

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 747
Committee Substitute Favorable 5/5/93
Committee Substitute #2 Favorable 5/12/93

Short Title: NC Veterinary Practice Act.

(Public)

Sponsors:

Referred to:

April 6, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA VETERINARY PRACTICE ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-181 reads as rewritten:

"§ 90-181. Definitions.

When used in this Article these words and phrases shall be defined as follows:

- (1) 'Accredited school of veterinary medicine' means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association.
- (2) 'Animal' means any animal, mammal other than man and includes birds, fish, and reptiles, wild or domestic, living or dead.
- (3) 'Board' means the North Carolina Veterinary Medical Board.
- (4) ~~'Licensed veterinarian' means a person who is validly and currently licensed to practice veterinary medicine in this State.~~
- (5) 'Person' means any individual, firm, partnership, association, joint venture, cooperative or corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

- 1 (6) 'Practice of veterinary medicine' means:
2 a. To diagnose, treat, correct, change, relieve, or prevent animal
3 disease, deformity, defect, injury, or other physical or mental
4 conditions; including the prescription or administration of any
5 drug, medicine, biologic, apparatus, application, anesthetic, or
6 other therapeutic or diagnostic substance or technique on any
7 animal.
8 b. To represent, directly or indirectly, publicly or privately, an
9 ability and willingness to do any act described in ~~paragraph a.~~
10 sub-subdivision a. of this subdivision.
11 c. To use any title, words, abbreviation, or letters in a manner or
12 under circumstances which induce the belief that the person
13 using them is qualified to do any act described in ~~paragraph a.~~
14 sub-subdivision a. of this subdivision.
- 15 (7) 'Veterinarian,' ~~'doctor of veterinary medicine,' 'D.V.M.' or equivalent title~~
16 means a person who has received a doctor's degree in veterinary
17 medicine from an accredited school of veterinary medicine ~~or and who~~
18 ~~now has a valid North Carolina license to~~ is licensed by the Board to
19 practice veterinary medicine.
- 20 (7a) 'Veterinary license' or 'license' means a license to practice veterinary
21 medicine issued by the Board.
- 22 (8) 'Veterinary medicine' includes veterinary surgery, obstetrics, dentistry,
23 and all other branches or specialties of veterinary medicine.
- 24 (9) 'Veterinary student intern' means a person who is enrolled in an
25 accredited veterinary college and who has satisfactorily completed his
26 third year of veterinary college ~~education.~~ education, and who is
27 registered with the Board as a veterinary student intern.
- 28 (10) 'Veterinary student preceptee' means a person who is pursuing a
29 doctorate degree in an accredited school of veterinary medicine which
30 has a preceptor or extern program and who has completed the
31 academic requirements of ~~such program.~~ that program, and who is
32 registered with the Board as a veterinary student preceptee.
- 33 (11) 'Veterinary technician' ~~or 'animal technician' shall mean~~ means:
34 a. ~~A~~ a person who has successfully completed a post-high school
35 course in the care and treatment of animals which conforms to
36 the standards required for accreditation by the American
37 Veterinary Medical ~~Association.~~ Association and who is
38 registered with the Board as a veterinary technician; or
39 b. A person who holds a degree in veterinary medicine from a
40 college of veterinary medicine recognized by the Board for
41 licensure of veterinarians and who is registered with the Board
42 as a veterinary technician.
- 43 (12) 'Limited veterinary license' means a license issued by the Board under
44 authority of this Article that specifically, by its terms, restricts the

1 scope or areas of practice of veterinary medicine by the holder of the
2 limited license; provided, that no limited license shall confer or denote
3 an area of specialty of the holder of this limited veterinary license; and
4 provided further, that unless otherwise provided by Board rule, the
5 licensing requirements shall be identical to those specified for a
6 veterinary license.

7 (13) 'Animal dentistry' means the treatment, extraction, cleaning,
8 adjustment, or 'floating' (filing or smoothing) of an animal's teeth, and
9 treatment of an animal's gums.

10 (14) 'Cruelty to animals' means to willfully overdrive, overload, wound,
11 injure, torture, torment, deprive of necessary sustenance, cruelly beat,
12 needlessly mutilate or kill any animal, or cause or procure any of these
13 acts to be done to an animal; provided, that the words 'torture,'
14 'torment,' or 'cruelty' include every act, omission, or neglect causing or
15 permitting unjustifiable physical pain, suffering, or death.

16 (15) 'Veterinarian-client-patient relationship' means that:

17 a. The veterinarian has assumed the responsibility for making
18 medical judgments regarding the health of the animal and the
19 need for medical treatment, and the client (owner or other
20 caretaker) has agreed to follow the instruction of the
21 veterinarian.

