



Montana

State-Specific Controlled Substance Requirements

Updated 6/25/23

Biennial Inventory (DEA):	<p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. [21 CFR 1304.11]</p> <p>NOTE:</p> <ul style="list-style-type: none"> • Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances. • Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your annual inventory for the state. • Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness. <p>Biennial inventories must indicate whether they are conducted at the start or close of business.</p> <p>Montana follows the same biennial inventory guidelines as the DEA.</p>
CE:	<p><u>Veterinarian</u>: 20 hours every 2 years which must be reported with every even-numbered license renewal year.</p> <p>General medicine topics: 20 hours if approved by AVMA, AAHA, RACE, etc.</p> <p>Online or home study: 10 hours allowed</p> <p>All 20 CE hours can be obtained via Live (interactive) online.</p> <p>No more than 5 CE hours can be in practice management topics.</p> <p><u>Veterinary Dispensing Technician</u>: 8 hours of approved continuing education every year as a condition of registration renewal. At least 4 hours of continuing education must be approved by the board of pharmacy, and another 4 hours of continuing education must be approved by the board of veterinary medicine provided for in 2-15-1742.</p> <p><u>Veterinarian Technician</u>: Not required by state, however, certified technicians must complete 16 hours of general medicine topics approved by national, state, or local associations</p> <p>See Rule 24.225.511 for board approved CE parameters.</p> <p>Licensees are responsible for selecting quality CE programs that focus on protecting the health, safety, and welfare of the public and contribute to your professional knowledge and competence.</p> <p>Montana does not currently mandate controlled substance CE.</p> <p>The licensees shall maintain their CE records for 2 years</p>
Compounding:	<p>"8.2.10 Compounding of a controlled substance by a practitioner is permitted as long as the United States Pharmacopoeia (USP) 795 and 797 standards and guidelines are followed." 24 Del. Admin. Code § 8.0</p> <p><u>Compounding</u> is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> • Mixing two injectable drugs in the same syringe • Creating an oral suspension from crushed tablets or an injectable solution • Adding flavoring to a commercially available drug



Montana

State-Specific Controlled Substance Requirements

	<ul style="list-style-type: none"> • Creating a transdermal gel for a drug typically taken through other routes • Mixing two solutions for instilling into the ear <p><u>MT Compounding:</u> <u>"Compounding"</u> means the preparation, mixing, assembling, packaging, or labeling of a drug or device.</p> <p>An employee of a veterinary facility may not compound veterinary prescription drugs for the dispensing of a prescription.</p>
<p>Dispensing:</p>	<p><u>"Dispensing"</u> means the delivery of veterinary prescription drugs pursuant to the lawful order of a veterinarian licensed pursuant to 37-18-301 and the associated recordkeeping that is relevant to that practice.</p> <p>Veterinary prescription drugs dispensed by a veterinary retail facility pursuant to a licensed veterinarian's prescription are for use on livestock only.</p> <p>An employee of a veterinary retail facility may not:</p> <ul style="list-style-type: none"> (a) dispense controlled substances; (b) compound veterinary prescription drugs for the dispensing of a prescription; (c) repackage veterinary prescription drugs for the dispensing of a prescription, except that a veterinary dispensing technician may break down case lots of veterinary prescription drugs if the seals on the individual containers are not broken; <p><u>Labeling:</u> All veterinary prescription drugs must be properly labeled when dispensed.</p> <ul style="list-style-type: none"> (b) A complete label must include the following information: <ul style="list-style-type: none"> (i) name, address, and telephone number of the prescribing licensed veterinarian; (ii) the name of the client; (iii) identification of animals or herds treated; (iv) the date of treatment, prescription, or dispensing of the drug; (v) the name and quantity of the drug to be prescribed or dispensed; (vi) the dosage and duration directions for use; (vii) cautionary statements, as needed; (viii) the expiration date. <p>If the information in subsection (8) is already included on the manufacturer's label, it is unnecessary to repeat it on the prescription label. If there is inadequate space on the label for complete instructions, the veterinary dispensing technician shall provide additional information to accompany the drug dispensed or prescribed.</p> <p>https://leg.mt.gov/bills/2019/BillHtml/HB0528.htm</p>
<p>Veterinary Dispensing Technician:</p>	<p><u>"Veterinary dispensing technician"</u> means a non-pharmacist registered by the board to dispense veterinary prescription drugs in a veterinary retail facility.</p> <p><u>A veterinary dispensing technician shall successfully complete:</u></p> <ul style="list-style-type: none"> (1) an academic program approved by the board; or (2) a certification program approved by the board. <p>A veterinary dispensing technician shall register with the board on an annual basis.</p> <p><u>A veterinary dispensing technician may not:</u></p> <ul style="list-style-type: none"> (a) dispense controlled substances; (b) compound veterinary prescription drugs for the dispensing of a prescription; (c) repackage veterinary prescription drugs for the dispensing of a prescription, except that a veterinary dispensing technician may break down case lots of veterinary prescription drugs if the seals on the individual containers are not broken; (d) open a container and count out or measure out any quantity of a veterinary prescription drug; or (e) dispense medication for extralabel use.



