinarian diagnose and then access, prescribe and at times administer prescription medications to food animals and companion animals.

Section XIII Additional Services and Collaboration

Although the 16 independent health profession regulatory boards, the Board of Barber and Cosmetologist Examiners, the Health Professionals Services Program, and the Department of Health are separate agencies, the boards and the department cooperate in administering health occupation regulatory programs. The 16 boards are housed together in the same building and collaborate in many ways. The boards meet regularly with representatives of the Department of Health to discuss joint concerns.

Health Profession Regulatory Boards

Each of the independent health profession regulatory boards consists of members appointed by the Governor. The principal staff person for each board is the Executive Director; although by statute some of these positions are classified as Executive Secretary, this is solely a matter of terminology. Each board is charged with the regulation of particular health professions specified by statute. Each board is governed by its own practice act. Certain statutory requirements apply to all boards; these are specified in Chapter 214. The Emergency Medical Services Regulatory Board, although not statutorily defined as a health licensing board, is housed with the boards and cooperates with them on administrative, policy, and financial matters. Similarly, the Board of Barber Examiners and Board of Cosmetologist Examiners, though not a statutorily designated health licensing board, is housed with the boards and cooperates with them on administrative, policy and financial matters. The Health Profession Regulatory Boards which are housed in the same building are funded by licensing fees, as opposed to general state funds.

Department of Health

The Department of Health administers one health occupation program which is defined as a health-related licensing board under Chapter 214. This is the Office of Unlicensed Complementary and Alternative Health Care Practice. The Alcohol and Drug Counselor Licensing Program is now housed within the Board of Behavioral Health and Therapy, and the Office of Mental Health Practice is now housed within the Board of Social Work as administering agency.

The Department of Health also has certain statutory responsibilities relating to the boards. These are as follows:

- to provide mailing and office supplies services, and at the request of the boards, may provide other facilities and services at a central location upon request of the boards (M.S. 214.04)
- to coordinate the development of a credentials policy among the boards (M.S. 214.13)
- to serve on the Council of Health Board when reviewing legislation or legislative proposals relating to the regulation of health occupations, the council shall include the commissioner of health or a designee (M.S. 214.025). Additional information regarding the Council of Health Boards is below.

Council of Health Boards

The Council consists of one board member from each board and the Executive Directors. The Council meets periodically to discuss issues and concerns affecting all boards. The Council is required to statutorily review emerging issues relating to health occupation regulation, such as proposals to

regulate new health occupations, upon referral from the Legislature. The council was given formal direction when legislation, Minn. Stat. § 214.025 was enacted on July 1, 2001:

The health-related licensing boards may establish a Council of Health Boards consisting of representatives of the health-related licensing boards and the Emergency Medical Services Regulatory Board. When reviewing legislation or legislative proposals relating to the regulation of health occupations, the council shall include the commissioner of health or a designee.

Since 2003, the Council has received requests from the Senate and House to perform occupational reviews, and to provide a report to the Legislature, regarding legislation regarding the following occupations:

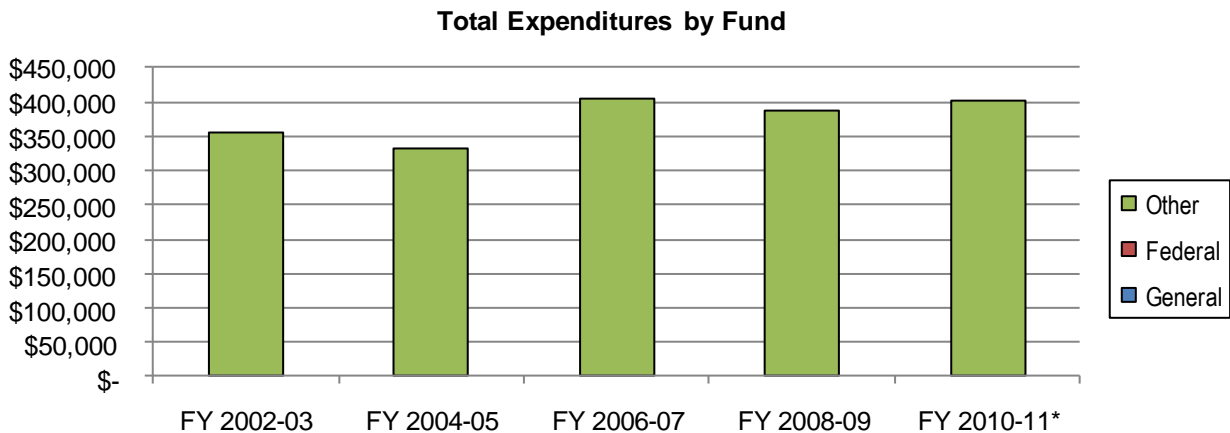
- Massage Therapy (2002 and 2009)
- Optometry Prescribing Authority
- Speech Language Pathology
- Dental Assistants
- Denturists
- Naturopaths
- Athletic Trainers
- Laboratory Scientists
- Body Art
- Genetic Counseling

