

Mississippi Board of Veterinary Medicine

**The Mississippi Board of Veterinary Medicine Rules**

**Title 30: Professions and Occupations**

**Part 1701: The Mississippi board of Veterinary Medicine established rules as follows with reference to the Mississippi Veterinary Practice Act of 2008 which was passed by the Mississippi House of Representatives and the Mississippi Senate and forwarded to and signed by the governor.**

**Part 1701 Chapter 1: Board Organization**

*Rule 1.1 Annual Meeting.* The Board shall meet each year on the second Tuesday in June to coincide with the administration of the State Board examination.

Source: Miss. Code Ann § 73-39-55.

*Rule 1.2 Election of officers.* The Board shall elect from their members a president, vice-president and secretary-treasurer.

Source: Miss. Code Ann § 73-39-55.

*Rule 1.3 Duties of officers.* Elected officers shall have duties as set forth in Robert's Rules of Order.

Source: Miss. Code Ann § 73-39-55.

**Part 1701 Chapter 2: Licensure, Fees, Administration Staff, continuing Education and Examinations**

*Rule 2.1 Schedule of fees for licensing and certification.* The State Board Examination fee for veterinarians shall be set at \$200, which includes license fee for the first year following successfully passing the State Board Examination.

Source: Miss. Code Ann § 73-39-55.

*Rule 2.2 License renewal.* The fee for a license renewal will be \$200.00.

Source: Miss. Code Ann § 73-39-55.

*Rule 2.3 Duplicate license.* A fee of \$50 will be charged for a duplicate license.

Source: Miss. Code Ann § 73-39-55.

*Rule 2.4 Temporary license for new graduates.* A temporary license may be issued to a graduate who receives the Doctor of Veterinary Medicine in May or June and who has

employment in Mississippi. This license will be valid until the State Board Examination on the second Tuesday of June following graduation. A temporary license issued to a new graduate would not prevent the holder of such license from applying for a second temporary license if warranted.

Source: Miss. Code Ann § 73-39-67.

*Rule 2.5 Temporary License to graduates of foreign colleges.* The Board may Grant a temporary license to a graduate of a foreign college of veterinary medicine when the following requirements have been met, passing the North American Veterinary Licensing Examination, establishing educational equivalency and submitting proof of employment in Mississippi.

Source: Miss. Code Ann § 73-39-71.

*Rule 2.6 Examination for veterinary licensure.* The board shall use the results of the North American Veterinary Licensing Examination as provided by the International Council for Veterinary Assessment. The passing score shall be determined by the testing entity.

Source: Miss. Code Ann § 73-39-69.

*Rule 2.7 Language of Examinations.* All examination applications, examinations and correspondence will be written in the English language.

Source: Miss. Code Ann § 73-39-69.

*Rule 2.8 Applicants not graduates of an accredited college of veterinary medicine.* Veterinarians applying for licensure in Mississippi, who are not graduates of an accredited college of veterinary medicine, may establish educational equivalency by successfully passing the examination sponsored by the Educational Commission for Foreign Veterinary Graduates, being certified by the Program Assessing Veterinary Equivalency or completing a one year approved clinical internship.

Source: Miss. Code Ann § 73-39-71.

*Rule 2.9 Examination applicants with documented disability covered under the Americans with Disabilities Act (ADA).* Examination applicants with documented disability covered under the Americans with Disabilities Act (ADA) and requiring test accommodations for the State Board Examination must contact the Board at least 60 days prior the scheduled examination. Applicants for the North American Veterinary Licensing Examination with documented disabilities must comply with the procedures as set forth by the International Council for Veterinary Assessment.

Source: Miss. Code Ann § 73-39-69.

*Rule 2.10 Examination for technicians/technologists.* The State Board Examination fee for technicians/technologists shall be set at \$100, which includes certification fee for the first year

following successfully passing the State Board Examination. Yearly certification fee for technicians/technologists shall be set at \$35.

Source: Miss. Code Ann § 73-39-63.

*Rule 2.11 Continuing professional education for technicians/technologists-section.* All certified veterinary technicians/technologists must earn a minimum of ten (10) continuing education credits with one clock hour earning one continuing credit which must be documented by submitting copies of registration and proof of attendance with the application for certification renewal. Credits may be earned through distance education or other approved programs.

Source: Miss. Code Ann § 73-39-63.

*Rule 2.12 Continuing education requirements for veterinarians-section.* The Board shall require proof of fifteen (15) hours of continuing education credit, with one clock hour of continuing education earning one credit. Ten credits from contact learning experiences are required. Five credits may be earned through any RACE approved program.

Source: Miss. Code Ann § 73-39-75.

*Rule 2.13 Notices of continuing education.* The Board voted to allow the Executive Secretary to send notices of approval of Continuing Education requests to the requesting agency without a vote of the Board of Veterinary Medicine if the request is for contact hours that are RACE approved.

Source: Miss. Code Ann § 73-39-75.

### **Part 1701 Chapter 3: Ethics**

*Rule 3.1 American Veterinary Medical Code of Ethics.* By rule any violation of the American Veterinary Medical Association code of Ethics shall be considered unprofessional conduct and shall therefore be in violation of the Mississippi Veterinary Practice Act 73-39-77 Mississippi Code of 1972 Section 14 paragraph O.

