

THE NORTH CAROLINA VETERINARY PRACTICE ACT

General Statutes of North Carolina

Chapter 90, Article 11

90-179. Purpose of article.

In order to promote the public health, safety, and welfare by safeguarding the people of this State against unqualified or incompetent practitioners of veterinary medicine, it is hereby declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this Article.

90-180. Title.

This Article shall be known as the North Carolina Veterinary Practice Act.

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.
 - (2a) "Animal dentistry" means the treatment, extraction, cleaning, adjustment, or "floating" (filing or smoothing) of an animal's teeth, and treatment of an animal's gums.
- (3) "Board" means the North Carolina Veterinary Medical Board.
 - (3a) "Cruelty to animals" means to willfully overdrive, overload, wound, injure, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill any animal, or cause or procure any of these acts to be done to an animal; provided that the words "torture", "torment", or "cruelty" include every act, omission, or neglect causing or permitting unjustifiable physical pain, suffering, or death.
- (4) "Limited veterinary license" or "limited license" means a license issued by the Board under authority of this Article that specifically by its terms, restricts the scope or area of practice of veterinary medicine by the holder of the limited license; provided, that no limited license shall confer or denote an area of specialty of the holder of this limited veterinary license; and provided further, that unless otherwise provided by Board rule, the licensing requirements shall be identical to those specified for a veterinary license.
- (5) "Person" means any individual, firm, partnership, association, joint venture, cooperative, 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.
- (6) "Practice of veterinary medicine" means:

a. To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique on any animal.

b. To represent, directly or indirectly, publicly or privately an ability and willingness to do any act described in sub-subdivision a. of this subdivision.

c. To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in sub-subdivision a. of this subdivision.

(7) "Veterinarian," means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine and who is licensed by the Board to practice veterinary medicine.

(7a) "Veterinarian-client-patient relationship" means that:

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

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

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

(7b) "Veterinary license" or "license" means a license to practice veterinary medicine issued by the Board.

(8) "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.

(9) "Veterinary student intern" means a person who is enrolled in an accredited veterinary college, has satisfactorily completed the third year of veterinary college education, and is registered with the Board as a veterinary student intern.

(10) "Veterinary student preceptee" means a person who is pursuing a doctorate degree in an accredited school of veterinary medicine that has a preceptor or extern program, has completed the academic requirements of that program, and is registered with the Board as a veterinary student preceptee.

(11) "Veterinary technician" means either of the following persons:

a. A person who has successfully completed a post-high school course in the care and treatment of animals that conforms to the standards required for accreditation by the American Veterinary Medical Association and who is registered with the Board as a veterinary technician.

b. A person who holds a degree in veterinary medicine from a college of veterinary medicine recognized by the Board for licensure of veterinarians and who is registered with the Board as a veterinary technician.

90-181.1. Practice facility names and levels of service.

(a) In order to accurately inform the public of the levels of service offered, a veterinary practice facility shall use in its name one of the descriptive terms defined in subsection (b) of this section. The name of a veterinary practice facility shall, at all times, accurately reflect the level of service being offered to the public. If a veterinary facility or practice offers on-call emergency service, that service must be as that term is defined in subsection (b) of this section.

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

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

(2) "Emergency facility" means a veterinary medical facility whose primary function is the receiving, treatment, and monitoring of emergency patients during its specified hours of operation. At this veterinary practice facility a veterinarian is in attendance at all hours of operation and sufficient staff is available to provide timely and appropriate emergency care. An emergency facility may be an independent veterinary medical after-hours facility, an independent veterinary medical 24-hour facility, or part of a full-service hospital or large teaching institution.

(3) "Mobile facility" means a veterinary practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls; provided, the veterinary medical practice shall have a permanent base of operation with a published address and telephone facilities for making appointments or responding to emergency situations.

(4) "Office" means a veterinary practice facility where a limited or consultative practice is conducted and which provides no facilities for the housing of patients.

(5) "On-call emergency service" means a veterinary medical service at a practice facility, including a mobile facility, where veterinarians and staff are not on the premises during all hours of operation or where veterinarians leave after a patient is treated. A veterinarian shall be available to be reached by telephone for after-hours emergencies.

(6) "Veterinary clinic" or "animal clinic" means a veterinary practice facility in which the practice conducted is essentially an out-patient practice.

(7) "Veterinary hospital" or "animal hospital" means a veterinary practice facility in which the practice conducted includes the confinement as well as the treatment of patients.

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

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

90-182. North Carolina Veterinary Medical Board; appointment, membership, organization.

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

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

The General Assembly, upon the recommendation of the President Pro Tempore of the Senate, Shall appoint to the Board one member who shall have been a resident of and licensed to practice veterinary medicine in this State for no less than five years preceding the appointment. The General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint to the Board one member who shall have been a legal resident of and registered as a veterinary technician in this State for not less than five years preceding the appointment.

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

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

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

- (1) Transfer his legal residence to another state; or
- (2) Own or be employed by any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine; or
- (3) Have his license to practice veterinary medicine revoked for any of the causes listed in G.S. 90-187.8.

(c) All members serving on the board on June 30, 1981, shall complete their respective terms. The Governor shall appoint the public member not later than July 1, 1981. No member appointed to the Board by the Governor, Lieutenant Governor, Speaker of the House of Representatives or General Assembly on or after July 1, 1981, shall serve more than two complete consecutive five-

year terms, except that each member shall serve until his successor is appointed and qualifies. The term of the veterinary technician appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall begin on June 30th of the year in which he or she is appointed.

(d) The appointing authority may remove his appointee for the reasons specified in subsection (b) or for any good cause shown and may appoint members to fill unexpired terms.

90-183. Meeting of Board

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

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

90-184. Compensation of the Board

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

90-185. General powers of the Board

The Board may:

- (1) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the State.
- (2) Issue, renew, deny, suspend, or revoke licenses and limited veterinary licenses, and issue, deny, or revoke temporary permits to practice veterinary medicine in the State or otherwise discipline veterinarians consistent with the provisions of Chapter 150B of the General Statutes and of this Article and the rules adopted under this Article.
- (3) Conduct investigations for the purpose of discovering violations of this Article or grounds for disciplining veterinarians.
- (4) Employ full-time or part-time personnel -- professional, clerical, or special -- necessary to effectuate the provisions of this Article, purchase or rent necessary office space, equipment, and

supplies, and purchase liability or other insurance to cover the activities of the Board, its operations, or its employees.

(5) Appoint from its own membership one or more members to act as representatives of the Board at any meeting within or without the State where such representation is deemed desirable.

(6) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provisions of this Article, including the establishment and publication of standards of professional conduct or the practice of veterinary medicine.

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

90-186. Special powers of the Board.

In addition to the powers set forth in G.S. 90-185 above, the Board may:

(1) Fix minimum standards for continuing veterinary medical education for veterinarians and technicians, which shall be a condition precedent to the renewal of a veterinary license, limited license, veterinary faculty certificate, zoo veterinary certificate, or veterinary technician registration, respectively, under this Article;

(2) Inspect any hospitals, clinics, mobile units or other facilities used by any practicing veterinarian, either by a member of the Board or its authorized representatives, for the purpose of reporting the results of the inspection to the Board on a form prescribed by the Board and seeking disciplinary action for violations of health, sanitary, and medical waste disposal rules of the Board affecting the practice of veterinary medicine, or violations of rules of any county, state, or federal department or agency having jurisdiction in these areas of health, sanitation, and medical waste disposal that relate to or affect the practice of veterinary medicine;

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

(4) Provide special registration for "veterinary technicians", "veterinary student interns" and "veterinary student preceptees" and adopt rules concerning the training, registration and service limits of such assistants while employed by and acting under the supervision and responsibility of veterinarians. The Board has exclusive jurisdiction in determining eligibility and qualification requirements for these assistants. Renewals of registrations for veterinary technicians shall be required at least every 24 months, provided that the certificate of registration for the veterinary technician is otherwise eligible for renewal;

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

(6) Set and require fees pursuant to administrative rule. The Board may increase the following fees, provided (i) no fee shall be increased more than fifteen percent (15%) within a calendar year and (ii) the cumulative total increases of any fee shall not exceed one hundred percent (100%) of the fee amounts set in this subdivision:

a. Issuance or renewal of a certificate of registration for a professional corporation, in the amount of one hundred fifty dollars (\$150.00).

b. Administering a North Carolina license examination for applicants for licensure, certification, and registration, in the amount of two hundred fifty dollars (\$250.00).

c. Administering competency examinations for applicants seeking licensure or registration, in amounts directly related to costs to the Board. Fees associated with administering national competency examinations shall be set in rules adopted by the Board.

d. Inspection of a veterinary practice facility in the amount of one hundred twenty-five dollars (\$125.00).

e. Issuance or renewal of a license or limited license, in the amount of one hundred fifty dollars (\$150.00).

f. Issuance or renewal of a veterinary faculty certificate, in the amount of one hundred fifty dollars (\$150.00).

g. Issuance or renewal of a zoo veterinary certificate, in the amount of one hundred fifty dollars (\$150.00).

h. Reinstatement of a revoked license, a limited license, a veterinary faculty certificate, a zoo veterinary certificate, a veterinary technician registration, or a professional corporation registration, in the amount of one hundred dollars (\$100.00).

i. Issuance or renewal of a veterinary technician registration, in the amount of fifty dollars (\$50.00).

j. Issuance of a veterinary student intern registration, in the amount of twenty-five dollars (\$25.00).

k. Issuance of a veterinary student preceptee registration, in the amount of twenty-five dollars (\$25.00).

l. Late fee for renewal of a license, a limited license, a veterinary technician registration, a veterinary faculty certificate, a zoo veterinary certificate, or a professional corporation registration, in the amount of fifty dollars (\$50.00).

m. Issuance of a temporary permit to practice veterinary medicine, in the amount of one hundred fifty dollars (\$150.00).

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

(7) Pursuant to administrative rule, to assess and recover against persons holding licenses, limited licenses, temporary permits or any certificates issued by the Board, costs reasonably incurred by the Board in the investigation, prosecution, hearing, or other administrative action of

the Board in final decisions or orders where those persons are found to have violated the Veterinary Practice Act or administrative rules of the Board issued pursuant to the Act; provided, that all costs shall be the property of the Board.

90-187. Application for license; qualifications.

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

(b) The application shall show that the applicant is a graduate of an accredited veterinary school, a person of good moral character, and such other information and proof as the Board may require by rule. The Board may receive applications from senior students at accredited veterinary schools but an application is not complete until the applicant furnishes proof of graduation and such other information required by this Article and Board rules. The application shall be accompanied by a fee in the amount established and published by the Board.

(c) An application from a graduate of a program not accredited by the American Veterinary Medical Association may not be considered by the Board until the applicant furnishes satisfactory proof of graduation from a college of veterinary medicine and of successful completion of the certification program developed and administered by (i) the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association or (ii) the Program for the Assessment of Veterinary Education Equivalence (PAVE) of the American Association of Veterinary State Boards. The certification programs shall include examinations with respect to clinical proficiency and comprehension of and ability to communicate in the English language.

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

90-187.1. Examinations.

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

After each examination the executive director shall notify each examinee of the result of the examination. The Board shall issue licenses to the persons successfully completing the requirements for licensure required by this Article and by Board rule.

90-187.2. Status of persons previously licensed.

Any person holding a valid license to practice veterinary medicine in this State on July 1, 1974, shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as he complies with the provisions of this Article, and Board rules adopted pursuant thereto.

90-187.3. Applicants licensed in other states.

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

(1) The applicant is currently an active, competent practitioner in good standing.
(2) The applicant has practiced at least three of the five years immediately preceding filing the application.

(3) The applicant currently holds an active license in another state.

(4) There is no disciplinary proceeding or unresolved complaint pending against the applicant at the time a license is to be issued by this State.

(4a) Any disciplinary actions taken against the applicant or his or her license by the other state in which he or she is licensed will not affect the applicant's competency to practice veterinary medicine as provided in this Article or any rules adopted by the Board.

