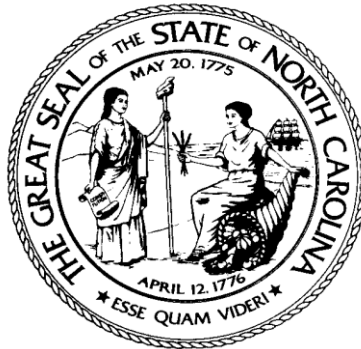


North Carolina Veterinary Medical Board



North Carolina Veterinary Practice Act

General Statutes of North Carolina

Chapter 90, Article 11

North Carolina Administrative Code

Title 21, Chapter 66

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THE NORTH CAROLINA VETERINARY PRACTICE ACT
General Statutes of North Carolina
Chapter 90, Article 11

Veterinarians.

§ 90-179. Purpose of Article.

In order to promote the public health, safety, and welfare by safeguarding the people of this State against unqualified or incompetent practitioners of veterinary medicine, it is hereby declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this Article. (1973, c. 1106, s. 1.)

§ 90-180. Title.

This Article shall be known as the North Carolina Veterinary Practice Act. (1973, c. 1106, s. 1.)

§ 90-181. Definitions.

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

- (1) Accredited school of veterinary medicine. - Any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association.
- (2) Animal. - Any animal, mammal other than man and includes birds, fish, and reptiles, wild or domestic, living or dead.
- (2a) Animal dentistry. - The treatment, extraction, cleaning, adjustment, or "floating" (filing or smoothing) of an animal's teeth, and treatment of an animal's gums.
- (3) Board. - The North Carolina Veterinary Medical Board.
- (3a) Cruelty to animals. - To willfully overdrive, overload, wound, injure, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill any animal, or cause or procure any of these acts to be done to an animal; provided, that the words "torture," "torment," or "cruelty" include every act, omission, or neglect causing or permitting unjustifiable physical pain, suffering, or death.
- (3b) Impairment. - An individual's inability to practice veterinary medicine; the inability to assist in the delivery of veterinary services as a registered veterinary technician, or the inability to perform acts, tasks, and functions with reasonable skill and safety; and in a manner not harmful to the public or to animals, by reason of physical or mental illness or condition, or use of alcohol, drugs, chemicals, or any other type of substance or material.
- (4) Limited veterinary license or limited license. - A license issued by the Board under authority of this Article that specifically, by its terms, restricts the scope or areas of practice of veterinary medicine by the holder of the limited license; provided, that no limited license shall confer or

denote an area of specialty of the holder of this limited veterinary license; and provided further, that unless otherwise provided by Board rule, the licensing requirements shall be identical to those specified for a veterinary license.

(5) Person. - Any individual, firm, entity, partnership, association, joint venture, cooperative or corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

(6) Practice of veterinary medicine. - Any of the following:

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

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

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

(6a) Staff. - Any person performing duties under the direction and supervision of a veterinarian.

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

(7a) Veterinarian-client-patient relationship. - Includes all of the following:

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

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

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

(7b) Veterinary consulting. - When any person, whose expertise the veterinarian believes would benefit the veterinarian's patient, provides advice by any means of communication to a veterinarian at the veterinarian's direction or request. Veterinary consulting does not constitute the practice of veterinary medicine by that act alone.

(7c) Veterinary license or license. - A license to practice veterinary medicine issued by the Board.

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

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

(10) Repealed by Session Laws 2022-67, s. 1, effective October 1, 2022.

(11) Veterinary technician. - Either of the following persons:

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

b. A person who holds a degree in veterinary medicine from a college of veterinary medicine recognized by the Board for licensure of veterinarians and who is registered with the Board as a veterinary technician. (1961, c. 353, s. 2; 1973, c. 1106, s. 1; 1993, c. 500, s. 1; 2019-170, ss. 1(a), 3; 2022-67, s. 1.)

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

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

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

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

(1a) Boarding kennel. - A facility operating under a veterinary facility permit and which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food, and water, offer grooming or other services for dogs and/or cats.

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

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

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

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

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

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

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

(d) Those facilities existing and approved by the Board as of December 31, 1993, may continue to use their approved name or designation until there is a partial or total change of ownership of the facility, at which time the name of the veterinary facility shall be changed, as necessary, to comply with this section. (1993, c. 500, s. 2; 2019-170, s. 5(a); 2023-63, s. 4(c).)

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

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

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

The General Assembly, upon the recommendation of the President Pro Tempore of the Senate, shall appoint to the Board one member who shall have been a resident of and licensed to practice veterinary medicine in this State for not less than five years preceding the appointment. The General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint to the Board one member who shall have been a legal resident of and registered as a veterinary technician in this State for not less than five years preceding the appointment.

In addition to the seven members appointed as provided above, the Commissioner of Agriculture shall biennially appoint to the Board the State Veterinarian or another veterinarian from a staff of a North

Carolina department or institution. This member shall have been a legal resident of and licensed to practice veterinary medicine in North Carolina for not less than five years preceding his appointment.

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

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

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

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

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

(c) All members serving on the board on June 30, 1981, shall complete their respective terms. The Governor shall appoint the public member not later than July 1, 1981. No member appointed to the Board by the Governor, Lieutenant Governor, Speaker of the House of Representatives, or General Assembly on or after July 1, 1981, shall serve more than two complete consecutive five-year terms, except that each member shall serve until his successor is appointed and qualifies. The term of the veterinary technician appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall begin on June 30th of the year in which he or she is appointed.

(d) The appointing authority may remove his appointee for the reasons specified in subsection (b) or for any good cause shown and may appoint members to fill unexpired terms. (1903, c. 503, s. 2; Rev., s. 5432; C.S., s. 6755; 1961, c. 353, s. 3; 1973, c. 1106, s. 1; c. 1331, s. 3; 1981, c. 767, s. 1; 1993, c. 500, ss. 3, 4; 2001-281, ss. 1, 2; 2001-487, s. 104; 2012-120, s. 3.1.)

§ 90-183. Meeting of Board.

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

At its last meeting of the fiscal year the Board shall organize by electing, for the following fiscal year, a president, a vice-president, a secretary-treasurer, and such other officers as may be prescribed by rule. Officers of the Board shall serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairman of Board meetings. (1903, c. 503, ss. 3, 4, 6, 7; Rev., s. 5433; C.S., s. 6756; 1973, c. 1106, s. 1; 1993, c. 500, s. 5.)

§ 90-184. Compensation of the Board.

In addition to such reimbursement for travel and other expenses as is normally allowed to State employees, each member of the Board, for each day or substantial portion thereof that the member is engaged in the work of the Board may receive a per diem allowance, as determined by the Board in

accordance with G.S. 93B-5. None of the expenses of the Board or of the members shall be paid by the State. (1903, c. 503, s. 9; Rev., s. 5434; C.S., s. 6757; 1961, c. 353, s. 4; 1973, c. 1106, s. 1; 1981, c. 767, s. 2; 1991 (Reg. Sess., 1992), c. 1011, s. 4; 1993, c. 500, s. 6.)

§ 90-185. General powers of the Board.

The Board may:

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

The powers enumerated above are granted for the purpose of enabling the Board effectively to supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective. (1973, c. 1106, s. 1; c. 1331, s. 3; 1981, c. 767, s. 3; 1987, c. 827, s. 1; 1993, c. 500, s. 7.)

§ 90-186. Special powers of the Board.

In addition to the powers set forth in G.S. 90-185, the Board may do any of the following:

- (1) Fix minimum standards for continuing veterinary medical education for veterinarians and technicians. These standards are a condition precedent to the renewal of a veterinary license, limited license, veterinary faculty certificate, zoo veterinary certificate, or veterinary technician registration under this Article.
- (2) Inspect any boarding kennels, hospitals, clinics, mobile units, or other facilities used by any practicing veterinarian, either by a member of the Board or its authorized representatives, for the purpose of reporting the results of the inspection to the Board on a form prescribed by the Board and seeking disciplinary action for violations of health, sanitary, and medical waste disposal rules of the Board that affect the practice of veterinary medicine or the operation of a

boarding kennel, or violations of rules of any county, state, or federal department or agency having jurisdiction in these areas of health, sanitation, and medical waste disposal that relate to or affect the practice of veterinary medicine or the operation of a boarding kennel;

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

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

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

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

- a. Issuance or renewal of a certificate of registration for a professional corporation, in the amount of one hundred fifty dollars (\$150.00).
- b. Administering a North Carolina license examination for applicants for licensure, certification, and registration, in the amount of two hundred fifty dollars (\$250.00).
- c. Administering competency examinations for applicants seeking licensure or registration, in amounts directly related to costs to the Board. Fees associated with administering national competency examinations shall be set in rules adopted by the Board.
- d. Inspection of a veterinary facility, resulting from a serious inspection violation or as a result of a complaint, in the amount of one hundred fifty dollars (\$150.00).
- e. Issuance or renewal of a license or a limited license, in the amount of one hundred fifty dollars (\$150.00).
- f. Issuance or renewal of a veterinary faculty certificate, in the amount of one hundred fifty dollars (\$150.00).

- g. Issuance or renewal of a zoo veterinary certificate, in the amount of one hundred fifty dollars (\$150.00).
- h. Reinstatement of a revoked license, a limited license, a veterinary faculty certificate, a zoo veterinary certificate, a veterinary technician registration, or a professional corporation registration, in the amount of one hundred dollars (\$100.00).
- i. Issuance or renewal of a veterinary technician registration, in the amount of fifty dollars (\$50.00).
- j. Issuance of a veterinary student intern registration, in the amount of twenty-five dollars (\$25.00).
- k. Repealed by Session Laws 2022-67, s. 1, effective October 1, 2022.
- l. Late fee for renewal of a license, a limited license, a veterinary technician registration, a veterinary faculty certificate, a zoo veterinary certificate, or a professional corporation registration, in the amount of fifty dollars (\$50.00).
- m. Issuance of a temporary permit to practice veterinary medicine, in the amount of one hundred fifty dollars (\$150.00).
- n. Repealed by Session Laws 2014-63, s. 1, effective October 1, 2014.
- o. Issuance of a veterinary facility permit, in the amount of one hundred fifty dollars (\$150.00).
- p. Issuance of a boarding kennel permit in the amount of seventy-five dollars (\$75.00), to be added to the veterinary facility permit fee.

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

(7) Pursuant to administrative rule, to assess and recover against persons holding licenses, limited licenses, temporary permits, or any certificates issued by the Board, costs reasonably incurred by the Board in the investigation, prosecution, hearing, or other administrative action of the Board in final decisions or orders where those persons are found to have violated the Veterinary Practice Act or administrative rules of the Board issued pursuant to the Act. All recovered costs are the property of the Board.

(8) Pursuant to administrative rule, the Board may establish all provisions and requirements for a veterinary facility permit, the issuance of which is required for any facility where veterinary medicine is practiced, except for animal shelters registered with the Department of Agriculture and Consumer Services.

(9) Pursuant to administrative rule, the Board may establish all provisions and requirements for a supervising veterinarian for each veterinary facility maintaining a valid veterinary facility permit.

