NOTICE OF TEXT
[Authority G.S. 150B-21.2(c)]

OAH USE ONLY
VOLUME:
ISSUE:

CHECK APPROPRIATE BOX:

☒ **Notice with a scheduled hearing**
☐ **Notice without a scheduled hearing**
☐ **Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.**
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: Veterinary Medical Board

2. Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncvmb.org/

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ **ADOPTION:**

☒ **AMENDMENT:** 21 NCAC 66 .0201, .0205, .0207, .0208, .0210, .0301, .0303-.0306, .0308-0311, .0601-.0610, .0701-.0705

☒ **REPEAL:** 21 NCAC 66 .0208, .0307

☐ **READOPTION with substantive changes:**

☐ **READOPTION without substantive changes:**

☐ **REPEAL through READOPTION:**

4. Proposed effective date: May 1, 2027

5. Is a public hearing planned? ☒ **Yes** ☐ **No**

If yes: **Public Hearing date:** February 3, 2027
Public Hearing time: 9:00am
Public Hearing location: NC Veterinary Medical Board, 1611 Jones Franklin Rd., Suite 106, Raleigh, NC 27606

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

.0201- updated language
.0205- updated language and added discipline for failing to maintain medical records required by 21 NCAC 66 .0207
.0207- updated and clarified language, improved format of rule, combined requirements from .0208 into this rule
.0208- repeal due to moving requirements to .0207
.0210- updated language
.0301- updated language, describe application, clarify requirements, add option to voluntarily surrender license
.0303- updated language, describe application, clarify requirements, added option to voluntarily surrender license
.0304- updated language, added language from .0307 which will be repealed
.0305- updated language, describe application, clarify requirements
.0306- updated language, describe application
.0307- repeal due to moving language to .0304
.0308- updated language
.0309- updated language, describe application, included reinstatement fee, clarified requirements
.0310- updated language, added requirement for current licensees and registrants to report discipline and criminal charges
.0311- updated language, removed information about position with Rollins laboratory as no applicants or licenses ever issued
.0601- updated language, clarified investigation and discipline process and outcomes, added option to require CE for discipline
.0602-.0610 and .0701-.0705 updated language and authority citations

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Melissa Bowman
Address: 1611 Jones Franklin Rd., Suite 106
Raleigh, NC 27606
Phone (optional): 919-854-5601
Fax (optional):
EMail (optional) mbowman@ncvmb.org

10. Comment Period Ends: 02/15/2027

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

No fiscal note required

12. Rule-making Coordinator:

Name: Melissa Bowman
919-854-5601
mbowman@ncvmb.org

Agency contact, if any:

Name: Keith West
Phone: 919-854-5601
Email: kwest@ncvmb.org

13. The Agency formally proposed the text of this rule(s) on

Date: 11/19/2026

21 NCAC 66 .0201 is proposed for amendment as follows:

SECTION .0200 - PRACTICE OF VETERINARY MEDICINE

21 NCAC 66 .0201 FORMS OF PRACTICE

(a) The phrase "veterinary practice" or "veterinary medical practice" ~~shall be deemed to be~~ means ~~the delivery of veterinary medical services~~ providing services that represent the practice of veterinary medicine, as defined in G.S. 181(6), by a licensed ~~veterinarian through a sole proprietorship or a legal entity authorized by law to engage in the delivery of veterinary medical services.~~ veterinarian. These services shall only be provided by a person, as defined in G.S. 90-181(5), who holds the veterinary facility permit.

~~(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)~~(b) ~~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.~~ Professional corporations and any person, as defined in G.S. 90-181(5), engaging in veterinary practice shall be subject to the Board's disciplinary powers as set forth in G.S. 90-187.8 and the rules of this Chapter.

~~(d)~~(c) 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"~~ 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;~~ 90-187.8; 90-187.12;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0205 is proposed for amendment as follows:

21 NCAC 66 .0205 DISCIPLINE OF ~~LICENSEES; PERMITTEES;~~ LICENSEES, PERMITTEES, REGISTRANTS: MANDATORY STANDARDS OF CONDUCT

Grounds for disciplinary action by the Board against licensees, permittees, certificate holders, or registrants shall include ~~those as stated in G.S. 90-187.8, in addition to (but not limited to),~~ the grounds outlined in G.S. 90-187.8(c) and the following:

(1) ~~making~~ providing untrue ~~and deceitful statements~~ or misleading statements in any ~~application or~~ application or representation to the ~~Board, or in any~~ Board; in any professional ~~relationship~~, 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~~ that enables others to ~~evade the~~ circumvent animal and public health ~~requirements~~ rules related to the practice of veterinary medicine, as ~~administered~~ enforced by the North Carolina or U.S. Departments of ~~Agriculture~~ Agriculture, ~~or~~ the North Carolina Department of Human Resources, or ~~to the provisions of~~ the North Carolina Veterinary ~~Practice Act;~~ Medical Board;

(3) ~~making, promising to make or accepting~~ offering, promising, or accepting ~~contributions of~~ money, ~~goods~~ goods, or services ~~for purposes of bribing any person with whom the person licensed has a~~ as bribes in connection with a professional ~~association,~~ associate, ~~or has~~ any individual within 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;~~ or with anyone receiving professional services under the license;

(4) defrauding ~~or willfully misleading~~ the ~~Board~~ Board; ~~or any person with whom he or she has~~ a professional ~~association,~~ associate; ~~or has~~ an individual within 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;~~ G.S. 90-187(7a); or with anyone receiving professional services 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 ~~this~~ of the Board or the veterinary licensing board in another state; and

(6) communicating false information, verbally or in ~~writing~~ writing, ~~information which tends to discredit~~ that discredits the reputation, ~~integrity~~ integrity, or professional competence of a veterinarian, ~~permittee~~ permittee, or ~~registrant,~~ registrant. ~~and which information is false, or done in reckless disregard of the truth of falsity of the information communicated.~~ This includes statements made with reckless disregard for their truthfulness.

(7) failure to maintain medical records as required in Rule .0207 of this Chapter.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0207 is proposed for amendment as follows:

21 NCAC 66 .0207 MINIMUM FACILITY AND PRACTICE STANDARDS

(a) All locations where veterinary medicine is ~~practiced~~ practiced, as defined in G.S. 90-181(6), shall maintain facilities that ~~be adequate for the maintenance of~~ promote good hygiene ~~at all times. All~~ and all areas of the premises shall be maintained in a clean, odor free, and orderly ~~condition at all times.~~ condition.

(b) ~~The minimum standards for all~~ All facilities where veterinary medicine is practiced ~~shall be.~~ shall:

(1) ~~The facility shall provide~~ have heating, ~~cooling~~ cooling, and ventilation sufficient for the comfort and safety of the animals, ~~the employees~~ employees, and ~~clients.~~ clients;

(2) ~~All rooms utilized for the practice of veterinary medicine shall~~ have in all rooms utilized for the practice of veterinary medicine, ~~lighting~~ sufficient illumination for the tasks and activities conducted in the ~~rooms.~~ rooms;

(3) ~~Hot~~ have hot and cold running water ~~shall be provided~~ along with toilets and lavatories for ~~the personnel~~ staff and ~~for the clients.~~ clients;

(4) ~~The facility shall~~ have an area dedicated for storage of equipment and ~~supplies,~~ supplies ~~which area shall be of a size commensurate~~ that is appropriately sized to accommodate the facility's needs and ~~with~~ the nature of the ~~practice and the size of the facility,~~ practice. ~~and which storage area shall be~~ The storage area shall be kept clean at all times ~~and, as required by the nature of the products or materials stored, shall be sanitary.~~ and meet sanitary standards as required by the specific products or materials stored;

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

(6) ~~The facilities shall~~ employ a procedure for the prompt and sanitary disposal of dead animals which complies with all state, ~~county~~ county, and municipal laws, ordinances, ~~rules~~ rules, and regulations. Facilities that hold dead animals on the premises shall have an operable refrigerator large enough to hold the dead animals prior to disposal. ~~Dead animals held on premises shall be refrigerated.~~