22 b. There is sufficient knowledge of the animal by the veterinarian
23 to initiate at least a general or preliminary diagnosis of the
24 medical condition of the animal. This means that the
25 veterinarian has recently seen and is personally acquainted with
26 the keeping and care of the animal by virtue of an examination
27 of the animal, or by medically appropriate and timely visits to
28 the premises where the animal is kept.

29 c. The practicing veterinarian is readily available or provides for
30 follow up in case of adverse reactions or failure of the regimen
31 of therapy."

32 Sec. 2. Article 11 of Chapter 90 of the General Statutes is amended by
33 adding a new section to read:

34 **"§ 90-181.1. Practice facility names and levels of service.**

35 (a) In order to accurately inform the public of the levels of service offered, a
36 veterinary practice facility shall use in its name one of the descriptive terms defined in
37 subsection (b) of this section. The name of a veterinary practice facility shall, at all
38 times, accurately reflect the level of service being offered to the public.

39 (b) The following definitions are applicable to this section:

40 (1) 'Animal health center' or 'animal medical center' means a veterinary
41 practice facility in which consultative, clinical, and hospital services
42 are rendered and in which a large staff of basic and applied veterinary
43 scientists perform significant research and conduct advanced
44 professional educational programs.

- 1 (2) 'Veterinary hospital' or 'animal hospital' means a veterinary practice
2 facility in which the practice conducted includes the confinement as
3 well as the treatment of patients.
- 4 (3) 'Veterinary clinic' or 'animal clinic' means a veterinary practice facility
5 in which the practice conducted is essentially an out-patient practice.
- 6 (4) 'Office' means a veterinary practice facility where a limited or
7 consultative practice is conducted and which provides no facilities for
8 the housing of patients.
- 9 (5) 'Mobile facility' means a veterinary practice conducted from a vehicle
10 with special medical or surgical facilities or from a vehicle suitable
11 only for making house or farm calls; provided, the veterinary medical
12 practice shall have a permanent base of operation with a published
13 address and telephone facilities for making appointments or
14 responding to emergency situations.
- 15 (6) 'Emergency facility' means a veterinary medical service whose primary
16 function is the receiving, treatment, and monitoring of emergency
17 patients during its specified hours of operation. At this veterinary
18 practice facility a doctor is in attendance at all hours of operation and
19 sufficient staff is available to provide timely and appropriate
20 emergency care. A veterinary emergency service may be an
21 independent after-hours service, an independent 24-hour service, or
22 part of a full-service hospital or large teaching institution.
- 23 (7) 'On-call emergency service' means a veterinary medical service whose
24 doctors and staff are not on the premises during all hours of operation,
25 or whose doctors leave after a patient is treated. A doctor shall be
26 available to be reached by telephone for after-hours emergencies.

27 (c) If a veterinary practice facility uses as its name the name of the veterinarian
28 or veterinarians owning or operating the facility, the name of the veterinary practice
29 facility shall also include a descriptive term from those listed in subsection (b) of this
30 section to disclose the level of service being offered.

31 (d) Those facilities existing and approved by the Board as of December 31, 1993,
32 may continue to use their approved name or designation until there is a partial or total
33 change of ownership of the facility, at which time the name of the veterinary practice
34 facility shall be changed, as necessary, to comply with this section."

35 Sec. 3. G.S. 90-182(a) reads as rewritten:

36 "(a) In order to properly regulate the practice of veterinary medicine and surgery,
37 there is established a Board to be known as the North Carolina Veterinary Medical
38 Board which shall consist of seven members.

39 Four members shall be appointed by the Governor. Three of these members shall
40 have been legal residents of and licensed to practice veterinary medicine in this State for
41 not less than five years preceding their appointment. The other member shall not be
42 licensed or registered under the Article and shall represent the interest of the public at
43 large. Each member appointed by the Governor shall reside in a different congressional
44 district.

1 The Lieutenant Governor and the Speaker of the House shall each appoint to the
2 Board one member who shall have been a resident of and licensed to practice veterinary
3 medicine in this State for not less than five years preceding his appointment.

4 In addition to the six members appointed as provided above, the Commissioner of
5 Agriculture shall biennially appoint to the Board the State Veterinarian or licensed
6 veterinarian from a staff of a North Carolina department or institution. This member
7 shall have been a legal resident of and licensed to practice veterinary medicine in North
8 Carolina for not less than five years preceding his appointment.

9 Every member shall, within 30 days after notice of appointment, appear before any
10 person authorized to administer the oath of office and take an oath to faithfully
11 discharge the duties of ~~his~~the office."

12 Sec. 4. G.S. 90-182(b) reads as rewritten:

13 "(b) No person who has been appointed to the Board shall continue his
14 membership on the Board if during the term of his appointment he shall:

15 (1) Transfer his legal residence to another state; or

16 (2) Own or be employed by any wholesale or jobbing house dealing in
17 supplies, equipment, or instruments used or useful in the practice of
18 veterinary medicine; or

19 (3) Have his license to practice veterinary medicine ~~reinstated~~revoked for
20 any of the causes listed in G.S. 90-187.8."