(10) Pursuant to administrative rule, the Board may establish all provisions and requirements for the regulation of the practice of veterinary medicine through methods or modes of veterinary telehealth and its subcategories, including telemedicine, teleconsulting, and telemonitoring. The

Board may also establish all provisions and requirements as to when and where veterinary telehealth or any of its subcategories may occur, who may provide veterinary care via telehealth or any of its subcategories, and the requirements for the veterinarian-client-patient relationship as it pertains to the methods or modes of veterinary telehealth and its subcategories. (1973, c. 1106, s. 1; 1981, c. 767, s. 4; 1987, c. 827, s. 1; 1993, c. 500, s. 8; 2014-63, s. 1; 2019-170, ss. 4(a), 5(b); 2022-67, s. 1; 2023-46, s. 10(a), (b); 2023-63, s. 4(d).)

§ 90-187. Application for license; qualifications.

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

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

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

(d) If the Board determines that the applicant possesses the proper qualifications, it may admit the applicant to the next examination, or if the applicant is eligible for a license without examination under G.S. 90-187.3; the Board may grant the applicant a license. (1903, c. 503, ss. 3, 5, 8; Rev., s. 5435; C.S., s. 6758; 1951, c. 749; 1961, c. 353, s. 5; 1973, c. 1106, s. 1; 1981, c. 767, ss. 5, 6; 1993, c. 500, s. 9; 2013-356, s. 1.)

§ 90-187.1. Examinations.

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

After each examination the executive director shall notify each examinee of the result of the examination. The Board shall issue licenses to the persons successfully completing the requirements for licensure required by this Article and by Board rule. (1903, c. 503, ss. 3, 5, 8; Rev., s. 5435; C.S., s. 6758; 1951, c. 749; 1961, c. 353, s. 5; 1973, c. 1106, s. 1; 1993, c. 500, s. 10.)

§ 90-187.2. Status of persons previously licensed.

Any person holding a valid license to practice veterinary medicine in this State on July 1, 1974, shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as he complies with the provisions of this Article, and Board rules adopted pursuant thereto. (1973, c. 1106, s. 1.)

§ 90-187.3. Applicants licensed in other states.

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

- (1) The applicant is currently an active, competent practitioner in good standing.
- (2) The applicant has practiced at least three of the five years immediately preceding filing the application.
- (3) The applicant currently holds an active license in another state.
- (4) There is no disciplinary proceeding or unresolved complaint pending against the applicant at the time a license is to be issued by this State.
- (4a) Any disciplinary actions taken against the applicant or his or her license by the other state in which he or she is licensed will not affect the applicant's competency to practice veterinary medicine as provided in this Article or any rules adopted by the Board.
- (5) The licensure requirements in the other state are substantially equivalent to those required by this State.
- (6) The applicant has achieved a passing score on the written North Carolina license examination.

(a1) Expired.

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

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

(d) The Board may issue a limited license to practice veterinary medicine to an applicant who is not otherwise eligible for a license to practice veterinary medicine under this Article, without examination, if the applicant meets the criteria established in subdivisions (1) through (6) of subsection (a) of this section. (1959, c. 744; 1973, c. 1106, s. 1; 1981, c. 767, s. 7; 1993, c. 500, s. 11; 1999-203, ss. 1, 2.)

§ 90-187.3A: Expired pursuant to Session Laws 2018-113, s. 15.1(c), effective October 1, 2018.

§ 90-187.4. Temporary permit.

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

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

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

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

(b) A temporary permit may be summarily revoked by majority vote of the Board without a hearing. (1903, c. 503, ss. 3, 5, 8; Rev., s. 5435; C.S., s. 6758; 1951, c. 749; 1961, c. 353, s. 5; 1973, c. 1106, s. 1; 1993, c. 500, s. 12.)

§ 90-187.5. License renewal.

All licenses and limited licenses shall expire annually or biennially, as determined by the Board, on December 31 but may be renewed by application to the Board and payment of the renewal fee established and published by the Board. The executive director shall issue a new certificate of registration to all persons registering under this Article. Failure to apply for renewal within 60 days after expiration shall result in automatic revocation of the license or limited license and any person who shall practice veterinary medicine after such revocation shall be practicing in violation of this Article. Provided, that any person may renew an expired license or limited license at any time within two years following its expiration upon application and compliance with Board requirements and the payment of all applicable fees in amounts allowed by this Article or administrative rule of the Board; and further provided, that the applicant is otherwise eligible under this Article or administrative rules of the Board to have the license renewed. (1961, c. 353, s. 6; 1973, c. 1106, s. 1; 1993, c. 500, s. 13.)

§ 90-187.6. Veterinary technicians and staff.

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

(a1) No person shall use the title "registered veterinary technician" or the title "veterinary technician," the abbreviation "R.V.T.," or any other words, letters, or symbols, with the intent to represent that the person is authorized to act as a registered veterinary technician, unless that person is licensed by or registered with the Board as a registered veterinary technician in accordance with this Article.

(b) The services of a technician, intern, or staff shall be limited to services under the direction and supervision of a veterinarian, and the technician, intern, or staff may participate in the operation of a branch office, clinic, or allied establishment only to the extent allowable under and as defined by this Article or by rules issued by the Board.

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

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

(e) Repealed by Session Laws 2022-67, s. 1, effective October 1, 2022.

(f) Any person registered as a veterinary technician or veterinary student intern, who shall practice veterinary medicine except as provided herein, shall be guilty of a Class 1 misdemeanor, and shall also be subject to revocation of registration. Any staff under subsection (c) who practices veterinary medicine except as provided under that subsection shall be guilty of a Class 1 misdemeanor.

(g) Any veterinarian directing or permitting a veterinary technician, intern, or staff to perform a task or procedure not specifically allowed under this Article and the rules of the Board shall be guilty of a Class 1 misdemeanor. (1973, c. 1106, s. 1; 1981, c. 767, ss. 8-11; 1993, c. 500, s. 14; c. 539, ss. 634, 635; 1995, c. 509, s. 42; 2022-67, s. 1; 2023-81, s. 1.)

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

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

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

(c) For the purpose of this Article the term "abandoned" shall mean to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his agent. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal. (1973, c. 1106, s. 1.)

§ 90-187.8. Discipline of licensees.

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

(b) The Board may impose and collect from a licensee, or a veterinary facility permittee, a civil monetary penalty of up to five thousand dollars (\$5,000) for each violation of this Article or a rule adopted under this Article. The clear proceeds of these civil penalties shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

The amount of the civil penalty, up to the maximum, shall be determined upon a finding of one or more of the following factors:

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

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

- (1) The employment of fraud, misrepresentation, or deception in obtaining a license.
- (2) An adjudication of insanity or incompetency.
- (3) The impairment of an individual holding a license or registration issued by the Board, when the impairment interferes with that individual's ability to practice within the scope of the license or registration with reasonable skill and safety, and in a manner not harmful to the public or to animals under the individual's care.
- (4) The use of advertising or solicitation which is false, misleading, or deceptive.
- (5) Conviction of a felony or other public offense involving moral turpitude.

- (6) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.
- (7) Having professional association with or knowingly employing any person practicing veterinary medicine unlawfully.
- (8) Fraud or dishonesty in the application or reporting of any test for disease in animals.
- (9) Failure to keep veterinary premises and equipment in a clean and sanitary condition, violating an administrative rule of the Board concerning the minimum sanitary requirements of veterinary hospitals, veterinary clinics, or other practice facilities, or violating other State or federal statutes, rules, or regulations concerning the disposal of medical waste.
- (10) Failure to report, as required by the laws and regulations of the State, or making false report of, any contagious or infectious disease.
- (11) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates.
- (12) Conviction of a criminal offense involving cruelty to animals or the act of cruelty to animals.
- (13) Revocation of a license to practice veterinary medicine by another state, territory or district of the United States only if the grounds for revocation in the other jurisdiction would also result in revocation of the practitioner's license in this State.
- (14) Unprofessional conduct as defined in regulations adopted by the Board.
- (15) Conviction of a federal or state criminal offense involving the illegal use, prescription, sale, or handling of controlled substances, other drugs, or medicines.
- (16) The illegal use, dispensing, prescription, sale, or handling of controlled substances or other drugs and medicines.
- (17) Failure to comply with regulations of the United States Food and Drug Administration regarding biologics, controlled substances, drugs, or medicines.
- (18) Selling, dispensing, prescribing, or allowing the sale, dispensing, or prescription of biologics, controlled substances, drugs, or medicines without a veterinarian-client-patient relationship with respect to the sale, dispensing, or prescription.
- (19) Acts or behavior constituting fraud, dishonesty, or misrepresentation in dealing with the Board or in the veterinarian-client-patient relationship. (1903, c. 503, s. 10; Rev., s. 5436; C.S., s. 6759; 1953, c. 1041, s. 16; 1961, c. 353, s. 7; 1973, c. 1106, s. 1; c. 1331, s. 3; 1981, c. 767, ss. 12, 13; 1987, c. 827, s. 1; 1993, c. 500, s. 15; 1998-215, s. 136; 2019-170, s. 1(b); 2022-67, s. 1; 2022-75, s. 4(a).)

§ 90-187.9. Reinstatement.

- (a) A person licensed or registered as a veterinary technician under this Article who has had his or her license or registration revoked for failure to apply for renewal may be reinstated at any time within three years following revocation upon filing an application for reinstatement and paying all accrued renewal fees and the reinstatement fee. As a condition of reinstatement, the applicant shall submit proof to the

Board that the applicant has earned the continuing education credits required under this Article and rules adopted by the Board for each year the license or registration was revoked.

(b) A person whose license has been revoked for more than three years for failure to apply for license renewal may qualify for licensure upon filing an application with the Board and meeting the requirements of G.S. 90-187 or G.S. 90-187.3.

(c) A person whose registration has been revoked for more than three years for failure to apply for registration renewal may qualify for registration upon filing an application with the Board and meeting the requirements of G.S. 90-186(4) and any applicable rules adopted by the Board.

(d) Subject to conditions as may be imposed by the Board, any person whose license or registration is revoked for reasons other than failure to apply for renewal may, in the Board's discretion, be relicensed or reregistered at any time by majority vote of the Board upon submitting written application to the Board showing cause for justifying relicensure or reregistration. (1961, c. 353, s. 8; 1973, c. 1106, s. 1; 2014-63, s. 2.)

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

No individual shall engage in the practice of veterinary medicine without having a veterinary license from the Board. No person, as defined in G.S. 90-181(5), may own a veterinary facility without having a veterinary facility permit from the Board.