Montana

State-Specific Controlled Substance Requirements

	<p>A veterinary dispensing technician may dispense veterinary prescription drugs for use on livestock on the basis of a written, electronically transmitted, or oral order received from a licensed veterinarian or authorized agent of a licensed veterinarian.</p> <p>A veterinary dispensing technician may refill a prescription only if the initial prescription is issued indicating that a specific number of refills are authorized. A prescription may not be refilled 12 or more months after the issuance date of the initial order.</p> <p>A veterinary dispensing technician must file or cause to be filed a prescription or copy of a prescription that has been dispensed by the veterinary retail facility. The prescription or copy of prescription must be preserved for at least 3 years after it has been filled. A veterinary dispensing technician shall furnish a copy of any prescription to the party presenting it on the request of that party only.</p> <p>https://leg.mt.gov/bills/2019/BillHtml/HB0528.htm</p>
Diversion Reporting:	<p>(3)The registrant shall notify the Board of Pharmacy in writing by forwarding a copy of the applicable DEA form reporting the theft or loss of any dangerous drugs upon discovery of such theft or loss. The notification shall contain a list of all dangerous drugs stolen or lost.</p> <p>(4) The registrant shall notify law enforcement officials of any theft or loss of any dangerous drug promptly upon discovery of such theft or loss.</p> <p>24.174.1411</p>
Euthanasia:	<p>Euthanasia may be performed by:</p> <ul style="list-style-type: none"> ▪ Licensed veterinarians ▪ Certified euthanasia technicians ▪ Support personnel under the supervision of a veterinarian
Ownership:	<p>Non-veterinarian ownership is allowed but a licensed veterinarian is required to be on the clinic/hospital premises permit as the licensee responsible for the clinic.</p>
Power of Attorney:	<p>Montana Powers of Attorney require a notary public to oversee the signing of the document by the Principal and Agent.</p>
Permits:	<p>On May 22, 2023 SB 561 was signed into law requiring a veterinary retail facility to obtain a permit from the board. NOTE does not apply to (1) a licensed veterinarian or a veterinarian's practice; or (2) a licensed pharmacist or a pharmacy.</p> <p>"<u>Veterinary retail facility</u>" means an establishment registered by the board of pharmacy employing a registered veterinary dispensing technician authorized to dispense veterinary prescription drugs pursuant to bona fide orders of licensed veterinarians.</p> <p><u>Veterinary retail facility -- permit required for:</u></p> <ul style="list-style-type: none"> ▪ A person, partnership, association, corporation, or limited liability company may not open, establish, operate, maintain, or do business as a veterinary retail facility without first obtaining a permit from the board. ▪ veterinary retail facility permit form ▪ An application must be accompanied by a fee not to exceed \$300. ▪ A permit must be renewed annually. The board shall set the renewal fee not to exceed \$300. <p>Separate applications and separate permits are required for each veterinary retail facility opened, established, operated, or maintained by the same owner and for a change of location, name, or ownership of an existing veterinary retail facility.</p> <p>https://leg.mt.gov/bills/2019/BillHtml/HB0528.htm</p>



Montana

State-Specific Controlled Substance Requirements

Prescribing:	<p><u>"Prescriber"</u> means a medical practitioner, as defined in 37-2-101, licensed under the professional laws of the state to administer and prescribe medicine and drugs.</p> <p><u>Returns:</u> Veterinary prescription drugs returned to a veterinary retail facility from a client must be treated as damaged or outdated drugs. Returned drugs may not be returned to stock or dispensed, distributed, or resold.</p> <p>If a veterinarian, based upon his or her medical opinion, is willing to dispense medication, then the veterinarian must also provide a prescription in place of said medication should the owner request a prescription. Mont. Admin. R. 24.225.514</p> <p><u>Patient prescriptions:</u> Veterinary prescription drugs <u>must be stored separately from over-the-counter drugs</u>. Drugs must be stored under conditions recommended by the manufacturer. https://leg.mt.gov/bills/2019/BillHtml/HB0528.htm</p> <p><u>E-prescribing:</u> mandated e-prescribing law for controlled substances with some exceptions is pending and the effective date is undetermined.</p>
PDMP (MPDR):	<p>Veterinarians do not have access to the MPDR PDMP.</p> <p>The MPDR monitors the prescribing and dispensing of controlled substances in schedules II, III, IV, and V. No other drugs are reported as monitored. Important dates for the development of the MPDR pertain to enabling legislation (July 2011) and becoming operational (March 2012). Reporting frequency is daily. Access information is provided for statutes and rules relevant to MPDR policies and procedures. The MPDR has a data retention policy that requires the purging of data after 3 years.</p>
Recordkeeping:	<p><u>Patient records:</u> Medical records of both individual and group patients shall be maintained for a minimum of three years after the last visit.</p> <p><u>Controlled substance records:</u> maintain for three years. Records of receipt and dispensing must be kept for 3 years and may be audited by the board.</p>
State-Scheduled CS's:	N/A
State CS License:	Montana does not require DEA registrant practitioners to obtain a second state controlled substance license, just a DEA registration and an active Veterinary Medical Professional License to practice in Montana.
Supervision:	<p><u>"Direct supervision"</u> means direction on an animal patient's care provided by a veterinarian licensed under this chapter who is on the premises and readily available to take over direct care or to consult on animal care directly with a licensed veterinary technician.</p> <p><u>"Immediate supervision"</u> means direction on an animal patient's care provided by a veterinarian licensed under this chapter who is within direct eyesight and hearing range of a licensed veterinary technician.</p> <p><u>"Indirect supervision"</u> means direction on an animal patient's care provided by a veterinarian licensed under this chapter who is not on the premises but is available to perform the duties of a licensed veterinarian by maintaining direct communication with a licensed veterinary technician and who is in compliance with 37-18-309.</p> <p>24.225.405 SUPPORT PERSONNEL</p> <p>(1) Support personnel shall work under the supervision of a veterinarian licensed and residing in Montana, who is responsible for the services performed by the support personnel. Support personnel</p>