21 Sec. 5. G.S. 90-183 reads as rewritten:

22 **"§ 90-183. Meeting of Board.**

23 The Board shall meet at least ~~once each~~four times per year at the time and place
24 fixed by the Board. Other meetings may be called by the president of the Board by
25 giving notice as may be required by rule. A majority of the Board shall constitute a
26 quorum. Meetings shall be open and public except that the Board may meet in closed
27 session to prepare, approve, administer, or grade examinations, or to deliberate the
28 qualification of an applicant for license or the disposition of a proceeding to discipline
29 a licensed veterinarian.

30 At its ~~annual meeting~~last meeting of the fiscal year the Board shall organize by
31 ~~electing~~electing, for the following fiscal year, a president, a vice-president, a secretary-
32 treasurer, and such other officers as may be prescribed by rule. Officers of the Board
33 shall serve for terms of one year and until a successor is elected, without limitation on
34 the number of terms an officer may serve. The president shall serve as chairman of
35 Board meetings."

36 Sec. 6. G.S. 90-184 reads as rewritten:

37 **"§ 90-184. Compensation of the Board.**

38 In addition to such reimbursement for travel and other expenses as is normally
39 allowed to State employees, each member of the Board, for each day or substantial
40 portion thereof ~~he~~that the member is engaged in the work of the Board may receive a
41 per diem allowance, as determined by the Board in accordance with G.S. 93B-5. None
42 of the expenses of the Board or of the members shall be paid by the State."

43 Sec. 7. G.S. 90-185 reads as rewritten:

44 **"§ 90-185. General powers of the Board.**

1 The Board ~~shall have the power to:~~ may:

- 2 (1) Examine and determine the qualifications and fitness of applicants for
3 a license to practice veterinary medicine in the State.
- 4 (2) Issue, renew, deny, suspend, or revoke ~~licenses~~ licenses and limited
5 veterinary licenses, and issue, deny, or revoke temporary permits to
6 practice veterinary medicine in the State or otherwise discipline
7 licensed veterinarians consistent with the provisions of Chapter 150B
8 of the General Statutes and of this Article and the rules and regulations
9 adopted thereunder.
- 10 (3) Conduct investigations for the purpose of discovering violations of this
11 Article or grounds for disciplining licensed veterinarians.
- 12 (4) Employ full-time or part-time personnel – professional, clerical, or
13 special – necessary to effectuate the provisions of this Article and to
14 purchase or rent necessary office space, equipment and ~~supplies.~~
15 supplies, and purchase liability or other insurance to cover the
16 activities of the Board, its operations or its employees.
- 17 (5) Appoint from its own membership one or more members to act as
18 representatives of the Board at any meeting within or without the State
19 where such representation is deemed desirable.
- 20 (6) Adopt, amend, or repeal all rules necessary for its government and all
21 regulations necessary to carry into effect the provisions of this Article,
22 including the establishment and publication of standards of
23 professional conduct for the practice of veterinary medicine.

24 The powers enumerated above are granted for the purpose of enabling the Board
25 effectively to supervise the practice of veterinary medicine and are to be construed
26 liberally to accomplish this objective."

27 Sec. 8. G.S. 90-186 reads as rewritten:

28 "**§ 90-186. Special powers of the Board.**

29 In addition to the powers set forth in G.S. 90-185 above, the Board ~~shall have the~~
30 ~~power:~~ may:

- 31 (1) ~~To fix~~ Fix minimum standards for continuing veterinary medical
32 education for veterinarians and technicians, which standards shall be a
33 condition precedent to the renewal of a veterinary license, limited
34 license, veterinary faculty certificate, zoo veterinary certificate, or
35 veterinary technician registration, respectively, under this Article;
- 36 (2) ~~To inspect~~ Inspect any hospitals, clinics, mobile units or other ~~places~~
37 ~~utilized~~ facilities used by any practicing veterinarian, either by a
38 member of the Board or its authorized representatives, ~~which inspection~~
39 ~~shall be~~ for the purpose of reporting such the results of the inspection to
40 the Board on a form prescribed by the Board or seeking disciplinary
41 action in cases of violations of practice or reasonable health or sanitary
42 regulations duly established and published by the Board or other duly
43 constituted State authorities having jurisdiction in such matters; and seeking
44 disciplinary action for violations of health, sanitary, and medical waste

1 disposal rules of the Board affecting the practice of veterinary
2 medicine, or violations of rules of any county, state, or federal
3 department or agency having jurisdiction in these areas of health,
4 sanitation, and medical waste disposal that relate to or affect the
5 practice of veterinary medicine;

