

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

VETERINARY MEDICINE - GENERAL RULES

Filed with the secretary of state on April 15, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of licensing and regulatory affairs by sections 16145, 16215, 16287, and 18813 of the public health code, 1978 PA 368, MCL 333.16145, 333.16215, 333.16287, and 333.18813, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.4901, R 338.4903, R 338.4904, R 338.4905, R 338.4906, R 338.4907, R 338.4909, R 338.4910, R 338.4911, R 338.4921, R 338.4931, and R 338.4933 of the Michigan Administrative Code are amended, R 338.4901a, R 338.4907a, R 338.4907b, and R 338.4907c are added, and R 338.4902, R 338.4908, R 338.4913, R 338.4914, R 338.4914a, R 338.4915, and R 338.4920 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.4901 Definitions.

Rule 1. (1) As used in these rules:

(a) "Animal patient" means an animal as defined in section 18802(2) of the code, MCL 333.18802.

(b) "Board" means the Michigan board of veterinary medicine created in section 18821 of the code, MCL 333.18821.

(c) "Client" means an owner, as defined in section 18802(3) of the code, MCL 333.18802, or a responsible party of the animal patient.

(d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(e) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

R 338.4901a Telehealth services.

Rule 1a. (1) A veterinarian providing a telehealth service shall do all of the following:

(a) Ensure that the client knows the identity and contact information of the veterinarian providing the telehealth service. Upon request, the veterinarian shall provide his or her licensure information including the name of the state where he or she is licensed and his or her license number.

(b) Ensure that the technology method and equipment used to provide telehealth services complies with all current privacy-protection laws.

(c) Employ sound professional judgment to determine whether using telehealth is an appropriate method for delivering medical advice or treatment to the animal patient.

(d) Have sufficient knowledge of the animal patient to render telehealth services demonstrated by satisfying 1 of the following:

(i) Have recently examined the animal patient in person or have obtained current knowledge of the animal patient through the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically.

(ii) Have conducted medically appropriate and timely visits to the premises where the group of animal patients is kept.

(e) Act within the scope of his or her practice.

(f) Exercise the same standard of care applicable to a traditional, in-person veterinary care service.

(g) Make himself or herself readily available to the animal patient for follow up veterinary services or ensure there is another suitable provider available for follow up care.

(2) Consent for medical advice and treatment shall be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.

(3) Evidence of consent for medical advice and treatment must be maintained in the animal patient's medical record.

(4) A veterinarian providing a telehealth service may prescribe a drug if the veterinarian is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285.

PART 2. EXAMINATION AND EDUCATION

R 338.4902 Rescinded.

R 338.4903 Examination; approval and adoption; passing score.

Rule 3. (1) The board approves and adopts the North American Veterinary Licensing Examination (NAVLE) developed by the International Council for Veterinary Assessment (ICVA) or its predecessor organization.

(2) The passing score for the NAVLE is the score determined by the ICVA or its predecessor organization.

R 338.4904 Approval of veterinary colleges; adoption of standards.

Rule 4. (1) The board approves and adopts by reference the standards for Accrediting Colleges of Veterinary Medicine adopted by the American Veterinary Medical Association (AVMA) Council on Education entitled "Accreditation Policies and Procedures of the AVMA Council on Education," September 2020.

(2) A copy of the "Accreditation Policies and Procedures of the AVMA Council on Education" is available at <https://www.avma.org/sites/default/files/2020-10/COE-pp-September-2020.pdf>. A copy is available for inspection and distribution at a cost of 10 cents per page from the Board of Veterinary Medicine, Bureau of Professional Licensing,

Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

PART 3. LICENSURE

R 338.4905 Licensure by examination; requirements.

Rule 5. An applicant for a veterinary license by examination shall submit a completed application on a form provided by the department, together with the required fee. In addition to meeting the requirements of the code, an applicant shall satisfy both of the following:

(a) Have satisfied 1 of the following educational requirements:

(i) Graduated from a veterinary college that satisfies the requirements of R 338.4904.