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

~~(8)~~(7) ~~The facilities'~~ have examination ~~rooms shall~~ areas that ~~have the following:~~ have:

(A) lined waste receptacles or chutes;

(B) access to 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;~~ handwashing and to maintain a clean, odor free, and orderly exam room; and

(C) a table ~~with an~~ that is impervious to moisture ~~surface~~ which shall be sanitized between ~~patients.~~ 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)~~(8) ~~The facilities shall~~ have the capability ~~for use of either in-house or consultant laboratory service for~~ to perform blood chemistry, cultures and antibiotic sensitivity examinations, complete blood counts, histopathological ~~examinations~~ examinations, urine tests, micro-hematocrit determinations, flotation tests for ova of internal parasites, skin scrapings for external parasite diagnosis, exams for circulating blood microfilaria or heartworm antigen assays, and complete ~~necropsies. An in-house laboratory facility shall meet the following minimum standards:~~ necropsies either on-site or through an outside laboratory service. All facilities shall:

(A) ~~The laboratory room shall~~ have storage space sufficient for the equipment and materials ~~necessary for the laboratory room;~~ necessary. Equipment shall include a centrifuge and microscope; and

(B) ~~The facility shall~~ have refrigeration with a capacity sufficient for ~~drugs~~ drugs, biologics, and medicines that are required to be refrigerated; ~~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.~~

(9) store, maintain, administer, dispense, log, and prescribe controlled substances in compliance with federal and state laws, rules, and regulations;

(10) label all drugs dispensed, except those labeled manufactured drugs with instructions, with the following:

(A) name, address, and telephone number of the facility;

(B) name of the client;

(C) animal identification;

(D) date dispensed;

(E) directions for use;

(F) name and strength of the drug; and

(G) name of the prescribing veterinarian.

(11) keep a record of all drugs administered or dispensed, including the route of administration, in the medical record;

(12) have a written or electronic recordkeeping system that is easily retrievable. Records shall be individualized per animal and shall include all medical data, including dates and types of services provided, vaccinations, medical and surgical procedures, radiographs, laboratory data, and communications with clients. The recordkeeping requirements in this Subparagraph do not apply to the treatment of economic animals, but the requirements of Subparagraph (11) of this Rule do apply to economic animals. "Economic animals" means livestock, poultry, or other farm-raised animals kept for the commercial production of food, fiber, or products of economic value.

(13) maintain medical records for a period of three years following the last office visit or discharge from the facility;

~~(14)~~(14) ~~Cages,~~ have cages, exercise areas, ~~pens~~ pens, and stalls ~~shall be~~ that are kept in a clean and orderly condition, ~~in a well-lighted area,~~ with sufficient illumination, flooring that is impervious to moisture and can be sanitized, and in good repair to prevent injury to animals and to promote physical ~~comfort.~~ 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.~~

(15) have the capability of obtaining diagnostic quality radiographs through radiology equipment on site or through consultative services;

(16) use and maintain radiology equipment in accordance with all federal and state laws, rules, and regulations;

(17) ensure that all personnel using radiology equipment wear radiation badges;

(18) ensure isolation rooms are used exclusively for patients requiring isolation and are located in an area that minimizes the risk of infection transmission;

~~(18)~~(19) ~~The facility shall~~ comply with all federal, ~~state~~ state, and municipal laws, ~~rules~~ 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, and the names, addresses and telephone numbers of the provider shall be accessible through a telephone answering machine or similar device.~~

~~(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.~~

(c) If a facility that practices veterinary medicine offers surgery services, the facility shall:

(1) ensure surgery can be performed compliant with current veterinary medical practice with regard to anesthesia, asepsis, life support, pain management, monitoring, and recovery care;

(2) have an enclosed room that is designated and reserved for surgery that is clean, orderly, and has sufficient illumination;

(3) perform surgery in the designated surgery room;

(4) have sterilization that includes a steam pressure sterilizer or autoclave equipment. Cold sterilization may only be used for field or septic conditions;

(5) have instruments and equipment necessary for the type of surgical service being provided;

(6) only store items and equipment related to surgery in the surgery room. Stored items shall be kept in a manner to maintain the sterilization of the surgery room;

(7) have emergency drugs readily available in the surgery room;

(8) have an operating table that is constructed of a material that is smooth and impervious to moisture;

(9) have a separate surgical preparation area outside of the surgery room;

(10) have available for surgery sterilized instruments, gowns, towels, drapes, gloves, caps, and masks: and

(11) have regulated oxygen under positive pressure available.

(d) Facilities that practice veterinary medicine shall provide after-hours emergency services by one or more of the following methods:

(1) direct availability by phone;

(2) a written agreement with a local clinic or hospital to provide after-hours services. The name, address, and telephone number of the local clinic or hospital the facility has a written agreement with to provide after-hours services shall be posted at all public entrances to the facility, be stated on any answering service or voicemail, and posted on the homepage of the facility's website; or

(3) 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. The notice shall be posted at all public entrances to the facility, be stated on any answering service or voicemail, and posted on the homepage of the facility's website.

(e) All new veterinary facilities shall be inspected and approved by the Board prior to providing veterinary services to the public.

(f) The Board shall be notified in writing of any changes in ownership, location, or facility renovation. Changes in ownership shall require an inspection of the facility within 90 calendar days of the date of the change of ownership. A change in location of a facility shall require an inspection prior to offering veterinary services to the public. Renovation changes shall require an inspection of any renovated areas where veterinary medicine will be practiced prior to utilizing the area to provide services to the public.

(g) The Board shall make periodic inspections of all veterinary facilities to verify compliance with this Rule. The Board shall make reinspections as necessary to ensure continuing compliance with this Rule.

(h) If either hospitalization or radiology services are not available in the facility, 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 in the lobby in a location viewable by the public and on the facility's website.

(i) Violation of the standards in this Rule shall be grounds for disciplinary action as provided in G.S. 90-186, 90-187.8, and the rules of this Chapter.

History Note: *Authority G.S. 90-185(3); 90-185(6); 90-186(2); 90-187.6;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989; October 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018. 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0208 is proposed for repeal as follows:

21 NCAC 66 .0208 FACILITIES PROVIDING LIMITED VETERINARY SERVICES

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018. *2018;*
Repealed Eff. May 1, 2027.

21 NCAC 66 .0210 is proposed for amendment as follows:

21 NCAC 66 .0210 ~~REGISTERED LIMITED LIABILITY~~ PARTNERSHIPS

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

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

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

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

(1) ~~A~~ a registration fee as ~~required by~~ set forth in Rule .0108 of this Chapter; and

(2) ~~A~~ an application ~~certificate setting forth~~ that requires the name of the partnership, contact information including the phone number, email address, and mailing address of the partnership, and 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~~ all veterinarian partners. ~~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)~~(f) 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~~ Carolina and the Certificate ~~to~~ shall be filed by the ~~limited liability~~ partnership with the Secretary of State.

~~(h)~~(g) The Certificate of Registration for a ~~limited liability~~ partnership shall be renewed annually ~~in order to continue to be effective.~~ with the Board to remain in effect.

~~(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)~~(h) ~~Limited liability partnerships~~ Partnerships registered with the Board pursuant to G.S. 59 shall file a certified copy of all amendments to the partnership agreement with the Board 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0301 is proposed for amendment as follows:

SECTION .0300 - EXAMINATION AND LICENSING PROCEDURES

21 NCAC 66 .0301 APPLICATION AND EXAMINATION

(a) ~~All applicants~~ Applicants for a license to practice veterinary medicine shall ~~complete, sign and return the application form for veterinary license available from the Board.~~ complete an online application and pay the application fee set forth in Rule .0108 of this Chapter. The online application, which is available on the Board's website, www.ncvmb.org, requires the applicant to provide the following information:

(1) name, address, telephone number, and email address;

(2) social security number, date of birth, place of birth, and military status;

(3) name of the school of veterinary medicine attended and the date of graduation:

(4) veterinary employment history;

(5) date and location of post graduate testing as described in Paragraph (b)(2) of this Rule: and

(6) citizenship status.

