

256 CMR: BOARD OF REGISTRATION IN VETERINARY MEDICINE

256 CMR 5.00: PRACTICE

Section

- 5.01: Medical Records
- 5.02: Drugs and Medications
- 5.03: Advertising
- 5.04: ~~Hospital-Veterinary Medical~~ Safety

5.05: Complementary and Alternative Veterinary Medicine

~~Requirements of Full-service Veterinary Facility~~

5.06: Requirements of Emergency Service Veterinary Facility Practice Standards and Facilities

5.01 Medical Records

(1a) A licensee shall maintain a legible record for each patient. The identity of the author of all medical records shall be clearly noted on all records by either signature or initials. The original medical records and images shall be maintained and readily available for four years after the last contact with the animal. Upon the request of the owner, copies of the medical record and images shall be provided to the owner or another veterinarian. A reasonable fee may be charged for the cost of such copies, but the records may not be withheld because of an outstanding balance due to the licensee.

(2b) A licensee shall accurately record the following information on each animal's medical record:

(a) ~~i. the~~ The owner's name, address, telephone, telephone number(s), or contact information;

(b) ~~ii. the~~ The animal's name, any applicable identification number(s), species, breed, date of birth, sex, color, markings and current weight;

(c) ~~iii. the~~ The date, presenting complaint, complaint, pertinent history, examination findings, and a plan for diagnostics, treatment and care;

(d) ~~iv. appropriate~~ Appropriate information to justify any tentative diagnosis and to warrant any treatment at the time of data entry on the record;

~~v. (e) all~~ vaccines administered;

(f) ~~vi. all~~ laboratory tests;

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~~(g)vii-~~ all imaging evaluations;

~~viii-(h)~~ all professional consultation reports;

~~(i)x-~~ all consent forms, such as anesthesia, surgery, euthanasia and necropsy consent forms, or child-resistant container waivers;

~~(j)x-~~ all treatments all treatments provided, both medical and surgical;

~~(k)xi-~~ all dental procedures;

~~(l)xii-~~ all medication given, including the date, dosage, route of administration, frequency, duration of treatment and refills;

~~xiii-(m)~~ all medication dispensed or prescribed, including directions for use and quantity;

~~(n)xiv-~~ all changes in medication or doses, including changes made by telephone;

~~(o)xv-~~ all client communications;

~~xvi-(p)~~ all client waivers or deferrals of recommended care;

~~xvii-(q)~~ all discharge instructions; and,

~~xviii-(r)~~ all necropsy findings.

~~(3e)~~ Medical records for groups of animals such as sheep and fish may be maintained on a per client basis when treated as a group.

5.02 Drugs and Medications

~~(1a)~~ A licensee shall dispense or prescribe drugs and medications in accordance with the rules and regulations of the Massachusetts Board of Pharmacy and only for specific animals and for specific medical problems. When treating groups of animals, a licensee shall judiciously dispense or prescribe drugs and medications on a per client basis only for specific medical problems and only in accordance with 256 CMR 7.01(2)(e).

~~(2b)~~ A licensee shall provide prescription information to an off-site pharmacy or a written prescription to the client if requested. The prescription may be written or transmitted by any electronic means at the discretion of the prescribing licensee and in accordance with

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Massachusetts General Laws Chapter 94C.

(3e) In the event of an emergency situation a veterinarian who does not have a veterinarian-client patient relationship may dispense a prescription or drug for the immediate treatment of the patient when necessary to save life or relieve suffering provided that the quantity prescribed and dispensed is limited to the amount needed for the immediate treatment of the patient during the emergency period.

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(4d) A non-prescribing veterinarian may dispense a prescription veterinary diet for the treatment of a patient without establishing a veterinary client patient relationship only upon receiving the authorization of the prescribing licensed veterinarian.

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-5.03 Advertising

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(1a) A licensee may, by using print or electronic media, provide information to the public by advertising which is not false, fraudulent, misleading or deceptive.

(2b) A licensee shall not use any advertising that contains:

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(a) ~~i~~ -any statement or claim that a licensee is a veterinary specialist unless the licensee meets the definition of that term contained in 256 CMR 2.01.

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Advertisements which include both veterinary specialist licensees and non-specialist licensees or their respective services, which do not clearly identify and separate the veterinary specialist licensees and their services from the non-specialist licensees and their services is prohibited. This does not prohibit truthful and non-deceptive statements concerning a licensee's experience or training in a particular area of veterinary practice;

(b) ~~ii~~ techniques or communications which tend to or do intimidate or exert undue pressure on or influence over a client;

(c) ~~iii~~ a lay or expert testimonial unless from individuals with knowledge or experience obtained from a provider relationship with the licensee or direct knowledge of the subject of the testimonial. A lay or expert's testimonial shall not attest to any technical matter beyond that person's competence; or

(d) ~~iv~~ -any statement that guarantees that a cure will result from the professional service offered.

