

256 CMR: BOARD OF REGISTRATION IN VETERINARY MEDICINE

256 CMR 5.00: PRACTICE

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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. 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.

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

- (a) the owner's name, address, telephone number(s), or contact information;
- (b) the animal's name, any applicable identification number(s), species, breed, date of birth, sex, color, markings and current weight;
- (c) the date, presenting complaint, pertinent history, examination findings, and a plan for diagnostics, treatment and care;
- (d) appropriate information to justify any tentative diagnosis and to warrant any treatment at the time of data entry on the record;
- (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 treatments provided, both medical and surgical;
- (k) all dental procedures;
- (l) all medication given, including the date, dosage, route of administration, 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.

(3) 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

(1) A licensee shall dispense or prescribe drugs and medications in accordance with 247 CMR:

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*Board of Registration in 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).

(2) 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 M.G.L. c. 94C.

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(3) 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.

(4) 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.

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 256 CMR 2.01: Veterinary Specialist (Veterinary Diplomate). 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) 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 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) any statement that guarantees that a cure will result from the professional service offered.

(3) 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.

(4) 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: Veterinary Medical 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 comply with OSHA regulations.

(3) Licensees shall ensure the proper disposal of biomedical waste, such as culture plates, tubes,

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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: 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, Emergency Service Veterinary Facilities, and Mobile Clinics are required to appoint a Veterinary Medical Director, as defined in 256 CMR 2.01: Veterinary Medical Director.

(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.

(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:

1. ensure that the facility/practice is in compliance with the laws of the Commonwealth and the United States and 256 CMR;
2. ensure that the staff of the facility cooperates with inspections or investigations conducted by the Board or its agents;
3. upon the request of the Board or its agents provide immediate access to and, if requested, copies of medical and business records;
4. be responsible for all protocols and policies established to manage the overall practice/facility;
5. prior to hiring a veterinarian, and annually thereafter before March 1<sup>st</sup>, establish whether each veterinarian employed in the practice/facility has a current license to practice veterinary medicine in the Commonwealth;
6. ensure that his or her staff exhibit professional appearance and behavior;
7. where possible, preserve the body of any animal which dies while in the care of a licensee except as otherwise provided by law; and
8. 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, safe and sanitary at all times.

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

1. compartments for animals shall be maintained in a comfortable and sanitary manner;
2. holding areas shall be safe, secure, escape-proof and of appropriate size for animals;
3. effective separation of known or suspected contagious animals shall be maintained;

and

4. 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 256 CMR 5.06(2)(b)4., 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.

(c) Drugs and Medications.

1. All practices shall provide for the proper storage and safekeeping of drugs and medications.
2. Equipment shall include a refrigerator for those drugs requiring refrigeration.
3. All practices shall maintain a safe and secure cabinet with a lock for storage of controlled substances and M.G.L. c. 94C.
4. All practices must comply with all Federal Laws and Regulations governing controlled substances.

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5. All practices shall ensure that expired drugs or medications are separated for proper disposal and shall not be retained for any use.
6. 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.
7. 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(2)(c)9.
8. Expired drugs or medications shall not be left on shelves, or retained for use or dispensing, and shall be disposed of properly.
9. 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 or group name;
  - c. date;
  - d. usage directions including route of administration;
  - e. name of the drug;
  - f. quantity dispensed;
  - g. facility's name, address and telephone number;
  - h. the name of the licensee dispensing the drug;
  - i. expiration date if appropriate;
  - j. any appropriate warning labels; and
  - k. the number of refills if any.

(3) Minimum Requirements of Full Service Veterinary. The veterinary facility shall meet the standards in 256 CMR 5.06(3)(a) through (i).

- (a) The veterinary facility shall have the capacity to render diagnostic imaging services, either on the Facility or through other commercial facilities. 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.
- (c) Sanitary methods for the disposal of deceased animals shall be provided and maintained.
- (d) Veterinary medical equipment used to perform aseptic procedures shall be sterilized and maintained in a sterile condition.
- (e) Current veterinary reference materials shall be readily available on the facility.
- (f) Anesthetic equipment in accordance with the procedures performed shall be maintained in proper working condition and available at all times.
- (g) The full service veterinary facility shall have equipment to deliver oxygen in emergency situations.
- (h) Appropriate drugs and equipment shall be readily available to respond to all reasonably anticipated emergency situations.
- (i) The full service veterinary facility shall have an examination room separate from other areas of the facility and of sufficient size to accommodate the doctor, assistant, patient and client.

(4) Requirements of Emergency Service Veterinary Facility.

- (a) All standards applying to a full service facility shall apply to an emergency service facility.
- (b) 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 256 CMR 5.06(4)(b)1. and 2.:
  1. Maintain a licensed veterinarian on the Facility at all times during the posted hours

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of operation.

2. Its advertisements shall clearly state:
  - a. A licensed veterinarian is on the facility during the posted emergency hours.
  - b. The hours the facility will provide emergency services.
  - c. The address and telephone number of the facility.



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(c) 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.

(5) Requirements of Mobile Practice. 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.

(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, M.G.L. c. 112, §§ 54 through 60 and 256 CMR. Such inspections shall only be conducted during reasonable times.

REGULATORY AUTHORITY

256 CMR 5.00: M.G.L. c. 112, § 54.