(5) The licensure requirements in the other state are substantially equivalent to those required by this State.

(6) The applicant has achieved a passing score on the written North Carolina license examination.

(a1) Expired.

(b) The Board may issue a license without a written examination, other than the written North Carolina license examination, to an applicant who meets the requirements of G.S. 90-187(c).

(c) The Board may at its discretion orally or practically examine any person qualifying for licensure under this section, by administering a nationally recognized clinical competency test as well as the North Carolina license examination.

(d) The Board may issue a limited license to practice veterinary medicine to an applicant who is not otherwise eligible for a license to practice veterinary medicine under this Article, without examination, if the applicant meets the criteria established in subdivisions (1) through (6) of subsection (a) of this section.

90-187.4. Temporary permit.

(a) The Board may issue, without examination a temporary permit to practice veterinary medicine in this State:

(1) To a qualified applicant for license pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued.

(2) To a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country, provided that such temporary permit shall be issued for a period of no more than 60 days.

(3) Temporary permits, as provided in (1) and (2) above, may contain any restrictions as to time, place, or supervision, that the Board deems appropriate. The State Veterinarian shall be notified as to the issuance of all temporary permits.

(b) A temporary permit may be summarily revoked by majority vote of the Board without a hearing.

90-187.5. License renewal.

All licenses and limited licenses shall expire annually or biennially, as determined by the Board, on December 31 but may be renewed by application to the Board and payment of the renewal fee established and published by the Board. The executive director shall issue a new certificate of registration to all persons registering under this Article. Failure to apply for renewal within 60 days after expiration shall result in automatic revocation of the license or limited license and any person who shall practice veterinary medicine after such revocation shall be practicing in violation of this Article. Provided, that any person may renew an expired license or limited license at any time within two years following its expiration upon application and compliance with Board requirements and the payment of all applicable fees in amounts allowed by this Article or administrative rule of the Board; and further provided, that the applicant is otherwise eligible under this Article or administrative rules of the Board to have the license renewed.

90-187.6. Veterinary technicians and veterinary employees.

(a) "Veterinary technicians", "veterinary student interns", and "veterinary student preceptees", before performing any services otherwise prohibited to persons not licensed or registered under this Article, shall be approved by and registered with the Board. The Board shall be responsible for all matters pertaining to the qualifications, registration, discipline, and revocation of registration of these persons, under this Article and rules issued by the Board.

(b) The services of a technician, intern, preceptee, or other veterinary employee shall be limited to services under the direction and supervision of a veterinarian. This employee shall receive no fee or compensation of any kind for services other than any salary or compensation paid to the employee by the veterinarian or veterinary facility by which the employee is employed. The employee may participate in the operation of a branch office, clinic, or allied establishment only to the extent allowable under and as defined by this Article or by rules issued by the Board.

(c) An employee under the supervision of a veterinarian may perform such duties as are required in the physical care of animals and in carrying out medical orders as prescribed by the veterinarian, requiring an understanding of animal science but not requiring the professional services as set forth in G.S. 90-181(6)a. In addition, a veterinary technician may assist veterinarians in diagnosis, laboratory analysis, anesthesia, and surgical procedures. Neither the employee nor the veterinary technician may perform any act producing an irreversible change in

the animal. An employee, other than a veterinary technician, intern, or preceptee, may, under the direct supervision of a veterinarian, perform duties including collection of specimen; testing for intestinal parasites; collecting blood; testing for heartworms and conducting other laboratory tests; taking radiographs; and cleaning and polishing teeth, provided that the employee has had sufficient on-the-job training by a veterinarian to perform these specified duties in a competent manner. It shall be the responsibility of the veterinarian supervising the employee to ascertain that the employee performs these specified duties assigned to the employee in a competent manner. These specified duties shall be performed under the direct supervision of the veterinarian in charge of administering care to the patient.

(d) Veterinary student interns, in addition to all of the services permitted to veterinary technicians, may, under the direct personal supervision of a veterinarian, perform surgery and administer therapeutic or prophylactic drugs.

(e) Veterinary student preceptees, in addition to all of the services permitted to veterinary technicians and veterinary student interns, may, upon the direction of the employing veterinarian, make ambulatory calls and hospital and clinic diagnoses, prescriptions and treatments.

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

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

90-187.7. Abandonment of animals; notice to owner; relief from liability for disposal; "abandoned" defined.

(a) Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which shall be unclaimed by its owner or his agent for a period of more than 10 days after written notice by registered or certified mail, return receipt requested, to the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, or dog pound or disposed of as such custodian may deem proper.

(b) The giving of notice to the owner, or agent of the owner, of such animal by the licensed veterinarian, as provided in subsection (a) of this section, shall relieve the licensed veterinarian and any custodian to whom such animal may be given of any further liability for disposal.

(c) For the purpose of this Article the term "abandoned" shall mean to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his agent. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal.

90-187.8. Discipline of licensees.

(a) Upon complaint or information, and within the Board's discretion, the Board may revoke or suspend a license issued under this Article, may otherwise discipline a person licensed under this Article, or may deny a license required by this Article in accordance with the provisions of this Article, Board rules, and Chapter 150B of the General Statutes. As used in this section, the word "license" includes a license, a limited license, a veterinary faculty certificate, a zoo veterinary certificate, and a registration of a veterinary technician, a veterinary student intern, and a veterinary student preceptee.

(b) The Board may impose and collect from a licensee a civil monetary penalty of up to five thousand dollars (\$5,000) for each violation of this Article or a rule adopted under this Article. The amount of the civil penalty, up to the maximum, shall be determined upon a finding of one or more of the following factors:

(1) The degree and extent of harm to the public health or to the health of the animal under the licensee's care.

(2) The duration and gravity of the violation.

(3) Whether the violation was committed willfully or intentionally or reflects a continuing pattern.

(4) Whether the violation involved elements of fraud or deception either to the client or to the Board, or both.

(5) The prior disciplinary record with the Board of the licensee.

(6) Whether and the extent to which the licensee profited by the violation.

(c) Grounds for disciplinary action shall include but not be limited to the following:

(1) The employment of fraud, misrepresentation, or deception in obtaining a license.

(2) An adjudication of insanity or incompetence.

(3) The impairment of a person holding a license issued by the Board, when the impairment is caused by that person's use of alcohol, drugs, or controlled substances, and the impairment interferes with that person's ability to practice within the scope of the license with reasonable skill and safety and in a manner not harmful to the public or to animals under the person's care.

(4) The use of advertising or solicitation which is false, misleading or deceptive.

(5) Conviction of a felony or other public offense involving moral turpitude.

(6) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.

(7) Having professional association with or knowingly employing any person practicing veterinary medicine unlawfully.

(8) Fraud or dishonesty in the application or reporting of any test for disease in animals.

(9) Failure to keep veterinary premises and equipment in a clean and sanitary condition, violating an administrative rule of the Board concerning the minimum sanitary requirements of veterinary hospitals, veterinary clinics, or other practice facilities, or violating other State or federal statutes, rules, or regulations concerning the disposal of medical waste.

- (10) Failure to report, as required by the laws and regulations of the State, or making false report of, any contagious or infectious disease.
- (11) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates.
- (12) Conviction of a criminal offense involving cruelty to animals or the act of cruelty to animals.
- (13) Revocation of a license to practice veterinary medicine by another state, territory or district of the United States only if the grounds for revocation in the other jurisdiction would also result in revocation of the practitioner's license in this State.
- (14) Unprofessional conduct as defined in regulations adopted by the Board.
- (15) Conviction of a federal or state criminal offense involving the illegal use, prescription, sale, or handling of controlled substances, other drugs, or medicines.
- (16) The illegal use, dispensing, prescription, sale, or handling of controlled substances or other drugs and medicines.
- (17) Failure to comply with regulations of the United States Food and Drug Administration regarding biologics, controlled substances, drugs, or medicines.
- (18) Selling, dispensing, prescribing, or allowing the sale, dispensing, or prescription of biologics, controlled substances, drugs, or medicines without a veterinarian-client-patient relationship with respect to the sale, dispensing, or prescription.
- (19) Acts or behavior constituting fraud, dishonesty, or misrepresentation in dealing with the Board or in the veterinarian-client-patient relationship.

90-187.9. Reinstatement.

- (a) A person licensed or registered as a veterinary technician under this Article who has had his or her license or registration revoked for failure to apply for renewal may be reinstated at any time within three years following revocation upon filing an application for reinstatement and paying all accrued renewal fees and the reinstatement fee. As a condition of reinstatement, the applicant shall submit proof to the Board that the applicant has earned the continuing education credits required under this Article and rules adopted by the Board for each year the license or registration was revoked.
- (b) A person whose license has been revoked for more than three years for failure to apply for license renewal may qualify for licensure upon filing an application with the Board and meeting the requirements of G.S. 90-187 or G.S. 90-187.3.
- (c) A person whose registration has been revoked for more than three years for failure to apply for registration renewal may qualify for registration upon filing an application with the Board and meeting the requirements of G.S. 90-186(4) and any applicable rules adopted by the Board.
- (d) Subject to conditions as may be imposed by the Board, any person whose license or registration is revoked for reasons other than failure to apply for renewal may, in the Board's discretion, be relicensed or reregistered at any time by majority vote of the Board upon

submitting written application to the Board showing cause for justifying relicensure or reregistration.

90-187.10. Necessity for license; certain practices exempted.

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

Nothing in this Article shall be construed to prohibit:

- (1) Any person from administering to animals, the title to which is vested in the person or the person's employer, except when the title is so vested for the purpose of circumventing the provisions of this Article;
- (2) Any person who is a regular student or instructor in a legally chartered college from the performance of those duties and actions assigned as the person's responsibility in teaching or research;
- (3) Any veterinarian not licensed by the Board who is a member of the Armed Forces of the United States or who is an employee of the United States Department of Agriculture, the United States Public Health Service or other federal agency, or the State of North Carolina, or political subdivision thereof, from performing official duties while so commissioned or employed;
- (4) Any person from such practices as permitted under the provisions of G.S. 90-185, House Bill 659, Chapter 17, Public Laws 1937, or House Bill 358, Chapter 5, Private Laws 1941;
- (5) Any person from dehorning or castrating male food animals;
- (6) Any person from providing for or assisting in the practice of artificial insemination;
- (7) Any physician licensed to practice medicine in this State, or the physician's assistant, while engaged in medical research;
- (8) Any certified rabies vaccinator appointed, certified and acting with the provisions of G.S. 130A-186;
- (9) Any veterinarian licensed to practice in another state from examining livestock or acting as a consultant in North Carolina, provided the consulting veterinarian is directly supervised by a veterinarian licensed by the Board who must, at or prior to the first instance of consulting, notify the Board, in writing, that he or she is supervising the consulting veterinarian, give the Board the name, address, and licensure status of the consulting veterinarian, and also verify to the Board that the supervising veterinarian assumes responsibility for the professional acts of the consulting veterinarian; and provided further, that the consultation by the veterinarian in North Carolina does not exceed 10 days or parts thereof per year, and further that all infectious or contagious diseases diagnosed are reported to the State Veterinarian within 48 hours;

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

(11) Any farrier or person actively engaged in the activity or profession of shoeing hooved animals as long as his or her actions are limited to the art of shoeing hooved animals or trimming, clipping, or maintaining hooves.

90-187.11. Partnership, corporate, or sole proprietorship practice.

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

Whenever the practice of veterinary medicine is carried on by a partnership, all partners must be licensed.

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

90-187.12. Unauthorized practice; penalty.

If any person shall

1. Practice or attempt to practice veterinary medicine in this State without first having obtained a license or temporary permit from the Board; or
2. Practice veterinary medicine without the renewal of his license, as provided in G.S. 90-187.5; or
3. Practice or attempt to practice veterinary medicine while his license is revoked, or suspended, or when a certificate of license has been refused; or
4. Violate any of the provisions of this Article.

said person shall be guilty of a Class 1 misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate offense.