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(3e) A licensee must list his or her degree actually conferred after his or her name or use the term "veterinarian" if only the title "Doctor" appears before his or her name.

(4d) Advertising making reference to a fee may only contain a fixed or stated range of fees

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for a specifically-described routine professional service. A licensee who advertises fees shall disclose all relevant variables and considerations ordinarily included in such a service. In the absence of such a disclosure, the stated fees shall include all components ordinarily included in provisions of such a service. Offers of discounts or fee reductions shall indicate the fixed or stated range of fees from which the fee is discounted. The period during which a fee or discount shall remain in effect shall be clearly and specifically stated in the advertisement.

-5.04: Veterinary Medical Safety

-(a1) All licensees shall properly handle hazardous medications.

(2b) All licensees under the jurisdiction of the federal Occupational Safety and Health Administration (OSHA) shall comply with OSHA regulations.

(3e) Licensees shall ensure the proper disposal of biomedical waste, such as culture plates, tubes, contaminated sponges, swabs, biological products, needles, syringes and blades.

(4d) Radiation safety procedures shall be in compliance with all requirements of the Radiation Control Division of the Department of Public Health.

5.05: Complementary and Alternative Veterinary Medicine

All veterinarians shall examine an animal and establish a preliminary diagnosis before any treatment is initiated. Diagnosis should be based on sound, accepted principles of veterinary medicine. Currently accepted treatment methods must be discussed with the owner or authorized agent when presenting treatment options. Owner consent shall be obtained prior to initiating any treatment, and medical records must meet statutory and regulatory requirements regardless of the treatment modality. Veterinarians may incorporate individuals licensed in human alternative professions only through referral and consultation.

5.06: Practice Standards and Facilities

(1) Veterinary Medical Director: All Veterinary Facilities, including but not limited to, Fixed Veterinary Premises, Emergency Service Veterinary Facilities, and Mobile Clinics are required to appoint a Veterinary Medical Director, as defined in 256 CMR 2.01.

(a) In those facilities/practices which are owned by a licensed veterinarian(s) and which have failed to appoint a Medical Director, the licensed veterinarian owner(s) shall be deemed the Medical Director.

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(b) In those facilities/practices which are not owned by a licensed veterinarian, the owner(s) shall appoint a licensed veterinarian as the Veterinary Medical Director.

(c) The Board reserves the right to prosecute those unlicensed facility /practice owners who fail to so designate a Veterinary Medical Director for unlicensed practice.

(d) The Veterinary Medical Director shall:

(i) ensure that the facility/practice is in compliance with the laws of the Commonwealth and the United States and 256 CMR 1.00 through 10.00;

(ii) ensure that the staff of the facility cooperates with inspections or investigations conducted by the Board or its agents;

(iii) upon the request of the Board or its agents provide immediate access to and, if requested, copies of mMedical and bBusiness rRecords;

(iv) be responsible for all protocols and policies established to manage the overall practice/facility;

(v) ~~u~~ prior to hiring a veterinarian, and annually thereafter before March 1, establish whether each veterinarian employed in the practice/facility has a current license to practice veterinary medicine in the Commonwealth;

(vi) ~~u~~ ensure that his or her staff exhibit professional appearance and behavior;

(vii) ~~u~~ Where possible, preserve the body of any animal which dies while in the care of a licensee except as otherwise provided by law; and

(viii) ~~u~~ Provide by oral, written or posted notice and by telephone information about office hours, emergency coverage, overnight and 24 hour attendance at the facility.

(2) Minimum Requirements of all locations where veterinary medicine is practiced

(a) All locations where veterinary medicine is being practiced, and all instruments, apparatus and apparel used in connection with those practices, shall be kept clean.

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safe and sanitary at all times.

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(b) If animals are housed or retained for treatment, the following requirements shall be met:

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(i) compartments for animals shall be maintained in a comfortable and sanitary manner;

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(ii) holding areas shall be safe, secure, escape-proof and of appropriate size for animals;

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(iii) effective separation of known or suspected contagious animals shall be maintained; and

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(iv) if there are to be no personnel on the premises during any time an animal is left at the veterinary location, prior notice of this fact shall be given to the client. For purposes of this paragraph, prior notice may be accomplished by posting a sign in a place and manner conspicuous to the clients at the entrance of the premises, stating that there may be times when there are no personnel on the premises.