(b) To qualify for licensure as a veterinarian, the applicant shall: ~~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.~~

(1) meet the educational requirement set forth in G.S. 90-187(b) or (c) and facilitate the delivery of a degree conferred official transcript to the Board. Graduates of foreign veterinary schools shall provide a translated and notarized copy of their degree conferred official transcript;

(2) obtain a passing score on the North American Veterinary Licensing Examination (NAVLE) or a passing score on the National Board Examination (NBE), if testing occurred prior to the year 2000, and ensure certified results are received by the Board;

(3) provide license verification from any state or jurisdiction in which the applicant holds or previously held a veterinary license;

(4) consent to a criminal history record check;

(5) attest to questions about whether the applicant has had previous discipline from any veterinary licensing board or controlled substance authority; criminal charges or convictions; substance abuse; and employee misclassification; and

(6) obtain a passing score on the North Carolina State exam created by the Board to confirm the applicant's knowledge of Article 11 of Chapter 90 of the General Statutes and the rules of this Chapter.

~~(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)~~(c) Pursuant to G.S. ~~90-187.1,~~ 90-185(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.~~ Examination.

~~(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)~~(d) In addition to the requirements of Paragraphs (a) and (b) of this Rule, ~~This Section~~ applicants who report on their application any prior discipline against the applicant's license to practice medicine or who have a pending complaint in another state or jurisdiction, shall comply with the requirements of Rule .0310 of this Chapter. ~~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.~~

(e) This Rule does not apply to the application for reinstatement of a veterinarian whose license was suspended or revoked by the Board. Applicants seeking reinstatement from their suspension or revocation shall comply with the requirements of Rule .0308 of this Chapter.

~~(h) In determining whether to issue a license to practice veterinary medicine, the Board may consider all information obtained as a result of the application, including but not limited to 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 have furnished.~~

(f) Licenses shall be renewed annually as required by G.S. 90-187.5 upon payment by the licensee of the renewal fee specified in Rule .0108 of this Chapter, provided the licensee is otherwise eligible for renewal. If the licensee fails to renew, the license may be reinstated at a later date as specified in G.S. 90-187.9.

(g) Licensees may voluntarily surrender their license at any time by notifying the Board in writing. The licensee may reinstate their license at a later date if the licensee meets the requirements set forth in G.S. 90-187.5 or 90-187.9.

History Note: *Authority G.S. 90-185(1);90-185(2); 90-185(6); 90-187; 90-187.1; 90-187.5; 90-187.9;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 2006; May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0303 is proposed for amendment as follows:

21 NCAC 66 .0303 ~~SPECIAL~~ REGISTRATION OF VETERINARY ~~TECHNICIANS, INTERNS AND PRECEPTEES;~~ TECHNICIANS AND STUDENT INTERNS ~~RENEWAL OF TECHNICIAN REGISTRATION~~

(a) ~~Applications~~ Applicants for registration as a veterinary ~~technician,~~ technician ~~veterinary student intern, or veterinary student preceptee~~ shall ~~be on application forms provided by~~ complete an online application ~~the Board, accompanied by the required~~ and pay the application ~~fee.~~ fee as set forth in Rule .0108 of this Chapter. Applicants shall be at least 18 years of ~~age~~ 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.~~ The online application, which is available on the Board's website, www.ncvmb.org, requires the applicant to provide the following information:

(1) name, address, telephone number, and email address;

(2) social security number, date of birth, place of birth, and military status;

(3) name of the veterinary technology program the applicant attended and the date of completion or the name of the school of veterinary medicine attended and date of completion if seeking registration based on the educational criteria of G.S. 90-181(11)b;

(4) veterinary employment history; and

(5) date and location of post graduate testing described in Paragraph (b)(2) of this Rule.

(b) To ~~become registered~~ qualify for registration as a veterinary technician, the applicant shall: ~~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.~~

(1) meet the educational requirements set forth in G.S. 90-181(11) and facilitate the delivery of a degree conferred official transcript to the Board. If seeking registration based on the educational criteria of G.S. 90-181(11)b and the applicant is a graduate of a foreign veterinary school, the applicant shall provide a translated and notarized copy of their degree conferred official transcript;

(2) if seeking registration based on the educational criteria of G.S. 90-181(11)a, obtain a passing score on the Veterinary Technician National Examination (VTNE) and ensure certified results are received by the Board;

(3) provide license verification from any state in which the applicant holds or previously held a veterinary technician registration;

(4) consent to a criminal history record check;

(5) attest to questions about whether the applicant has had previous discipline from any veterinary licensing board; criminal charges or convictions; substance abuse; and employee misclassification; and

(6) obtain a passing score on the North Carolina State Exam created by the Board to confirm the applicant's knowledge of Article 11 of Chapter 90 of the General Statues and the rules of this Chapter.

(c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, ~~This Section~~ applicants who report on their application any prior discipline against the applicant's registration as a veterinary technician or who have a pending complaint in another state or jurisdiction, shall comply with the requirements of Rule .0310 of this Chapter.

(d) This Rule does not apply to the application for reinstatement of a veterinary technician whose registration was suspended or revoked by the Board. Applicants seeking reinstatement from their suspension or revocation shall comply with the requirements of Rule .0308 of this Chapter.

(e) Registrations for veterinary technicians shall be renewed every 24 months as required by G.S. 90-186(4) upon payment by the registrant of the renewal fee specified in Rule .0108 of this Chapter, provided the registrant is otherwise eligible for renewal. If the registrant fails to renew, the registration may be reinstated at a later date as specified in G.S. 90-187.9.

(f) Applicants for registration as a student intern shall complete an online application and pay the application fee set forth in Rule .0108 of this Chapter. The online application, which is available on the Board's website, www.ncvmb.org, requires the applicant to provide the following information:

(1) name, address, telephone number, and email address;

(2) social security number, date of birth, and place of birth;

(3) name of the veterinary college or university the applicant attends and expected graduation date;

(4) dates of internship, location of internship, and names of veterinarians who will supervise the intern's work;

~~(c)~~(g) To ~~become registered~~ qualify for registration as a veterinary student intern, the applicant shall: ~~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.~~

(1) be enrolled in an accredited school of veterinary medicine as designated by the American Veterinary Medical Association Council on Education;

(2) have completed two years of the school of veterinary medicine; and

(3) provide a letter from the Dean of the school of veterinary medicine confirming the applicant is in good standing with the program, is presently a third- or fourth-year student, and the applicant's anticipated graduation date.

~~(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.~~

(h) Student interns shall submit a new application for each facility where the applicant plans to perform services.

