



ADMINISTRATIVE RULES OF MONTANA



24.225.550 UNPROFESSIONAL CONDUCT

- (1) The board defines unprofessional conduct as follows:
 - (a) failing to provide care in a competent and humane manner consistent with prevailing standards of practice for the species of animal and the professed area of expertise of the veterinarian or LVT. Licensees must meet the currently accepted standards of practice for the profession of veterinary medicine as described under:
 - (i) Title 37, chapter 18, MCA;
 - (ii) ARM Title 24, chapter 225; and
 - (iii) as otherwise found to be accepted within the profession as gauged by the reasonable conduct of other professionals engaged in the practice of veterinary medicine;
 - (b) failure to respond to a request from the board, including:
 - (i) not furnishing any papers or documents in the possession of and under the control of the licensee related to a complaint; or
 - (ii) not furnishing in writing a full and complete explanation covering the matter contained in a complaint;
 - (c) practice beyond the scope of practice encompassed by the license except when reasonably undertaken in an emergency situation to protect life, health, or property;
 - (d) cruel or inhumane treatment of animals;
 - (e) abandoning, neglecting, or otherwise physically abusing a patient once the licensed veterinarian has undertaken treatment of the patient;
 - (f) violation of professional ethical standards by making public false or misleading negative information about another veterinarian or LVT's professional standing or reputation;
 - (g) identifying oneself as a member of an American Veterinary Medical Association (AVMA)-recognized specialty organization or any other specialty veterinary association if such certification has not been awarded and maintained, or using terms implying a specialty in a false and misleading manner;
 - (h) failure to disclose records in accordance with ARM 24.225.514;
 - (i) failure to report to the proper authorities cruel or inhumane treatment to animals, if the licensee has direct knowledge of the cruel or inhumane treatment;
 - (j) failure to refer if a client requests a referral.

- (2) In addition to the provisions outlined in (1), it is unprofessional conduct for a licensed veterinarian to:
 - (a) dispense or prescribe a veterinary prescription drug or veterinary feed directive drug without a valid VCPR;
 - (b) offer, undertake, or agree to cure or treat disease or affliction by a secret method, procedure, treatment, or the treating, operating, or prescribing for any health condition by a method, means, or procedure that the licensee refuses to divulge upon demand from the board;
 - (c) fail to obtain the client's consent before placing an animal under anesthesia, perform any surgical procedure, or transport the animal to another facility, except in emergency situations;
 - (d) fail to adequately supervise LVTs and support personnel.
- (3) In addition to the provisions outlined in (1), it is unprofessional conduct for an LVT to:
 - (a) practice beyond the scope of practice described in ARM 24.225.602, including the following:
 - (i) failing to adequately follow direction of a licensed supervising veterinarian;
 - (ii) undertaking procedures or performing treatment that has not been authorized by the licensed supervising veterinarian;
 - (iii) undertaking procedures or perform treatment that the LVT is not trained for or competent to perform;
 - (iv) dispensing a veterinary prescription drug or veterinary feed directive drug without a valid VCPR established by a licensed veterinarian; and
 - (v) failing to obtain the client's consent before placing an animal under anesthesia, performing any procedure, or transporting the animal to another facility, except in emergency situations;
 - (b) offer, undertake, or agree to cure or treat disease or affliction by a secret method, procedure, treatment, or the treating, for any health condition by a method, means, or procedure that the licensee refuses to divulge upon demand from the board;
 - (c) supervise or direct support personnel to perform veterinary medicine health care tasks which have not been ordered by the licensed veterinarian.
- (4) In addition to 37-18-804, MCA, it is unprofessional conduct for a veterinary dispensing technician to:
 - (a) dispense a product without consulting with the prescribing veterinarian regarding questions and/or other needs for clarification;
 - (b) alter prescriptions or other records which the law requires; and
 - (c) dispense an outdated or damaged product.

Authorizing statute(s): 37-1-131, 37-1-136, 37-1-319, 37-18-202, MCA

Implementing statute(s): 37-1-131, 37-1-136, 37-1-316, 37-1-319, 37-18-309, MCA

History: NEW, 1989 MAR p. 1195, Eff. 8/18/89; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1999 MAR p. 411, Eff. 3/12/99; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 633, Eff. 4/11/08; AMD, 2014 MAR p. 1092, Eff. 5/23/14; AMD, 2017 MAR p. 191, Eff. 2/4/17; AMD, 2020 MAR p. 1633, Eff. 8/29/20; AMD, 2022 MAR p. 1742, Eff. 9/10/22; AMD, 2024 MAR p. 84, Eff. 1/13/24.