

BEFORE THE BOARD OF VETERINARY MEDICINE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 24.225.401 fee schedule,) ADOPTION
24.225.501, 24.225.503, 24.225.504,)
24.225.507, and 24.225.511)
pertaining to veterinarian licensure,)
24.225.704 and 24.225.709)
pertaining to embryo transfer,)
24.225.904, 24.225.910, 24.225.920,)
and 24.225.930 pertaining to)
euthanasia technicians and agencies,)
and the adoption of NEW RULE I)
pertaining to continuing education)
providers)

TO: All Concerned Persons

1. On September 10, 2009, the Board of Veterinary Medicine (board) published MAR Notice No. 24-225-34 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1561 of the 2009 Montana Administrative Register, issue no. 17.

2. On October 1, 2009, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. One comment was received by the October 9, 2009 deadline.

3. The board has thoroughly considered the comment received. A summary of the comment received and the board's response is as follows:

COMMENT 1: A comment was received in response to the proposed amendment to ARM 24.225.930, which added two sedation drugs to the drugs allowed to be used by euthanasia technicians in the euthanasia procedure. The commenter stated that use of these two sedation drugs causes cats to vomit before the sedative is effective which is both inhumane and emotionally difficult for the person performing the euthanasia. The commenter acknowledged the potential dangers of adding Schedule II sedation drugs and the need to train technicians in the proper use of the drugs, but asked the board to consider adding the drugs ketamine and telazol to the list as more compassionate choices.

RESPONSE 1: The board is statutorily mandated to protect the public and while the compassionate and humane euthanasia of unwanted or injured animals is a concern of all veterinarians, euthanasia technicians, and agencies, adding Schedule II narcotics to the list of board-approved sedatives increases the risk of drug diversion and harm to the public. The board is aware that ketamine is a popular street-drug

that could be misused. Furthermore, adding Schedule II drugs without requiring proper training in their use could jeopardize euthanasia agencies' DEA licensing. The board is therefore amending ARM 24.225.930 exactly as proposed, but intends to gather information from euthanasia agencies, technicians, and veterinarians about the need for adding more sedative drugs.

4. The board has amended ARM 24.225.401, 24.225.501, 24.225.503, 24.225.504, 24.225.507, 24.225.511, 24.225.704, 24.225.709, 24.225.904, 24.225.910, 24.225.920, and 24.225.930 exactly as proposed.

5. The board has adopted NEW RULE I (24.225.513) exactly as proposed.

BOARD OF VETERINARY MEDICINE
JOAN MARSHALL, DVM, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State December 14, 2009