(i) Veterinary technician and student intern registrants may voluntarily surrender their registration at any time by notifying the Board in writing. Veterinary technicians may make application to the Board to reinstate their registration

at a later date as specified in G.S. 90-187.9. If a student intern wishes to apply for registration after surrendering his or her registration, the applicant shall submit a new application to the Board.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0304 is proposed for amendment as follows:

21 NCAC 66 .0304 DISCIPLINE OF VETERINARY ~~TECHNICIANS, INTERNS/PRECEPTEES: MANDATORY STANDARDS OF CONDUCT~~ TECHNICIANS OR STUDENT INTERNS

Upon receipt of information or complaint, the Board may ~~revoke or suspend the registration of, or otherwise discipline,~~ revoke, suspend, or impose other disciplinary measures upon the registration of any veterinary ~~technician,~~ technician or veterinary student ~~intern~~ intern, in accordance with the procedures set forth in G.S. 150B and Sections .0600 and .0700 of this Chapter, ~~or veterinarian student preceptee upon any of the following grounds:~~ for any of the following causes:

(1) The unlawful practice of veterinary medicine, except as ~~permitted~~ authorized by and within the ~~limits of the~~ scope of registration as ~~defined herein and in G.S. 90-187.6.~~ set forth in G.S. 90-187.6 and the rules of this Chapter. 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 and performed under the direction and supervision of a licensed veterinarian. Such supervision and direction shall ~~be construed to~~ require ~~the physical presence of the~~ that the veterinarian ~~in the facility at a proximity~~ is on the premises and is available to assist the patient and the individual treating the patient. ~~close enough to conduct the appropriate level of supervision for the particular task being performed by the employee.~~ The ~~rendering~~ performance of veterinary medical services in a ~~satellite clinic, mobile clinic, emergency clinic~~ satellite, mobile, emergency, or other facility ~~where~~ without the supervising veterinarian physically present ~~is not on the premises~~ shall ~~subject~~ constitute grounds for ~~the registrant to~~ revocation of registration.

(2) ~~The violation of G.S. 90-187.6(b) concerning the~~ The acceptance of a ~~fee or compensation.~~ fee, salary, or other form of compensation while in violation of G.S. 90-187.6(b).

(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.~~ The misrepresentation to any member of the public that the registrant or intern is a licensed veterinarian, or any other conduct designed to mislead the public to believe that the registrant or intern holds such licensure.

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

History Note: *Authority G.S. 90-185(6); 90-186(3); 90-186(4); 90-187.6(a); 90-187.8;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989; November 9, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;

Amended Eff. May 1, 2027.

21 NCAC 66 .0305 is proposed for amendment as follows:

21 NCAC 66 .0305 TEMPORARY PERMITS

(a) Applicants for temporary permits to practice veterinary medicine shall ~~apply to the Board utilizing the application form for a temporary permit.~~ complete an online application and pay the application fee set forth in Rule .0108 of this Chapter. ~~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.~~ The online application, which is available on the Board's website, www.ncvmb.org, requires the applicant to provide the following information:

(1) name, address, telephone number, and email address;

(2) social security number, date of birth, and place of birth;

(3) name of the school of veterinary medicine the applicant attended and the date of graduation;

(4) veterinary employment history;

(5) states where the applicant currently holds or previously held a veterinary license; and

(6) location in North Carolina where applicant will work, start date at facility, and names of licensed veterinarians who will supervise the applicant's work.

(b) To qualify for a temporary permit, the applicant shall: ~~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.~~

(1) meet the educational requirement set forth in G.S. 90-187(b) or (c) and facilitate the delivery of a degree conferred official transcript to the Board. Graduates of foreign veterinary schools shall provide a translated and notarized copy of their degree conferred official transcript;

(2) provide license verification from any state in which the applicant holds or previously held a veterinary license;

(3) designate supervising veterinarians that are licensed with the Board and active practitioners within North Carolina; and

(4) attest to questions about whether the applicant has had previous discipline from any veterinary licensing board or controlled substance authority; criminal charges or convictions; substance abuse; and employee misclassification;

(c) The applicant shall not be authorized to engage in the supervised practice of veterinary medicine until the applicant is notified that the temporary permit has been issued.

~~(c)~~(d) 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,~~ be reissued after submission of a new application.

~~(d)~~(e) ~~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.~~ All supervising veterinarians of the temporary permittee shall be reported in the permit application. Changes to the supervising veterinarian or the addition or removal of a supervising veterinarian for the permittee shall be reported to the Board prior to any changes taking place. The permit holder shall not be authorized to engage in the supervised practice of veterinary medicine unless one of the supervising veterinarians required by Paragraph (b)(3) of this Rule and reported to the Board as required by this Paragraph is on the premises.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0306 is proposed for amendment as follows:

21 NCAC 66 .0306 ~~LICENSE WITHOUT EXAMINATION~~ APPLICANTS LICENSED IN OTHER STATES

(a) The Board may issue a license to practice veterinary medicine to applicants ~~without written examination other than the North Carolina License Examination to an applicant~~ who ~~meets~~ meet the requirements ~~the criteria as established~~ set forth 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.~~ An applicant shall be deemed to have practiced veterinary medicine in another state in compliance with G.S. 90-187.3(a)(2) if the applicant engaged in the practice of veterinary medicine as defined in G.S. 90-181(6). The licensure requirements of the other state shall be deemed substantially equivalent for purposes of G.S. 90-187.3(a)(5) if the requirements imposed when the applicant was originally licensed in the other state meet the standards set forth in Rule .0301 of this Section.

(c) The applicant shall:

(1) complete an online application. The online application, which is available on the Board's website, www.ncvmb.org, requires the applicant to provide the following:

(A) name, address, telephone number, and email address;

(B) social security number, date of birth, place of birth, and military status;

(C) name of the school of veterinary medicine attended and the date of graduation:

(D) veterinary employment history;

(E) date and location of post graduate testing as described in Subparagraph (c)(4) of this Rule: and

(F) citizenship status.

(2) pay the application fee set forth in Rule .0108 of this Chapter;

(3) facilitate the delivery of a degree conferred transcript to the Board. Graduates of foreign veterinary schools shall provide a translated and notarized copy of their degree conferred official transcript.

(4) ensure certified results of a passing score on the North American Veterinary Licensing Examination (NAVLE) or a passing score on the National Board Examination (NBE) if testing occurred prior to the year 2000 are received by the Board;

(5) provide license verification from any state in which the applicant holds or previously held a veterinary license;

(6) consent to a criminal history record check;

(7) attest to questions about whether the applicant has had previous discipline from any veterinary licensing board or controlled substance authority; criminal charges or convictions; substance abuse; and employee misclassification; and

(8) pass the North Carolina license examination as set forth in Rule .0301 of this Section.

History Note: *Authority G.S. 90-185(6);90-187; 90-187.3;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0307 is proposed for repeal as follows:

21 NCAC 66 .0307 REVOCATION/SUSPENSION/TEMPORARY PERMITS/SPECIAL REGISTRATIONS

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018~~. January 9, 2018:
Repealed Eff. May 1, 2027.

21 NCAC 66 .0308 is proposed for amendment as follows:

21 NCAC 66 .0308 REINSTATEMENT AFTER REVOCATION

Any ~~person~~ individual whose license to practice veterinary medicine, or registration as a veterinary technician, has been suspended or revoked may apply for ~~reinstatement~~ reinstatement, ~~without written examination~~ subject to ~~any~~ the terms and conditions ~~as contained~~ specified in the Board's final agency decision ordering the suspension or revocation, including the payment of any applicable fees as set forth in Rule .0108 of this Chapter. ~~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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0309 is proposed for amendment as follows:

21 NCAC 66 .0309 PETITION FOR INACTIVE STATUS

(a) Any ~~licensed~~ veterinarian licensed by the Board or ~~registrant~~ any veterinary technician registered ~~who is in good standing~~ with the ~~Board~~ Board, ~~and~~ who has ceased practicing veterinary medicine or performing veterinary services as a veterinary technician, may apply for inactive status. The Board ~~may~~ shall place the licensed veterinarian or ~~registrant~~ registered veterinary technician on an inactive list of members. A licensed veterinarian or ~~registrant~~ registered veterinary technician ~~who has obtained the~~ who is placed on inactive status ~~shall~~ shall not: ~~not practice veterinary medicine or be required to pay the license or registrant renewal as prescribed in G.S. 90-187.5 or 90-186(4) or required to earn continuing education credits.~~

(1) practice veterinary medicine or perform veterinary services as a veterinary technician;

(2) be required to pay the license or registrant renewal fee; and

(3) be required to earn continuing education credits.

(b) To apply for inactive status, the licensee or registrant shall complete an online application which is available on the Board's website, www.ncvmb.org. The application requires the applicant to provide their name, address, telephone number, and email address and attest that the applicant has ceased the practice of veterinary medicine or providing services as a veterinary technician.