Nothing in this Article shall be construed to prohibit:

(1) Any person from administering to food animals or to animals maintained for the production of food or fiber; administering first aid, not including surgical or invasive procedures, to companion animals in emergency situations; or administering routine disease prevention pharmaceuticals to companion animals; provided that the animals are owned by the person or the person's employer, except when the ownership is asserted for the purpose of circumventing the provisions of this Article;

(2) Any person who is a regular student or instructor in a legally chartered college from the performance of those duties and actions assigned as the person's responsibility in teaching or research;

(3) Any veterinarian not licensed by the Board who is a member of the Armed Forces of the United States or who is an employee of the United States Department of Agriculture, the United States Public Health Service or other federal agency, or the State of North Carolina, or political subdivision thereof, from performing official duties while so commissioned or employed;

(4) Any person from such practices as permitted under the provisions of G.S. 90-185, House Bill 659, Chapter 17, Public Laws 1937, or House Bill 358, Chapter 5, Private Laws 1941;

(5) Any person from dehorning or castrating male food animals;

(6) Any person from providing for or assisting in the practice of artificial insemination;

(7) Any physician licensed to practice medicine in this State, or the physician's assistant, while engaged in medical research;

(8) Any certified rabies vaccinator appointed, certified and acting within the provisions of G.S. 130A-186;

(9) Any veterinarian licensed to practice in another state from examining livestock or acting as a consultant in North Carolina, provided the consulting veterinarian is directly supervised by a veterinarian licensed by the Board who must, at or prior to the first instance of consulting, notify the Board, in writing, that he or she is supervising the consulting veterinarian, give the Board the name, address, and licensure status of the consulting veterinarian, and also verify to the Board that the supervising veterinarian assumes responsibility for the professional acts of the consulting veterinarian; and provided further, that the consultation by the veterinarian in North Carolina does not exceed 10 days or parts thereof per year, and further that all infectious or contagious diseases diagnosed are reported to the State Veterinarian within 48 hours; or

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

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

(12) Any person licensed pursuant to G.S. 19A-28 from operating a boarding kennel. (1903, c. 503, s. 12; Rev., s. 5438; C.S., s. 6761; 1961, c. 353, s. 9; 1973, c. 1106, s. 1; 1983, c. 891, s. 11; 1993, c. 500, s. 16; 1995, c. 509, s. 43; 1997-261, s. 11; 2011-183, s. 62; 2017-10, s. 3.6; 2017-146, s. 1; 2019-170, ss. 2(a), 6(a); 2023-63, s. 4(e).)

§ 90-187.11. Partnership, corporate, or sole proprietorship practice. (Repealed SL 2019-170 eff. 08/16/2024)

§ 90-187.12. Unauthorized practice; penalty.

An individual shall be guilty of a Class 1 misdemeanor if the individual engages in any of the following activities:

- (1) Practices or attempts to practice veterinary medicine in this State without first having obtained a license or temporary permit from the Board.
- (2) Practices veterinary medicine without renewing the individual's license, as provided in G.S. 90-187.5.
- (3) Practices or attempts to practice veterinary medicine while the individual's license is revoked, or suspended, or when a certificate of license has been refused.
- (4) Violates any of the provisions of this Article. (1913, c. 129, s. 2; C.S., s. 6762; 1961, c. 353, s. 10; c. 756; 1973, c. 1106, s. 1; 1993, c. 539, s. 636; 1994, Ex. Sess., c. 24, s. 14(c); 2019, c. 170, s. 6(c).)

§ 90-187.13. Injunctions.

The Board may appear in its own name in the superior courts in an action for injunctive relief to prevent violation of this Article and the superior courts shall have power to grant such injunctions regardless of whether criminal prosecution has been or may be instituted as a result of such violations. Actions under

this section shall be commenced in the superior court district or set of districts as defined in G.S. 7A-41.1 in which the respondent resides or has his principal place of business or in which the alleged acts occurred. (1981, c. 767, s. 14; 1987 (Reg. Sess., 1988), c. 1037, s. 102.)

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

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

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

(c) The Board shall determine by administrative rule the application procedure, fees, criteria for the issuance, continuing education, renewal, suspension or revocation, and the scope of practice under the veterinary faculty certificate or the zoo veterinary certificate. There shall be an annual renewal of each certificate and all persons holding these certificates shall be subject to the jurisdiction of the Board in all respects under this Article. (1993, c. 500, s. 18.)

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

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

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

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

(vii) periodic reporting of statistical information; (viii) assurance of confidentiality of nonpublic information and of the process; and (ix) other necessary measures.

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

(1) The veterinarian or veterinary technician constitutes an imminent danger to the public, to patients, or to himself or herself.

(2) The veterinarian or veterinary technician refuses to cooperate with the program, refuses to submit to treatment, or is still impaired after treatment and exhibits professional incompetence.

(3) It reasonably appears that there are other grounds for disciplinary action.

(e) Any confidential information or other nonpublic information acquired, created, or used in good faith by an impaired veterinary personnel organization or the Board regarding a participant pursuant to this section shall remain confidential and shall not be subject to discovery or subpoena in a civil case, nor subject to disclosure as a public document by the Board pursuant to Chapter 132 of the General Statutes. No person participating in good faith in an impaired veterinary personnel program developed under this section shall be required in a civil case to disclose any information, including opinions, recommendations, or evaluations, acquired or developed solely in the course of participating in the program.

(f) Impaired veterinary personnel activities conducted in good faith pursuant to any program developed under this section shall not be grounds for civil action under the laws of this State, and the activities are deemed to be State-directed and sanctioned and shall constitute "State action" for the purposes of application of antitrust laws. (2003-139, s. 1.)

§ 90-187.16. Practice of veterinary medicine allowed at registered animal shelters.

Notwithstanding any rule adopted by the Board prescribing minimum facility and practice standards for any location where veterinary medicine is practiced, a licensed veterinarian may practice veterinary medicine, including surgery and invasive procedures, at an animal shelter registered with the Department of Agriculture and Consumer Services, consistent with any rules adopted by the Department of Agriculture and Consumer Services concerning animal shelters. (2019-170, s. 2(b).)

§ 90-187.17. Inspection process.

At least one week prior to conducting any inspection pursuant to G.S. 90-185(3) or G.S. 90-186(2), the Board shall provide written notice of the upcoming inspection to the veterinarian. The written notice may be provided via an electronic communication. The veterinarian may contact the Board to reschedule the inspection, but the inspection shall be rescheduled no later than one week after the originally scheduled date of the inspection. Along with the written notice of inspection, the Board shall provide the veterinarian with a checklist of all standards adopted by rule for which the inspector may issue a violation and, with as much specificity as possible, conditions that violate the standards. (2023-63, s. 4(a).)

**NORTH CAROLINA ADMINISTRATIVE CODE
TITLE 21 OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS
CHAPTER 66 – VETERINARY MEDICAL BOARD**

SECTION .0100 - STATUTORY AND ADMINISTRATIVE PROVISIONS

21 NCAC 66 .0101 AUTHORITY: NAME AND LOCATION OF BOARD

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

History Note: *Authority G.S. 90-182; 90-185(6);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. June 1, 2014; January 1, 2006; May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,
2018.*

21 NCAC 66 .0102 DEFINITIONS

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

History Note: *Authority G.S. 90-185(6); 150B-14;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,
2018.*

21 NCAC 66 .0103 ORGANIZATION OF BOARD: OFFICERS

21 NCAC 66 .0104 STATUTORY POWERS OF THE BOARD

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

21 NCAC 66 .0105 APPLICABILITY OF BOARD RULES

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

History Note: *Authority G.S. 90-185(6);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. October 1, 2016; May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,
2018.*

21 NCAC 66 .0106 CURRENT INFORMATION REQUIRED BY THE BOARD

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

*History Note: Authority G.S. 90-185(6);
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Amended Eff. March 1, 2017; May 1, 1996; May 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

21 NCAC 66 .0107 FORMS

*History Note: Authority G.S. 90-185(6);
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Amended Eff. May 1, 1989;
 Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.*

21 NCAC 66 .0108 FEES

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

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

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

*History Note: Authority 90-185(6); 90-186(6); 90-187(b); 90-187.5; 132-6.2;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. October 1, 2017; January 1, 2016; January 1, 2015; May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. June 17, 2024.*

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 the delivery of veterinary medical services by a licensed veterinarian through a sole proprietorship or a legal entity authorized by law to engage in the delivery of veterinary medical services.
- (b) Veterinary practice may be by sole proprietors, partnerships, or duly registered professional corporations, limited liability companies, or limited liability partnerships. Only licensees may form a partnership or other entities described herein authorized for the practice of veterinary medicine. Partnerships of registered corporations are not permitted.
- (c) No professional corporation may practice or offer to practice veterinary medicine unless it complies with G.S. 55B-10. No professional corporation may do any act which individual licensees are prohibited from doing, and every professional corporation practicing veterinary medicine shall be subject to the disciplinary powers of the Board as prescribed in G.S. 90-187.8 and Rules .0205, .0206, .0207 and .0208 of this Section as well as all other rules of the Board pertaining to individual or partnership practice.
- (d) The services of any veterinary medical professional corporation or limited liability company shall be limited to veterinary services as defined in G.S. 90-181(6) and "such services as may be ancillary thereto" as determined by the Board.

*History Note: Authority G.S. 55B-10; 55B-12; 90-185(6); 90-187.11; 90-187.12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

21 NCAC 66 .0202 NAME OF PRACTICE

- (a) The adoption or use of a name for the entity authorized by law through which the licensed veterinarian practices and delivers veterinary services shall have prior Board approval in order to avoid duplication or confusion of names and to prevent use of names which might be misleading. No proper names of persons other than licensees may be included in the name. If the veterinary medical practice uses the name or names of the veterinarians owning or operating the facility in the name of the practice, the name shall conform to the requirements of G.S. 90-181.1(c), and Board approval shall be obtained prior to the use of that name. The use of the word "facility" is not required in the name of those facilities offering the services described in G.S. 90-181.1(b)(2) and (b)(3) unless required by the context for clarification.
- (b) A facility where the practice of veterinary medicine is conducted shall use in its name one of the descriptive terms as set forth in G.S. 90-181.1(b), or descriptive terms that are substantially equivalent, in a manner so as to accurately inform the public of the levels of service offered at the facility.

*History Note: Authority G.S. 55B-5; 90-185(6);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

21 NCAC 66 .0203 LICENSE REQUIRED TO PRACTICE; FACULTY CERTIFICATE; ZOO VETERINARY CERTIFICATE

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

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

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

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

History Note: *Authority G.S. 90-185(6); 90-187.10;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989; October 1, 1982; November 9, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

21 NCAC 66 .0204 USE OF THE TITLE: VETERINARIAN

History Note: *Authority G.S. 90-181; 90-185(6); 90-187.12;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. May 1, 1989.

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

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

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

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

21 NCAC 66 .0206 MINIMUM STANDARDS FOR CONTINUING EDUCATION

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

- (1) A veterinarian shall earn 20 continuing education credit hours for the calendar year license renewal period. A maximum of five hours may be obtained pursuant to courses described in Item (3) of this Rule.
- (2) A registered veterinary technician shall earn 12 continuing education credit hours for the two-calendar year registration renewal period. A maximum of four hours may be obtained pursuant to course described in Item (3) of this Rule.
- (3) One continuing education hour may be earned for each hour of independent self-study courses, prerecorded webinars, audio conferences, and non-interactive on-line presentations by approved continuing education credit providers.
- (4) One continuing education credit hour may be earned for each hour of in-person attendance or live interactive attendance at courses presented by approved continuing education credit providers.
- (5) A live interactive presentation shall:
 - (a) include instant or synchronous two-way communication:
 - (b) provide access to both technical personnel and professional faculty, as well as interactivity among participants for the exchange of questions and answers via instant messaging or a moderated teleconference, and

- (c) document the level of participation by keeping a record of the participant's activity in asking or answering questions during the presentation and the score of any examination administered at the end or the presentation.
- (6) A veterinarian or registered veterinary technician may request and be granted an extension of time, not to exceed six months, to satisfy the continuing education requirement if the veterinarian or registered veterinary technician provides evidence of a circumstance that prevents the veterinarian or registered veterinary technician from being able to obtain continuing education. The Board shall consider any evidence submitted of a circumstance preventing the veterinarian or registered veterinary technician from being able to obtain continuing education on a case-by-case basis.
- (7) If the Board finds that the circumstance that was the basis for non-compliance with the continuing education requirement justified the non-compliance, the Board may exempt that individual from completing the unearned portion of the continuing education for that renewal period.
- (8) Continuing education credits hours may be earned from courses, programs, or materials presented or approved by the following providers:
 - (a) the American Veterinary Medical Association (AVMA);
 - (b) the American Animal Hospital Association (AAHA);
 - (c) the North Carolina Veterinary Medical Association (NCVMA);
 - (d) the United States Department of Agriculture-Animal and Plant Health Inspection Service;
 - (e) the American Association of Veterinary State Boards' (AAVSB) Registry of Approved Continuing Education (RACE); and
 - (f) academies, schools, or colleges of veterinary medicine.