6 (3) Upon complaint or information received by the Board, to prohibit
7 through summary emergency order of the Board, prior to a hearing, the
8 operation of any veterinary practice facility that the Board determines
9 is endangering, or may endanger, the public health or safety or the
10 welfare and safety of animals, and suspend the license of the
11 veterinarian operating the veterinary practice facility, provided that
12 upon the issuance of any summary emergency order, the Board shall
13 initiate, within 10 days, a notice of hearing under the administrative
14 rules issued pursuant to this Article and Chapter 150B of the General
15 Statutes, for an administrative hearing on the alleged violation;

16 (3) (4) ~~To provide~~ Provide special registration for 'animal-veterinary
17 technicians,' 'veterinary student interns' and 'veterinary student
18 preceptees' as defined in G.S. 90-181, and to adopt regulations
19 concerning the training, registration and service limits of such
20 assistants while employed by and acting under the supervision and
21 responsibility of licensed veterinarians and to have exclusive
22 jurisdiction in determining eligibility, and qualification requirements
23 and in granting or refusing to grant, or to suspend or revoke
24 registration, provided that any suspension or revocation of a special
25 registration issued under this section shall be conducted under the
26 provisions of Chapter 150B of the General Statutes. ~~The Board shall~~
27 ~~have power to require a registration fee not to exceed five dollars (\$5.00)~~
28 ~~for original registration and not to exceed five dollars (\$5.00) for renewal.~~
29 Renewals of registrations for veterinary technicians shall be required
30 at least every 24 months, provided that the certificate of registration
31 for the veterinary technician is otherwise eligible for renewal.

32 (5) Provide, pursuant to administrative rules, requirements for the inactive
33 status of licenses and limited veterinary licenses;

34 (6) Set and require fees, respectively, pursuant to administrative rule, for:
35 a. Issuance of an individual and professional corporation
36 application or renewal, in an amount not to exceed one hundred
37 fifty dollars (\$150.00);
38 b. Administering a North Carolina license examination, in an
39 amount not to exceed two hundred fifty dollars (\$250.00);
40 c. Securing and administering national examinations, including
41 the National Board Examination or the Clinical Competency
42 Test, in amounts directly related to the costs to the Board;
43 d. Inspection of a veterinary practice facility in an amount not to
44 exceed seventy-five dollars (\$75.00);

- 1 e. Issuance or renewal of a license or a limited license in an
2 amount not to exceed one hundred fifty dollars (\$150.00);
3 f. Issuance or renewal of a veterinary faculty certificate, in an
4 amount not to exceed one hundred fifty dollars (\$150.00);
5 g. Issuance or renewal of a zoo veterinary certificate, in an amount
6 not to exceed one hundred fifty dollars (\$150.00);
7 h. Reinstatement of an expired license, a limited license, a
8 veterinary faculty certificate, a zoo veterinary certificate, a
9 veterinary technician registration, or a professional corporation
10 registration in an amount not to exceed one hundred dollars
11 (\$100.00);
12 i. Issuance or renewal of a veterinary technician registration, in an
13 amount not to exceed fifty dollars (\$50.00);
14 j. Issuance of a veterinary student intern registration, in an
15 amount not to exceed twenty-five dollars (\$25.00);
16 k. Issuance of a veterinary student preceptee registration, in an
17 amount not to exceed twenty-five dollars (\$25.00);
18 l. Late fee for renewal of a license, a limited license, a veterinary
19 technician registration, a veterinary faculty certificate, a zoo
20 veterinary certificate, or a professional corporation registration,
21 in an amount not to exceed fifty dollars (\$50.00);
22 m. Issuance of a temporary permit to practice veterinary medicine
23 in an amount not to exceed one hundred fifty dollars (\$150.00);
24 and
25 n. Providing copies, upon request, of Board publications, rosters,
26 or other materials available for distribution from the Board, in
27 an amount determined by the Board that is reasonably related to
28 the costs of providing those copies.

29 The fees set under this subdivision for the renewal of a license, a limited license, a
30 registration, or a certificate apply to each year of the renewal period.

- 31 (7) Pursuant to administrative rule, to assess and recover against persons
32 holding licenses, limited licenses, temporary permits, or any
33 certificates issued by the Board, costs reasonably incurred by the
34 Board in the investigation, prosecution, hearing, or other
35 administrative action of the Board in final decisions or orders where
36 those persons are found to have violated the Veterinary Practice Act or
37 administrative rules of the Board issued pursuant to the Act; provided,
38 that all costs shall be the property of the Board."

39 Sec. 9. G.S. 90-187 reads as rewritten:

40 "**§ 90-187. Application for license; qualifications.**

41 (a) Any person desiring a license to practice veterinary medicine in this State
42 shall make written application to the Board.

43 (b) The application shall show that the applicant is a graduate of an accredited
44 veterinary school, a person of good moral character, and such other information and

1 proof as the Board may require by rule. The Board may receive applications from
2 senior students at accredited veterinary schools but an application is not complete until
3 the applicant furnishes proof of graduation and such other information required by this
4 Article and Board rules. The application shall be accompanied by a fee in the amount
5 established and published by the Board.