90-187.13. Injunctions

The Board may appear in its own name in the superior courts in an action for injunctive relief to prevent violation of this Article and the superior courts shall have power to grant such injunctions regardless of whether criminal prosecution has been or may be instituted as a result of such violations. Actions under this section shall be commenced in the superior court or set of districts as defines in G.S. 7A-41.1 in which the respondent resides or has his principal place of business or in which the alleged acts occurred.

90-187.14. Veterinary faculty certificates and zoo veterinary certificates.

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

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

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

90-187.15. Board agreement for programs for impaired veterinary personnel.

(a) The Board may enter into agreements with organizations that have developed programs for impaired veterinary personnel. Activities to be covered by these agreements may include investigation, review, and evaluation of records, reports, complaints, litigation, and other information about the practices or the practice patterns of veterinary personnel licensed or registered by the Board as these matters may relate to impaired veterinary personnel.

Organizations having programs for impaired veterinary personnel may include a statewide supervisory committee or various regional or local components or subgroups.

(b) Agreements authorized under this section shall include provisions for the impaired veterinary personnel organizations to: (i) receive relevant information from the Board and other sources; (ii) conduct any investigation, review, or evaluation in an expeditious manner; (iii) provide assurance of confidentiality of nonpublic information and of the process; (iv) make reports of investigations and evaluations to the Board; and (v) implement any other related activities for operating and promoting a coordinated and effective process. The agreement shall include provisions assuring basic due process for veterinary personnel who become involved.

(c) Organizations entering into agreements with the Board shall establish and maintain a program for impaired veterinary personnel licensed or registered by the Board for the purpose of identifying, reviewing, and evaluating the ability of those veterinarians or veterinary technicians to function as veterinarians or veterinary technicians and provide programs for treatment and rehabilitation. The Board may provide funds for the administration of these impaired veterinary personnel peer review programs. The Board may adopt rules pursuant to Chapter 150B of the General Statutes to apply to the operation of impaired veterinary personnel programs, with provisions for: (i) definitions of impairment; (ii) guidelines for program elements; (iii) procedures for receipt and use of information of suspected impairment; (iv) procedures for intervention and referral; (v) arrangements for monitoring treatment, rehabilitation, posttreatment support, and performance; (vi) reports of individual cases to the Board; (vii) periodic reporting of statistical information; (viii) assurance of confidentiality of nonpublic information and of the process; and (ix) other necessary measures.

(d) Upon investigation and review of a veterinarian licensed by the Board or a veterinary technician registered with the Board, or upon receipt of a complaint or other information, an impaired veterinary personnel organization that enters into an agreement with the Board shall

report to the Board detailed information about any veterinarian licensed or veterinary technician registered by the Board if:

- (1) The veterinarian or veterinary technician constitutes an imminent danger to the public, to patients, or to himself or herself.
- (2) The veterinarian or veterinary technician refuses to cooperate with the program, refuses to submit to treatment, or is still impaired after treatment and exhibits professional incompetence.
- (3) It reasonably appears that there are other grounds for disciplinary action.
- (e) Any confidential information or other nonpublic information acquired, created, or used in good faith by an impaired veterinary personnel organization or the Board regarding a participant pursuant to this section shall remain confidential and shall not be subject to discovery or subpoena in a civil case, nor subject to disclosure as a public document by the Board pursuant to Chapter 132 of the General Statutes. No person participating in good faith in an impaired veterinary personnel program developed under this section shall be required in a civil case to disclose any information, including opinions, recommendations, or evaluations, acquired or developed solely in the course of participating in the program.
- (f) Impaired veterinary personnel activities conducted in good faith pursuant to any program developed under this section shall not be grounds for civil action under the laws of this State, and the activities are deemed to be State-directed and sanctioned and shall constitute "State action" for the purposes of application of antitrust laws."

SECTION .0100 - STATUTORY AND ADMINISTRATIVE PROVISIONS

.0101 AUTHORITY: NAME AND LOCATION OF BOARD

The "North Carolina Veterinary Practice Act," Article 11, Chapter 90, of the General Statutes of North Carolina, establishes and authorizes the "North Carolina Veterinary Medical Board," hereafter referred to as the "Board." Unless otherwise directed, all communications shall be addressed to the Board at Office of the Executive Director, 1611 Jones Franklin Road, Suite 106, Raleigh, North Carolina 27606.

History Note: Authority G.S.90-182; 90-185(6);

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. June 1, 2014; January 1, 2006; May 1, 1996; May 1, 1989.

.0102 DEFINITIONS

The definitions as found in G.S. 90-181 are incorporated in this Chapter by reference in accordance with G.S. 150B-14(c).

History Note: Authority G.S. 90-185(6); 150B-14;

Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.

.0103 ORGANIZATION OF BOARD: OFFICERS

.0104 STATUTORY POWERS OF THE BOARD

History Note: Authority G.S. 90-183; 90-185(6); 90-186;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. May 1, 1989.

.0105 APPLICABILITY OF BOARD RULES

Rules adopted by the Board under the provisions of Article 11 of Chapter 90 and G.S. 150B shall be binding upon every individual holding a license from the Board, and upon all professional corporations authorized to offer or to perform veterinary services in this State. All licensees of the Board are charged with having knowledge of the existence of the Board rules and shall be deemed to be familiar with their several provisions and to understand them.

History Note: Authority G.S. 90-185(6);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. October 1, 2016; May 1, 1996; May 1, 1989.

.0106 CURRENT INFORMATION REQUIRED BY THE BOARD

- (a) Each licensee and registrant shall notify the Board of his or her current mailing address and the name, address, and phone number of the current place of employment within 60 days of any change.
- (b) All changes in legal name shall be reported within 60 days, in writing, to the Board office accompanied by photocopies of the licensee's or registrant's legal documentation creating the change and a social security card showing the new legal name.
- (c) All changes of professional association, or dissolution of a professional relationship, shall be reported within 60 days to the Executive Director together with the new status and addresses of the individuals or firm.

History Note: Authority G.S. 90 185(6);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. March 1, 2017; May 1, 1996; May 1, 1989.

.0107 FORMS

Forms used by the Board are available from the Board office upon request.

History Note: Authority G.S. 90-185(6);

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1989.

.0108 FEES

The following fees established by the Board shall be paid in advance to the Executive Director of the Board:

- (1) Veterinary License
 - (a) Issuance or Renewal **\$170.00**
 - (b) North Carolina License Examination **\$250.00**
 - (c) Late Renewal Fee **\$50.00**
 - (d) Reinstatement **\$100.00**
- (2) Veterinary Technician Registration
 - (a) Issuance or Renewal **\$50.00**
 - (b) North Carolina Veterinary Technician Examination **\$50.00**
 - (c) Late Renewal Fee **\$50.00**
 - (d) Reinstatement **\$100.00**
- (3) Professional Corporation Certificate of Registration
 - (a) Issuance or Renewal **\$160.00**
 - (b) Late Renewal Fee **\$50.00**
 - (c) Reinstatement **\$100.00**
- (4) Limited Veterinary License
 - (a) Issuance or Renewal **\$170.00**
 - (b) Late Renewal Fee **\$50.00**
 - (c) Reinstatement **\$100.00**
- (5) Veterinary Faculty Certificate
 - (a) Issuance or Renewal **\$170.00**
 - (b) Late Renewal Fee **\$50.00**
 - (c) Reinstatement **\$100.00**
- (6) Zoo Veterinary Certificate
 - (a) Issuance or Renewal **\$170.00**
 - (b) Late Renewal Fee **\$50.00**
 - (c) Reinstatement **\$100.00**
- (7) Temporary Permit: Issuance **\$150.00**
- (8) Veterinary Student Intern Registration: Issuance **\$25.00**
- (9) Veterinary Student Preceptee Registration: Issuance **\$25.00**

(10) Veterinary Practice Facility Inspection **\$125.00**

(11) Copies of Board publications, rosters, or other materials available for distribution from the Board shall be free or at a minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information.

History Note: Authority 90-185(6); 90-186(3); 90-187(b); 90-187.5; 90-187.6; 132-6.2; Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. October 1, 2017; January 1, 2015; May 1, 1996; May 1, 1989.

SECTION .0200 - PRACTICE OF VETERINARY MEDICINE

.0201 FORMS OF PRACTICE

(a) The phrase "veterinary practice" or "veterinary medical practice" shall be deemed to be the delivery of veterinary medical services by a licensed veterinarian through a sole proprietorship or a legal entity authorized by law to engage in the delivery of veterinary medical services.

(b) Veterinary practice may be by sole proprietors, partnerships, or duly registered professional corporations, limited liability companies, or limited liability partnerships. Only licensees may form a partnership or other entities described herein authorized for the practice of veterinary medicine. Partnerships of registered corporations are not permitted.

(c) No professional corporation may practice or offer to practice veterinary medicine unless it complies with G.S. 55B-10. No professional corporation may do any act which individual licensees are prohibited from doing, and every professional corporation practicing veterinary medicine shall be subject to the disciplinary powers of the Board as prescribed in G.S. 90-187.8 and Rules .0205, .0206, .0207 and .0208 of this Section as well as all other rules of the Board pertaining to individual or partnership practice.

(d) The services of any veterinary medical professional corporation or limited liability company shall be limited to veterinary services as defined in G.S. 90-181(6) and "such services as may be ancillary thereto" as determined by the Board.

History Note: Authority G.S. 55B-10; 55B-12; 90-185(6); 90-187.11; 90-187.12; Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. May 1, 1996; May 1, 1989.

.0202 NAME OF PRACTICE

(a) The adoption or use of a name for the entity authorized by law through which the licensed veterinarian practices and delivers veterinary services shall have prior Board approval in order to avoid duplication or confusion of names and to prevent use of names which might be misleading. No proper names of persons other than licensees may be included in the name. If the veterinary medical practice uses the name or names of the veterinarians owning or operating the facility in the name of the practice, the name shall conform to the requirements of G.S. 90-181.1(c), and Board approval shall be obtained prior to the use of that name. The use of the word "facility" is not required in the name of those facilities offering the services described in G.S. 90-181.1(b)(2) and (b)(3) unless required by the context for clarification.

(b) A facility where the practice of veterinary medicine is conducted shall use in its name one of the descriptive terms as set forth in G.S. 90-181.1(b) in a manner so as to accurately inform the public of the levels of service offered at the facility.

History Note: Authority G.S. 55B-5; 90-185(6);

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1996; May 1, 1989.

.0203 LICENSE REQUIRED TO PRACTICE; FACULTY CERTIFICATE; ZOO VETERINARY CERTIFICATE

(a) Upon written application, the Board may issue a veterinary faculty certificate to a faculty member in the College of Veterinary Medicine at North Carolina State University which certifies that the holder thereof is exempt from the requirements of licensing under G.S. 90-187.10(3). To be a faculty member in the College of Veterinary Medicine, the faculty member shall be a graduate of a "recognized school of veterinary medicine" as defined by the American Veterinary Medical Association and a member of the faculty or staff of the College of Veterinary Medicine. The faculty member's certificate shall indicate that the holder is exempt from the requirements for licensing provided that the practice of veterinary medicine is confined to the faculty member's duties in the hospital or field service unit of the College of Veterinary Medicine. Such exemption certificate shall automatically expire when the holder's relationship is terminated with the school and university.

(b) Upon written application, the Board may issue a zoo veterinary certificate in lieu of the license that otherwise would be required by G.S. 90-187.10 to a veterinarian not licensed by the Board who is employed by the North Carolina State Zoo. The requirements for and criteria governing the zoo veterinary certificate shall be the same as for the faculty certificate, to the extent applicable and practical. In determining whether to issue a zoo veterinary certificate, the board shall, in addition, consider the applicant's zoo employment history, the applicant's job description and duties with the N.C. State Zoo, and the reasons the applicant seeks exemption from the licensure requirements for veterinarians.