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(c) Drugs and Medications

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(i) All practices shall provide for the proper storage and safekeeping of drugs and medications.

(ii) Equipment shall include a refrigerator for those drugs requiring refrigeration.

(iii) All practices shall maintain a safe and secure cabinet with a lock for storage of controlled substances and MGL c. 94C

(iv) All practices must comply with all Federal Laws and Regulations governing controlled substances

(v) All practices shall ensure that expired drugs or medications are separated for proper disposal and shall not be retained for any use.

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(vi) All dispensed medications shall be in child-resistant, moisture-proof containers unless otherwise requested by the client or the drug is in a form that precludes it from being dispensed in such a container.

(vii) All drugs and medications dispensed in an original container shall retain the original label and shall have an additional label as required by 256 CMR 5.06(c)(ix).

(viii) Expired drugs or medications shall not be left on shelves, or retained for use

or dispensing, and shall be disposed of properly.

(ix) When dispensing medication, a licensee shall accurately type or print the following information on a label permanently affixed to the container:

- i. client's name;
- ii. animal's or group name;
- iii. date;
- iv. usage directions including route of administration;
- v. name of the drug;
- vi. quantity dispensed;
- vii. Facility's name, address and telephone number;
- viii. the name of the licensee dispensing the drug;
- ix. expiration date if appropriate;
- x. any appropriate warning labels; and
- xi. the number of refills if any.

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(3) Minimum Requirements of Full Service Veterinary Facility:

The veterinary Facility shall meet the following standards.

(a) The Veterinary Facility shall have the capacity to render diagnostic imaging services, either on the Facility or through other commercial facilities. ~~Imaging procedures~~ Imaging procedures shall be conducted in accordance with Health and Safety Code standards.

(b) Clinical pathology and histopathology diagnostic laboratory services shall be available within the veterinary Facility or through outside services.

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(c) Sanitary methods for the disposal of deceased animals shall be provided and maintained.

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(d) Veterinary medical equipment used to perform aseptic procedures shall be sterilized and maintained in a sterile condition.

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(e) Current veterinary reference materials shall be readily available on the Facility.

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(f) Anesthetic equipment in accordance with the procedures performed shall be maintained in proper working condition and available at all times.

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(g) The full service veterinary Facility shall have equipment to deliver oxygen in emergency situations;

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(h) Appropriate drugs and equipment shall be readily available to respond to all reasonably anticipated emergency situations.

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(i) The full service veterinary Facility shall have a \_\_\_\_\_n examination room separate from other areas of the facility and of sufficient size to accommodate the doctor, assistant, patient and client.

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(43) Requirements of Emergency Service Veterinary Facility

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(a+) All standards applying to a full service facility shall apply to an emergency service facility.

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(b2) Any veterinary Facility that displays any sign, card, or device that indicates to the public that it is an emergency veterinary clinic or hospital shall comply with the following:

(ia) Maintain a licensed veterinarian on the Facility at all times during the posted hours of operation.

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(iib) Its advertisements shall clearly state:

1. A licensed veterinarian is on the Facility during the posted emergency hours.
2. The hours the facility will provide emergency services.
3. The address and telephone number of the Facility.

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~~(c3)~~ The phrase “veterinarian on call” shall mean that a veterinarian is not present at the hospital, but is able to respond within a reasonable time to requests for emergency veterinary services and has been designated by a daytime veterinary Facility to do so after regular office hours. A Veterinary facility which uses a veterinarian on call service shall not be considered to be or advertised as an Emergency Service Facility.

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(54) Requirements of Mobile Practice

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A mobile practice shall have the ability and equipment to provide care at a level commensurate with the specific veterinary medical services it is providing.