Montana

State-Specific Controlled Substance Requirements

	<p>shall not diagnose, initiate treatment, perform surgery, prescribe medicine, prognosticate or accept a direct fee for services rendered as support personnel. Support personnel may only administer anesthesia when the supervising veterinarian is physically present.</p> <p>(2) The supervising veterinarian is responsible for determining the competency of the support personnel to perform animal health care tasks delegated to the support personnel. In addition, the supervising veterinarian shall be responsible for making all decisions relative to the diagnosis, treatment, management and future disposition of the animal patient.</p> <p>(a) When the supervising veterinarian is on the premises, the veterinarian shall examine the animal patient before delegating any tasks to support personnel;</p> <p>(b) When the supervising veterinarian is not on the premises, the veterinarian must instruct support personnel by radio or telephone as to the appropriate action to take. These instructions are to be recorded in writing by the support personnel in the animal patient's file and initialed and dated by the supervising veterinarian within 24 hours.</p> <p>(3) A veterinary support person may, under the general authority and at the responsibility of his/her veterinary employer, render emergency care to a patient without direct authorization when it would appear that to delay treatment and care for the time necessary to send the animal to another practitioner would be life threatening. Such care may be rendered only after reasonable efforts have been made to contact the employing veterinarian or another veterinarian who could manage the case within allowable time constraints.</p> <p>37-18-309. Supervision of licensed veterinary technician--failure to comply</p> <p>(1) A veterinarian licensed under 37-18-302 is responsible for determining whether tasks delegated to a licensed veterinary technician are:</p> <ul style="list-style-type: none"> (a) within the employees' training, expertise, and skills; (b) allowed by rule under direct supervision, immediate supervision, or indirect supervision; and (c) clearly defined by written orders, established office protocols, or verbal directions in the case of an emergency. <p>(2) Even in a case of emergency, a veterinarian licensed under 37-18-302 is responsible for authorizing the licensed veterinary technician to perform only those duties within the employees' scope of practice as provided in 37-18-702 or by rule.</p> <p>(3) A veterinarian subject to this section may be cited for unprofessional conduct for failure to comply with this section.</p>
<p>Telemedicine:</p>	<p>No existing laws. Where telemedicine occurs is not defined.</p>
<p>Veterinary Professional License:</p>	<p>The renewal period is every two years on even-numbered years. November 1, 2023 is the next license renewal deadline in Montana.</p> <p>A person may not practice veterinary medicine in this state without possessing and displaying prominently in the person's principal office a current and valid license issued under this part. 37-18-306</p>
<p>VCPR:</p>	<p>VCPR must be established in-person and only applies to one veterinarian.</p> <p>"<u>Veterinarian/client/patient relationship</u>" or "VCPR" exists when:</p> <ul style="list-style-type: none"> (a) both the veterinarian and client acknowledge the veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to allow the veterinarian to assume that responsibility; (b) the veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by: <ul style="list-style-type: none"> (i) virtue of a physical examination of the animal(s); or (ii) medically appropriate and timely visits to the premises where the animal(s) are kept; and



Montana

State-Specific Controlled Substance Requirements

(c) the veterinarian is available for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen or the veterinarian has made reasonable arrangements for follow-up care. https://boards.bsd.dli.mt.gov/docs/arm/CH-225-VET-as-of-06-30-2021.pdf
--

Information and Resources

FEDERAL:

Drug Enforcement Administration, Denver Division
12154 East Easter Avenue
Centennial
Denver, CO 80112
Phone: (720) 895-4040

Local DEA Offices

- Billings - (406) 655-2900
- Missoula - (571) 387-4293

Federal Law: www.dea.gov

Controlled Substances Act: [21 USC 801 – 904](#)

Code of Federal Regulations: [21 CFR Part 1300 – 1399](#)

NDC drug: www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829

Diversion Control Division: <https://www.dea.gov/schedules/>

STATE:

Montana Board of Veterinary Medicine website: <https://boards.bsd.dli.mt.gov/veterinary-medicine/>

Montana Board of Pharmacy website: <https://boards.bsd.dli.mt.gov/pharmacy/>