6 (c) Graduates of nonaccredited colleges of veterinary medicine outside the
7 United States and Canada shall furnish satisfactory proof of graduation from such a
8 college; of successful completion of a year of acceptable veterinary medical experience
9 in a United States or Canadian college, clinic, or private practice recognized for this
10 purpose by the Board; ~~of having successfully passed an examination by the United States~~
11 ~~National Board of Veterinary Medical Examiners;~~ and of comprehension of and ability to
12 communicate in the English ~~language.~~ language, including proof required by the Board
13 of either enrolling in or successful completion of courses developed by the Educational
14 Commission for Foreign Veterinary Graduates (ECFVG).

15 (d) If the Board determines that the applicant possesses the proper qualifications,
16 it ~~shall~~ may admit the applicant to the next examination, or if the applicant is eligible for
17 a license without examination under G.S. 90-187.3; the Board ~~shall~~ may ~~forthwith~~ grant
18 ~~him the applicant~~ a license."

19 Sec. 10. G.S. 90-187.1 reads as rewritten:

20 "**§ 90-187.1. Examinations.**

21 The Board shall hold at least one examination during each year and may hold such
22 additional examinations as may appear necessary. The ~~secretary-treasurer-executive~~
23 director shall give public notice of the time and place for each examination at least 90
24 days in advance of the date set for the examination. A person desiring to take an
25 examination shall make application at least 30-60 days before the date of the
26 examination. The Board shall determine the passing score for the successful completion
27 of an examination.

28 After each examination the ~~secretary-treasurer-executive director~~ shall notify each
29 examinee of the result of ~~his examination, the examination, and the~~ The Board shall issue
30 licenses to the persons successfully completing the examination. ~~requirements for~~
31 licensure required by this Article and by Board rule. ~~The secretary-treasurer shall record~~
32 ~~the new licenses and issue a certificate of registration to the new licensees."~~

33 Sec. 11. G.S. 90-187.3 reads as rewritten:

34 "**§ 90-187.3. Applicants licensed in other states.**

35 (a) The Board ~~shall~~ may issue a license without written ~~examination-examination,~~
36 other than the written North Carolina license examination, to applicants already licensed
37 in another state provided the applicant presents evidence satisfactory to the Board that:

- 38 (1) The applicant is currently an active, competent practitioner in good
39 standing; and
- 40 (2) The applicant has practiced at least three of the five years immediately
41 preceding ~~his filing the~~ application; and
- 42 (3) The applicant currently holds a ~~valid~~ an active license in another state;
43 and

- 1 (4) There is no disciplinary proceeding or unresolved complaint pending
2 against the applicant at the time a license is to be issued by this State;
3 and
4 (5) The licensure requirements in the other state are substantially
5 equivalent to those required by this ~~State~~ State; and
6 (6) A passing score on the written North Carolina license examination.
7 (b) The Board may ~~at its discretion~~ issue a license without a written examination
8 examination, other than the written North Carolina license examination, to applicants-an
9 applicant who meet-meets the requirements of G.S. 90-187(c).
10 (c) The Board may at its discretion orally or practically examine any person
11 qualifying for licensure under this ~~section~~ section, by administering a nationally
12 recognized clinical competency test as well as the North Carolina license examination.
13 (d) The Board may issue a limited license to practice veterinary medicine to an
14 applicant who is not otherwise eligible for a license to practice veterinary medicine
15 under this Article, without examination, if the applicant meets the criteria established in
16 subdivisions (1) through (6) of subsection (a) of this section."

17 Sec. 12. G.S. 90-187.4(a) reads as rewritten:

- 18 "(a) The Board ~~in its discretion may issue~~ issue, without examination-examination, a
19 temporary permit to practice veterinary medicine in this State:
20 (1) To a qualified applicant for license pending examination, provided that
21 such temporary permit shall expire the day after the notice of results of
22 the first examination given after the permit is issued; ~~or to an applicant~~
23 ~~lacking full qualification requirements but who, in the opinion of the Board,~~
24 ~~is competent to practice under the supervision of a licensed veterinarian.~~
25 issued.
26 (2) To a nonresident veterinarian validly licensed in another state,
27 territory, or district of the United States or a foreign country, provided
28 that such temporary permit shall be issued for a period of no more than
29 60 days.
30 (3) ~~Such temporary permits~~ Temporary permits, as provided in (1) and (2)
31 ~~above~~ above, may contain ~~such~~ any restrictions as to time, place, or
32 supervision, ~~as that~~ the Board ~~may deem~~ deems appropriate. The State
33 Veterinarian shall be notified as to the issuance of all temporary
34 permits."