Section XIV Priority Based Budget

The Minnesota Board of Veterinary Medicine has only one program. That program is to regulate the veterinarians that have a Minnesota license to practice veterinary medicine. The priority of the Board of Veterinary Medicine is to protect the public through the regulation of the practice of veterinary medicine. Therefore, the budget of the Board is based on the Board of Veterinary Medicine accomplishing its mission. Static budget appropriations over the last several biennia have forced the Board to assess what it is the board does and eliminate any activity that is not accomplishing the core of the board mission. Collaboration with other boards and state agencies has resulted in a lean, efficient and effective regulatory agency. Any reduction in budget would result in reduced regulatory activity and service to the citizens of Minnesota and veterinary licensees, thus compromising public protection and safety.

The board is responsible for collecting sufficient revenue to cover both direct and indirect expenditures. The board collected \$655,553 in FY 2010-11, which is deposited as non-dedicated revenue into the state government special revenue fund.

From this fund, the board receives a direct appropriation to pay for agency activities such as salaries, rent, costs for disciplinary/contested cases and operating expenditures. It also pays statewide indirect costs through an open appropriation. In FY 2010-11, total expenditures for these purposes are estimated at \$481,037. The chart below shows funding trends over the last five biennia for the direct and open appropriation.



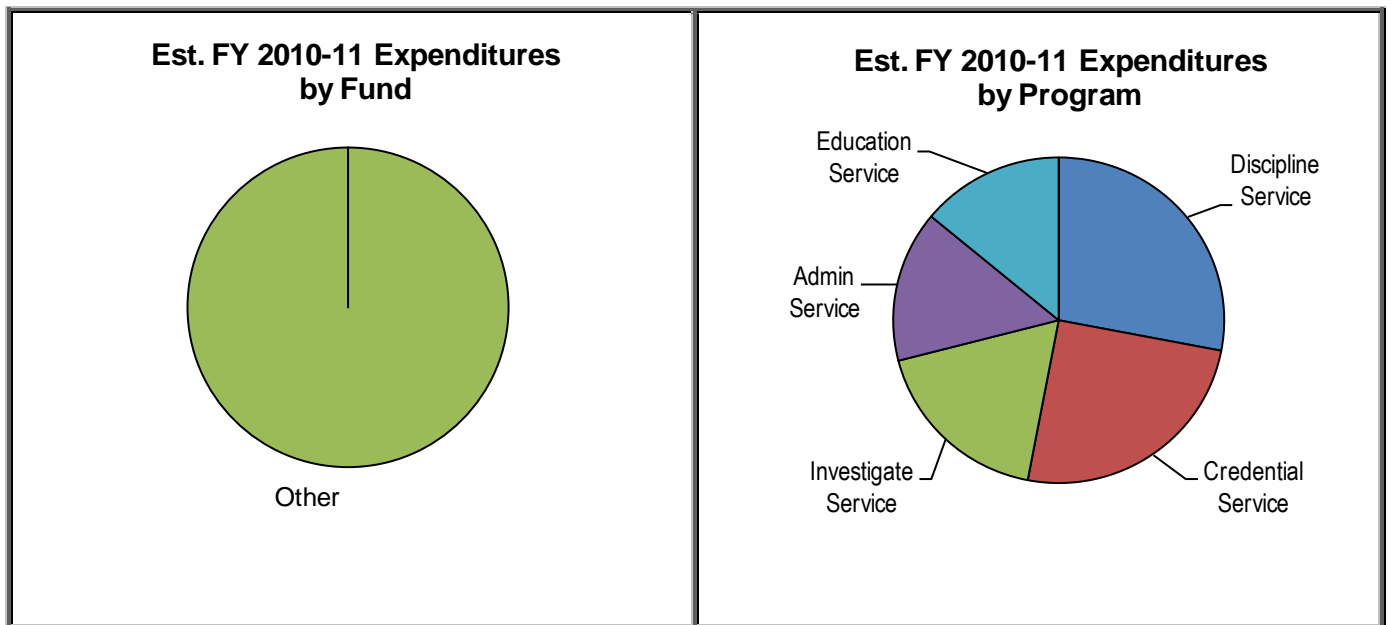
* FY 2010-11 is estimated, not actual

Source data for the previous chart is the Minnesota Accounting and Procurement System (MAPS) as of 07/31/10.

Board fees are also responsible for covering its prorated share of support functions provided outside of the Board itself. These include legal support (Attorney General), statewide e-licensing system development and operations (Office of Enterprise Technology), centralized administrative support (Health Boards Administrative Services Unit) and funding for services to health professionals (Health Professionals Services Program). In FY 2010-11, some of the health boards' reserves in the state government special revenue fund was also transferred to the general fund. The table below displays direct and open appropriation expenditures, external support costs (prorated share), and the general fund transfers (prorated share) estimated in FY 2010-11.

| | |
|---|------------------------------|
| | FY 2010-11 (in thousands) |
| Board's Direct and Open Appropriations | \$ 401 |
| Board's External Support Costs and Transfers (prorated Share) | |
| • Attorney General support | 150 |
| • E-licensing support | 1 |
| • Central administrative service unit | 26 |
| • Health professional service program | 13 |