These providers are designated herein as "approved continuing education credit providers." The Board shall consider additional courses, presentations, or materials eligible for approval for continuing education credit hours, provided that the individual seeking the credit furnishes the Board with information to establish that the content of the course, presentation, or material are sufficiently educational for veterinarians or registered veterinary technicians. Board approval for continuing education credits for such additional courses, presentations, or materials shall be obtained prior to attendance or participation; however, the Board shall waive the requirement of prior approval if illness, injury, or natural disaster prevented the individual from obtaining the prior approval.
- (9) Each veterinarian and registered veterinary technician shall keep a file containing the three most recent renewal periods of the content of courses submitted to the Board for continuing education credit hours.
- (10) A veterinarian licensed in the year of graduation from a veterinary medical college is not required to earn continuing education credit hours to be eligible for license renewal for the next renewal period.
- (11) A veterinary technician registered in the year of graduation from a veterinary medical technology program is not required to earn continuing education credit hours to be eligible for registration renewal for the next renewal period.
- (12) A veterinarian or veterinary technician serving in the armed forces of the United States and to whom an extension of time to file a tax return is granted pursuant to G.S. 105-249.2 is granted the same extension of time to comply with the continuing education requirement of this Rule.

History Note: Authority G.S. 90-185(6); 90-186(1); 93B-15; Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. June 1, 2003; May 1, 1996; May 1, 1989; January 1, 1987; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. June 17, 2024; February 1, 2018.

21 NCAC 66 .0207 MINIMUM FACILITY AND PRACTICE STANDARDS

(a) All locations where veterinary medicine is practiced shall be adequate for the maintenance of good hygiene at all times. All areas of the premises shall be maintained in a clean, odor free, and orderly condition at all times.

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

- (1) The facility shall provide heating, cooling and ventilation sufficient for the comfort and safety of the animals, the employees and clients.
- (2) All rooms utilized for the practice of veterinary medicine shall have lighting sufficient for the tasks and activities conducted in the rooms.
- (3) Hot and cold running water shall be provided along with toilets and lavatories for the personnel and for the clients.
- (4) The facility shall have an area dedicated for storage of equipment and supplies, which area shall be of a size commensurate with the nature of the practice and the size of the facility, and which storage area shall be clean and, as required by the nature of the products or materials stored, shall be sanitary.
- (5) The facility shall have interior and exterior receptacles for waste disposal which shall comply with state, county and municipal health laws, ordinances and regulations.
- (6) The facilities shall employ a procedure for the prompt and sanitary disposal of dead animals which complies with all state, county and municipal laws, ordinances, rules and regulations. Dead animals held on premises shall be refrigerated.
- (7) All interior spaces in the facility shall be clean and orderly.
- (8) The facilities' examination rooms shall have the following:
 - (A) lined waste receptacles or chutes;
 - (B) a sink with disposable towels either in the examination room, or adjacent or reasonably convenient to the examination room, so as to facilitate necessary and required use of the sink for maintaining sanitation and hygiene in connection with examinations; and
 - (C) a table with an impervious surface which shall be sanitized between patients.
- (9) Surgery shall be performed in a manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support and monitoring procedures as well as recovery care. The minimum standards for surgery shall be:
 - (A) Surgery shall be performed in a room designated and reserved for surgery.
 - (B) The surgery room shall be clean, orderly and well lighted.
 - (C) Sterilization shall include a steam pressure sterilizer or autoclave equipment. Cold sterilization may be used for field or septic conditions.
 - (D) Instruments and equipment utilized in the surgery room shall be commensurate with the type of surgical service being provided.
 - (E) Storage in the surgery room shall be limited to only items and equipment normally related to surgery and surgical procedures.
 - (F) Emergency drugs shall be readily available to the surgery area.
 - (G) The operating table shall be constructed of a smooth and impervious material.
 - (H) There shall be a separate surgical preparation area.
 - (I) There shall be available for surgery sterilized instruments, gowns, towels, drapes, gloves, caps and masks.
 - (J) Regulated oxygen under positive pressure shall be available.
- (10) The facilities shall have the capability for use of either in-house or consultant laboratory service for blood chemistry, cultures and antibiotic sensitivity examinations, complete blood counts, histopathological examinations and complete necropsies. An in-house laboratory facility shall meet the following minimum standards:
 - (A) The laboratory room shall have storage space sufficient for the equipment and materials necessary for the laboratory room;
 - (B) The facility shall have refrigeration with a capacity sufficient for drugs and medicines required to be refrigerated, as well as capacity for the refrigeration of dead animals held on the premises prior to disposal;
 - (C) All facilities shall have, as a minimum, in-house capability for the following tests:
 - (i) urine tests,
 - (ii) micro-hematocrit determination,
 - (iii) flotation tests for ova of internal parasites,
 - (iv) skin scrapings for external parasite diagnosis, and

- (v) exams for circulating blood microfilaria or heartworm antigen assays.
- (11) The minimum standards for drug procedures shall be:
- (A) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and state laws, rules and regulations.
 - (B) Except for labeled manufactured drugs with instructions, all drugs dispensed shall be labeled with:
 - (i) name, address and telephone number of the facility,
 - (ii) name of client,
 - (iii) animal identification,
 - (iv) date dispensed,
 - (v) directions for use,
 - (vi) name and strength of the drug, and
 - (vii) name of prescribing veterinarian.
 - (C) A record of all drugs administered or dispensed shall be kept in the records of the individual animal, if the animal is a companion animal, or in the client's record, if the animal is an economic animal.
- (12) The following minimum standards shall apply to recordkeeping:
- (A) Every veterinarian shall keep written records or records stored via computer/word processing and easily retrievable of the animals treated. These records shall include but not be limited to pertinent medical data such as dates and type of vaccinations and all medical and surgical procedures on a daily basis, radiographs and laboratory data.
 - (B) Records shall be kept for a period of three years following the last office visit or discharge of such animal from a veterinary facility.
 - (C) Records shall be maintained by individual animal for companion pet animals examined or treated.
 - (D) The recordkeeping requirement shall not apply to the treatment of economic animals except as provided in Paragraph (11)(C) of this Rule.
- (13) The following minimum standards shall apply to radiography:
- (A) The facility shall have the capability of obtaining diagnostic quality radiographs through radiology equipment at the facility or through consultant services;
 - (B) The facility shall use and maintain radiology equipment in accordance with all federal and state laws, rules and regulations;
 - (C) all personnel using radiology equipment shall wear radiation badges.
- (14) Cages, exercise areas, pens and stalls shall be kept in a clean and orderly condition, in a well-lighted area, and in good repair to prevent injury to animals and to promote physical comfort.
- (15) All new veterinary facilities and all existing facilities changing ownership shall be inspected and approved by the Board prior to the practice of veterinary medicine within the facility.
- (16) The Board shall make periodic inspections of veterinary premises. Such inspection shall include, but not be limited to, verification of compliance with this Rule. The Board shall make reinspections as necessary to ensure compliance with this Rule.
- (17) Violation of the standards for all veterinary facilities covered by this Rule shall be grounds for disciplinary action as provided in G.S. 90-186, 90-187.8 and these Rules.
- (18) The facility shall comply with all federal, state and municipal laws, rules and regulations regarding disposal of medical wastes.
- (19) The following minimum standards shall apply to after hours emergency services. The veterinarian who is the owner, as well as the veterinarian who is in charge of the facility, shall provide after hours emergency service by one or more of the methods listed below in Parts (b)(19)(A) through (D) of this Rule. If after hours emergency services shall be provided other than by the veterinarian who is the owner or who is the veterinarian in charge of the facility, the name, address and telephone numbers of the provider of the after hours emergency service shall be posted prominently at the facility in areas where this information is likely to be seen by persons coming to the entrances of the facility, 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.

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

21 NCAC 66 .0208 FACILITIES PROVIDING LIMITED VETERINARY SERVICES

- (a) If complete veterinary medical services are not offered in a mobile or satellite veterinary clinic, an emergency veterinary hospital, or a house-call practice the public shall be so informed of the services which are not available by way of a posted notice, in plain view. The notice shall list all facilities in the area which offer the services not available in the facility. With respect to a mobile practice, including but not limited to a house-call or farm-call practice, members of the public who are or may become clients of the veterinary practice shall be informed in writing of the services which are not available at the mobile practice in a manner reasonably calculated to clearly communicate this information, at the first opportunity of inquiry or contact concerning delivery of veterinary services.
- (b) The minimum standards set in Rule .0207 for all veterinary premises apply equally to a facility covered by this Rule, except the standards that apply to services that are not available in the facility and of which the public is notified in the posted notice.
- (c) If emergency services are not available in the facility on a 24 hour basis, the veterinarians in charge of the facility shall have a written agreement with a local clinic or hospital for the provision of emergency services. The name and address of the local clinic or hospital offering emergency services under the agreement shall be posted. The facility must also comply with the minimum standards set forth in Rule .0207(b)(19) of this Section.
- (d) If either hospitalization or radiology services are not available in the facility, the veterinarians in charge of the facility shall have a written agreement with a local clinic or hospital for the provision of these services. The name and address of the local clinic or hospital offering hospitalization or radiology services under the agreement shall be posted.
- (e) No animal technician, veterinary student intern, employee or other assistant shall operate any facility covered by this Rule without the direct supervision of a licensed veterinarian on the premises.
- (f) If for any reason the veterinarian who is the owner, as well as the veterinarian who is in charge of the facility, does not obtain a written agreement or agreements as required by this Rule, the veterinarian shall provide any or all of the services that would have been covered by the agreement or agreements.
- (g) Violation of this Rule shall be grounds for disciplinary action as provided in G.S. 90-186 and 90-187.8.

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

21 NCAC 66 .0209 LIMITED LIABILITY COMPANIES

- (a) Veterinary medical services may be provided through a limited liability company that complies with this Rule, Article 11, G.S. 90, the rules of the Board, and statutes governing limited liability companies, including G.S. 57D-2-01.
- (b) The name of a limited liability company organized to practice veterinary medicine shall not include any adjectives or other words not in accordance with Article 11, G.S. 90 and the rules of the Board.