35 Sec. 13. G.S. 90-187.5 reads as rewritten:

36 "**§ 90-187.5. License renewal.**

37 All licenses and limited licenses shall expire ~~annually~~ annually or biennially, as
38 determined by the Board, on December 31 of each year but may be renewed by
39 application to the Board and payment of the renewal fee established and published by
40 the Board. The ~~secretary-treasurer~~ executive director shall issue a new certificate of
41 registration to all persons registering under this Article. Failure to apply for renewal
42 within ~~30-60~~ 60 days after expiration shall result in automatic revocation of the license or
43 limited license and any person who shall practice veterinary medicine after such
44 revocation shall be practicing in violation of this Article. Provided, that any person may

1 renew an expired license or limited license at any time within two years following its
2 expiration upon application and compliance with Board requirements and the payment
3 of the ~~prescribed renewal fee and an additional amount not in excess of ten dollars (\$10.00) per~~
4 ~~year for late renewals, provided all applicable fees in amounts allowed by this Article or~~
5 administrative rule of the Board; and further provided, that the applicant is otherwise
6 eligible for renewal under this Article or administrative rules of the Board to have the
7 license renewed."

8 Sec. 14. G.S. 90-187.6 reads as rewritten:

9 "**§ 90-187.6. Veterinary assistants, technicians and veterinary employees.**

10 (a) ~~'Animal-'~~Veterinary technicians, 'veterinary student interns,' and 'veterinary
11 student preceptees' as defined in G.S. 90-181, before performing any services otherwise
12 prohibited to persons not licensed or registered under this Article, shall be approved by
13 and ~~annually~~-registered with the Board in accordance with G.S. ~~90-186(3) of this Article.~~
14 90-186(4). The Board shall be responsible for all matters pertaining to the
15 qualifications, registration, discipline, and revocation of registration of such these
16 persons, under this Article and rules duly adopted and published issued by the Board.

17 (b) The services of a technician, intern, preceptee, or other veterinary employee
18 shall be limited to services under the direction and supervision of a licensed
19 veterinarian. ~~He~~This employee shall receive no fee or compensation of any kind for his
20 services other than such any salary or compensation as may be paid to him the employee
21 by the veterinarian, hospital or clinic veterinarian or veterinary facility by which he the
22 employee is employed. HeThe employee may participate in the operation of a branch
23 office, clinic, or allied establishment only to the extent allowable under and as defined
24 ~~[by this Article and by rules of the Board.]~~by this Article or by rules issued by the Board.

25 (c) An employee under the supervision of a ~~licensed~~-veterinarian may perform
26 such duties as are required in the physical care of animals and in carrying out medical
27 orders as prescribed by the licensed veterinarian, requiring an understanding of animal
28 science but not requiring the professional services as set forth in G.S. 90-181(6)a. In
29 addition, a ~~registered~~-veterinary technician may assist licensed veterinarians in diagnosis,
30 laboratory analysis, anesthesia, and surgical procedures. Neither the employee nor the
31 veterinary technician may perform any act producing an irreversible change in the
32 animal. An employee, other than a veterinary technician, intern, or preceptee may,
33 under the direct supervision of a licensed veterinarian, perform duties including
34 collection of specimen; testing for intestinal parasites; collecting blood; testing for
35 heartworms and conducting other laboratory tests; taking radiographs; and cleaning and
36 polishing teeth, provided that the employee has had sufficient on-the-job training by a
37 licensed veterinarian to perform these specified duties in a competent manner. It shall
38 be the responsibility of the veterinarian supervising the employee to ascertain that the
39 employee performs these specified duties assigned to the employee in a competent
40 manner. These specified duties shall be performed under the direct supervision of the
41 veterinarian in charge of administering care to the patient.

42 (d) ~~Registered~~-Veterinary student interns, as defined in G.S. 90-181(9), in addition
43 to all of the services permitted to ~~registered~~-veterinary technicians, may, under the direct

1 personal supervision of a licensed veterinarian, perform surgery and administer
2 therapeutic or prophylactic drugs.

3 (e) ~~Registered Veterinary student~~ preceptees, as defined in G.S. 90-181(10), in
4 addition to all of the services permitted to ~~registered-veterinary~~ technicians and ~~registered~~
5 ~~veterinary student~~ interns, may, upon the direction of the employing veterinarian, make
6 ambulatory calls and hospital and clinic diagnoses, prescriptions and treatments.

7 (f) Any person registered as ~~an animal or a~~ veterinary technician, veterinary
8 student ~~intern-intern~~, or veterinary student preceptee, who shall practice veterinary
9 medicine except as provided herein, shall be guilty of a misdemeanor, subject to the
10 penalties set forth in this Article and shall also be subject to revocation of registration.
11 Any nonregistered veterinary employee employed under subsection (c) who practices
12 veterinary medicine except as provided under that subsection shall be guilty of a
13 misdemeanor and subject to the penalties prescribed in G.S. 90-187.12.