(ii) Obtained a certificate from the Educational Commission for Foreign Veterinary Graduates (ECFVG) of the AVMA.

(iii) Obtained a certificate from the Program for the Assessment of Veterinary Education Equivalence (PAVE) from the American Association of Veterinary State Boards (AAVSB).

(b) Have achieved a passing score on the examination adopted in R 338.4903.

R 338.4906 Licensure by endorsement; requirements.

Rule 6. (1) An applicant for a veterinary license by endorsement shall submit a completed application on a form provided by the department together with the required fee. In addition to meeting the requirements of the code, an applicant shall satisfy 1 of the following:

(a) An applicant who has been licensed as a veterinarian and actively practicing in another state of the United States for 5 or more years is presumed to have satisfied section 16186 of the code, MCL 333.16186.

(b) An applicant who has been licensed as a veterinarian for less than 5 years shall satisfy both of the following:

(i) Have achieved a passing score on the examination adopted under R 338.4903.

(ii) Have satisfied 1 of the following requirements:

(A) Graduated from a veterinary college that satisfies R 338.4904.

(B) Obtained a certificate from the ECFVG of the AVMA.

(C) Obtained a certificate from the PAVE from the AAVSB.

(2) The applicant's license in good standing must be verified by the licensing agency of any state of the United States in which the applicant holds or ever held a license as a veterinarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.4907 Educational limited license; requirements; limitations.

Rule 7. (1) An applicant for an educational limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code, an applicant shall meet both of the following:

(a) Achieve a passing score on the examination adopted in R 338.4903.

(b) Be admitted as a student to a postgraduate training program at a college of veterinary medicine that satisfies the requirements of R 338.4904.

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

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

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

R 338.4907a Clinical academic limited license requirements; limitations.

Rule 7a. (1) An applicant for a clinical academic limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code, the applicant shall have been appointed to the academic faculty of a Michigan college of veterinary medicine that is approved by the board pursuant to R 338.4904.

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

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

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

R 338.4907b Senior student limited license requirements; limitations.

Rule 7b. (1) An applicant for a senior student limited license issued pursuant to section 18812(1) of the code, MCL 333.18812, shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code, the applicant must be a senior student in a Doctor of Veterinary Medicine program at a college of veterinary medicine approved by the board pursuant to R 338.4904 and satisfy all of the following:

(a) Provide a letter of enrollment as a senior student in good standing from the dean of a veterinary school approved by the board pursuant to R 338.4904.

(b) Achieve a passing score on the examination adopted in R 338.4903.

(c) Submit a form provided by the department that contains the name and signature of the Michigan-licensed supervising veterinarian acknowledging assumption of the supervisory responsibilities included in section 18802(4) of the code, MCL 333.18802.

(2) A senior student limited licensee shall not do either of the following:

(a) Engage in the practice of veterinary medicine except under the supervision of the Michigan-licensed veterinarian who signed the form submitted to the department pursuant to subrule (1)(c) of this rule.

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

(3) The senior student limited license is granted for 1 year and may not be renewed.

R 338.4907c Graduate of nonapproved veterinary education program limited license; requirements; limitations.

Rule 7c. (1) An applicant for a graduate of a nonapproved veterinary education program limited license issued pursuant to section 18812(2) of the code, MCL 333.18812, shall submit a completed application on a form provided by the department, together with the requisite fee, and satisfy all of the following:

(a) Provide proof that he or she is a graduate of a veterinary education program. If documentation submitted pursuant to this subrule is in a language other than English, an original, official translation must also be submitted.

(b) Submit a form provided by the department that contains the name and signature of the Michigan-licensed supervising veterinarian acknowledging assumption of the supervisory responsibilities included in section 18802(4) of the code, MCL 333.18802.

(2) A graduate of a nonapproved veterinary education program limited licensee shall not do either of the following:

(a) Engage in the practice of veterinary medicine except under the supervision of the Michigan-licensed veterinarian who signed the form submitted to the department pursuant to subrule (1)(b) of this rule.