(c) The request for either the faculty certificate or zoo veterinary certificate shall be in writing upon application form furnished by the Board. All fees for issuance, renewal, re-instatement, as well as criteria for continuing education and discipline shall be as set forth in Article 11, G.S. 90 and the rules of the Board. The zoo veterinary certificates shall be annually renewed each calendar year, and the faculty certificates also shall be for the duration of one year, but the Board may determine a beginning date other than January 1 if necessary to conform to academic appointments or the academic calendar of the College of Veterinary Medicine.

(d) The Board may consider a written application for a faculty certificate by a person who is a graduate of a "recognized school of veterinary medicine" as defined in Paragraph (a) of this Rule and who is a member of the faculty or staff of a college or university in this State other than the College of Veterinary Medicine of North Carolina State University, provided that the application sets forth the qualifications of the faculty member; the reasons that the faculty member seeks to be exempt from the requirements for licensing as a veterinarian in North Carolina, and the duties of the faculty member at the college or university where he or she is employed. A faculty certificate shall be issued under this Paragraph if the applicant shows to the satisfaction of the Board that his or her duties as a faculty member involve the practice of veterinary medicine at the college or university and that there are valid reasons that the applicant should be exempt from the licensure requirements for veterinarians. If a faculty certificate is issued under this Paragraph, all other application requirements, fee requirements, and expiration conditions apply it as to those issued to faculty members at the College of Veterinary Medicine at North Carolina State University.

History Note: Authority G.S. 90-185(6); 90-187.10;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1996; May 1, 1989; October 1, 1982; November 9, 1979.

.0204 USE OF THE TITLE: VETERINARIAN

History Note: Authority G.S. 90-181; 90-185(6); 90-187.12;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Repealed Eff. May 1, 1989.

.0205 DISCIPLINE OF LICENSEES; PERMITTEES; REGISTRANTS: MANDATORY STANDARDS OF CONDUCT

Grounds for disciplinary action shall include those as stated in G.S. 90-187.8, in addition to (but not limited to), the following:

(1) making untrue and deceitful statements in any application or representation to the Board, or in any professional relationship, or in a veterinarian-client-patient relationship as that relationship is defined in G.S. 90-181(7a);

- (2) acting in such a manner as to enable others to evade the animal and public health requirements related to the practice of veterinary medicine, as administered by the North Carolina or U.S. Departments of Agriculture or the North Carolina Department of Human Resources, or to the provisions of the North Carolina Veterinary Practice Act;
- (3) making, promising to make or accepting contributions of money, goods or services for purposes of bribing any person with whom the person licensed has a professional association, or has a veterinarian-client-patient relationship as defined in G.S. 90-181(7a), or to whom the person holding a license renders or offers to render professional services to the extent allowed under the license;
- (4) defrauding or willfully misleading the Board or any person with whom he or she has a professional association, or has a veterinarian-client-patient relationship as defined in G.S. 90-181(7a), or to whom the person holding the license renders or offers to render professional services to the extent allowed under the license;
- (5) violating the laws of North Carolina or any other state related to the practice of veterinary medicine or the delivery of services as allowed by the license issued by the Board, or violating any veterinary licensing Board rule in this or another state; and
- (6) communicating verbally or in writing information which tends to discredit the reputation, integrity or professional competence of a veterinarian, permittee or registrant, and which information is false, or done in reckless disregard of the truth or falsity of the information communicated.

History Note: Authority G.S. 90-185(6); 90-187.8;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1996; May 1, 1989.

.0206 MINIMUM STANDARDS FOR CONTINUING EDUCATION

Each person holding a veterinary license, limited license, a faculty certificate, or a zoo veterinary certificate (collectively referred to herein as “veterinarian”) or a veterinary technician registration issued by the Board shall comply with the standards in this Rule. The standards shall be a condition precedent to the renewal of a license certificate or registration, respectively. The standards are as follows:

- (1) Continuing education credit hours shall relate to veterinary medicine.
- (2) A veterinarian shall earn 20 continuing education credit hours for the calendar year license renewal period.
- (3) A veterinary technician shall earn 12 continuing education credit hours for the two calendar year registration renewal period.
- (4) A veterinarian or veterinary technician may request and be granted an extension of time, not to exceed six months, to satisfy the continuing education requirement if the veterinarian or veterinary technician provides evidence of a debilitating injury or illness or circumstance that

prevents the veterinarian or veterinary technician from being able to obtain continuing education. If the veterinarian or veterinary technician submits evidence of failure to complete continuing education due to debilitating injury or illness or hardship, the Board shall consider the evidence submitted on a case-by-case basis. If the board finds that the debilitating injury or illness or hardship was the basis for non-compliance with the continuing education requirement, the Board shall exempt that individual from completing the unearned portion of the continuing education for that renewal period.

(5) Continuing education credits hours may be earned from courses, programs, or materials presented or approved by the following providers:

- (a) the American Veterinary Medical Association (AVMA);
- (b) the American Animal Hospital Association (AAHA);
- (c) the North Carolina Veterinary Medical Association (NCVMA);
- (d) the American Association of Veterinary State Boards' (AAVSB) Registry of Approved Continuing Education (RACE); and
- (e) academies, schools, or colleges of veterinary medicine.

These providers are designated herein as "approved continuing education credit providers." The Board shall consider additional courses, presentations, or materials eligible for approval for continuing education credit hours, provided that the individual seeking the credit furnishes the Board information to establish that the content of the course, presentation, or material are of an education level reflective of the audience (veterinarians or veterinary technicians). Board approval for continuing education credits for such additional courses, presentations, or materials shall be obtained prior to attendance or participation; however, the Board shall waive the requirement of prior approval if illness, injury, or natural disaster prevented the individual from obtaining the prior approval.

(6) Subject to the limitations in this Rule, continuing education credit hours may be earned by:

- (a) attendance at in-person courses or presentations;
- (b) completion of independent self-study courses;
- (c) non-interactive on-line presentations, courses or materials; or
- (d) completion of live interactive on-line presentations or courses.

(7) One continuing education credit hour, up to 100% of the CE requirement for renewal, may be earned for each hour of in-person attendance at courses presented or approved by approved continuing education credit providers. Up to 25% of the CE requirement for renewal may be obtained from independent self-study courses, videos, DVDs, CDs, prerecorded webinars, audio conferences, and non-interactive on-line presentations approved by approved continuing education credit providers. Up to 50% of the CE requirement for renewal may be obtained from live interactive on-line presentations or courses approved by approved continuing education credit providers. However, the number of credit hours earned from live interactive on-line presentations or courses shall be reduced by the number of credit hours earned from independent self-study courses or materials and non-interactive on-line presentations or courses. A live interactive on-line presentation or course shall:

- (a) include instant or asynchronous two-way communication;
 - (b) provide access to both technical personnel and professional faculty, as well as interactivity among participants for the exchange of questions and answers via instant messaging or a moderated teleconference; and
 - (c) document the level of participation by keeping a record of the participant's activity in asking or answering questions during the presentation and the score of any examination administered at the end or the presentation.
- (8) Each veterinarian and veterinary technician shall keep a record for the three most recent renewal periods of the content of courses submitted to the Board for continuing education credit hours.
- (9) A veterinarian licensed in the year of graduation from a veterinary medical college is not required to earn continuing education credit hours to be eligible for license renewal for the next renewal period.
- (10) A veterinary technician registered in the year of graduation from a veterinary medical technology program is not required to earn continuing education credit hours to be eligible for registration renewal for the next renewal period.
- (11) A veterinarian or veterinary technician serving in the armed forces of the United States and to whom an extension of time to file a tax return is granted pursuant to G.S. § 105-249.2 is granted the same extension of time to comply with the continuing education requirement of this Rule.

History Note: Authority G.S. 90 185(6); 90 186(1); 93B-15;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. February 1, 2018; June 1, 2003; May 1, 1996; May 1, 1989; January 1, 1987.

.0207 MINIMUM FACILITY AND PRACTICE STANDARDS

- (a) All locations where veterinary medicine is practiced shall be adequate for the maintenance of good hygiene at all times. All areas of the premises shall be maintained in a clean, odor free, and orderly condition at all times.
- (b) The minimum standards for all facilities where veterinary medicine is practiced shall be:
 - (1) The facility shall provide heating, cooling and ventilation sufficient for the comfort and safety of the animals, the employees and clients.
 - (2) All rooms utilized for the practice of veterinary medicine shall have lighting sufficient for the tasks and activities conducted in the rooms.
 - (3) Hot and cold running water shall be provided along with toilets and lavatories for the personnel and for the clients.
 - (4) The facility shall have an area dedicated for storage of equipment and supplies, which area shall be of a size commensurate with the nature of the practice and the size of the facility, and which storage area shall be clean and, as required by the nature of the products or materials stored, shall be sanitary.

(5) The facility shall have interior and exterior receptacles for waste disposal which shall comply with state, county and municipal health laws, ordinances and regulations.

(6) The facilities shall employ a procedure for the prompt and sanitary disposal of dead animals which complies with all state, county and municipal laws, ordinances, rules and regulations.

Dead animals held on premises shall be refrigerated.

(7) All interior spaces in the facility shall be clean and orderly.

(8) The facilities' examination rooms shall have the following:

(A) lined waste receptacles or chutes;

(B) a sink with disposable towels either in the examination room, or adjacent or reasonably convenient to the examination room, so as to facilitate necessary and required use of the sink for maintaining sanitation and hygiene in connection with examinations; and

(C) a table with an impervious surface which shall be sanitized between patients.

(9) Surgery shall be performed in a manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support and monitoring procedures as well as recovery care. The minimum standards for surgery shall be:

(A) Surgery shall be performed in a room designated and reserved for surgery.

(B) The surgery room shall be clean, orderly and well lighted.

(C) Sterilization shall include a steam pressure sterilizer or autoclave equipment. Cold sterilization may be used for field or septic conditions.

(D) Instruments and equipment utilized in the surgery room shall be commensurate with the type of surgical service being provided.

(E) Storage in the surgery room shall be limited to only items and equipment normally related to surgery and surgical procedures.

(F) Emergency drugs shall be readily available to the surgery area.

(G) The operating table shall be constructed of a smooth and impervious material.

(H) There shall be a separate surgical preparation area.

(I) There shall be available for surgery sterilized instruments, gowns, towels, drapes, gloves, caps and masks.

(J) Regulated oxygen under positive pressure shall be available.

(10) The facilities shall have the capability for use of either in-house or consultant laboratory service for blood chemistry, cultures and antibiotic sensitivity examinations, complete blood counts, histopathological examinations and complete necropsies. An in-house laboratory facility shall meet the following minimum standards:

(A) The laboratory room shall have storage space sufficient for the equipment and materials necessary for the laboratory room;

(B) The facility shall have refrigeration with a capacity sufficient for drugs and medicines required to be refrigerated, as well as capacity for the refrigeration of dead animals held on the premises prior to disposal;

(C) All facilities shall have, as a minimum, in-house capability for the following tests:

(i) urine tests,

- (ii) micro-hematocrit determination,
- (iii) flotation tests for ova of internal parasites,
- (iv) skin scrapings for external parasite diagnosis, and
- (v) exams for circulating blood microfilaria or heartworm antigen assays.

(11) The minimum standards for drug procedures shall be:

(A) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and state laws, rules and regulations.

(B) Except for labeled manufactured drugs with instructions, all drugs dispensed shall be labeled with:

- (i) name, address and telephone number of the facility,
- (ii) name of client,
- (iii) animal identification,
- (iv) date dispensed,
- (v) directions for use,
- (vi) name and strength of the drug, and
- (vii) name of prescribing veterinarian.

(C) A record of all drugs administered or dispensed shall be kept in the records of the individual animal, if the animal is a companion animal, or in the client's record, if the animal is an economic animal.

(12) The following minimum standards shall apply to recordkeeping:

(A) Every veterinarian shall keep written records or records stored via computer/word processing and easily retrievable of the animals treated. These records shall include but not be limited to pertinent medical data such as dates and type of vaccinations and all medical and surgical procedures on a daily basis, radiographs and laboratory data.