| • General fund transfer | 23 |
| Total | 614 |
| Fees Collected by Board | \$655 |
| Prorated Surplus/(Deficit) | 41 |

In most years, Board fee revenues exceed direct expenditures and external support costs, and as directed by law, the surplus is used to maintain a reserve in the state government special revenue fund.



Summary Statement:

The Minnesota Board of Veterinary Medicine is committed to the public safety mission and regulatory function that it provides to the citizens of Minnesota. This sole profession, collaborative state agency efficiently operates through use of shared back office functions provided through Administrative Services Unit (ASU) and other State of Minnesota programs. This collaboration allows board members and board staff to function as subject matter experts who can focus on what they do best, the regulation of veterinarians.

The Board of Veterinary Medicine is funded exclusively through fees generated through the licensing and regulatory function. There is no net cost to the citizens of Minnesota. Only the individuals who are regulated by the Board of Veterinary Medicine contribute to fees that regulate the profession.

Licensed and regulated veterinarians:

1. Care for, oversee and have input in the production of the estimated 9.85 million head of livestock, 48 million turkeys, 13.4 million layers and 44.9 million broilers who find Minnesota home.
2. Are the first line of defense in insuring a safe and wholesome food supply. Veterinarians are the only professionals involved in food animal production who are qualified and able to prescribe the use of antibiotics and medications in animals that will feed the people of this state and nation. Competent, knowledgeable, proficient and accountable regulated professionals are imperative to maintain a safe food supply.
3. Are the first line of defense to ensure public health and safety for people. Both food animals and companion animals are the sentinel subjects for disease in humans. 60% to 70% of emerging human pathogens are zoonotic (can be spread from animals to humans). Prompt and competent identification and diagnosis of many diseases (rabies, anthrax, Tetanus, viral encephalitis plus others) in animals prevent or eliminate many illnesses in people.
4. Routinely possess, administer and prescribe controlled substances to animals. Regulation, oversight and accountability is necessary for citizen, professional and animal safety.

Across the United States there are several models for the regulation of health professionals. Each model does have its advantages and disadvantages. The regulatory and organizational model used in Minnesota to regulate the practice of veterinary medicine and other health related occupations is regarded nationally by other state licensing agencies , citizens and professionals as perhaps the most effective, efficient, cost effective and user friendly approach to ensure public safety.