~~(b)~~(c) Any veterinarian or ~~registrant~~ registered veterinary technician who has been placed on inactive status and who ~~desires~~ applies to be reinstated ~~or~~ and to resume practicing veterinary medicine or performing veterinary services as a veterinary technician, ~~may~~ shall be reinstated ~~upon the determination by the Board that:~~ if the applicant meets the following requirements:

(1) ~~The inactive veterinarian or registrant~~ submits evidence to support that the applicant is competent to practice veterinary medicine. Evidence may include statements explaining the applicant's professional activities during the inactive period, personal and professional references, or a description of activity and continuing education courses utilized to enhance veterinary skills and knowledge during the inactive period;

(2) ~~The veterinarian or registrant shall pay~~ has paid the required license renewal fee and reinstatement fee as set forth in Rule .0108 of this Chapter for the current year when the application is filed; ~~and~~

(3) ~~The veterinarian or registrant shall earn~~ has earned the required continuing education credits pursuant to Rule .0206 of this Chapter in the year preceding ~~reinstatement.~~ reinstatement; and

(4) has no disciplinary proceedings or unresolved complaints related to their license or registration pending against the applicant.

(d) The application to be reinstated from inactive status is an online application available on the Board's website. The application requests the applicant's name, address, phone number, and email address. The application also requires the applicant to record the continuing education obtained as required in Paragraph (c)(3) of this Rule and attest to questions about whether the applicant has received discipline of their license or registration, criminal charges, substance abuse treatment, or misclassified employees during the inactive period.

History Note: *Authority G.S. 90-185(2); 90-185(6); 90-186(5); 90-187.6;*
Eff. June 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. May 1, 2027; April 1, 2021.

21 NCAC 66 .0310 is proposed for amendment as follows:

21 NCAC 66 .0310 PENDING COMPLAINT OR DISCIPLINE AND CRIMINAL CHARGES AGAINST ~~APPLICANTS LICENSED OR REGISTERED IN OTHER STATES~~ APPLICANTS, LICENSEES, AND REGISTRANTS

(a) ~~Upon complaint or information, and within the Board's discretion, the Board may deny a license required by Article 11, G.S. 90.~~ Upon receipt of information or complaint, the Board may revoke, suspend, deny, or impose other disciplinary measures upon applicants for licensure or registration and current licensees and registrants in accordance with the procedures set forth in G.S. 150B and Sections .0600 and .0700 of this Chapter.

(b) Applicants for a license to practice veterinary medicine or for registration as a veterinary technician ~~may~~ shall ~~be required upon initial application to inform~~ notify the Board in writing when completing their application of any prior discipline or administrative action, or the equivalent thereof, against the applicant's license to practice veterinary medicine or registration as a veterinary technician 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 or registration as a veterinary technician in another state.

(c) All licensees and registrants of the Board shall notify the Board in writing of any disciplinary or administrative action taken against their license or registration in another state or jurisdiction. The notification shall be provided to the Board within 30 days of receipt of the discipline order from the issuing agency.

~~(c)~~(d) The applicant shall ~~furnish~~ provide, or ~~give~~ authorize the Board ~~permission~~ to ~~obtain~~ obtain, true and accurate copies of all documents relevant to ~~consideration of the~~ any prior or pending disciplinary ~~action.~~ or administrative actions.

~~(d)~~(e) In reviewing an ~~applicant's~~ application, the Board may consider ~~information determined to be~~ any ~~reliable,~~ information, including ~~but not limited to information~~ data and information obtained from the national disciplinary database maintained by the American Association of Veterinary State Boards, ~~from the National Disciplinary Data Base about the licensee, or information obtained from~~ other state veterinary medical boards, ~~or other~~ and federal or state agencies.

~~(e)~~(f) ~~The applicant for license to practice veterinary medicine may~~ Applicants for licensure or registration and current licensees and registrants shall ~~be required to furnish~~ notify the Board in writing ~~all facts relating to the existence~~ of any pending criminal charges alleging ~~violation~~ violations of ~~a~~ federal or state ~~criminal statute or law, in this or any other country.~~ laws, or equivalent statutes in other countries, with the exception of minor traffic violations. Traffic or criminal charges involving the use of an impairing substance shall be reported. Applicants shall provide the disclosure of criminal charges during the application process and current licensees and registrants shall notify the Board within seven days of the citation.

History Note: *Authority G.S. 90-185(2); 90-185(6); 90-186(3); 90-186(4); 90-187; 90-187.3; 90-187.6; 90-187.8; Eff. May 1, 1996;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;

Amended Eff. May 1, 2027.

21 NCAC 66 .0311 is proposed for amendment as follows:

21 NCAC 66 .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. 90,~~ Article 11 of Chapter 90 of the General Statutes or ~~in a Board rule,~~ a rule in this Chapter, the provisions of ~~G.S. 90,~~ Article 11 of Chapter 90 of the General Statutes and this Chapter ~~are applicable~~ apply to limited veterinary licenses.

(c) The Board shall determine the terms and restrictions ~~of~~ governing the scope or areas of ~~practice of~~ veterinary ~~medicine of the holder of the~~ practice authorized under a limited veterinary ~~license~~ license. ~~shall be determined by the Board upon consideration of all criteria~~ In making this determination, the Board shall consider all criteria it deems ~~deemed~~ relevant ~~by the Board to effectuate~~ to effectuating the purposes of the limited license, ~~including:~~ including the following:

(1) whether the applicant is licensed to practice veterinary medicine in ~~other states of the United States, or other countries or jurisdictions,~~ another state or jurisdiction; whether ~~those licenses~~ each such license is ~~are active,~~ active; and whether ~~there are any investigations or pending complaints against the licenses at the time of the consideration of~~ any such license is subject to an investigation or pending complaint at the time the Board considers the application;

(2) the length of time the applicant has been licensed ~~in good standing~~ to practice veterinary medicine;

(3) the applicant's reasons ~~that the applicant offers~~ for requesting a limited veterinary license;

(4) whether the facts available to the Board ~~indicate the applicant's application has merit;~~ support the merits of the application; and

(5) any other information ~~affecting~~ bearing on the applicant's ~~capability~~ ability to practice under, and need ~~for~~ for, a limited veterinary license, as determined on a case-by-case basis, including any ~~the applicant's record of~~ any criminal charges and ~~convictions.~~ convictions in the applicant's record.

(d) The applicant for a limited veterinary license shall complete the application and requirements set forth in Rule .0301 of this Section.

~~(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. 90, Article 11 and this Chapter.~~

~~(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 Rule .0108 of this Chapter.

(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 60 days after it is issued by the Board, but upon written request from the applicant, the Board shall renew the temporary permit for 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. 90, Article 11, and of this Chapter are not applicable to the licensing requirements for this limited veterinary license: G.S. 90-187(c); G.S. 90-187.3; G.S. 90-187.4; Rules .0301(a),(b),(c),(e),(f), .0305, .0306 and .0309.~~

History Note: *Authority 90-181(4); 90-185(1); 90-185(6); 90-187.8;*
Eff. May 1, 1996;
Amended Eff. June 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, ~~2018.~~ 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0601 is proposed for amendment as follows:

SECTION .0600 - ADMINISTRATIVE HEARINGS: PROCEDURES

21 NCAC 66 .0601 COMMITTEE ON INVESTIGATIONS

(a) Upon receipt of a ~~charge~~ complaint alleging a violation of Article 11 of Chapter 90 of the General Statutes or the rules of this Chapter ~~misconduct against~~ by a ~~licensee or~~ licensee, registrant, permittee, or certificate holder ~~registrant~~ of the Board, the Executive Director shall ~~inform~~ notify the accused party in writing of the nature of the ~~charges as~~ complaint filed with the Board.