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

(3) The graduate of a nonapproved education program limited license is granted for 1 year and may not be renewed.

R 338.4908 Rescinded.

R 338.4909 Relicensure.

Rule 9. An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below:

| (1) For an applicant who has let his or her Michigan license lapse and is not currently licensed in another state or Canada. | | Lapsed 0-3 years | Lapsed more than 3 years |
|--|--|------------------|--------------------------|
| (a) | Application and fee: submit a completed application on a form provided by the department, together with the required fee. | √ | √ |
| (b) | Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47. | √ | √ |
| (c) | Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174. | | √ |
| (d) | Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the | √ | √ |

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| | requirements of R 338.4933. | | |
| (e) | Examination: passage of the examination approved pursuant to R 338.4903 within 1 year prior to the application for relicensure. | | √ |
| (f) | License verification: an applicant's license in good standing shall be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a veterinarian. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant. | √ | √ |
| (2) For an applicant who has let his or her Michigan license lapse and is currently licensed in another state or Canada. | | Lapsed 0-3 years | Lapsed more than 3 years |
| (a) | Application and fee: submit a completed application on a form provided by the department, together with the required fee. | √ | √ |
| (b) | Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47. | √ | √ |
| (c) | Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174. | | √ |
| (d) | Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the requirements of R 338.4933. | √ | √ |
| (e) | License verification: an applicant's license in good standing shall be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a veterinarian. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant. | √ | √ |

PART 4. SUPERVISION AND DELEGATION

R 338.4910 Supervision of veterinary student or limited licensee by veterinarian.

Rule 10. If a veterinarian is supervising a veterinary student or limited licensee, the veterinarian shall provide the supervision included in section 18802(4) of the code, MCL 333.18802, which requires that degree of close physical proximity necessary for the supervising veterinarian to directly observe and monitor the performance of the veterinary student or limited licensee to ensure that the student's or limited licensee's performance is within the scope of the order, assignment, or prescription of the veterinarian and being performed with the skill expected by the supervising veterinarian.

R 338.4911 Limitations on delegation; veterinarian supervision of delegatee's performance.

Rule 11. (1) Except as limited by section 16215(1) of the code, MCL 333.16215, a veterinarian may delegate the performance of an act, task, or function that falls within the practice of veterinary medicine to an individual who is otherwise qualified to perform the act, task, or function.

(2) Before delegating an act, task, or function that falls within the practice of veterinary medicine, the veterinarian shall first examine the animal patient on which the delegated act, task, or function is to be performed and determine the appropriate treatment for the animal patient.

(3) The delegating veterinarian shall observe, monitor, and supervise the delegatee's performance to the extent necessary to ensure that the delegatee's performance is within the scope of the delegation given and being performed with the skill expected by the delegating veterinarian.

R 338.4913 Rescinded.

R 338.4914 Rescinded.

R 338.4914a Rescinded.

R 338.4915 Rescinded.

R 338.4920 Rescinded.

PART 5. MEDICAL RECORDS

R 338.4921 Medical records; requirements.

Rule 21. (1) A veterinarian who practices veterinary medicine in this state shall maintain a medical record for each animal patient, herd, flock, or other group of animals that accurately reflects the veterinarian's evaluation and treatment of the animal patient or group of animals rendered in person or through a telehealth service. Entries in the medical record must be made in a timely fashion.

(2) Records must be legible and retrievable. A record may be maintained in either a written, electronic, audio, or photographic format.

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

(a) Identification includes, but is not limited to, a tattoo, tag number, lot number, pen number, age, name, markings, sex, and species, as available.

(b) Date of the last veterinary service.

(c) Name, address, and telephone number of the client.

(d) Location of the animal patient or patients, if not at the location of the veterinary practice.

(e) Reason for the contact including, but not limited to, the case history, problem ~~and~~ or signs of a problem, and whether the contact was a routine health visit or an emergency call.

(f) Vaccination history, when appropriate and if known.