Source: Miss. Code Ann § 73-39-77.

### **Part 1701 Chapter 4: procedures for Complaints and Hearings**

*Rule 4.1 Hearing procedure.* The board shall appoint the Board attorney as hearing officer for all hearings and conduct the hearing in the as set forth in the following rule. In order to ensure that the public and veterinarians are informed on how to make and respond to complaints, that all complaints are properly investigated or that hearings are conducted in a fair and organized manner, the Mississippi Board of Veterinary Medicine adopts the following Procedures for Complaints and Hearings.

Source: Miss. Code Ann § 73-39-57.

*Rule 4.2 Informing the public of how to make complaints.* The Board of Veterinary Medicine shall forward to each licensed veterinarian for prominent posting in their respective practice facilities the following notice, to-wit:

Notices: If you wish to make a complaint of malpractice or negligence concerning the veterinary medical services you have received, a complaint form may be obtained by calling or writing the Executive Secretary of the Mississippi Board of Veterinary Medicine at the following address or telephone number:

*Mississippi Board of Veterinary Medicine  
1089D Stark Rd  
Starkville, Mississippi 39759  
office@mississippivetboard.org  
662-324-9380*

Source: Miss. Code Ann § 73-39-57.

*Rule 4.3 The complaint and hearing process.*

- A. All complaints shall be filed on a form obtained from the Board's Executive Secretary or attorney. Complaints shall meet the criteria established on that form.
- B. Upon receipt, the complaint will be forwarded to the Board's attorney who shall assign the complaint a docket number. All future documents relating to a particular case will make reference to that docket number and will be entered in a docket book. Docket books will be kept at the office of the Board's attorney and Executive Secretary.
- C. The Board's attorney will present any complaints and supporting documentation received to the Board at its next meeting. The Board will review all complaints. The standard by which the Complaints shall be reviewed is the expected and reasonable standard of the profession. By that it is meant that a veterinarian must possess that reasonable degree of learning, skill and experience which ordinarily is possessed by others of the profession, and that a veterinarian must exercise reasonable and ordinary care and diligence in the exertion of this skill and the application of this knowledge, and exert one's best judgment as to the treatment of the case entrusted to the veterinarian – in short, a veterinarian is bound to bestow such reasonable and ordinary care, skill and diligence as veterinarians in good standing in the same neighborhood, in the same general line of practice, ordinarily have and exercise in like cases. After review, the Board shall make a preliminary determination which shall be one of the following:
  - 1. Dismiss the complaint; or
  - 2. Request a response from the respondent veterinarian; or
  - 3. Schedule an informal hearing; or

4. Schedule a formal hearing.

If a response is requested from the respondent veterinarian the response will be considered at the next meeting of the Board, following the initial presentation of the complaint. At that time the Board shall make one of the determinations outlined above, i.e., 1, 3 or 4.

The initial review by the Board shall consist of a reading of the sworn complaint of the complaining party, together with any relevant documentation. This documentation may include medical records, pictures, bills for services, autopsy reports, articles and any additional records submitted and deemed relevant by the Board. If the respondent veterinarian is requested to respond, his response should include all records generated in his or her treatment, specifically including office notes, test results and x-rays.

The Board will dismiss all complaints which are frivolous or which would not permit the Board to take any action under the Mississippi Veterinary Practice Act. If no punitive action against a respondent veterinarian is contemplated, but the Board feels a benefit would result to the respondent veterinarian or the complainant, an informal hearing will be scheduled. If the Board determines that the complaint is so severe that punitive action against a respondent is possible or probable, the Board will schedule a formal hearing.

In determining whether to dismiss a complaint or whether to hold an informal or formal hearing, the Board will hold a formal hearing when the preliminary review of the complaint and supporting documentation reveals the existence of one of the grounds for revocation enumerated in §79-39-19. Additionally, any report from the Department of Justice, Drug Enforcement Agency or the United States Department of Agriculture, Animal Plant Health Inspection Service or any other federal or state regulatory entity which indicates the existence of one of the grounds enumerated in §73-39-19 shall result in a formal hearing.

- D. Within fifteen (15) days of making its decision as outlined in C, the complainant and respondent veterinarian will be notified of the Board's decision.
- E. If an informal hearing is scheduled, the complainant and respondent veterinarian may present any documentation and testify (not under oath) to present the facts of the case. At the conclusion of the informal hearing, the Board will advise all parties of its decision within fifteen (15) days. At an informal hearing if the Board feels some punitive action is warranted, a formal hearing will be scheduled.