14 (g) Any veterinarian directing or permitting a ~~registered-veterinary~~ technician,
15 intern, preceptee or other employee to perform a task or procedure not specifically
16 allowed under this Article and the rules of the Board shall be guilty of a misdemeanor
17 and subject to the penalties set forth in this Article or General Statutes, or both."

18 Sec. 15. G.S. 90-187.8 reads as rewritten:

19 "**§ 90-187.8. Discipline of licensees.**

20 Upon complaint, and within the Board's discretion, the Board may revoke, or
21 suspend the license of, or deny a license, limited license, or temporary permit, or
22 otherwise discipline, any licensed veterinarian under the provisions of this Article,
23 Board rules, or Chapter 150B of the General Statutes of North Carolina. ~~Carolina,~~
24 respectively. For the purpose of this section regarding discipline, the word 'license'
25 shall be construed to include faculty certificates, zoo veterinary certificates, and
26 registrations of veterinary technicians, veterinary student interns, and veterinary student
27 preceptees, as defined in this Article or Board rule.

28 The Board also may impose and collect from a licensee a civil monetary penalty up
29 to five thousand dollars (\$5,000) for each violation of this Article or violation of an
30 administrative rule of the Board. The amount of the civil penalty, up to the maximum,
31 shall be determined upon a finding of one or a combination of the following factors:

- 32 (1) The degree and extent of harm to the public health or to the health of
33 the animal under the licensee's care.
- 34 (2) The duration and gravity of the violation.
- 35 (3) Whether the violation was committed willfully or intentionally or
36 reflects a continuing pattern.
- 37 (4) Whether the violation involved elements of fraud or deception either to
38 the client or to the Board, or both.
- 39 (5) The prior disciplinary record with the Board of the licensee.
- 40 (6) Whether and the extent to which the licensee profited by the violation.

41 All civil monetary penalties shall remain the property of the Board subject to
42 expenditure for the administration of this Article.

43 Grounds for disciplinary action shall include but not be limited to the following:

- 1 (1) The employment of fraud, misrepresentation, or deception in obtaining
2 a license.
- 3 (2) An adjudication of insanity or incompetency.
- 4 ~~(3) Chronic inebriety or habitual use of drugs.~~
- 5 (3) The impairment of a person holding a license, limited license, or any
6 certificate or registration issued by the Board, which impairment is
7 caused by that person's use of alcohol, drugs, or controlled substances,
8 and which impairment interferes with that person's ability to practice
9 within the scope of the license, limited license, certificate, or
10 registration with reasonable skill and safety, and in a manner not
11 harmful to the public or to animals under the person's care.
- 12 (4) The use of advertising or solicitation which is false, misleading, or
13 deceptive.
- 14 (5) Conviction of a felony or other public offense involving moral
15 turpitude.
- 16 (6) Incompetence, gross negligence, or other malpractice in the practice of
17 veterinary medicine.
- 18 (7) Having professional association with or knowingly employing any
19 person practicing veterinary medicine unlawfully.
- 20 (8) Fraud or dishonesty in the application or reporting of any test for
21 disease in animals.
- 22 (9) Failure to keep veterinary premises and equipment in a clean and
23 sanitary ~~condition.~~ condition, or violating an administrative rule of the
24 Board concerning the minimum sanitary requirements of veterinary
25 hospitals, clinics, or practice facilities, or violating other State or
26 federal statutes or administrative rules concerning disposal of medical
27 waste.
- 28 (10) Failure to report, as required by the laws and regulations of the State,
29 or making false report of, any contagious or infectious disease.
- 30 (11) Dishonesty or gross negligence in the inspection of foodstuffs or the
31 issuance of health or inspection certificates.
- 32 (12) Conviction of ~~cruelty to animals.~~ a criminal offense involving cruelty to
33 animals; or the act of cruelty to animals defined in G.S. 90-181(14).
- 34 (13) Revocation of a license to practice veterinary medicine by another
35 state, territory or district of the United States only if the grounds for
36 revocation in the other jurisdiction would also result in revocation of
37 the practitioner's license in this State.
- 38 (14) Unprofessional conduct as defined in regulations adopted by the
39 Board.
- 40 (15) Conviction of a federal or state criminal offense involving the illegal
41 use, prescription, sale, or handling of controlled substances, other
42 drugs, or medicines.
- 43 (16) The illegal use, dispensing, prescription, sale, or handling of controlled
44 substances or other drugs and medicines.

- 1 (17) Failure to comply with rules or regulations of the United States Food
2 and Drug Administration regarding biologics, controlled substances,
3 drugs, or medicines.
- 4 (18) To sell, dispense, or prescribe, or to allow the sale, dispensing, or
5 prescription of, biologics, controlled substances, drugs, or medicines
6 without a veterinarian-client-patient relationship with respect to this
7 sale, dispensing, or prescription.
- 8 (19) Acts or behavior constituting fraud, dishonesty, or misrepresentation in
9 dealing with the Board or in the veterinarian-client-patient
10 relationship."