(B) Records shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary facility.

(C) Records shall be maintained by individual animal for companion pet animals examined or treated.

(D) The recordkeeping requirement shall not apply to the treatment of economic animals except as provided in Paragraph (11)(C) of this Rule.

(13) The following minimum standards shall apply to radiography:

(A) The facility shall have the capability of obtaining diagnostic quality radiographs through radiology equipment at the facility or through consultant services;

(B) The facility shall use and maintain radiology equipment in accordance with all federal and state laws, rules and regulations;

(C) all personnel using radiology equipment shall wear radiation badges.

(14) Cages, exercise areas, pens and stalls shall be kept in a clean and orderly condition, in a well-lighted area, and in good repair to prevent injury to animals and to promote physical comfort.

(15) All new veterinary facilities and all existing facilities changing ownership shall be inspected and approved by the Board prior to the practice of veterinary medicine within the facility.

(16) The Board shall make periodic inspections of veterinary premises. Such inspection shall include, but not be limited to, verification of compliance with this Rule. The Board shall make reinspections as necessary to ensure compliance with this Rule.

(17) Violation of the standards for all veterinary facilities covered by this Rule shall be grounds for disciplinary action as provided in G.S. 90-186, 90-187.8 and these Rules.

(18) The facility shall comply with all federal, state and municipal laws, rules and regulations regarding disposal of medical wastes.

(19) The following minimum standards shall apply to after hours emergency services. The veterinarian who is the owner, as well as the veterinarian who is in charge of the facility, shall provide after hours emergency service by one or more of the methods listed below in Parts (b)(19)(A) through (D) of this Rule. If after hours emergency services shall be provided other than by the veterinarian who is the owner or who is the veterinarian in charge of the facility, the name, address and telephone numbers of the provider of the after hours emergency service shall be posted prominently at the facility in areas where this information is likely to be seen by persons coming to the entrances of the facility.

(A) Availability by telephone, pager or answering machine; or

(B) Membership in an after hours emergency services facility or organization that agrees with the veterinarian to assume the responsibility for this care; or

(C) An agreement for this care with another facility located in the same general community, area or region served by the primary facility and which provides after hours emergency service; or

(D) Notification of the name, address and telephone numbers of an emergency veterinary service facility, open to the public, which provides after hours emergency service, located in the same general community, area or region served by the primary facility.

(20) All facilities where veterinary medicine is practiced other than facilities providing limited veterinary services shall maintain the minimum standards as required by this Rule, unless specifically exempted by statute or Board rule in facilities providing limited veterinary services.

History Note: Authority G.S. 90-185(6); 90-186(2);

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1996; May 1, 1989; October 1, 1982.

.0208 FACILITIES PROVIDING LIMITED VETERINARY SERVICES

(a) If complete veterinary medical services are not offered in a mobile or satellite veterinary clinic, an emergency veterinary hospital, or a house-call practice the public shall be so informed of the services which are not available by way of a posted notice, in plain view. The notice shall list all facilities in the area which offer the services not available in the facility. With respect to a mobile practice, including but not limited to a house-call or farm-call practice, members of the

public who are or may become clients of the veterinary practice shall be informed in writing of the services which are not available at the mobile practice in a manner reasonably calculated to clearly communicate this information, at the first opportunity of inquiry or contact concerning delivery of veterinary services.

(b) The minimum standards set in Rule .0207 for all veterinary premises apply equally to a facility covered by this Rule, except the standards that apply to services that are not available in the facility and of which the public is notified in the posted notice.

(c) If emergency services are not available in the facility on a 24 hour basis, the veterinarians in charge of the facility shall have a written agreement with a local clinic or hospital for the provision of emergency services. The name and address of the local clinic or hospital offering emergency services under the agreement shall be posted. The facility must also comply with the minimum standards set forth in Rule .0207(b)(19) of this Section.

(d) If either hospitalization or radiology services are not available in the facility, the veterinarians in charge of the facility shall have a written agreement with a local clinic or hospital for the provision of these services. The name and address of the local clinic or hospital offering hospitalization or radiology services under the agreement shall be posted.

(e) No animal technician, veterinary student intern, employee or other assistant shall operate any facility covered by this Rule without the direct supervision of a licensed veterinarian on the premises.

(f) If for any reason the veterinarian who is the owner, as well as the veterinarian who is in charge of the facility, does not obtain a written agreement or agreements as required by this Rule, the veterinarian shall provide any or all of the services that would have been covered by the agreement or agreements.

(g) Violation of this Rule shall be grounds for disciplinary action as provided in G.S. 90-186 and 90-187.8.

History Note: Authority G.S. 90-185(6); 90-186(2); 90-186(3);

Eff. October 1, 1982;

Amended Eff. May 1, 1996; May 1, 1989.

.0209 LIMITED LIABILITY COMPANIES

(a) Veterinary medical services may be provided through a limited liability company that complies with this Rule, Article 11, G.S. 90, the rules of the Board, and statutes governing limited liability companies, including G.S. 57D-2-01.

(b) The name of a limited liability company organized to practice veterinary medicine shall not include any adjectives or other words not in accordance with Article 11, G.S. 90 and the rules of the Board.

(c) The corporate name of a professional limited liability company registered under these Rules shall contain the wording "professional limited liability company," "professional ltd. liability

co.," "professional limited liability co.," or "professional ltd. liability company," or an abbreviation of one of the foregoing: "P.L.L.C." or "PLLC."

(d) Domestic professional limited liability companies shall be formed and all limited liability companies shall be operated in accordance with the requirements set out in G.S. 57D.

(e) Before filing the articles of organization for a professional limited liability company organized to practice veterinary medicine with the Secretary of State, the organizing members shall submit the following to the Board:

(1) A registration fee as set by Rule .0108 of this Chapter; and

(2) A certificate certified by all organizing members:

(A) setting forth the names and addresses of each person who will be employed by the professional limited liability company to practice veterinary medicine;

(B) stating that all such persons are duly licensed to practice veterinary medicine in North Carolina; and

(C) representing that the company will be conducted in compliance with the North Carolina Limited Liability Company Act (G.S. 57D), this Chapter, Article 11, G.S. 90 and the rules of the Board.

(f) A certification that each of the organizing members is licensed to practice veterinary medicine in North Carolina shall be returned by the Board to the organizer of the professional limited liability company for filing with the Secretary of State.

(g) A Certificate of Registration for a professional limited liability company shall be renewed annually. The Certificate of Registration shall expire on the last day of December following its issuance by the Board and shall become invalid on that date unless renewed. Upon written application signed by its manager on a renewal form prescribed by the Board accompanied by the prescribed fee as set by Rule .0108 of this Chapter, the Board shall renew the Certificate of Registration providing that the professional limited liability company has complied with Article 11, G.S. 90, the rules of the Board and applicable General Statutes of North Carolina. The renewal form shall require the applicant to set forth:

(1) the legal name, address and telephone number of the company;

(2) the legal names of all members;

(3) the legal names of all officers; and

(4) the veterinary practice facilities operated by the company.

(h) If the Board determines that the reports filed in subsection (e) or (g) of this section, are unclear or incomplete the Board may request in writing such supplemental reports as it deems appropriate from any professional limited liability companies registered with the Board pursuant to G.S. 57D, Article 11, G.S. 90, and these Rules. The professional limited liability company shall file such reports with the Board's office within 30 days from the date it receives the request.

(i) Professional limited liability companies registered with the Board pursuant to G.S. 57D shall file a certified copy of all amendments to the articles of organization within 30 days after the effective date of each amendment. They shall also file a copy of any amendment to the bylaws,

certified to be a true copy by the manager(s) of the professional limited liability company within 30 days after adoption of the amendment.

(j) The Board shall issue a certificate authorizing transfer of membership when membership is transferred in the professional limited liability company. This certificate of transfer shall be permanently retained by the company. The membership books of the company shall be kept at the principal office of the company and shall be subject to inspection by authorized agents of the Board. Transfer of membership shall only be to a person licensed to practice veterinary medicine in this State.

(k) All documents required by these Rules to be submitted to the Board by the professional limited liability company shall be executed by the manager(s) of the professional limited liability company, and duly acknowledged before a notary public or some other officer qualified to administer oaths.

History Note: Authority G.S. 57D-2-01; 90-181.1; 90-186; 90-187.11

Eff. May 1, 1996.

Amended Eff. September 1, 2015.

.0210 REGISTERED LIMITED LIABILITY PARTNERSHIPS

(a) Any registered limited liability partnership created to deliver veterinary medical services shall be created pursuant to and in compliance with G.S. 59 and Article 11, G.S. 90 and the rules of the Board.

(b) All partners of a registered limited liability partnership organized under this Rules shall hold a license to practice veterinary medicine issued by the Board.

(c) A veterinarian who engages in the practice of veterinary medicine through a limited liability partnership shall comply with the registration and other requirements of this Chapter, Article 11, G.S. 90, and the rules of the Board.

(d) A registered limited liability partnership created to deliver veterinary medical services and each of its partners shall comply with Article 11, G.S. 90 and the rules of the Board with respect to the prior approval of the name of the partnership, including the provisions of G.S. 90-181.1.

(e) Limited liability partnerships organized under this Rule shall be organized and operated in accordance with the requirements of G.S. 59. A limited liability partnership organized under this Rule to deliver veterinary medical services shall register with the Board both prior to the delivery of any professional services and prior to registration with the office of the Secretary of State of North Carolina as required by G.S. 59-84.2.

(f) To register the limited liability partnership with the Board, the partners of a veterinary limited liability partnership shall submit to the Board:

(1) A registration fee as required by Rule .0108 of this Chapter; and

(2) A certificate setting forth the names and addresses of each veterinarian who is a partner of the limited liability partnership, a representation that the partnership will be conducted in compliance with G.S. 59 as well as Article 11, G.S. 90 and the rules of the Board, as well as

bearing the notarized signatures of the partners subscribing to the documents certifying to the accuracy of the statements made therein.

(g) The Board shall furnish the limited liability partnership a Certificate of Registration from the Board certifying that each of the organizing partners is licensed to practice veterinary medicine in North Carolina, said Certificate to be filed by the limited liability partnership with the Secretary of State.

(h) The Certificate of Registration for a limited liability partnership shall be renewed annually in order to continue to be effective.

(i) The Board may request in writing such supplemental reports as it deems appropriate from any limited liability partnership registered with the Board pursuant to G.S. 59 and these Rules. The limited liability partnership shall file such reports with the Board's office within 30 days from the date it receives the request.

(j) Limited liability partnerships registered with the Board pursuant to G.S. 59 shall file a certified copy of all amendments to the partnership agreement within 30 days after the effective date of each amendment. They shall also file a copy of any amendment to the bylaws, certified to be a true copy by the managing partner of the limited liability partnership within 30 days after adoption of the amendments.

*History Note: Authority G.S. 59-84.2; 59-84.3; 90-181.1; 90-186;
Eff. May 1, 1996.*

SECTION .0300 - EXAMINATION AND LICENSING PROCEDURES

.0301 APPLICATION AND EXAMINATION

(a) All applicants for a license to practice veterinary medicine shall complete, sign and return the application form for veterinary license available from the Board.

(b) All applicants for license by examination shall successfully pass the licensure examinations. The Board shall review and evaluate the validity and accuracy of information contained in an application for licensure. If the prerequisites of G.S. 90-187 and G.S. 90-187.1 are met, the Board shall admit the applicant to the examinations.

(c) The nature of the examinations is to determine the applicant's minimum competency to practice veterinary medicine within the state of North Carolina. The Board shall administer, in conformity with the testing service criteria, the North American Veterinary Licensing Examination (NAVLE) as prepared by the Board or a licensure examination service contracted with by the Board.

(d) The Board shall also administer a special North Carolina Examination to evaluate the applicant's knowledge of Article 11 of Chapter 90 and 21 NCAC 66 of the North Carolina Administrative Code.