(b) The accused party shall ~~respond to the charges by filing~~ submit a written response ~~answer with~~ to the Board within 20 business days of ~~the receipt~~ receiving notice of the ~~notification of charges.~~ complaint. Any veterinary medical records related to the treatment of the animal that is the subject of the complaint shall be submitted to the Board within 10 business days of receiving notice of the complaint.

(c) The ~~complaining party~~ Board shall ~~be provided with~~ provide a copy of the accused party's answer to the complaining party and the complaining party shall file a written reply within 20 business days ~~from~~ of ~~receipt thereof shall file a reply to the accused party's answer.~~ receipt of the accused party's answer.

(d) The ~~charges as filed with the Board, the answer~~ complaint, answer, and reply shall be reviewed by the Executive Director or Board investigator. ~~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.~~ If the Executive Director or the Board investigator determines that the complaint, answer, and reply do not contain evidence of probable cause of a violation of Article 11 of Chapter 90 of the General Statutes or the rules of this Chapter, the complaint shall be dismissed. If the Executive Director or the Board investigator determines that the complaint, answer, and reply contain evidence of probable cause of a violation of Article 11 of Chapter 90 of the General Statutes or the rules of this Chapter, the complaint shall be referred to a Committee on Investigations ("Committee"). The Committee shall be composed of three members of the Board, one of whom shall serve as chair.

(e) If the complaint is referred to a Committee, ~~The~~ the Committee shall ~~investigate the complaint referred to it by the Board and as part of the investigation may:~~ conduct investigative activities reasonably necessary to determine whether probable cause exists. Such investigative activity may include, but is not limited to, reviewing of the complaint, answer, and reply; directing the Board investigator to conduct additional interviews or to obtain and review additional records; interviewing involved parties; reviewing of additional records; and using other fact-finding measures, including the use of interrogatories, requests for production, or requests for admission, as necessary to identify witnesses, establish timelines, and determine material facts.

~~(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 conduct or requirement as set forth in Article 11 of Chapter 90 of the North Carolina General Statutes or this the rules of this Chapter.

(g) If no probable cause is found, the Committee shall dismiss the complaint and provide a written explanation of the findings to both the accused and the complaining party.

(g)(h) If probable cause is found, but the Committee determines that a disciplinary hearing is not warranted, the Committee shall direct the legal counsel for the Board to file a Notice of Hearing. may issue a letter of caution or a letter of reprimand to the accused party. If probable cause is found and the Committee determines that a disciplinary hearing is warranted, the Committee shall issue a Notice of Hearing as set forth in Rule .0605 of this Chapter.

(i) The Committee shall consider the following factors to determine whether a letter of caution, letter of reprimand, or Notice of Hearing is issued:

(1) the degree and extent of harm to the public health or to the health of the animal under the accused party'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, the Board, or both;

(5) the accused party's prior disciplinary history record with the Board;

(6) whether medical records were maintained as required by Rule .0207 of this Chapter; and

(7) whether incompetence, gross negligence, or other malpractice occurred in the practice of veterinary medicine.

(j) The Committee may issue a letter of caution if it finds one or more of the factors listed in Subparagraphs (i)(1) through (i)(6) of this Rule. The Committee may issue a letter of reprimand if it finds two or more of the factors listed in Subparagraphs (i)(1) through (i)(6) or if it finds the factor listed in Subparagraph (i)(7) of this Rule. The Committee may issue a Notice of Hearing if it finds one or more factors listed in Subparagraphs (i)(1) through (i)(7) of this Rule and the violations establish a pattern of conduct based on past disciplinary history, create a continuing public health, safety, or welfare concern, involve probable cause of substance abuse during the practice of veterinary medicine, or involve fraud or dishonesty to the Board.

(k) An accused party may, within 15 days of receipt, reject the letter of caution or letter of reprimand and request issuance of a Notice of Hearing pursuant to Chapter 150B of the General Statues or the rules of this Chapter. The accused party's rejection and request for a Notice of Hearing shall be in writing and submitted to the Committee by filing the request with the Executive Director. If the letter of caution or letter of reprimand is rejected, the Board shall issue a Notice of Hearing. If the accused party does not reject the letter of caution or letter of reprimand within 15 days of receipt, the letter shall be deemed accepted and entered into the Board's records.

(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.

(l) The Committee may require additional continuing education beyond the annual requirements, set forth in Rule .0206 of this Chapter, when an accused party receives a letter of caution or a letter of reprimand.

(k)(m) 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. Any Board member who participated in the investigation as a member or chair of the Committee shall be disqualified from serving as a presiding officer or decision-maker in any proceeding brought pursuant to a Notice of Hearing.

(l)(n) 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 from licensees, registrants, permittees, or certificate holders 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 in investigations, prosecutions, hearings, or other administrative actions resulting in a final decision or order finding a violation of the Veterinary Practice Act or Administrative Rules of the Board: rules of this Chapter. Recoverable costs include:

(1) legal expenses, including reasonable attorney fees, incurred by the Board; and reasonable attorney's fees and costs;

(2) witness fees and statutorily-allowed expenses for witnesses; and statutorily authorized expenses;

(3) direct costs of the Board in taking or obtaining of depositions of witnesses; costs of depositions; 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. staff and administrative costs directly attributable to the matter.

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. Costs shall be assessed in final decisions or

orders. No such costs shall be assessed absent a final decision or order unless expressly agreed to in a Board-approved Consent Order.

~~(m)~~(o) ~~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.~~ The Committee may impose a civil penalty of up to five thousand dollars ($5,000) per violation of Article 11 of Chapter 90 or Board rules, in accordance with G.S. 90-187.8(b)(1) through (6). The Committee shall not impose civil penalties for violations resolved with only a letter of caution.

History Note: *Authority G.S. 90-185(2); 90-185(3); 90-185(6); 90-186(1); 90-186(7); 90-187.8;*
Eff. January 1, 1987;
Amended Eff. May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0602 is proposed for amendment as follows:

21 NCAC 66 .0602 RIGHT TO HEARING

~~When~~ If the Board ~~acts or proposes to act,~~ takes action, or proposes to take action, other than ~~in rule-making~~ through rulemaking or declaratory ruling proceedings, ~~in a manner which will affect~~ that affects the rights, duties, or privileges of ~~a specific, identifiable person, such person has the right~~ a licensee, registrant, permittee, or certificate holder of the Board, the affected person shall be entitled to an administrative hearing. ~~When the Board proposes to act in such manner,~~ In any instance in which the Board proposes to take such action, it shall ~~give all such~~ provide notice to all affected persons ~~notice~~ of the proposed action and of their right to request a ~~hearing~~ hearing. Such notice shall be served ~~by mailing~~ by certified ~~mail~~ mail, addressed to ~~them~~ each person at their last known ~~address a notice of the proposed action and a notice of a right to a hearing.~~ address.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0603 is proposed for amendment as follows:

21 NCAC 66 .0603 REQUEST FOR HEARING

(a) ~~Any time~~ If an individual believes that ~~individual's~~ his or her rights, duties, or privileges have been affected by the Board's administrative action, but the individual has not received a notice of ~~a~~ his or her 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)~~(b) ~~Subsequent to such informal action, if still dissatisfied, the individual must submit a request to the Board's office,~~ To file a request for hearing, the individual shall submit a written request to the Board's office. ~~with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING.~~ The request ~~must contain the following information:~~ shall include the following:

(1) ~~Name and address of the petitioner;~~ The petitioner's name and address;

(2) A ~~concise statement of the action taken by the Board which is~~ description of the Board action being challenged;

(3) ~~A concise statement of the way in which the petitioner has been aggrieved;~~ An explanation of how the petitioner has been adversely affected; and

(4) A clear and specific statement ~~of request for~~ requesting a hearing.