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5.01: Medical Records

~~(1) A licensee shall maintain a legible record for each patient. The identity of the author of all medical records shall be clearly noted on all records by either signature or initials. A licensee shall keep all original medical records and radiographs readily available for four years after the last contact with the animal. Upon the request of the owner, a licensee shall provide copies of medical records and radiographs to the owner of an animal or another veterinarian. A reasonable fee may be charged for the cost of such copies.~~

~~(2) A licensee shall accurately record the following information on each animal's medical record:~~

- ~~(a) the owner's or owner's duly authorized agent's name, address, home and work telephone numbers;~~
- ~~(b) the animal's name, any applicable identification number(s), species, breed, date of birth, sex, color, markings and current weight;~~
- ~~(c) appropriate information to justify any tentative diagnosis and to warrant any treatment at the time of data entry on the record;~~
- ~~(d) the date, initial problem, pertinent history, examination findings, and any plan for treatment and care;~~
- ~~(e) all vaccines administered;~~
- ~~(f) all laboratory tests;~~
- ~~(g) all imaging evaluations;~~
- ~~(h) all professional consultation reports;~~
- ~~(i) all consent forms, such as anesthesia, surgery, euthanasia and necropsy consent forms, or child resistant container waivers;~~
- ~~(j) all records of treatment, both medical and surgical;~~
- ~~(k) all dental procedures;~~
- ~~(l) all medication given, including the date, dosage, route of administration (when more than one route is acceptable), frequency, duration of treatment and refills;~~
- ~~(m) all medication dispensed or prescribed, including directions for use and quantity;~~
- ~~(n) all changes in medication or doses, including changes made by telephone;~~
- ~~(o) all client communications;~~
- ~~(p) all client waivers or deferrals of recommended care;~~
- ~~(q) all discharge instructions; and,~~
- ~~(r) all necropsy findings.~~

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~~(3) Medical records for economic animals and groups of animals such as sheep and fish may be maintained on a per-client basis when treated as a group.~~

5.02: Drugs and Medications

~~(1) A licensee shall dispense or prescribe drugs and medications only for specific animals and for specific medical problems. When treating the animals as a group, a licensee shall judiciously dispense or prescribe drugs and medications on a per-client basis only for specific medical problems and only in accordance with 256 CMR 7.01(2)(e).~~

~~(2) When dispensing medication, a licensee shall accurately type or print the following information on a label permanently affixed to the container:~~

- ~~(a) client's name;~~
- ~~(b) animal's name;~~
- ~~(c) date;~~
- ~~(d) usage directions including route of administration;~~
- ~~(e) name of the drug;~~
- ~~(f) quantity dispensed;~~
- ~~(h) hospital's name, address and telephone number;~~
- ~~(i) the name of the licensee dispensing the drug;~~
- ~~(j) expiration date if appropriate;~~
- ~~(k) any appropriate warning labels; and~~
- ~~(l) the number of refills if any.~~

~~(3) All dispensed or repackaged medications shall be in child resistant, moisture proof containers unless otherwise requested by the client or, if the drug is in a form that precludes it from dispensing in such a container.~~

~~(4) All drugs and medications dispensed in an original container shall retain the original label and shall have an additional label as required by 256 CMR 5.02(2).~~

~~(5) A licensee shall not leave expired drugs or medications on shelves or retain them for use or dispensing and shall insure that all drugs, medications or other medical supplies are properly disposed.~~

5.03: Advertising

~~(1) A licensee may, by using print or electronic media, provide information to the public by advertising which is not false, fraudulent, misleading or deceptive.~~

~~(2) A licensee shall not use any advertising that contains:~~

- ~~(a) any statement or claim that a licensee is a veterinary specialist unless the licensee meets the definition of that term contained in 256 CMR 2.01. This does not prohibit truthful and non-deceptive statements concerning a licensee's experience or training in a particular area of veterinary practice;~~

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~~(b) techniques or communications which tend to or do intimidate or exert undue pressure on or influence over a client;~~

~~(c) a lay or expert testimonial except from individuals with knowledge or experience obtained from a provider relationship with the licensee or direct knowledge of the subject of the testimonial. A lay or expert's testimonial shall not attest to any technical matter beyond that person's competence; or~~

~~(d) any statement that guarantees that a cure will result from the professional service offered.~~

~~(3) Any advertisement or business listing for the provision of any veterinary service shall contain current information, including the name of at least one licensee who is responsible for the provisions of the advertised services.~~

~~(4) A licensee shall be responsible for the form and content of an advertisement containing the licensee's name, office address or telephone number. A licensee must list his or her degree actually conferred after his or her name or use the term "veterinarian" if only the title "Doctor" appears before his or her name.~~

~~(5) Advertising making reference to a fee may only contain a fixed or stated range of fees for a specifically described routine professional service. A licensee who advertises fees shall disclose all relevant variables and considerations ordinarily included in such a service. In the absence of such a disclosure, the stated fees shall include all components ordinarily included in provisions of such a service. Offers of discounts or fee reductions shall indicate the fixed or stated range of fees from which the fee is discounted. The period during which a fee or discount shall remain in effect shall be clearly and specifically stated in the advertisement.~~