- (c) The corporate name of a professional limited liability company registered under these Rules shall contain the wording "professional limited liability company," "professional ltd. liability co.," "professional limited liability co.," or "professional ltd. liability company," or an abbreviation of one of the foregoing: "P.L.L.C." or "PLLC."
- (d) Domestic professional limited liability companies shall be formed and all limited liability companies shall be operated in accordance with the requirements set out in G.S. 57D.
- (e) Before filing the articles of organization for a professional limited liability company organized to practice veterinary medicine with the Secretary of State, the organizing members shall submit the following to the Board:
- (1) A registration fee as set by Rule .0108 of this Chapter; and
 - (2) A certificate certified by all organizing members:
 - (A) setting forth the names and addresses of each person who will be employed by the professional limited liability company to practice veterinary medicine;
 - (B) stating that all such persons are duly licensed to practice veterinary medicine in North Carolina; and
 - (C) representing that the company will be conducted in compliance with the North Carolina Limited Liability Company Act (G.S. 57D), this Chapter, Article 11, G.S. 90 and the rules of the Board.
- (f) A certification that each of the organizing members is licensed to practice veterinary medicine in North Carolina shall be returned by the Board to the organizer of the professional limited liability company for filing with the Secretary of State.
- (g) A Certificate of Registration for a professional limited liability company shall be renewed annually. The Certificate of Registration shall expire on the last day of December following its issuance by the Board and shall become invalid on that date unless renewed. Upon written application signed by its manager on a renewal form prescribed by the Board accompanied by the prescribed fee as set by Rule .0108 of this Chapter, the Board shall renew the Certificate of Registration providing that the professional limited liability company has complied with Article 11, G.S. 90, the rules of the Board and applicable General Statutes of North Carolina. The renewal form shall require the applicant to set forth:
- (1) the legal name, address and telephone number of the company;
 - (2) the legal names of all members;
 - (3) the legal names of all officers; and
 - (4) the veterinary practice facilities operated by the company.
- (h) If the Board determines that the reports filed in Paragraph (e) or (g) of this Rule, are unclear or incomplete the Board may request in writing such supplemental reports as it deems appropriate from any professional limited liability companies registered with the Board pursuant to G.S. 57D, Article 11, G.S. 90, and these Rules. The professional limited liability company shall file such reports with the Board's office within 30 days from the date it receives the request.
- (i) Professional limited liability companies registered with the Board pursuant to G.S. 57D shall file a certified copy of all amendments to the articles of organization within 30 days after the effective date of each amendment. They shall also file a copy of any amendment to the bylaws, certified to be a true copy by the manager(s) of the professional limited liability company within 30 days after adoption of the amendment.
- (j) The Board shall issue a certificate authorizing transfer of membership when membership is transferred in the professional limited liability company. This certificate of transfer shall be permanently retained by the company. The membership books of the company shall be kept at the principal office of the company and shall be subject to inspection by authorized agents of the Board. Transfer of membership shall only be to a person licensed to practice veterinary medicine in this State.
- (k) All documents required by these Rules to be submitted to the Board by the professional limited liability company shall be executed by the manager(s) of the professional limited liability company, and duly acknowledged before a notary public or some other officer qualified to administer oaths.

*History Note: Authority G.S. 57D-2-01; 90-181.1; 90-186; 90-187.11;
Eff. May 1, 1996;
Amended Eff. September 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

21 NCAC 66 .0210 REGISTERED LIMITED LIABILITY PARTNERSHIPS

- (a) Any registered limited liability partnership created to deliver veterinary medical services shall be created pursuant to and in compliance with G.S. 59 and Article 11, G.S. 90 and the rules of the Board.
- (b) All partners of a registered limited liability partnership organized under this Rules shall hold a license to practice veterinary medicine issued by the Board.
- (c) A veterinarian who engages in the practice of veterinary medicine through a limited liability partnership shall comply with the registration and other requirements of this Chapter, Article 11, G.S. 90, and the rules of the Board.
- (d) A registered limited liability partnership created to deliver veterinary medical services and each of its partners shall comply with Article 11, G.S. 90 and the rules of the Board with respect to the prior approval of the name of the partnership, including the provisions of G.S. 90-181.1.
- (e) Limited liability partnerships organized under this Rule shall be organized and operated in accordance with the requirements of G.S. 59. A limited liability partnership organized under this Rule to deliver veterinary medical services shall register with the Board both prior to the delivery of any professional services and prior to registration with the office of the Secretary of State of North Carolina as required by G.S. 59-84.2.
- (f) To register the limited liability partnership with the Board, the partners of a veterinary limited liability partnership shall submit to the Board:
- (1) A registration fee as required by Rule .0108 of this Chapter; and
 - (2) A certificate setting forth the names and addresses of each veterinarian who is a partner of the limited liability partnership, a representation that the partnership will be conducted in compliance with G.S. 59 as well as Article 11, G.S. 90 and the rules of the Board, as well as bearing the notarized signatures of the partners subscribing to the documents certifying to the accuracy of the statements made therein.
- (g) The Board shall furnish the limited liability partnership a Certificate of Registration from the Board certifying that each of the organizing partners is licensed to practice veterinary medicine in North Carolina, said Certificate to be filed by the limited liability partnership with the Secretary of State.
- (h) The Certificate of Registration for a limited liability partnership shall be renewed annually in order to continue to be effective.
- (i) The Board may request in writing such supplemental reports as it deems appropriate from any limited liability partnership registered with the Board pursuant to G.S. 59 and these Rules. The limited liability partnership shall file such reports with the Board's office within 30 days from the date it receives the request.
- (j) Limited liability partnerships registered with the Board pursuant to G.S. 59 shall file a certified copy of all amendments to the partnership agreement within 30 days after the effective date of each amendment. They shall also file a copy of any amendment to the bylaws, certified to be a true copy by the managing partner of the limited liability partnership within 30 days after adoption of the amendments.

History Note: Authority G.S. 59-84.2; 59-84.3; 90-181.1; 90-186; Eff. May 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

21 NCAC 66 .0211 VETERINARY TELEMEDICINE

- (a) "Veterinary telemedicine" or "telemedicine" means the use of electronic or telecommunication technologies to remotely provide medical information regarding a patient's clinical health status and to deliver veterinary medical services to a patient that resides in or is located in the State. The delivery of veterinary medical services through telemedicine is the practice of veterinary medicine.
- (b) A veterinarian may provide veterinary medical services via telemedicine to a patient only after establishing a Veterinarian-Client-Patient-Relationship (VCPR). No person shall practice veterinary telemedicine except a veterinarian within the context of a VCPR. A VCPR cannot be established by any electronic means or telecommunication technologies.
- (c) "Veterinary telemonitoring" occurs when any person, licensed or unlicensed, utilizes a medical device, smart phone, monitoring sensor, or other technology, in combination with an Internet connection, to collect and store health information for a patient of the veterinarian and to transmit it to a veterinarian, as directed or requested by a veterinarian.
- (d) "Veterinary Teleconsulting" occurs when any person, licensed or unlicensed, whose expertise the veterinarian believes would benefit the veterinarian's patient, provides advice or other information by any method of communication to a veterinarian at the veterinarian's direction or request.

(e) Veterinarians practicing telemedicine shall be held to the same standard of care as veterinarians providing in-person medical care. Veterinarians shall use their professional judgement to determine whether telemedicine is appropriate and in the best interest of the patient. Veterinarians shall maintain a medical record of the telemedicine patient(s) as required by 21 NCAC 66 .0207(b)(12).

History Note: G.S. 90-186(10);
Eff. September 1, 2021.

SECTION .0300 - EXAMINATION AND LICENSING PROCEDURES

21 NCAC 66 .0301 APPLICATION AND EXAMINATION

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

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

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

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

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

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

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

(h) In determining whether to issue a license to practice veterinary medicine, the Board 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.

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

21 NCAC 66 .0302 LICENSE RENEWAL

History Note: Authority G.S. 90-185(6); 90-187.5;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. May 1, 1989.

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

(a) Applications for registration as a veterinary technician, veterinary student intern, or veterinary student preceptee shall be on application forms provided by the Board, accompanied by the required application fee. Applicants shall

be at least 18 years of age and shall furnish to the Board as requested information from which the Board can determine whether the applicant is a person of honesty and integrity.

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

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

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

History Note: Authority G.S. 90-185(6); 90-186(4); 90-187.6;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. February 1, 2006; May 1, 1996; May 1, 1989; October 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

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

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

- (1) The unlawful practice of veterinary medicine, except as permitted by and within the limits of the registration as defined herein and in G.S. 90-187.6. The veterinary medical services of a technician, intern, or other veterinary employee shall be limited to those services permitted by G.S. 90-187.6 under the direction and supervision of a licensed veterinarian. Such supervision and direction shall be construed to require the physical presence of the veterinarian in the facility at a proximity close enough to conduct the appropriate level of supervision for the particular task being performed by the employee. The rendering of veterinary medical services in a satellite clinic, mobile clinic, emergency clinic or other facility where the supervising veterinarian is not on the premises shall subject the registrant to revocation of registration.
- (2) The violation of G.S. 90-187.6(b) concerning the acceptance of a fee or compensation.
- (3) Representing to members of the public that the registrant is a licensed veterinarian or otherwise misleading the public in the belief that the registrant is a licensed veterinarian.
- (4) Any other grounds for disciplinary action applicable to licensed veterinarians as defined in G.S. 90-187.8 or the rules of the Board.

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

21 NCAC 66 .0305 TEMPORARY PERMITS

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

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

applicant before the applicant shall be authorized to engage in the supervised practice of veterinary medicine within the state.

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

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

*History Note: Authority G.S. 90-185(6); 90-187.4;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

21 NCAC 66 .0306 LICENSE WITHOUT EXAMINATION

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

(b) An applicant shall certify that he is currently an active, competent practitioner in good standing and this certification shall be verified by the state licensing Board from the applicant's most recent clinical practice. An applicant is deemed to have practiced in another state at least three of the last five years immediately preceding his application if the applicant certifies that he has engaged in the unexempt practice of veterinary medicine as defined in the North Carolina Practice Act for that length of time. The licensure requirements in the other state are deemed substantially equivalent to those required by this state if the other state administered the same standardized licensing tests (excluding the North Carolina Practice Act Test) as were administered in North Carolina at the time of the applicant's original licensing in the other state and the tests were graded in accordance with North Carolina grading criteria.

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

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

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

*History Note: Authority G.S. 90-185(6); 90-187.4(b); 90-187.8;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

21 NCAC 66 .0308 REINSTATEMENT AFTER REVOCATION

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

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

21 NCAC 66 .0309 PETITION FOR INACTIVE STATUS

- (a) Any licensed veterinarian or registrant who is in good standing with the Board and who has ceased practicing veterinary medicine may apply for inactive status. The Board may place the licensed veterinarian or registrant on an inactive list of members. A licensed veterinarian or registrant who has obtained the inactive status shall 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.
- (b) Any veterinarian or registrant who has been placed on inactive status and who desires to be reinstated or to resume practicing veterinary medicine may be reinstated upon the determination by the Board that:
- (1) The inactive veterinarian or registrant is competent to practice veterinary medicine;
 - (2) The veterinarian or registrant shall pay the required license renewal fee for the current year when the application is filed; and
 - (3) The veterinarian or registrant shall earn the required continuing education credits in the year preceding reinstatement.

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. April 1, 2021.