11 Sec. 16. G.S. 90-187.10 reads as rewritten:

12 **"§ 90-187.10. Necessity for license; certain practices exempted.**

13 No person shall engage in the practice of veterinary medicine or own all or part
14 interest in a veterinary medical practice in this State or attempt to do so without having
15 first applied for and obtained a license for such purpose from the North Carolina
16 Veterinary Medical Board, or without having first obtained from said Board a certificate
17 of renewal of license for the calendar year in which such person proposes to practice
18 and until he shall have been first licensed and registered for such practice in the manner
19 provided in this Article and the rules and regulations of the said Board.

20 Nothing in this Article shall be construed to prohibit:

- 21 (1) Any person or his employee from administering to animals, the title to
22 which is vested in himself, except when said title is so vested for the
23 purpose of circumventing the provisions of this Article;
- 24 (2) Any person who is a regular student or instructor in a legally chartered
25 college from the performance of those duties and actions assigned as
26 his responsibility in teaching or research;
- 27 (3) Any veterinarian not licensed by the Board who is a member of the
28 armed forces of the United States or who is an employee of the United
29 States Department of Agriculture, the United States Public Health
30 Service or other federal agency, or the State of North Carolina, or
31 political subdivision thereof, from performing official duties while so
32 commissioned or employed;
- 33 (4) Any person from such practices as permitted under the provisions of
34 G.S. 90-185, House Bill 659, Chapter 17, Public Laws 1937, or House
35 Bill 358, Chapter 5, Private Laws 1941;
- 36 (5) Any person from dehorning ~~animals~~ or castrating male food animals;
- 37 (6) Any person from providing for or assisting in the practice of artificial
38 insemination;
- 39 (7) Any physician licensed to practice medicine in this State, or his
40 assistant, while engaged in medical research;
- 41 (8) Any certified rabies vaccinator appointed, certified and acting with the
42 provisions of G.S. 130A-186;
- 43 (9) Any veterinarian licensed to practice in another state from examining
44 livestock or acting as a consultant in North Carolina, provided he ~~does~~

1 ~~not work in the State for more than 10 days in any calendar year and is~~
 2 ~~directly supervised by a veterinarian licensed by the Board who must,~~
 3 ~~at or prior to the first instance of consulting, notify the Board, in~~
 4 ~~writing, that he is supervising the consulting veterinarian, give the~~
 5 ~~Board the name, address, and licensure status of the consulting~~
 6 ~~veterinarian, and also verify to the Board that the supervising~~
 7 ~~veterinarian assumes responsibility for the professional acts of the~~
 8 ~~consulting veterinarian; and provided further, that the consultation by~~
 9 ~~the veterinarian in North Carolina does not exceed 10 days or parts~~
 10 ~~thereof per year, and further that all infectious or contagious diseases~~
 11 ~~diagnosed are reported to the State Veterinarian within 48 hours.~~
 12 ~~hours;~~
 13 ~~or~~

13 (10) Any person employed by the North Carolina Department of
 14 Agriculture as a livestock inspector or by the U.S. Department of
 15 Agriculture as an animal health technician from performing regular
 16 duties assigned to him or her during the course and scope of that
 17 person's employment."

18 Sec. 17. G.S. 90-187.11 reads as rewritten:

19 "**§ 90-187.11. Partnership practice; corporate practice. Partnership, corporate, or sole**
 20 **proprietorship practice.**

21 A veterinary medical practice may be conducted as a sole proprietorship, by a
 22 partnership, or by a duly registered professional corporation.

23 Whenever the practice of veterinary medicine is carried on by a partnership, all
 24 partners must be either licensed or the holders of temporary permits.
 25 ~~licensed.~~

26 It shall be unlawful for any corporation to practice or offer to practice veterinary
 27 medicine as defined in this Article, except as provided for in Chapter 55B of the
 28 General Statutes of North Carolina."

29 Sec. 18. Chapter 90 of the General Statutes is amended by adding a new
 section to read:

30 "**§ 90-187.14. Veterinary faculty certificates and zoo veterinary certificates.**

31 (a) The Board may, upon application, issue veterinary faculty certificates in lieu
 32 of a license that otherwise would be required by this Article.

33 (b) The Board may, upon application, issue zoo veterinary certificates in lieu of a
 34 license that otherwise would be required by this Article, to veterinarians employed by
 35 the North Carolina State Zoo.

36 (c) The Board shall determine by administrative rule the application procedure,
 37 fees, criteria for the issuance, continuing education, renewal, suspension or revocation,
 38 and the scope of practice under the veterinary faculty certificate or the zoo veterinary
 39 certificate. There shall be an annual renewal of each certificate and all persons holding
 40 these certificates shall be subject to the jurisdiction of the Board in all respects under
 41 this Article."

42 Sec. 19. This act becomes effective October 1, 1993.