- F. If a formal hearing is scheduled, a court reporter will be supplied by the Board to record the proceedings. Either the complainant or the respondent veterinarian may bring legal counsel. Witnesses must testify under oath.
- G. In conformity with §73-39-20 all hearings will be held in Jackson, Mississippi.
- H. If the respondent veterinarian feels aggrieved by the decision of the Mississippi Board of Veterinary Medicine, he or she may file an appeal with the Chancery Court in Hinds County.
- I. If the Board elects to revoke the license of the respondent veterinarian, the Executive Secretary of the Board shall notify the Circuit Clerk of the county wherein such formerly licensed person's address of record with the Board is located that the license has been revoked. The Circuit Clerk shall record the notice in the book which he is required to keep under the provisions of §73-39-17.
- J. At the conclusion of a formal hearing the Board may take one or more of the following actions:
  1. Dismiss the complaint;
  2. Revoke the respondent veterinarian's license;
  3. Suspend the respondent veterinarian's license for a period of time without conditions;
  4. Suspend the respondent veterinarian's license for a period of time with conditions;
  5. Place the respondent veterinarian's license on probation;
  6. Fine the respondent veterinarian;
  7. Reprimand the respondent veterinarian.
- K. While the Board has no regularly scheduled meetings (except the June meeting), thereby making a standard of timeliness difficult to establish, the Board adopts and will attempt to comply with the following guidelines;

L.

<u>Event</u>	<u>Action</u>	<u>Time</u>
<i>Filing of Complaint</i>	<i>Preliminary Review</i>	<i>Next Board meeting</i>
<i>Decision of Board after preliminary consideration</i>	<i>Advising parties of decision</i>	<i>15 days</i>
<i>Decision of Board after informal hearing</i>	<i>Advising parties of decision</i>	<i>15 days</i>
<i>Decision of Board after formal hearing</i>	<i>Advising parties of decision</i>	<i>30 days</i>
<i>Receipt by respondent veterinarian</i>	<i>Appeal of Board's decision</i>	<i>30 days</i>

Source: Miss. Code Ann § 73-39-57.

*Rule 4.4 Analysis of complaints.* At the conclusion of each calendar year the Board shall review, categorize and analyze all complaints filed. Upon completion of this analysis the Board will recommend ways to diminish recurrence of complaints, including making recommendations for continuing education courses. These recommendations will be spread upon the official minutes of the Board and to the extent possible, effectuated.

Source: Miss. Code Ann § 73-39-57.

## **Part 1701 Chapter 5: Rules Governing Animals**

*Rule 5.1 Livestock management procedures.* Accepted livestock management procedures are defined by rule of the Board as generally accepted animal husbandry practices and other procedures not defined in this act as the practice of veterinary medicine.

Source: Miss. Code Ann § 73-39-57.

## **Part 1701 Chapter 6: Rules Governing the Diagnosis of Pregnancy of Cattle and Other Livestock**

*Rule 6.1 Dealers who purchase or sells livestock.* It is required that any dealer who purchases, deals or sells livestock, or who acts as commission representative or broker, or who operates and conducts an auction where livestock are sold, use only a veterinarian licensed in the State of Mississippi to diagnose pregnancy in cattle or other livestock.

Source: Miss. Code Ann § 73-39-57.

*Rule 6.2 Regulation adopted governing diagnosis of pregnancy of cattle and other livestock.* By virtue of the authority granted the Mississippi Board of Veterinary Medicine under the provisions of the State Laws governing Board of Veterinary Medicine, as established by the Mississippi Veterinary Practice Act, Miss. Code Ann. § 73-39-1, et seq., and particularly § 73-39-57, Mississippi Code of 1972, the following regulation is adopted governing the diagnosis of pregnancy of cattle and other livestock by livestock dealers.

Source: Miss. Code Ann § 73-39-57.

*Rule 6.3 diagnosing of pregnancy.* The diagnosing of pregnancy in cattle and other livestock clearly constitutes the practice of veterinary medicine and, thus, may only be performed by a veterinarian licensed to practice veterinary medicine in the State of Mississippi.

Source: Miss. Code Ann § 73-39-57.

*Rule 6.4 Terms.* The following terms shall have the meanings ascribed to them herein unless the context clearly requires otherwise.

- A. “Dealer” or “Livestock Dealer” means any person or agent who buys, sells or offers to sell, exchange, barter or negotiate the sale of livestock in this state.
- B. “Dealer” or “Livestock Dealer” does not mean:
  - 1. A person who offers to sell or trade livestock which he has produced and raised;
  - 2. A person who offers for sale or trade livestock which he has owned or had in his possession for a period of ninety (90) days or longer and is not engaged in the business of buying, selling, trading or negotiating the transfer of livestock;
  - 3. A person who purchases livestock for breeding purposes and retains them in his possession for ninety (90) days or longer;
  - 4. A person engaged in the business of buying and slaughtering livestock for food and in marketing the meat products therefrom, provided that all animals purchased are slaughtered.
- C. “Person” means an individual, partnership, corporation, association or other legal entity.
- D. “Livestock” means all hoofed animals raised or maintained in captivity for the production of meat or other products, for sport, or exhibition.

Source: Miss. Code Ann § 73-39-57.

*Rule 6.5 Requirements of dealers.* All persons doing business as a dealer or livestock dealer who diagnose pregnancy in cattle and other livestock in connection with the buying and selling, trading or negotiating the transfer of cattle and other livestock are required to use only a veterinarian licensed to practice in the State of Mississippi.

Source: Miss. Code Ann § 73-39-57.