21 NCAC 66 .0310 PENDING COMPLAINT OR DISCIPLINE AGAINST APPLICANTS LICENSED OR REGISTERED IN OTHER STATES

- (a) Upon complaint or information, and within the Board's discretion, the Board may deny a license required by Article 11, G.S. 90.
- (b) Applicants for a license to practice veterinary medicine may be required upon initial application to inform the Board in writing of any prior discipline or administrative action, or the equivalent thereof, against the applicant's license to practice veterinary medicine in another state or jurisdiction; or any pending complaint or unresolved disciplinary or administrative action, or the equivalent thereof, against the applicant's license to practice veterinary medicine in another state.
- (c) The applicant shall furnish or give the Board permission to obtain true and accurate copies of documents relevant to consideration of the prior or pending disciplinary action.
- (d) In reviewing an applicant's application, the Board may consider information determined to be reliable, including but not limited to information from the National Disciplinary Data Base about the licensee, or information obtained from other state veterinary medical boards, or other federal or state agencies.
- (e) The applicant for license to practice veterinary medicine may be required to furnish all facts relating to the existence of any pending charges alleging violation of a federal or state criminal statute or law, in this or any other country.

History Note: Authority G.S. 90-185(2); 90-185(6); 90-186(3); 90-187; 90-187.3;
Eff. May 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

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 or in a Board rule, the provisions of G.S. 90, Article 11 and this Chapter are applicable to limited veterinary licenses.

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

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

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

- (1) The criteria for eligibility for this limited veterinary license are:
 - (A) The applicant is not eligible for a license as a veterinarian under G.S. 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.

SECTION .0400 - RULES: PETITIONS: HEARINGS

21 NCAC 66 .0401 RULE-MAKING PETITIONS

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

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

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

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

History Note: Authority G.S. 90-185(6); 150B-16; Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

21 NCAC 66 .0402 NOTICE OF RULE-MAKING HEARINGS

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

*History Note: Authority G.S. 90-185; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

21 NCAC 66 .0403 NOTICE MAILING LIST

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

*History Note: Authority G.S. 90-185; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

21 NCAC 66 .0404 SUBMISSION OF DATA

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

*History Note: Authority G.S. 90-185; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

21 NCAC 66 .0405 PRESIDING OFFICER: POWERS AND DUTIES

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

*History Note: Authority G.S. 90-185; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

21 NCAC 66 .0406 RECORD OF PROCEEDINGS

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

*History Note: Authority G.S. 90-185; 150B-12;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

- 21 NCAC 66 .0407 REQUEST TO PARTICIPATE**
- 21 NCAC 66 .0408 CONTENTS OF REQUEST: GENERAL TIME LIMITATIONS**
- 21 NCAC 66 .0409 RECEIPT OF REQUEST: SPECIFIC TIME LIMITS**
- 21 NCAC 66 .0410 WRITTEN SUBMISSIONS**
- 21 NCAC 66 .0411 PRESIDING OFFICER: POWER AND DUTIES**
- 21 NCAC 66 .0412 STATEMENT OF REASONS FOR DECISION**
- 21 NCAC 66 .0413 RECORD OF PROCEEDINGS**
- 21 NCAC 66 .0414 EMERGENCY RULES**

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

SECTION .0500 - DECLARATORY RULINGS

21 NCAC 66 .0501 PROCEDURE FOR DECLARATORY RULING

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

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

*History Note: Authority G.S. 90-185; 150B-17;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

- 21 NCAC 66 .0502 SUBMISSION OF REQUEST FOR RULING**
- 21 NCAC 66 .0503 DISPOSITION OF REQUESTS**
- 21 NCAC 66 .0504 RECORD OF DECISION**
- 21 NCAC 66 .0505 EFFECTIVE DATE**

*History Note: Authority G.S. 90-185(6); 150A-11; 150A-17;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. May 1, 1989.*

SECTION .0600 - ADMINISTRATIVE HEARINGS: PROCEDURES

21 NCAC 66 .0601 COMMITTEE ON INVESTIGATIONS

- (a) Upon receipt of a charge alleging misconduct against a licensee or registrant of the Board, the Executive Director shall inform the accused party of the nature of the charges as filed with the Board.
- (b) The accused party shall respond to the charges by filing a written answer with the Board within 20 days of the receipt of the notification of charges.
- (c) The complaining party shall be provided with a copy of the accused party's answer and within 20 days from receipt thereof shall file a reply to the accused party's answer.
- (d) The charges as filed with the Board, the answer and reply may be referred to the Committee on Investigations (hereinafter referred to as "Committee"). The Committee shall consist of three members of the Board, one of whom shall serve as chairman.
- (e) The Committee shall investigate the complaint referred to it by the Board and as part of the investigation may:
- (1) Assign the complaint to the Board's investigator who shall submit a written report to the Committee.
 - (2) Invite the complaining party and the accused party before the Committee to receive their oral statements, but neither party shall be compelled to attend.
 - (3) Conduct any other type of investigation as is deemed appropriate by the Committee.
- (f) Upon the completion of the investigation, the Committee shall determine whether or not there is probable cause to believe that the accused party has violated any standard of misconduct which would justify a disciplinary hearing based upon the grounds as specified in Article 11 of Chapter 90 of the North Carolina General Statutes or this Chapter.
- (g) If probable cause is found, the Committee shall direct the legal counsel for the Board to file a Notice of Hearing.
- (h) If probable cause is found, but it is determined that a disciplinary hearing is not warranted, the Committee may issue a reprimand to the accused party. A statement of such reprimand shall be mailed to the accused party. Within 15 days after receipt of the reprimand, the accused party may refuse the reprimand and request that Notice of Hearing be issued pursuant to Chapter 150B of the North Carolina General Statutes or this Chapter. Such refusal and request shall be addressed to the Committee and filed with the Executive Director for the Board. The legal counsel for the Board shall thereafter prepare and file a Notice of Hearing. If the letter of reprimand is accepted, a record of the reprimand shall be maintained in the office of the Board.
- (i) If no probable cause is found, the Committee shall dismiss the charges and prepare a statement of the reasons therefore which shall be mailed to the accused party and the complaining party.
- (j) If no probable cause is found, but it is determined by the Committee that the conduct of the accused party is not in accord with accepted professional practice or may be the subject of discipline if continued or repeated, the Committee may issue a letter of caution to the accused party stating that the conduct, while not the basis for a disciplinary hearing, is not professionally acceptable or may be the basis for a disciplinary hearing if repeated. A record of such letter of caution shall be maintained in the office of the Board.
- (k) A Board member who has served on the Committee is deemed disqualified to act as a presiding officer or member of the Board assigned to render a decision in any administrative disciplinary proceeding brought pursuant to a Notice of Hearing for which that member has sat in an investigative capacity as a member or chairman of the Committee.
- (l) The Board may assess and recover against persons holding licenses, limited licenses, temporary permits, faculty certificates, Zoo veterinary certificates or any certificates of registration issued by the Board, costs incurred by the Board for the following expenses, respectively, that have been incurred by the Board in the investigation, prosecution, hearing or other administrative action in final decisions or orders where those persons are found to have violated the Veterinary Practice Act or Administrative Rules of the Board:
- (1) legal expenses, including reasonable attorney fees, incurred by the Board; and
 - (2) witness fees and statutorily-allowed expenses for witnesses; and
 - (3) direct costs of the Board in taking or obtaining of depositions of witnesses; and
 - (4) costs incurred by reason of administrative or staff time of employees of the Board directly attributable to the action leading to the final decision or order.
- The costs assessed may be assessed pursuant to final decision or orders entered with or without the consent of the person holding the respective license, registration permit or certificate; no costs referred to in this Paragraph shall be assessed against a person holding a respective license, permit registration or certificate for an investigation or action in the nature of disciplinary action other than a final decision or order of the Board, unless and except expressly consented to by said person in a Consent Order approved by the Board.
- (m) A civil monetary penalty of up to five thousand dollars (\$5,000) for each violation of Article 11, G.S. 90 or Board rule may be imposed and collected from a person holding a license (the word "license" is as defined in G.S. 90-187.8(a)) upon a finding by the Board of the relevant factor or factors in G.S. 90-187.8(b)(1) through (6). With respect

to this subsection, the phrase "violation of Article 11, G.S. 90 or Board rule" shall be deemed to mean Article 11, G.S. 90, the Veterinary Practice Act, or the rules of the Board, and shall include final decisions, orders, and consent orders, letters of reprimand and other permitted disciplinary actions, but it expressly excludes letters of caution issued by the Board.

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

21 NCAC 66 .0602 RIGHT TO HEARING

When the Board acts or proposes to act, other than in rule-making or declaratory ruling proceedings, in a manner which will affect the rights, duties, or privileges of a specific, identifiable person, such person has the right to an administrative hearing. When the Board proposes to act in such manner, it shall give all such affected persons notice of their right to a hearing by mailing by certified mail to them at their last known address a notice of the proposed action and a notice of a right to a hearing.

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

21 NCAC 66 .0603 REQUEST FOR HEARING

(a) Any time an individual believes that individual's rights, duties, or privileges have been affected by the Board's administrative action, but has not received notice of a right to an administrative hearing, that individual may file a formal request for a hearing.

(b) Before an individual may file a request, that individual is encouraged to exhaust all reasonable efforts to resolve the issue informally with the Board.

(c) Subsequent to such informal action, if still dissatisfied, the individual must submit a request to the Board's office, with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request must contain the following information:

- (1) Name and address of the petitioner;
- (2) A concise statement of the action taken by the Board which is challenged;
- (3) A concise statement of the way in which the petitioner has been aggrieved; and
- (4) A clear and specific statement of request for a hearing.

(d) The request will be acknowledged promptly and, if deemed appropriate by the Board in accordance with Rule .0604 of this Section, a hearing will be scheduled.

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

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).

(b) The denial of request for a hearing shall be issued no later than 60 days after the submission of the request. Such denial shall contain a statement of the reasons for the denial of the request.

(c) Approval of a request for a hearing will be signified by the issuing of a notice as required by G.S. 150B-38(b) and explained in Rule .0605 of this Section.

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

21 NCAC 66 .0605 NOTICE OF HEARING

- (a) The Board shall give the party or parties in a contested case a notice of hearing not less than 15 days before the hearing. Said notice shall contain the following information, in addition to the items specified in G.S. 150B-38(b):
- (1) the name, position, address and telephone number of a person at the offices of the Board to contact for further information or discussion;
 - (2) the date, time, and place for a pre-hearing conference, if any; and
 - (3) any other information deemed relevant to informing the parties as to the procedure of the hearing.
- (b) The Board shall give notice to all parties with a notice of hearing either personally or by certified mail or, if those methods are unavailable, in accordance with G.S. 1A-1, Rule 4(j1). In the event that notice is accomplished by certified mail, the delivery date on the return receipt shall be the date of the service of notice.
- (c) If the Board determines that the public health, safety or welfare requires such action, it may issue an order summarily suspending a license or registration. Upon service of the order, the licensee or registrant to whom the order is directed shall immediately cease the practice of veterinary medicine in North Carolina. The Board shall promptly give notice of hearing pursuant to G.S. 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42.

History Note: Authority G.S. 90-185; 150B-3(c); 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 9, 2018.

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

History Note: Authority G.S. 90-185; 150B-38; 150B-40;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1996; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

21 NCAC 66 .0607 PETITION FOR INTERVENTION

- (a) A person desiring to intervene in a contested case must file a written petition with the Board's office. The request must bear the notation: PETITION TO INTERVENE IN THE CASE OF (Name of Case).
- (b) The petition must include the following information:
- (1) the name and address of petitioner;
 - (2) the business or occupation of petitioner, where relevant;
 - (3) a full identification of the hearing in which petitioner is seeking to intervene;
 - (4) the statutory or non-statutory grounds for intervention;
 - (5) any claim or defense in respect of which intervention is sought; and
 - (6) a summary of the arguments or evidence petitioner seeks to present.