(e) Pursuant to G.S. 90-187.1, the Board shall establish the passing score for the current NAVLE and the North Carolina Examination, which shall include examination on the statutes and administrative rules governing the practice of veterinary medicine in the State.

(f) The Executive Director shall notify all applicants of the score received on the examinations. Thereafter, if all information has been verified as correct and truthful, and if the requirements of G.S. 90-187 and G.S. 90-187.1 have been met, he shall issue a license to those successfully passing the examinations.

(g) This Section does not apply to the licensure, relicensure or reinstatement of a veterinarian whose license has been suspended or revoked by the Board or who presently has a complaint or other matter pending in this or another state or jurisdiction that has or may result in discipline against the applicant's license to practice veterinary medicine in that State.

(h) In determining whether to issue a license to practice veterinary medicine, the Board shall consider all information obtained as a result of the application, including all testing information, including examination scores of the examinations identified herein; and information obtained pursuant to the requirements of Rule .0310 of this Section or information obtained about the applicant which the applicant was required to furnish.

History Note: Authority G.S. 90-185(1); 90-185(6); 90-187; 90-187.1;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 2006; May 1, 1996; May 1, 1989.

.0302 LICENSE RENEWAL

History Note: Authority G.S. 90-185(6); 90-187.5;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Repealed Eff. May 1, 1989.

.0303 SPECIAL REGISTRATION OF VETERINARY TECHNICIANS, INTERNS AND PRECEPTES; RENEWAL OF TECHNICIAN REGISTRATION

(a) Applications for registration as a veterinary technician, veterinary student intern, or veterinary student preceptee shall be on application forms provided by the Board, accompanied by the required application fee. Applicants shall be at least 18 years of age and shall furnish to the Board as requested information from which the Board can determine whether the applicant is a person of honesty and integrity.

(b) To become registered as a veterinary technician, the applicant shall meet the qualification requirements of G.S. 90-181(11). All applicants shall successfully pass the North Carolina Veterinary Technician Examination administered by the Board. Applicants who meet the criteria of G.S. 90-181(11)a shall also successfully pass the Veterinary Technician National Examination (VTNE) as prepared by the Board or a licensure examination service contracted with by the Board.

(c) To become registered as a veterinary student intern or veterinary student preceptee, no examination is required but the applicant shall demonstrate to the satisfaction of the Board that he meets the qualification requirements of G.S. 90-181(9) or (10) and is currently employed by a licensed veterinarian who directs and supervises his work.

(d) All registrations of veterinary technicians shall be renewed every 24 months upon payment by the registrant of the renewal fee adopted by the Board, provided the registrant is otherwise eligible for renewal.

History Note: Authority G.S. 90-185(6); 90-186(4); 90-187.6;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. February 1, 2006, May 1, 1996; May 1, 1989; October 1, 1982.

.0304 DISCIPLINE OF VETERINARY TECHNICIANS, INTERNS/PRECEPTEES: MANDATORY STANDARDS OF CONDUCT

Upon information or complaint, the Board may revoke or suspend the registration of, or otherwise discipline, any veterinary technician, veterinary student intern or veterinarian student preceptee upon any of the following grounds:

(1) The unlawful practice of veterinary medicine, except as permitted by and within the limits of the registration as defined herein and in G.S. 90-187.6. The veterinary medical services of a technician, intern, or other veterinary employee shall be limited to those services permitted by G.S. 90-187.6 under the direction and supervision of a licensed veterinarian. Such supervision and direction shall be construed to require the physical presence of the veterinarian in the facility at a proximity close enough to conduct the appropriate level of supervision for the particular task being performed by the employee. The rendering of veterinary medical services in a satellite clinic, mobile clinic, emergency clinic or other facility where the supervising veterinarian is not on the premises shall subject the registrant to revocation of registration.

(2) The violation of G.S. 90-187.6(b) concerning the acceptance of a fee or compensation.

(3) Representing to members of the public that the registrant is a licensed veterinarian or otherwise misleading the public in the belief that the registrant is a licensed veterinarian.

(4) Any other grounds for disciplinary action applicable to licensed veterinarians as defined in G.S. 90-187.8 or the rules of the Board.

History Note: Authority G.S. 90-185(6); 90-186(3);

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1996; May 1, 1989; November 9, 1979.

.0305 TEMPORARY PERMITS

(a) Applicants for temporary permits shall apply to the Board utilizing the application form for a temporary permit. The Board or its designee shall not act upon the application until fully completed. The Board may independently verify the information provided on the form by the applicant.

(b) Applicants for temporary permits shall meet the qualifications as established in G.S. 90-187.4. No temporary permits shall be issued to applicants who are not graduates of an accredited school of veterinary medicine as defined by the American Veterinary Medical Association. At the time of submission of an application for a temporary permit, the applicant shall provide to the Board the name(s) and location(s) of the licensed veterinarian(s) within the state who shall be the supervising veterinarian(s). The supervising veterinarian(s) shall be in good standing with the Board and an active practitioner(s) within the State. The Board, or its designee, shall approve the application and notify the applicant before the applicant shall be authorized to engage in the supervised practice of veterinary medicine within the state.

(c) A temporary permit shall expire or be revoked as provided in G.S. 90-187.4 and no official notification of the revocation or expiration shall be given to the permittee. Temporary permits may not be renewed but may be reissued, within the discretion of the Board, after submission of a new application.

(d) The Board shall determine the restrictions for the temporary permit, which restrictions shall be recorded on the permit. In addition to any other restrictions or conditions imposed by the Board, the supervising veterinarian shall ensure that another veterinarian is available to supervise the holder of the temporary permit on those occasions when the supervising veterinarian is unable to be available for supervision.

History Note: Authority G.S. 90-185(6); 90-187.4;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1996; May 1, 1989.

.0306 LICENSE WITHOUT EXAMINATION

(a) The Board may issue a license without written examination other than the North Carolina License Examination to an applicant who meets the criteria as established in G.S. 90-187.3.

(b) An applicant shall certify that he is currently an active, competent practitioner in good standing and this certification shall be verified by the state licensing Board from the applicant's most recent clinical practice. An applicant is deemed to have practiced in another state at least three of the last five years immediately preceding his application if the applicant certifies that he

has engaged in the unexempt practice of veterinary medicine as defined in the North Carolina Practice Act for that length of time. The licensure requirements in the other state are deemed substantially equivalent to those required by this state if the other state administered the same standardized licensing tests (excluding the North Carolina Practice Act Test) as were administered in North Carolina at the time of the applicant's original licensing in the other state and the tests were graded in accordance with North Carolina grading criteria.

History Note: Authority G.S. 90-185(6); 90-187.3;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1996; May 1, 1989.

.0307 REVOCATION/SUSPENSION/TEMPORARY PERMITS/SPECIAL REGISTRATIONS

The registration of a veterinary technician may be suspended or revoked, and the technician may be disciplined, in accordance with the same due process procedures as are provided for individual licenses and corporate registrants under the provisions of G.S. 150B or G.S. 90, Article 11, or Board Rules.

History Note: Authority G.S. 90-185(6); 90-187.4(b); 90-187.8;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1996; May 1, 1989.

.0308 REINSTATEMENT AFTER REVOCATION

Any person whose license or registration has been suspended or revoked may apply for reinstatement without written examination subject to any terms and conditions as contained in the final agency decision issued by the Board upon revoking or suspending the person's license or registration. The Board, at its discretion, may conduct a fact-finding hearing to determine whether sufficient cause exists to justify, in the discretion of the Board, the reinstatement of the license or registration.

History Note: Authority G.S. 90-185(6); 90-187.9;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1996; May 1, 1989.

.0309 PETITION FOR INACTIVE STATUS

(a) Any licensed veterinarian who is in good standing with the Board and who has ceased the practice of veterinary medicine may apply for inactive status. The Board, in its discretion, may

place the licensed veterinarian on an inactive list of members and thereafter the licensed veterinarian who has obtained the inactive status shall not practice veterinary medicine or be required to pay the annual license renewal as prescribed in G.S. 90-187.5 and Board Rule .0302 or required to earn continuing education credits.

(b) Any veterinarian who has been placed on inactive status and who desires to be reinstated or to resume the practice of veterinary medicine may be reinstated within the discretion of the Board upon the determination by the Board that the inactive veterinarian is competent to practice veterinary medicine; that the veterinarian pay the required license renewal fee for the current year in which the application is filed; and that the veterinarian earn the required continuing education credits in the year preceding reinstatement.

*History Note: Authority G.S. 90-185(2); 90-185(6);
Eff. June 1, 1987.*

.0310 PENDING COMPLAINT OR DISCIPLINE AGAINST APPLICANTS LICENSED OR REGISTERED IN OTHER STATES

(a) Upon complaint or information, and within the Board's discretion, the Board may deny a license required by Article 11, G.S. 90.

(b) Applicants for a license to practice veterinary medicine may be required upon initial application to inform the Board in writing of any prior discipline or administrative action, or the equivalent thereof, against the applicant's license to practice veterinary medicine in another state or jurisdiction; or any pending complaint or unresolved disciplinary or administrative action, or the equivalent thereof, against the applicant's license to practice veterinary medicine in another state.

(c) The applicant shall furnish or give the Board permission to obtain true and accurate copies of documents relevant to consideration of the prior or pending disciplinary action.

(d) In reviewing an applicant's application, the Board may consider information determined to be reliable, including but not limited to information from the National Disciplinary Data Base about the licensee, or information obtained from other state veterinary medical boards, or other federal or state agencies.

(e) The applicant for license to practice veterinary medicine may be required to furnish all facts relating to the existence of any pending charges alleging violation of a federal or state criminal statute or law, in this or any other country.

*History Note: Authority G.S. 90-185(2); 90-185(6); 90-186(3); 90-187; 90-187.3;
Eff. May 1, 1996.*

.0311 LIMITED VETERINARY LICENSE

(a) A "limited veterinary license" or "limited license" is a license as defined in G.S. 90-181(4).

(b) Unless otherwise provided in G.S. Chapter 90, Article 11 or in a Board rule, the provisions of G.S. Chapter 90, Article 11 and Title 21 NCAC 66 are applicable to limited veterinary licenses.

(c) The terms and restrictions of the scope or areas of practice of veterinary medicine of the holder of the limited veterinary license shall be determined by the Board upon consideration of all criteria deemed relevant by the Board to effectuate the purposes of the limited license, including:

- (1) whether the applicant is licensed to practice veterinary medicine in other states of the United States, or other countries or jurisdictions, whether those licenses are active, and whether there are any investigations or pending complaints against the licenses at the time of the consideration of the application;
- (2) the length of time the applicant has been licensed in good standing to practice veterinary medicine;
- (3) the reasons that the applicant offers for requesting a limited veterinary license;
- (4) whether facts available to the Board indicate the applicant's application has merit; and
- (5) any information affecting the applicant's capability and need for a limited veterinary license, determined on a case-by-case basis, including the applicant's record of any criminal charges and convictions.