(g) Results of the physical examination and a list of abnormal findings.

(h) Laboratory reports and other reports, when appropriate.

(i) Diagnostic procedures utilized and the reports that pertain to these procedures.

(j) Procedures performed including, but not limited to, surgery and rectal palpations.

(k) Daily progress notes, if hospitalized.

(l) Documentation of informed consent, if appropriate.

(m) Documentation of diagnostic options and treatment plans.

(n) Records of any client communication deemed relevant.

(o) Documentation of prescribed medication.

(4) Records must be maintained for a minimum of 7 years from the date of the last veterinary service.

(5) Medical records are confidential and must not be released without the consent of the client or as required to protect public health or by law.

(6) Copies of medical records must be provided upon written request from the client.

PART 6. LICENSE RENEWAL AND CONTINUING EDUCATION

R 338.4931 License renewal; continuing education.

Rule 31. (1) Beginning with licenses that expire on December 31, 2022, and for all renewals thereafter, an applicant for license renewal shall have completed at least 45 hours of continuing education that satisfy the requirements of R 338.4933 in the 3 years preceding the application for renewal.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The department may require a licensee to submit evidence to demonstrate compliance with this rule.

(3) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

(4) The licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

R 338.4933 Acceptable continuing education; requirements; limitations.

Rule 33. (1) The 45 hours of continuing education required pursuant to R 338.4931(2) must comply with all of the following:

(a) Not more than 12 continuing education hours may be earned during one 24-hour period.

(b) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period.

(c) A minimum of 30 hours of continuing education is scientific in nature. A continuing education program or activity is scientific in nature if it includes the science of diagnosis, treatment, and prevention of disease as it relates directly to an animal patient or topics such as public veterinary practice, epidemiology, food safety, public health, animal welfare, or antimicrobial stewardship.

(d) A minimum of 1 hour of continuing education must relate to medical records.

(e) A minimum of 1 hour of continuing education must relate to state veterinary law or federal or state controlled substance laws, or both.

(f) A maximum of 33 hours of continuing education may be completed in activities that use online, electronic, or printed format or by completing an activity that does not require or permit synchronous or live interaction during the activity.

(g) A minimum of 12 hours of continuing education must be completed by satisfying 1 of the following:

(i) Earning 12 hours of continuing education in an activity attended live and in person.

(ii) Earning not less than 6 hours of continuing education in an activity attended live and in person and earning the remainder of the 12 required hours of continuing education by completing an activity that requires or permits synchronous, live interaction with the presenter, other participants, or both during the activity.

(h) No more than 15 hours of continuing education may be earned collectively for activities in subrule (2)(d) to (h) of this rule.

(2) The following is acceptable continuing education:

| Activity Code | Activity and Proof of Completion | Number of continuing education hours granted/permitted |
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| (a) | Attendance at or participation in a continuing education program or activity related to the practice of veterinary medicine or any non-clinical subject relevant to the practice of veterinary medicine, education, administration, management, or science which includes, but is not limited to, live, in-person programs; interactive or monitored teleconferences; audio-conferences; web-based programs; online programs; or journal articles or other self-study programs approved or offered by any of the following: <ul style="list-style-type: none"> • AAVSB Registry of Continuing Education (RACE). • American Veterinary Medical Association (AVMA). | The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or approving organization for the specific program or activity. |