- (c) If the Board determines to allow intervention, notice of that decision will be issued promptly to all parties and to the petitioner. In cases of discretionary intervention, such notification will include a statement of any limitations of time, subject matter, evidence, or whatever else is deemed necessary that are imposed on the intervenor.
- (d) If the Board's decision is to deny intervention, the petitioner shall be notified promptly. Such notice shall be in writing, identifying the reasons for the denial, and shall be issued to the petitioner and all parties.

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

21 NCAC 66 .0608 TYPES OF INTERVENTION

- (a) Intervention of Right. A petition to intervene as of right, as provided in the North Carolina Rules of Civil Procedure, Rule 24, will be granted if the petitioner meets the criteria of that rule and the petition is timely.
- (b) Permissive Intervention. A petition to intervene permissively as provided in the North Carolina Rules of Civil Procedure, Rule 24, will be granted if the petitioner meets the criteria of that rule and the Board determines that:
- (1) There is sufficient legal or factual similarity between the petitioner's claimed rights, privileges, or duties and those of the parties to the hearings; and
 - (2) Permitting intervention by the petitioner as a party would aid the purpose of the hearing.
- (c) Discretionary Intervention. The Board may allow discretionary intervention, with whatever limits and restrictions are deemed appropriate.

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

21 NCAC 66 .0609 INFORMAL PROCEDURES

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

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

21 NCAC 66 .0610 DISQUALIFICATION OF BOARD MEMBERS

- (a) Self-disqualification. If for any reason a Board member determines that personal bias or other factors render that member unable to conduct the hearing and perform all duties in an impartial manner, that Board member shall voluntarily decline to participate in the hearing or decision.
- (b) Petition for Disqualification. If for any reason any party in a contested case believes that a Board member is personally biased or otherwise unable to conduct the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board. The title of such affidavit must bear the notation: AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (Name of Case).
- (c) Contents of Affidavit. The affidavit must state all facts the party deems to be relevant to the disqualification of the Board member.

(d) Timeliness of Affidavit. An affidavit of disqualification will be considered timely if filed ten days before commencement of the hearing. Any other affidavit will be considered timely provided it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief that a Board member may be disqualified under this Rule.

(e) Procedure for Determining Disqualification:

- (1) The Board will appoint a Board member to investigate the allegations of the affidavit.
- (2) The investigator will report to the Board the findings of the investigation.
- (3) The Board shall decide whether to disqualify the challenged individual.
- (4) The person whose disqualification is to be determined will not participate in the decision but may be called upon to furnish information to the other members of the Board.
- (5) A record of proceedings and the reasons for any decision reached will be maintained as part of the contested case record.
- (6) When a Board member is disqualified prior to the commencement of the hearing or after the hearing has begun, such hearing will continue with the remaining members sitting provided that the remaining members still constitute a majority of the Board.
- (7) If disqualification of a Board member leaves less than a majority of the Board, the Board shall petition the Office of Administrative Hearings to appoint an administrative law judge to hear the contested case pursuant to G.S. 150B-40(e).
- (8) Where a petition for disqualification is filed less than ten days before or during the course of a hearing, the hearing shall continue with the challenged Board member sitting. Petitioner shall have the opportunity to present evidence supporting his petition, and the petition and any evidence relative thereto presented at the hearing shall be made a part of the record. The Board, before rendering its decision, shall decide whether the evidence justifies disqualification. In the event of disqualification, the disqualified member will not participate in further deliberation or decision of the case.

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

SECTION .0700 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS

21 NCAC 66 .0701 FAILURE TO APPEAR

- (a) Continuances and adjournments will be granted only in compelling circumstances.
- (b) Should a party fail to appear at a hearing or fail to appear following the granting of a continuance or adjournment, the hearing will be conducted in the party's absence.
- (c) If a hearing is conducted and a decision is reached in an administrative hearing in the absence of a party, that party may file a written petition with the Board for a reopening of the case.
- (d) Petitions for reopening a case will not be granted except when the petitioner can show that the reasons for his failure to appear were justifiable and unavoidable and that fairness requires reopening the case. Such petitions, however, will have no effect on the running of the 30-day period for seeking judicial review, which starts from the day the party is served with the final decision.

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

21 NCAC 66 .0702 WITNESSES

Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded or transcribed. At the request of a party or upon the

Board's own motion, the presiding officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

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

21 NCAC 66 .0703 SUBPOENAS

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

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

21 NCAC 66 .0704 FINAL DECISION

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

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

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" shall be rendered within 45 days of the hearing pursuant to the Rules of the Office of Administrative Hearings. The parties may file written exceptions to this "proposal for decision" and submit their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals must be filed within ten days after the party has received the "proposal for decision" as drafted by the administrative law judge.
- (b) Any exceptions to the procedure during the hearing, the handling of the hearing by the administrative law judge, rulings on evidence, or any other matter must be written and refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. The exceptions must be filed with the Board within ten

days of the receipt of the proposal for decision. The written exceptions must bear the notation: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (Name of Case).

(c) Any party may present oral argument to the Board upon request. The request must be included with the written exceptions.

(d) Upon receipt of request for further oral argument, notice will be issued promptly to all parties designating the time and place for such oral argument.

(e) Giving due consideration to the proposal for decision and the exceptions and arguments of the parties, the Board may adopt the proposal for decision or may modify it as the Board deems necessary. The decision rendered will be a part of the record and a copy thereof given to all parties. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. Said decision will be rendered by the Board within 60 days of the next regularly scheduled meeting following the oral arguments, if any. If there are no oral arguments presented, the decision will be rendered within 60 days of the next regularly scheduled Board meeting following receipt of the written exceptions.

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

SECTION .0800 - JUDICIAL REVIEW

21 NCAC 66 .0801

RIGHT TO JUDICIAL REVIEW

21 NCAC 66 .0802

MANNER OF SEEKING REVIEW: TIME FOR FILING PETITION: WAIVER

History Note: Authority G.S. 90-185(6); 150A-43; 150A-45;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. May 1, 1989.

SECTION .0900 – VETERINARY FACILITY PERMITS

21 NCAC 66. 0901

DEFINITIONS

In addition to the terms set forth in G.S. 90-181, the following definitions apply to this Subchapter:

- (1) "Owner" means the person whose business provides services that constitute the practice of veterinary medicine as defined by G.S. 90-181(6).
- (2) "Facility" means any physical location, including mobile units, in which the practice of veterinary medicine occurs.
- (3) "Veterinary Facility Permit" means a document authorizing an owner to operate a facility which engages in the practice of veterinary medicine.

History Note: Authority G.S. 90-185(6); 90-186(8);
Eff. June 17, 2024.

21 NCAC 66 .0902

VETERINARY FACILITY PERMITS

(a) Any person who owns a business which operates a facility providing services that constitute the "practice of veterinary medicine" on a full, part-time, or temporary basis shall have a veterinary facility permit issued by the Board prior to offering or delivering any veterinary medical services to the public. Veterinary or Veterinary Technician teaching programs offering services to the public shall have a veterinary facility permit.

(b) As a condition of any veterinary facility permit issued by the Board, the owner shall designate a supervising veterinarian.

(c) The Board shall issue a veterinary facility permit to an owner after the owner submits an application, pays the veterinary facility permit fee, and passes a facility inspection. The Board shall inspect the veterinary facility to ensure compliance with Rules .0207 and .0208 of this Chapter if an inspection has not been performed in the last two years. It is the responsibility of the owners to ensure that the veterinary facility meets the minimum veterinary facility standards in Rules .0207 and .0208 of this Chapter.

- (d) The application for a veterinary facility permit shall be on a form prescribed by the Board and available on the Board's website. The application shall contain:
- (1) the owner's name, physical address, mailing address, email address, and telephone number;
 - (2) proposed or existing name of the facility, as set forth in G.S. 90-181.1, physical address, mailing address, email address, and telephone number; and
 - (3) designation of a supervising veterinarian of the facility subject to the provisions of Rules .0903 of this Section.
- (e) Each veterinary facility permit shall be renewed yearly. The veterinary facility must have passed an inspection pursuant to Rule .0207(b)(16) of this Chapter within the 24 months prior to issuance of renewal.
- (f) Each veterinary facility that is identified by a separate physical address or that is located at the same physical address as another veterinary facility but has different owners or supervising veterinarians shall be a separate veterinary facility requiring a separate veterinary facility permit. The physical address for a veterinary facility shall be the primary business location.
- (g) The owner shall notify the Board within 10 business days of any changes in contact information.
- (h) The owner shall notify the Board in writing of a planned change in the ownership or in the supervising veterinarian of the veterinary facility at least 20 business days prior to the planned change.
- (i) In the event of an owner's inability to maintain the facility's compliance with Chapter 90 of the General Statutes and the rules of this Chapter, the Board shall be notified within 10 business days by an owner, or if the owner is unable to do so as a result of physical inability, the supervising veterinarian, or a member of the veterinary facility's staff.
- (j) In the event that the Board is notified that the owner to whom a facility permit is issued is dissolved voluntarily, administratively, or by operation of law; suspended by the NC Department of Revenue; or has its certificate of authority revoked by the NC Secretary of State, the Board shall also suspend the permit issued to the owner. The suspension shall remain in effect until the suspension has been lifted by NC Department of Revenue, or the person has been reinstated by the NC Secretary of State, or both.
- (k) The Board may issue a temporary veterinary facility permit to the owners of a veterinary facility for a period of 35 business days to allow the owners to address and resolve violations of the rules of this Chapter, particularly, Rules .0207 and .0208 of this Chapter, discovered during the veterinary facility inspection. However, the Board shall not issue a temporary veterinary facility permit if the violations present a danger to the health or safety of the public or animals. Upon request of the owner, the Board may extend a temporary permit for an additional period of no more than 35 business days, as long as satisfactory progress has been made as determined by the Board. In the event of the death of an owner, the permit remains valid for 50 business days from the date of the death of the owner, so long as the facility continues to have an active, supervising veterinarian registered with the Board.
- (l) The following are exempt from the requirement for a veterinary facility permit:
- (1) those exempted by licensure under G.S. 90-187.10;
 - (2) a veterinary facility owned and operated by the State of North Carolina, a political subdivision thereof, or the federal government, so long as the facility does not offer or provide veterinary services to the public; or
 - (3) a temporary veterinary facility established as a result of an emergency declared by the Governor of North Carolina.
- (m) A person operating without a veterinary facility permit is subject to the provisions of G.S. 90-187.13.
- (n) The veterinary facility permit shall be displayed by the owners at the facility at a location viewable by the public. Veterinary facility permits for mobile facilities shall be available upon request.
- (o) An owner or supervising veterinarian shall provide a copy of medical records maintained pursuant to Rule .0207 of this Chapter within 10 business days of receipt of a request by a current or former patient's owner. The veterinary facility may charge the patient's owner the actual cost of reproducing the records as a reasonable fee.
- (p) Owners shall post on any existing veterinary facility website home page:
- (1) The facility's name, address, and telephone number;
 - (2) The facility's regular business hours;
 - (3) Availability of after-hours emergency care at the facility; and
 - (4) If after-hours emergency care is not available, the name, address, and telephone number of an after-hours emergency provider.