(d) Upon written application, the Board may issue a limited veterinary license to a person employed by the North Carolina Department of Agriculture and Consumer Services (NCDA&CS) in a position with the North Carolina Veterinary Diagnostic Laboratory System (NCVDLS), provided the applicant meets the criteria for issuance of this limited veterinary license. The following provisions are applicable to this limited veterinary license:

- (1) The criteria for eligibility for this limited veterinary license are:
 - (A) The applicant is not eligible for a license as a veterinarian under G.S. Chapter 90, Article 11 and Title 21 NCAC 66.
 - (B) The applicant:
 - (i) is a graduate of a veterinary medical education program at an institution accredited by the American Veterinary Medical Association (AVMA);
or
 - (ii) is a graduate of a veterinary medical education program at an institution of higher education or its equivalent, not accredited by the AVMA, that qualifies a graduate to practice veterinary medicine in the country where the institution of higher education is located.
 - (C) The applicant completes an application form from the Board, which shall request the following information from the applicant:
 - (i) full legal name;
 - (ii) mailing address;
 - (iii) telephone number;

- (iv) email address;
 - (v) social security number;
 - (vi) date of birth; and
 - (vii) veterinary college information and year of graduation.
- (D) The applicant has achieved a passing score on the written North Carolina examination administered by the Board.
 - (E) There is no disciplinary proceeding or unresolved complaint pending against the applicant in any State, territory, or district of the United States, or in a foreign country where the applicant is or has been licensed or permitted to practice veterinary medicine.
 - (F) That any disciplinary actions taken against the applicant or his or her license by any State, territory, or district of the United States, or by a Board or agency with jurisdiction in a foreign country where the applicant is licensed to practice veterinary medicine will not affect the applicant's ability and competency to practice veterinary medicine within the limitations and restrictions of the employment position with NCVDLS.
 - (G) The applicant submits with the application the fee for a limited veterinary license set forth in 21 NCAC 66 .0108.
 - (H) The applicant provides to the Board with the application a written statement from the Director of Laboratories of the NCVDLS that:
 - (i) describes the duties of the applicant's prospective employment position with NCVDLS that require this limited veterinary license; and
 - (ii) advises the Board that the applicant has been offered and has agreed to accept the described employment position with NCVDLS contingent upon the applicant receiving a limited veterinary license from the Board.
- (2) The applicant shall request for the limited veterinary license to be renewed annually each calendar year.
 - (3) The Board may issue a temporary permit for this limited veterinary license as follows:
 - (A) The applicant meets the criteria for eligibility for this limited veterinary license except for not achieving a passing score on the written North Carolina examination.
 - (B) The temporary permit shall expire sixty (60) days after it is issued by the Board, but upon written request from the applicant, the Board shall renew the temporary permit for one hundred twenty (120) days in order for the applicant to achieve a passing score on the written North Carolina examination.

- (C) The temporary permit shall contain restrictions as to time, place, and supervision of the licensee.
- (D) The holder of a temporary permit for this limited veterinary license shall be supervised by a veterinarian licensed by the Board who is employed by the NCDA&CS in the NCVDLS.
- (4) This limited veterinary license shall be restricted in scope to the duties of the license holder's employment position with NCDA&CS and NCVDLS and shall automatically expire when the license holder's employment with NCDA&CS and NCVDLS ends.
- (5) The following sections of G.S. Chapter 90, Article 11, and of Title 21, Chapter 66, NCAC are not applicable to the licensing requirements for this limited veterinary license: G.S. §90-187(c); §90-187.3; §90-187.4; 21 NCAC 66.0301(a),(b),(c),(e) and (f); 21 NCAC 66.0305; 21 NCAC 66.0306; and 21 NCAC 66.0309.

*History Note: Authority G.S. 90-181(4); 90-185(1); 90-185(6); 90-187.8;
Eff. May 1, 1996;
Amended Eff. June 1, 2017*

SECTION .0400 - RULES: PETITIONS: HEARINGS

.0401 RULE-MAKING PETITIONS

(a) A person may petition the Board to adopt a new rule or change or amend an existing rule by sending a rule-making petition to the Board at the Board's address set out in Rule .0101 of this Chapter. The petition must be titled "Petition for Rule-making" and must include the following information:

- (1) the name and address of the person submitting the petition;
- (2) a citation to any rule for which a change or repeal is requested;
- (3) a draft of any proposed rule or amended rule;
- (4) an explanation of why the new rule, amendment, or repeal is requested and the effects of the new rule, amendment, or repeal on the Board's procedure or the persons regulated by the Board;
- (5) any other information the person submitting the petition considers relevant.

(b) The Board must decide whether to grant or deny a petition for rule-making within 120 days of receiving the petition. In making its decision, the Board will consider the information submitted with the petition and any other relevant information.

(c) When the Board denies a petition for rule-making, it must send written notice of the denial to the person who submitted the request. The notice must state the reason for the denial. When the

Board grants a rule-making petition, it must initiate rule-making proceedings and send written notice of the proceedings to the person who submitted the request.

*History Note: Authority G.S. 90-185(6); 150B-16;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0402 NOTICE OF RULE-MAKING HEARINGS

Upon a determination to hold a rule-making proceeding, either in response to a petition or otherwise, the Board shall give notice to all interested persons pursuant to the procedure established in Article 2 of Chapter 150B of the North Carolina General Statutes.

*History Note: Authority G.S. 90-185; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0403 NOTICE MAILING LIST

Any person desiring to be placed on the mailing list for Board rule-making notices may file such request in writing, furnishing his name and mailing address to the Board. The letter of request should state those subject areas within the authority of the Board for which the person wants notice. The Board may require reasonable postage and stationery costs to be paid by a person who is mailed a rule-making notice.

*History Note: Authority G.S. 90-185; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0404 SUBMISSION OF DATA

Any person desiring to present data, views or arguments on a proposed rule must comply with the statement of procedure as contained in the Notice of Hearing for the rule. Any person desiring to make an oral presentation to the Board prior to or at the hearing is encouraged to submit a written copy of the presentation to the Board prior to or at the hearing.

*History Note: Authority G.S. 90-185; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0405 PRESIDING OFFICER: POWERS AND DUTIES

The presiding officer at a rule-making hearing shall have complete control of the proceedings, including recognition of the speakers, time allotments for presentations, the right to question speakers, direction of the discussion and management of the hearing. The presiding officer, at all times, will take care that each person participating in the hearing is given a fair opportunity to present views, data and comments. The presiding officer shall conduct the rule-making hearing pursuant to the procedure established in Article 2 of Chapter 150B of the North Carolina General Statutes.

*History Note: Authority G.S. 90-185; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0406 RECORD OF PROCEEDINGS

A record of all rule-making proceedings will be maintained in the Board office for as long as the rule is in effect. This record shall contain: the original petition (if any), the notice, all written comments submitted, any statement of explanation made to an interested party, and the minutes of the proceedings.

*History Note: Authority G.S. 90-185; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0407 REQUEST TO PARTICIPATE

.0408 CONTENTS OF REQUEST: GENERAL TIME LIMITATIONS

.0409 RECEIPT OF REQUEST: SPECIFIC TIME LIMITS

.0410 WRITTEN SUBMISSIONS

.0411 PRESIDING OFFICER: POWER AND DUTIES

.0412 STATEMENT OF REASONS FOR DECISION

.0413 RECORD OF PROCEEDINGS

.0414 EMERGENCY RULES

*History Note: Authority G.S. 90-185(6); 150A-11; 150A-12(a),(d),(e); 150A-13;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. May 1, 1989.*

SECTION .0500 - DECLARATORY RULINGS

.0501 PROCEDURE FOR DECLARATORY RULING

(a) The Board shall decide whether to grant or deny a request to make a declaratory ruling on the validity of a rule or on the applicability of particular facts to a statute or to a rule or order of the Board within 60 days of receiving the petition. The Board shall deny a request for a declaratory ruling when the Board deems the petition undesirable. The Board will ordinarily refuse to grant a petition for a declaratory ruling when there has been a similar factual determination in a contested case or one is likely to be made in a pending contested case or investigation.

(b) The Board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence as offered in the petition for the declaratory ruling. When the Board determines that a rule is invalid, the Board shall initiate rule-making proceedings and send written notice of the proceeding to the person who submitted the request.

History Note: Authority G.S. 90-185; 150B-17;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1989.

.0502 SUBMISSION OF REQUEST FOR RULING

.0503 DISPOSITION OF REQUESTS

.0504 RECORD OF DECISION

.0505 EFFECTIVE DATE

History Note: Authority G.S. 90-185(6); 150A-11; 150A-17;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Repealed Eff. May 1, 1989.

SECTION .0600 - ADMINISTRATIVE HEARINGS: PROCEDURES

.0601 COMMITTEE ON INVESTIGATIONS

- (a) Upon receipt of a charge alleging misconduct against a licensee or registrant of the Board, the Executive Director shall inform the accused party of the nature of the charges as filed with the Board.
- (b) The accused party shall respond to the charges by filing a written answer with the Board within 20 days of the receipt of the notification of charges.
- (c) The complaining party shall be provided with a copy of the accused party's answer and within 20 days from receipt thereof shall file a reply to the accused party's answer.
- (d) The charges as filed with the Board, the answer and reply may be referred to the Committee on Investigations (hereinafter referred to as "Committee"). The Committee shall consist of three members of the Board, one of whom shall serve as chairman.
- (e) The Committee shall investigate the complaint referred to it by the Board and as part of the investigation may:
- (1) Assign the complaint to the Board's investigator who shall submit a written report to the Committee.
 - (2) Invite the complaining party and the accused party before the Committee to receive their oral statements, but neither party shall be compelled to attend.
 - (3) Conduct any other type of investigation as is deemed appropriate by the Committee.
- (f) Upon the completion of the investigation, the Committee shall determine whether or not there is probable cause to believe that the accused party has violated any standard of misconduct which would justify a disciplinary hearing based upon the grounds as specified in Article 11 of Chapter 90 of the North Carolina General Statutes or this Chapter.
- (g) If probable cause is found, the Committee shall direct the legal counsel for the Board to file a Notice of Hearing.
- (h) If probable cause is found, but it is determined that a disciplinary hearing is not warranted, the Committee may issue a reprimand to the accused party. A statement of such reprimand shall be mailed to the accused party. Within 15 days after receipt of the reprimand, the accused party may refuse the reprimand and request that Notice of Hearing be issued pursuant to Chapter 150B of the North Carolina General Statutes or this Chapter. Such refusal and request shall be addressed to the Committee and filed with the Executive Director for the Board. The legal counsel for the Board shall thereafter prepare and file a Notice of Hearing. If the letter of reprimand is accepted, a record of the reprimand shall be maintained in the office of the Board.
- (i) If no probable cause is found, the Committee shall dismiss the charges and prepare a statement of the reasons therefore which shall be mailed to the accused party and the complaining party.
- (j) If no probable cause is found, but it is determined by the Committee that the conduct of the accused party is not in accord with accepted professional practice or may be the subject of discipline if continued or repeated, the Committee may issue a letter of caution to the accused party stating that the conduct, while not the basis for a disciplinary hearing, is not professionally acceptable or may be the basis for a disciplinary hearing if repeated. A record of such letter of caution shall be maintained in the office of the Board.

(k) A Board member who has served on the Committee is deemed disqualified to act as a presiding officer or member of the Board assigned to render a decision in any administrative disciplinary proceeding brought pursuant to a Notice of Hearing for which that member has sat in an investigative capacity as a member or chairman of the Committee.

(l) The Board may assess and recover against persons holding licenses, limited licenses, temporary permits, faculty certificates, Zoo veterinary certificates or any certificates of registration issued by the Board, costs incurred by the Board for the following expenses, respectively, that have been incurred by the Board in the investigation, prosecution, hearing or other administrative action in final decisions or orders where those persons are found to have violated the Veterinary Practice Act or Administrative Rules of the Board:

- (1) legal expenses, including reasonable attorney fees, incurred by the Board; and
- (2) witness fees and statutorily-allowed expenses for witnesses; and
- (3) direct costs of the Board in taking or obtaining of depositions of witnesses; and
- (4) costs incurred by reason of administrative or staff time of employees of the Board directly attributable to the action leading to the final decision or order.

The costs assessed may be assessed pursuant to final decision or orders entered with or without the consent of the person holding the respective license, registration permit or certificate; no costs referred to in this Paragraph shall be assessed against a person holding a respective license, permit registration or certificate for an investigation or action in the nature of disciplinary action other than a final decision or order of the Board, unless and except expressly consented to by said person in a Consent Order approved by the Board.

(m) A civil monetary penalty of up to five thousand dollars (\$5,000) for each violation of Article 11, G.S. 90 or Board rule may be imposed and collected from a person holding a license (the word "license" is as defined in G.S. 90-187.8(a)) upon a finding by the Board of the relevant factor or factors in G.S. 90-187.8(b)(1) through (6). With respect to this subsection, the phrase "violation of Article 11, G.S. 90 or Board rule" shall be deemed to mean Article 11, G.S. 90, the Veterinary Practice Act, or the rules of the Board, and shall include final decisions, orders, and consent orders, letters of reprimand and other permitted disciplinary actions, but it expressly excludes letters of caution issued by the Board.