~~(d)~~(c) ~~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.~~ The Board shall review the request for hearing and grant or deny the request in compliance with Rule .0604 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0604 is proposed for amendment as follows:

21 NCAC 66 .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).~~ If the Board receives a request for hearing from a "person aggrieved" as defined in G.S. 150B-2(6), the Board shall grant the request for a hearing.

(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.~~ If the Board denies a request for a hearing, it shall notify the petitioner within 60 days of the request and provide a statement of the reasons for the denial.

(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.~~ If the Board grants a request for a hearing, the Board shall issue a notice of hearing in compliance with G.S. 150B-38(b) and 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0605 is proposed for amendment as follows:

21 NCAC 66 .0605 NOTICE OF HEARING

(a) The Board shall ~~give the party or parties~~ provide each party in a contested case a notice of hearing not less than ~~15~~ 30 days before the hearing. ~~Said notice shall contain the following information, in~~ In addition to the items specified in ~~G.S. 150B-38(b):~~ G.S. 150B-38(b), the notice shall include:

(1) ~~the name, position, address and telephone number of a person at the offices of the Board to contact for further information or discussion;~~ The name, title, address, and telephone number of a Board staff member who can be contacted to answer any questions about the scheduling or location of the hearing;

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

(3) ~~any~~ Any other information ~~deemed relevant to informing the parties as to the procedure of the hearing.~~ necessary to inform the parties about the hearing procedures.

All ex parte communications with the Board office shall comply with the prohibitions set forth in G.S. 150B-40(d).

(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.~~ Notice of hearing shall be served by the Board as provided in G.S. 150B-38(c).

(c) If the Board determines that ~~the public health, safety or welfare requires such action,~~ emergency action is required to protect public health, safety, or welfare, it may issue an order summarily suspending a ~~license or registration.~~ license, registration, permit, or certificate. To determine if an order to summarily suspend should be issued, the Board shall consider the factors set forth in Rule .0601(i) of this Section and whether there is an immediate threat to public health, safety, or welfare. Upon service of the order, the ~~licensee or registrant to whom the order is directed~~ affected licensee, registrant, permittee, or certificate holder shall immediately cease ~~the practice of veterinary medicine in North Carolina.~~ all regulated activities covered by the suspension and order. The Board shall ~~promptly give~~ issue a notice of hearing pursuant to G.S. 150B-38 within 10 business days following service of the order. The suspension shall remain in effect ~~pending issuance by the Board of a~~ until the Board issues 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~February 9, 2018.~~ February 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0606 is proposed for amendment as follows:

21 NCAC 66 .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,~~ Board's members. For purposes of this Rule, the term "members" shall not ~~be deemed to~~ include ~~a~~ any vacant ~~position of a board member,~~ Board position, regardless of whether the vacancy ~~is the result of resignation, non-appointment, or~~ results from resignation, failure to appoint, or any other cause. In addition, Board members who participated in the investigation as a member or chair of the Committee shall be disqualified from serving as a presiding officer or decision-maker. When required by Chapter 150B of the North Carolina ~~Statutes~~ General Statutes, the Board shall ~~apply to~~ request that the Office of Administrative Hearings ~~for the designation of~~ designate an administrative law judge to hear the case ~~pursuant to~~ in accordance with 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0607 is proposed for amendment as follows:

21 NCAC 66 .0607 PETITION FOR INTERVENTION

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

(b) The petition ~~must~~ shall include the following information:

(1) the name and address of petitioner;

(2) the petitioner's business or ~~occupation of petitioner, where relevant;~~ occupation, if relevant;

(3) a ~~full~~ clear identification of the ~~hearing~~ preceding in which ~~petitioner is seeking to intervene;~~ intervention is sought;

(4) the statutory or ~~non-statutory grounds for intervention;~~ other grounds upon which intervention is based;

(5) any claim or defense ~~in~~ with respect ~~of~~ to ~~which~~ what type of intervention is sought; and

(6) a summary of the arguments or evidence petitioner ~~seeks~~ intends 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.~~ If the Board grants a petition to intervene, the Board shall issue written notice to the petitioner and all parties within 30 days.

(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.~~ If the Board denies the petition, it shall issue written notice to the petitioner and all parties stating the reasons for the denial within 30 days.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0608 is proposed for amendment as follows:

21 NCAC 66 .0608 TYPES OF INTERVENTION

Any person may petition the Board to become a party to a contested case by filing a motion to intervene as set forth in Rule .0607 of this Section. Petitions for intervention include:

~~(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.~~

(1) Intervention of Right. A petition to intervene as of right as provided for in G.S. 1A-1, Rule 24, shall be granted if the petitioner meets the criteria of Rule 24.

(2) Permissive Intervention. A petition to intervene permissively as provided for in G.S. 1A-1, Rule 24, shall be granted if the petitioner meets the criteria of Rule 24 and the Board determines that:

(A) There is sufficient legal or factual similarity between the petitioner's claimed rights, privileges, or duties and those of the parties to the hearings;

(B) Permitting intervention by the petitioner as a party would aid the purposes of the hearing; and

(C) Permitting intervention by the petitioner as a party would not unduly delay or prejudice the adjudication of rights of the original parties.

(3) Discretionary Intervention. The Board may permit discretionary intervention at any time prior to the conclusion of the hearing if the Board determines that such intervention would assist in resolving the issues before it. In any written order, required by Rule .0607 of this Section, granting a petition for discretionary intervention, the Board shall specify the scope of participation permitted, including any limitations on the intervenor related to time, subject matter, or evidence.

History Note: *Authority G.S. 1A-24; 90-185; ~~150B-11;~~ 150B-38;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0609 is proposed for amendment as follows:

21 NCAC 66 .0609 INFORMAL PROCEDURES

(a) The Board and ~~the~~ other ~~party or~~ parties in a contested case may ~~agree~~ agree, in advance ~~to simplify~~ of the ~~hearing by: decreasing the number of issues to be contested at the hearing;~~ hearing, to simplify the proceedings by limiting the issues to be contested; stipulating to the admissibility or ~~accepting the~~ validity of certain ~~proposed~~ evidence; ~~accepting the~~ adopting findings ~~in some other case with relevance to the case at hand;~~ from another relevant case; or agreeing to ~~such~~ other matters ~~as~~ that may expedite the hearing.

(b) ~~Informal disposition may be made of any contested case or any issue therein~~ Any contested case, or any issue within a contested case, may be resolved informally by stipulation, agreement, or consent order at any time after the issuance of the Notice of Hearing or during the proceedings.

History Note: *Authority G.S. 90-185; ~~150B-11;~~ 150B-38; 150B-41;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0610 is proposed for amendment as follows:

21 NCAC 66 .0610 DISQUALIFICATION OF BOARD MEMBERS

(a) ~~Self-disqualification.~~ If ~~for any reason~~ a Board member determines that personal bias or any other ~~factors~~ factor may impair the member's ability to act impartially, the member shall recuse themselves from participating ~~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~~ to a contested case believes that a Board member is personally biased or otherwise unable to conduct the hearing and ~~perform~~ fulfill all duties in an impartial manner, ~~the~~ that party may ~~file~~ submit a sworn, notarized affidavit of disqualification ~~with~~ to the Board. ~~The title of such affidavit must bear the notation: AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (Name of Case).~~ An affidavit of disqualification is considered timely if it is filed at least ten days prior to the commencement of the hearing. Any affidavit filed after that period shall be deemed timely only if it is submitted at the earliest opportunity after the party becomes aware of facts that would reasonably support a belief that a Board member is subject to disqualification under this Rule.

~~(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)~~(c) ~~Procedure for Determining Disqualification.~~ The following procedures shall be followed for the Board to determine if a member shall be disqualified:

(1) The Board ~~will~~ shall appoint a Board member to investigate the allegations ~~of~~ set forth in the affidavit.

(2) The appointed investigator ~~will~~ shall report ~~to the Board~~ the findings of the ~~investigation.~~ investigation to the Board.