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| | <ul style="list-style-type: none"> • World Veterinary Association (WVA). • Michigan Veterinary Medical Association (MVMA). • A state veterinary board of another state. • Local, state, or regional professional organization. • Member institution of the Association of the American Veterinary Medical Colleges (AAVMC). • AVMA constituent allied organizations and recognized veterinary specialty organizations. • Centers for Disease Control & Prevention (CDC). • The United States Department of Agriculture, Animal and Plant Health Inspection Service, if the program is a training module included in the National Veterinary Accreditation Program. <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, the sponsor’s name or the name organization that approved the activity, and the date on which the program was held or the activity completed.</p> | |
| (b) | <p>Attendance at or participation in a continuing education program or activity related to the practice of veterinary profession which includes but is not limited to: live, in-person programs; interactive or monitored teleconferences; audio-conferences; web-based programs; online programs; and journal articles or other self-study programs, approved or offered by any of the following:</p> <ul style="list-style-type: none"> • American Medical Association (AMA). • Michigan State Medical Society (MSMS). • Accreditation Council for Continuing Medical Education (ACCME). • American Osteopathic Association (AOA). • Michigan Osteopathic Association (MOA). | <p>The number of continuing education hours for a specific activity or program is the number of hours approved by the sponsor or approving organization for the specific program or activity. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p> |

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| | <ul style="list-style-type: none"> • Michigan Pharmacy Association (MPA). • Educational courses offered by regionally accredited colleges and universities relating to the husbandry of food producing animals. • Accreditation Council for Pharmacy Education. <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name of the organization that approved the activity, and the date on which the program was held or the activity completed.</p> | |
| (c) | <p>Initial presentation of a continuing education program related to the veterinary profession.</p> <p>To receive credit, the presentation must not be part of the licensee's regular job description and must be approved or offered for continuing education by any of the following:</p> <ul style="list-style-type: none"> • AAVSB – RACE. • AVMA. • WVA. • MVMA. • A state veterinary board of another state. • AMA. • MSMS. • ACCME. • AOA. • MOA. • MPA. • Member institution of the AAVMC. • AVMA constituent allied organizations and recognized veterinary specialty organizations. • Educational courses offered by regionally accredited colleges and universities relating to the husbandry of food producing animals. • CDC. | <p>Two hours of continuing education are granted for each 50 to 60 minutes of presentation. No additional credit is granted for the preparation of the presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.</p> |

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| | <p>Initial presentation of a scientific exhibit, poster, paper, or clinical demonstration to a veterinary medicine or veterinary technician program.</p> <p>To receive credit, the presentation must not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall submit a copy of the document presented with evidence of the presentation or a letter from the program sponsor verifying the length and date of the presentation.</p> | |
| (d) | <p>Initial publication of an article related to the practice of veterinary profession in a peer-reviewed journal.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p> | <p>Five hours of continuing education are granted for serving as the primary author. Two hours of continuing education are granted for serving as the secondary author. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p> |
| (e) | <p>Initial publication of a chapter related to the practice of veterinary profession in a professional or peer-reviewed textbook.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p> | <p>Five hours of continuing education are granted for serving as the primary author. Two hours of continuing education are granted for serving as a secondary author. A maximum of 15 hours of continuing education may be earned for this activity in each renewal period.</p> |
| (f) | <p>Service as a clinical instructor for veterinary students engaged in an educational program that satisfies the requirements of R 338.4904.</p> <p>To receive credit, the clinical instructorship must not be the licensee's primary employment function.</p> <p>If audited, the licensee shall submit proof of scheduled instructional hours and a letter from the program director verifying the licensee's</p> | <p>Two hours of continuing education are granted for each 50 to 60 minutes of scheduled instruction. Additional credit for preparation of a lecture is not to be granted. A maximum of 15 hours may be earned for this activity in each renewal period.</p> |

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| (g) | <p>Participation on a state or national committee, board, council, or association related to the veterinary profession. A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the practice of veterinary medicine.</p> <p>If audited, the licensee shall submit documentation verifying the licensee's participation in at least 75% of the regularly scheduled meetings of the committee, board, council, or association.</p> | <p>Two hours of continuing education are granted for each committee, board, council, or association. A maximum of 2 hours of continuing education may be earned for this activity in each renewal period.</p> |
| (h) | <p>Provide individual supervision to a disciplinarily limited veterinarian.</p> <p>If audited, the licensee shall provide documentation from the department confirming the number of hours and the dates that the licensee spent supervising the disciplinarily limited veterinarian.</p> | <p>One hour of continuing education credit is granted for each 50 to 60 minutes of supervision provided. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p> |