5.04: Hospital Safety

~~(1) All licensees shall properly handle hazardous medications.~~

~~(2) All licensees under the jurisdiction of the federal Occupational Safety and Health Administration (OSHA) shall review and comply with OSHA regulations.~~

~~(3) Licensees shall ensure the proper disposal of biomedical waste, such as culture plates, tubes, contaminated sponges, swabs, biological products, needles, syringes and blades.~~

~~(4) Radiation safety procedures shall be in compliance with all requirements of the Radiation Control Division of the Department of Public Health.~~

5.05: Requirements of Full service Veterinary Facility

A full service facility shall at a minimum provide the following services:

~~(1) Diagnostic Imaging. A full service facility shall have the capacity to generate diagnostic quality radiographic images.~~

~~(2) Emergency Services. A full service facility shall have the appropriate equipment to~~

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~~respond to all reasonably anticipated emergency situations.~~

~~(3) Examination Services. A full service facility shall have one or more examination rooms adequate in size and lighting for proper examination of animals. Minimum equipment for examination services shall include:~~

- ~~(a) ophthalmoscope;~~
- ~~(b) otoscope;~~
- ~~(c) restraint equipment;~~
- ~~(d) scales to correctly weigh all animals treated;~~
- ~~(e) stethoscope; and,~~
- ~~(f) thermometer.~~

~~(4) Housekeeping and Maintenance. A full service facility and surrounding grounds shall be safe and sanitary. All fixtures, furnishings and equipment shall be free from excessive wear and be in good condition. Ventilation, heating and air conditioning systems shall be adequate to prevent harmful or unacceptable concentrations of toxic gases, odors or particles and the facility shall have adequate lighting. Waste disposal shall be in accordance with good public health practice. The staff shall use adequate safety precautions in disposing of animal remains and tissue specimens. Water shall be safe for use by clients, employees and animals. An adequate supply of clean or unused disposable linens and supplies shall be available and in good condition.~~

~~(5) Patient Care. A full service facility shall provide all equipment necessary for the safety and comfort of animals. All animal holding areas shall be secure, escape proof and easily cleaned. Cages and runs shall be of appropriate and comfortable size for animals. The staff shall use proper handling and disposal for all waste materials and proper cleaning and disinfecting of compartments, exercise areas and runs.~~

~~(6) Pathology/Laboratory. A full service facility shall provide pathology services either in the facility or through outside sources. Pathology services shall, at a minimum include hematology, serology, blood chemistry analysis, urinalysis (including urine sediment examination and stone analysis), microbiology, culturing, antibiotic sensitivity screening, parasite examinations (fecal, blood and skin), cytology, pathology, and toxicology. Regarding tests performed on the premises, the equipment, at a minimum, shall include:~~

- ~~(a) clinical centrifuge;~~
- ~~(b) microhematocrit;~~
- ~~(c) microscope~~
- ~~(d) refractometer or urinometer; and,~~
- ~~(e) refrigerator.~~

~~(7) Dispensary. A full service facility shall provide for the storage, safekeeping and use of drugs. Equipment shall include a refrigerator for those drugs requiring refrigeration. A locked substantially constructed cabinet or safe shall be available for storage of controlled substances.~~

~~(8) Surgery. A full service facility shall provide surgical instrumentation in good repair;~~

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~~properly cleaned and sufficient in number and variety to meet the requirements of the surgical case load. There shall be a supply of oxygen. Sterile surgical procedures require the use of sterilized instruments, towels, drapes and gloves as well as clean caps and masks. The use of cold sterilization is appropriate only for instruments used in minor surgical procedures. A surgical light of adequate candle power shall illuminate the surgical field and the facility shall have provisions for adequate emergency surgical lighting. Surgical tables shall be constructed of impervious material.~~

~~5.06: Requirements of Emergency Service Veterinary Facility~~

~~(1) All standards applying to a full service facility shall apply to an emergency service facility.~~

~~(2) An emergency service facility shall have at least one licensee and one assistant or veterinary technician on the premises during the hours it is open for service.~~

~~(3) The facility shall, by posted notice, provide information about referral to an appropriate facility during hours it is not open for service.~~

(6) Inspections

The Board or its designees may visit any Veterinary Facility without prior notice and inspect it, its staff, activities, and records to determine compliance with state law, G.L. c. 112, §§ 54-60 and 256 CMR 1.00 et seq. Such inspections shall only be conducted during reasonable times.

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REGULATORY AUTHORITY

256 CMR 5.00: M.G.L. c. 112, § 54.