(3) The Board shall ~~decide whether to disqualify the challenged individual.~~ determine whether disqualification of the challenged individual is warranted.

(4) The ~~person~~ individual whose disqualification is ~~to be determined will~~ at issue shall not participate in the ~~decision~~ Board's determination but may be ~~called upon to furnish~~ requested to provide information to ~~the other members of~~ the Board.

(5) A record of ~~proceedings and the reasons for any decision reached will~~ the proceedings, including the basis for the Board's decision, shall 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.~~ If a Board member is disqualified either

before or after the commencement of a hearing, the hearing shall proceed with the remaining members, provided that a majority of the Board remains.

(7) If disqualification ~~of a Board member leaves less~~ results in fewer than a majority of the ~~Board,~~ remaining 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~~ If ~~a petition for~~ an affidavit of disqualification is filed ~~less than ten days before or~~ fewer than 10 days prior to or during the course of a hearing, the hearing shall ~~continue~~ proceed with the challenged Board member ~~sitting.~~ participating. ~~Petitioner~~ The petitioner shall ~~have the~~ be afforded an opportunity to present evidence in ~~supporting his petition,~~ support of the affidavit, and ~~the~~ such ~~petition~~ affidavit and ~~any evidence relative thereto presented at the hearing shall be made a part of~~ evidence shall be included in the record. ~~The Board, before rendering its decision,~~ Prior to issuing a final decision, the Board shall ~~decide~~ determine whether the evidence ~~justifies~~ supports disqualification. ~~In the event of disqualification,~~ If disqualification is found, the disqualified member ~~will~~ shall not participate in further ~~deliberation or decision of the case.~~ deliberations or 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0701 is proposed for amendment as follows:

SECTION .0700 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS

21 NCAC 66 .0701 FAILURE TO APPEAR

(a) Continuances and ~~adjournments~~ adjournment requests ~~will~~ shall be granted only ~~in compelling circumstances.~~ upon showing of good cause. In determining whether good cause exists as set forth in G.S. 1A-1, Rule 40(b), the presiding officer shall consider the ability of the party requesting a continuance to proceed without a continuance.

(b) Should a party fail to appear at a scheduled hearing or fail to appear following the granting of a continuance or adjournment, the hearing ~~will~~ shall 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,~~ rendered in a party's absence, ~~that~~ the absent party may file a written petition with the Board ~~for a reopening of~~ to reopen the case within 10 days of the end of the hearing. ~~case.~~ The petition shall include the name and address of the petitioner, identify the hearing the petitioner is seeking to reopen, and provide an explanation of the reasons the petitioner seeks to reopen the hearing.

(d) ~~Petitions for reopening a case will~~ A petition to reopen a case shall not be granted ~~except when the petitioner can show that the reasons for his failure~~ absent a showing that the petitioner's failure to appear ~~were~~ was ~~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.~~ unavoidable.

History Note: *Authority G.S. 1A-1; 90-185; ~~150B-11;~~ 150B-38; 150B-40;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0702 is proposed for amendment as follows:

21 NCAC 66 .0702 WITNESSES

Any party may ~~be a witness and may present witnesses on the party's~~ testify and present witnesses on their 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~~ order the exclusion of witnesses from the hearing room ~~so that they cannot hear~~ to prevent them from hearing 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0703 is proposed for amendment as follows:

21 NCAC 66 .0703 SUBPOENAS

(a) Any person ~~receiving~~ served with a subpoena from the Board may object ~~thereto~~ by filing a written objection ~~to the subpoena~~ with the ~~Board's office.~~ Board within 10 days of service of the subpoena.

(b) ~~Such~~ The objection shall include a ~~concise, but complete,~~ statement of ~~reasons~~ the grounds upon which ~~why~~ the subpoena should be revoked or modified. The grounds for objection may include, but are not limited to, lack of relevancy of the evidence requested, the lack of specificity to describe the requested evidence, the privileged nature of the evidence, or any other reason sufficient in law for holding the subpoena invalid.

(c) ~~Any such objection to a subpoena~~ The objecting party shall ~~be served~~ serve a copy of the objection on the party who requested the subpoena ~~simultaneously with the filing of the objection~~ at the same time the objection is filed with the Board.

(d) The requesting ~~party who requested the subpoena,~~ party ~~in such time as may be granted by the Board,~~ may file a written response to the ~~objection. The written~~ objection and shall serve a copy of the response ~~shall be served by the requesting party~~ on the objecting ~~witness simultaneously with filing the response~~ party at the same time the response is filed with the Board. The written response to the objection shall be served to the objecting party and the Board within 10 days of service of the objection.

(e) After receipt of the objection and ~~response thereto, if any,~~ any response, the Board shall ~~issue a notice to the~~ notify the requesting party ~~who requested the subpoena~~ and the objecting ~~party challenging the subpoena,~~ party, and may notify any other ~~party or parties~~ parties, of ~~an open hearing,~~ a hearing to be scheduled as soon as ~~practicable,~~ practicable but no later than 10 days from receipt of the response to the objection. ~~at which time evidence and testimony may be presented,~~ The hearing shall be limited to the ~~narrow questions~~ issues raised ~~by~~ in the objection and ~~response.~~ response, and the parties may present evidence and testimony relevant to those issues.

(f) ~~Promptly after~~ 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.~~ decision within 10 days. A copy of the decision shall be issued to all ~~parties~~ parties, in accordance with G.S. 1A-1, Rule 5(b) and 150B-42, and ~~made a part of the~~ included in the official record.

History Note: *Authority G.S. 90-185; 150B-38; 150B-39;150B-42*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0704 is proposed for amendment as follows:

21 NCAC 66 .0704 FINAL DECISION

~~In all cases heard by the Veterinary Medical Board, the~~ The Board ~~will~~ shall issue its written final decision within 60 days after its next regularly scheduled meeting following the close of ~~the~~ a contested case ~~hearing. This decision will be the prerequisite "final agency decision" for the right to judicial review.~~ hearing, in accordance with G.S. 150B-42.

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.

21 NCAC 66 .0705 is proposed for amendment as follows:

21 NCAC 66 .0705 PROPOSALS FOR DECISIONS

(a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), ~~a "proposal for decision"~~ the judge shall ~~be rendered~~ issue a proposal for decision within 45 days of the hearing pursuant to ~~the~~ 26 NCAC 03 .0127. ~~Rules of the Office of Administrative Hearings~~. The parties to the hearing may file written exceptions to ~~this "proposal for decision"~~ the proposal for decision and submit ~~their own~~ proposed findings of fact and conclusions of law. The exceptions and alternative proposals ~~must~~ shall be ~~filed~~ submitted to the Board within ~~ten~~ 10 days after the party has received the ~~"proposal for decision" as drafted~~ proposal for decision issued 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~~ shall be submitted in writing and shall ~~refer~~ specifically ~~to~~ reference the relevant pages of the record or otherwise ~~precisely~~ identify the occurrence to which the 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~~ to present oral argument shall be included with the filing of written ~~exceptions.~~ exceptions to the proposal for decision.

(d) Upon receipt of a request for ~~further~~ oral argument, the Board shall notify ~~notice will be issued promptly~~ ~~to~~ all ~~parties designating~~ parties, in accordance with G.S. 1A-1, Rule 5(b) and 150B-42, of 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 Board's final decision on the contested case hearing shall ~~The decision rendered will~~ be a part of the record and ~~a copy thereof given to all parties.~~ be served on all parties in accordance with G.S. 1A-1, Rule 5(b) and 150B-42. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. ~~Said~~ The decision ~~will~~ shall 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~~ shall be rendered within 60 days of the next regularly scheduled Board meeting following receipt of the written exceptions.

History Note: *Authority G.S. 1A-1; 90-185; ~~150B-11;~~ 150B-38; 150B-40; 150B-42;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~January 9, 2018.~~ January 9, 2018;
Amended Eff. May 1, 2027.