History Note: Authority G.S. 90-185(3); 90-185(6);

Eff. January 1, 1987;

Amended Eff. May 1, 1996; May 1, 1989.

.0602 RIGHT TO HEARING

When the Board acts or proposes to act, other than in rule-making or declaratory ruling proceedings, in a manner which will affect the rights, duties, or privileges of a specific, identifiable person, such person has the right to an administrative hearing. When the Board proposes to act in such manner, it shall give all such affected persons notice of their right to a

hearing by mailing by certified mail to them at their last known address a notice of the proposed action and a notice of a right to a hearing.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0603 REQUEST FOR HEARING

- (a) Any time an individual believes that individual's rights, duties, or privileges have been affected by the Board's administrative action, but has not received notice of a right to an administrative hearing, that individual may file a formal request for a hearing.
- (b) Before an individual may file a request, that individual is encouraged to exhaust all reasonable efforts to resolve the issue informally with the Board.
- (c) Subsequent to such informal action, if still dissatisfied, the individual must submit a request to the Board's office, with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request must contain the following information:
 - (1) Name and address of the petitioner;
 - (2) A concise statement of the action taken by the Board which is challenged;
 - (3) A concise statement of the way in which the petitioner has been aggrieved; and
 - (4) A clear and specific statement of request for a hearing.
- (d) The request will be acknowledged promptly and, if deemed appropriate by the Board in accordance with Rule .0604 of this Section, a hearing will be scheduled.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0604 GRANTING OR DENYING HEARING REQUESTS

- (a) The Board shall grant a request for a hearing if it determines that the party requesting the hearing is a "person aggrieved" within the meaning of G.S. 150B-2(6).
- (b) The denial of request for a hearing shall be issued no later than 60 days after the submission of the request. Such denial shall contain a statement of the reasons for the denial of the request.
- (c) Approval of a request for a hearing will be signified by the issuing of a notice as required by G.S. 150B-38(b) and explained in Rule .0605 of this Section.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;*

Amended Eff. May 1, 1989.

.0605 NOTICE OF HEARING

(a) The Board shall give the party or parties in a contested case a notice of hearing not less than 15 days before the hearing. Said notice shall contain the following information, in addition to the items specified in G.S. 150B-38(b):

(1) the name, position, address and telephone number of a person at the offices of the Board to contact for further information or discussion;

(2) the date, time, and place for a pre-hearing conference, if any; and

(3) any other information deemed relevant to informing the parties as to the procedure of the hearing.

(b) The Board shall give notice to all parties with a notice of hearing either personally or by certified mail or, if those methods are unavailable, in accordance with G.S. 1A-1, Rule 4(j1). In the event that notice is accomplished by certified mail, the delivery date on the return receipt shall be the date of the service of notice.

(c) If the Board determines that the public health, safety or welfare requires such action, it may issue an order summarily suspending a license or registration. Upon service of the order, the licensee or registrant to whom the order is directed shall immediately cease the practice of veterinary medicine in North Carolina. The Board shall promptly give notice of hearing pursuant to G.S. 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42.

History Note: Authority G.S. 90-185; 150B-3(c); 150B-11; 150B-38;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1989.

.0606 WHO SHALL HEAR CONTESTED CASES

All contested case hearings shall be conducted by the full Board or by a panel consisting of at least a majority of the members of the Board provided, however, the term "members" shall not be deemed to include a vacant position of a board member, whether the vacancy is the result of resignation, non-appointment, or other cause. When required by Chapter 150B of the North Carolina Statutes the Board shall apply to the Office of Administrative Hearings for the designation of an administrative law judge to hear the case pursuant to G.S. 150B-40(e).

History Note: Authority G.S. 90-185; 150B-38; 150B-40;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. May 1, 1996; May 1, 1989.

.0607 PETITION FOR INTERVENTION

(a) A person desiring to intervene in a contested case must file a written petition with the Board's office. The request must bear the notation: PETITION TO INTERVENE IN THE CASE OF (Name of Case).

(b) The petition must include the following information:

- (1) the name and address of petitioner;
- (2) the business or occupation of petitioner, where relevant;
- (3) a full identification of the hearing in which petitioner is seeking to intervene;
- (4) the statutory or non-statutory grounds for intervention;
- (5) any claim or defense in respect of which intervention is sought; and
- (6) a summary of the arguments or evidence petitioner seeks to present.

(c) If the Board determines to allow intervention, notice of that decision will be issued promptly to all parties and to the petitioner. In cases of discretionary intervention, such notification will include a statement of any limitations of time, subject matter, evidence, or whatever else is deemed necessary that are imposed on the intervenor.

(d) If the Board's decision is to deny intervention, the petitioner shall be notified promptly. Such notice shall be in writing, identifying the reasons for the denial, and shall be issued to the petitioner and all parties.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0608 TYPES OF INTERVENTION

(a) Intervention of Right. A petition to intervene as of right, as provided in the North Carolina Rules of Civil Procedure, Rule 24, will be granted if the petitioner meets the criteria of that rule and the petition is timely.

(b) Permissive Intervention. A petition to intervene permissively as provided in the North Carolina Rules of Civil Procedure, Rule 24, will be granted if the petitioner meets the criteria of that rule and the Board determines that:

- (1) There is sufficient legal or factual similarity between the petitioner's claimed rights, privileges, or duties and those of the parties to the hearings; and
- (2) Permitting intervention by the petitioner as a party would aid the purpose of the hearing.

(c) Discretionary Intervention. The Board may allow discretionary intervention, with whatever limits and restrictions are deemed appropriate.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;*

Amended Eff. May 1, 1989.

.0609 INFORMAL PROCEDURES

- (a) The Board and the other party or parties may agree in advance to simplify the hearing by: decreasing the number of issues to be contested at the hearing; accepting the validity of certain proposed evidence; accepting the findings in some other case with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing.
- (b) Informal disposition may be made of any contested case or any issue therein by stipulation, agreement, or consent order at any time after Notice of Hearing or during the proceedings.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0610 DISQUALIFICATION OF BOARD MEMBERS

- (a) Self-disqualification. If for any reason a Board member determines that personal bias or other factors render that member unable to conduct the hearing and perform all duties in an impartial manner, that Board member shall voluntarily decline to participate in the hearing or decision.
- (b) Petition for Disqualification. If for any reason any party in a contested case believes that a Board member is personally biased or otherwise unable to conduct the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board. The title of such affidavit must bear the notation: AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (Name of Case).
- (c) Contents of Affidavit. The affidavit must state all facts the party deems to be relevant to the disqualification of the Board member.
- (d) Timeliness of Affidavit. An affidavit of disqualification will be considered timely if filed ten days before commencement of the hearing. Any other affidavit will be considered timely provided it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief that a Board member may be disqualified under this Rule.
- (e) Procedure for Determining Disqualification:
 - (1) The Board will appoint a Board member to investigate the allegations of the affidavit.
 - (2) The investigator will report to the Board the findings of the investigation.
 - (3) The Board shall decide whether to disqualify the challenged individual.
 - (4) The person whose disqualification is to be determined will not participate in the decision but may be called upon to furnish information to the other members of the Board.
 - (5) A record of proceedings and the reasons for any decision reached will be maintained as part of the contested case record.

(6) When a Board member is disqualified prior to the commencement of the hearing or after the hearing has begun, such hearing will continue with the remaining members sitting provided that the remaining members still constitute a majority of the Board.

(7) If disqualification of a Board member leaves less than a majority of the Board, the Board shall petition the Office of Administrative Hearings to appoint an administrative law judge to hear the contested case pursuant to G.S. 150B-40(e).

(8) Where a petition for disqualification is filed less than ten days before or during the course of a hearing, the hearing shall continue with the challenged Board member sitting. Petitioner shall have the opportunity to present evidence supporting his petition, and the petition and any evidence relative thereto presented at the hearing shall be made a part of the record. The Board, before rendering its decision, shall decide whether the evidence justifies disqualification. In the event of disqualification, the disqualified member will not participate in further deliberation or decision of the case.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38; 150B-40;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

SECTION .0700 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS

.0701 FAILURE TO APPEAR

(a) Continuances and adjournments will be granted only in compelling circumstances.

(b) Should a party fail to appear at a hearing or fail to appear following the granting of a continuance or adjournment, the hearing will be conducted in the party's absence.

(c) If a hearing is conducted and a decision is reached in an administrative hearing in the absence of a party, that party may file a written petition with the Board for a reopening of the case.

(d) Petitions for reopening a case will not be granted except when the petitioner can show that the reasons for his failure to appear were justifiable and unavoidable and that fairness requires reopening the case. Such petitions, however, will have no effect on the running of the 30-day period for seeking judicial review, which starts from the day the party is served with the final decision.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38; 150B-40;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;*

Amended Eff. May 1, 1989.

.0702 WITNESSES

Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded or transcribed. At the request of a party or upon the Board's own motion, the presiding officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38; 150B-40;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0703 SUBPOENAS

- (a) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office.
- (b) Such objection shall include a concise, but complete, statement of reasons why the subpoena should be revoked or modified.
- (c) Any such objection to a subpoena shall be served on the party who requested the subpoena simultaneously with the filing of the objection with the Board.
- (d) The party who requested the subpoena, in such time as may be granted by the Board, may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness simultaneously with filing the response with the Board.
- (e) After receipt of the objection and response thereto, if any, the Board shall issue a notice to the party who requested the subpoena and the party challenging the subpoena, and may notify any other party or parties of an open hearing, to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.
- (f) Promptly after the close of such hearing, the majority of the Board members hearing the contested case shall rule on the challenge and issue a written decision. A copy of the decision shall be issued to all parties and made a part of the record.

*History Note: Authority G.S. 90-185; 150B-38; 150B-39;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989.*

.0704 FINAL DECISION

In all cases heard by the Veterinary Medical Board, the Board will issue its decision within 60 days after its next regularly scheduled meeting following the close of the hearing. This decision will be the prerequisite "final agency decision" for the right to judicial review.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38; 150B-42;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

.0705 PROPOSALS FOR DECISIONS

- (a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), a "proposal for decision" shall be rendered within 45 days of the hearing pursuant to the Rules of the Office of Administrative Hearings. The parties may file written exceptions to this "proposal for decision" and submit their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals must be filed within ten days after the party has received the "proposal for decision" as drafted by the administrative law judge.
- (b) Any exceptions to the procedure during the hearing, the handling of the hearing by the administrative law judge, rulings on evidence, or any other matter must be written and refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. The exceptions must be filed with the Board within ten days of the receipt of the proposal for decision. The written exceptions must bear the notation: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (Name of Case).
- (c) Any party may present oral argument to the Board upon request. The request must be included with the written exceptions.
- (d) Upon receipt of request for further oral argument, notice will be issued promptly to all parties designating the time and place for such oral argument.
- (e) Giving due consideration to the proposal for decision and the exceptions and arguments of the parties, the Board may adopt the proposal for decision or may modify it as the Board deems necessary. The decision rendered will be a part of the record and a copy thereof given to all parties. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. Said decision will be rendered by the Board within 60 days of the next regularly scheduled meeting following the oral arguments, if any. If there are no oral arguments presented, the decision will be rendered within 60 days of the next regularly scheduled Board meeting following receipt of the written exceptions.

*History Note: Authority G.S. 90-185; 150B-11; 150B-38; 150B-40;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989.*

SECTION .0800 - JUDICIAL REVIEW

.0801 RIGHT TO JUDICIAL REVIEW

.0802 MANNER OF SEEKING REVIEW: TIME FOR FILING PETITION: WAIVER

History Note: Authority G.S. 90-185(6); 150A-43; 150A-45;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Repealed Eff. May 1, 1989.