*History Note: Authority G.S. 90-185; 90-186(2); 90-186(8); 90-186(9);
Eff. June 17, 2024;
Amended Eff. October 1, 2024.*

21 NCAC 66 .0903 SUPERVISING VETERINARIAN

- (a) The owners of a veterinary facility shall designate a supervising veterinarian who shall be responsible for informing the owners as to the instances of non-compliance with 21 NCAC 66 .0207 and 21 NCAC 66 .0208 at the veterinary facility.
- (b) The supervising veterinarian shall be currently licensed by and in good standing with the Board.
- (c) The owners may designate an interim supervising veterinarian to serve for a period not to exceed 50 business days.
- (d) A veterinarian may be a supervising veterinarian at more than one veterinary facility. At each veterinary facility that is open for 159 hours or less per month, the supervising veterinarian shall be physically onsite for a minimum of 25 percent of the total time a veterinary facility is open. At each veterinary facility that is open for 160 hours or more per month, the supervising veterinarian shall be physically onsite at each veterinary facility for a minimum of 40 hours per month. Electronic or handwritten documentation stating the dates and times that the supervising veterinarian was present at the veterinary facility shall be maintained by the supervising veterinarian at each individual facility and made available by the owner, supervising veterinarian, or the staff at each facility at the time of inspection or investigation by the Board.
- (e) The owners of a veterinary facility may designate more than one supervising veterinarian for a veterinary facility, in which case the onsite physical presence of each of the supervising veterinarians at the veterinary facility shall be counted toward satisfaction of the onsite physical presence requirement of Paragraph (d) of this Rule.

*History Note: Authority G.S. 90-185(6); 90-186(9);
Eff. June 17, 2024;
Amended Eff. October 1, 2024.*

21 NCAC 66 .0904 DISCIPLINE VETERINARY FACILITY PERMITS

- (a) The Board shall investigate any complaint within its jurisdiction. The investigation and any resulting hearings shall be conducted pursuant to Sections .0600 and .0700 of the Chapter. Following an investigation and the owner's opportunity to be heard, the Board may:
 - (1) revoke or suspend a veterinary facility permit issued under this Chapter;
 - (2) discipline the owner of a facility permitted under this Chapter in accordance with the disciplinary measures set forth in Sections .0600 and .0700 of this Chapter;
 - (3) deny a veterinary facility permit required by G.S. 90-186(8) and the rules of this Chapter based on violations of Board Rules including, but not limited to, Rules .0207 and .0208 of this Chapter.

For the purpose of this Rule, references to licensee or registrant in the provisions of Sections .0600 and .0700 of this Chapter are treated as references to owner and permittee. References to license are treated as references to facility permit.

- (b) The Board may suspend, revoke, or deny issuance of a veterinary facility permit, without hearing, for any of the following reasons:
 - (1) A veterinary facility has not had a supervising veterinarian or an interim supervising veterinarian serving in that capacity for more than 15 business days.
 - (2) The Board obtains a summary emergency order pursuant to the provisions of G.S. 90-186(3).
 - (3) The owners of the veterinary facility have failed to notify the Board after 10 business days of a change in ownership of the facility or change in the supervising veterinarian.
- (c) An owner shall cease to operate a veterinary facility as of the date the Board notifies the owner of the revocation of his or her veterinary facility permit. Within 24 hours of receiving notification of revocation, an owner shall display the following information at the facility and through any existing medium of communication with the public, such as social media, a telephone answering system, or facility website:
 - (1) information that the veterinary facility is closed;
 - (2) the means by which clients may obtain their animal's medical records; and
 - (3) notice of the Board's revocation of the facility permit.

*History Note: Authority G.S. 90-185(6); 90-186(8); 90-186(9);
Eff. June 17, 2024;
Amended Eff. October 1, 2024.*

21 NCAC 66 .0905 REINSTATEMENT AFTER REVOCATION OF FACILITY PERMIT

Any person whose facility permit been suspended or revoked pursuant to the provisions of Rule .0904 of this Section may apply for reinstatement subject to any terms and conditions contained in the final agency decision issued by the Board upon revoking or suspending the person's facility permit. The Board may conduct an inspection prior to reinstatement to determine if the terms and conditions stated in the final agency decision have been addressed.

*History Note: Authority G.S. 90-185(6); 90-186(8); 90-186(9);
Eff. June 17, 2024.*

SECTION .1000 – BOARDING KENNELS

21 NCAC 66 .1001 BOARDING KENNEL RECORDS

Operators of a boarding kennel, as defined in G.S. 90-181.1(b)(1a), shall maintain records, as part of the medical record, of all dogs and cats, that include the following information:

- (1) name and address of owner or person responsible for animal, the date of entry and signature of the person leaving the animal; and the date of release and signature and address of individual to whom animal is released;
- (2) description of animal including breed or breed type, sex, age, and color markings;
- (3) veterinary care provided while boarded, which shall include date, times of administration, description of medication and initials of person administering the medication or procedure. The description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage regimen shall include the frequency and duration, to include the number of dosages or days to be given the medication and the reason for the administration;
- (4) all records shall be created and/or updated at the time of the occurrence, such as intake, medication, treatment administration, and/or release. The record shall be accurate; creation of a misleading record, or deliberate or non-incidentals falsification of a record, including medication administration during or after an investigation or inspection, shall be considered a violation of this regulation;
- (5) an incident file shall be kept within each facility for animals sustaining injury or illness requiring veterinary care; animal death; and/or any animal escape. Each report shall include the date of the incident, the pet's name, breed or breed type/species, age, owner's name and contact information, description of incident and course of action taken; and
- (6) in the event of either an animal death or escape, while boarding not incidental to the practice of veterinary medicine, the licensee shall notify the North Carolina Veterinary Medical Board within 48 hours.

*History Note: Authority G.S. 90-185; 90-187.10; S.L. 2023-63;
Eff. January 1, 2025.*

21 NCAC 66 .1002 INSPECTION OF RECORDS

Boarding kennels shall make all medical records available to the North Carolina Veterinary Medical Board or its authorized representative, on request, during business hours, during an inspection of the facility, and during an investigation. The operator must be able to match each animal to its records upon request. Records shall be maintained for a period of three years after the animal is released from a boarding kennel.

*History Note: Authority G.S. 90-185; 90-186; 90-187.10; S.L. 2023-63;
Eff. January 1, 2025.*

21 NCAC 66 .1003 DEFINITIONS

As used in this Section:

- (1) "Accessories" means any objects used in cleaning and sanitizing primary enclosures, exercise areas, or objects to which an animal may have access, including, but not limited to toys, blankets, food and water utensils, and bedding.
- (2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or health. Adequate veterinary care means provision of veterinary care sufficient to address the relief of pain and/or suffering experienced by the animal and sufficient to address the medical condition.

- (3) "Behavioral-control device" means any apparatus used to control a pet animal's behavior.
- (4) "Boarding Kennel" as defined in G.S. 90-181.1(b)(1a).
- (5) "Cage" means a primary enclosure which is enclosed on all sides including the top and bottom.
- (6) "Compatible group" means all animals in the group comingle peacefully without the presence of aggressive, harassing, and/or agitating behaviors toward any other member(s) of the group.
- (7) "Common area(s)" means areas of the facility in which multiple animals may have access such as walkway(s), facility lobby(ies), hallway(s), area(s) around primary enclosures and exercise areas, and other such similar areas.
- (8) "Disposition" means the death, euthanasia, release, or transfer from a facility.
- (9) "Enrichment" means providing objects or activities, appropriate to the needs of the species as well as the age, size, and condition of the animal, that stimulates the pet and promotes the pet's well-being.
- (10) "Exercise area" means an enclosed space in which an animal(s) is confined, and which is large enough for species-appropriate activity such as walking, running, climbing, jumping, socialization and/or play to occur.
- (11) "Husbandry" means the practice of daily care administered to animals.
- (12) "Impervious to moisture" means a surface that prevents the absorption of fluids and that can be thoroughly and repeatedly sanitized, will not retain odors, and from which fluids bead up and run off or can be removed without being absorbed into the surface material.
- (13) "Infirm" means not physically or mentally strong, especially through age or illness.
- (14) "Isolation" means the separation, for the period of communicability, of infected animals from others in such a place and under such conditions to prevent the direct or indirect transmission of the infectious agent from those infected to those that are susceptible or that may spread the agent to others.
- (15) "Isolation area" means a location where animals infected with disease may be placed to contain, control, and limit the spread of the disease.
- (16) "Permit period" means January 1 through December 31.
- (17) "Long term care" means the housing of an animal for a period of more than 30 consecutive days.
- (18) "Potable" means suitable for drinking.
- (19) "Properly cleaned" means the removal of carcasses, debris, food waste, excrement, urine, dirty or soiled accessories and other organic material with adequate frequency.
- (20) "Social interaction" means friendly physical contact or play between animals of the same species or with a person. Physical contact or play with the caretaker during cage cleaning and/or sanitation is not considered social interaction.
- (21) "Special provisions" means additional procedures, protocols, and/or equipment used when caring for, housing, and/or transporting animals with special needs. Examples of animals with "special needs" include, but are not limited to, brachycephalic breeds, very young or old animals, animals with a medical condition, infirm animals, and/or animals that are compromised or debilitated.
- (22) "Suitable method of drainage" means drainage that allows for the elimination of water and waste products, prevents contamination of animals, allows animals to remain dry, and complies with applicable building codes and local ordinances.
- (23) "Supervision " means at least one person (at least 16 years of age) present, at all times, who is able to constantly and directly view all animals within the entirety of each enclosure or exercise area.

History Note: Authority G.S. 90-185; 90-187.1; S.L. 2023-63; Eff. January 1, 2025.

21 NCAC 66 .1004 PERMITS AND REGISTRATIONS

All operators of a boarding kennels, as defined in G.S. 90-181.1(b)(1a), shall have a valid veterinary facility permit and a valid boarding kennel permit. Boarding kennel permits shall be submitted with veterinary facility permit applications, or if adding a boarding kennel, then by completion of a boarding kennel application permit. The content of the applications shall include the following:

- (1) the name, physical address, phone number, email address and mailing address for the veterinary facility permit;
- (2) the name, address, phone number, and email address for the owner of the facility;
- (3) the hours and days the facility is open to the public;

- (4) the cleaning hours of the facility;
- (5) the number of enclosures and the maximum number of animals on site;
- (6) the description of the facility's program of veterinary care ('PVC') including the disinfection protocols; vaccination protocols, including rabies vaccination; the isolation of ill or injured animals; the sale/adoption/transfer of animals; and the provision of routine, emergency, and after hours veterinary care;
- (7) statement of presence of an emergency disaster plan for the facility; and
- (8) statement of agreement by the owner or authorized agent of the accuracy of the information contained in the application; of the willingness to comply with the rules of this section and to cooperate as required by law with the Board inspections and investigations; acknowledgement of authority to execute the application; and agreement to notify the Board of any significant change in the operation of the facility.

History Note: Authority G.S. 90-185; 90-186; 90-187.1; S.L. 2023-63; Eff. January 1, 2025.

SECTION .1100 – FACILITIES AND OPERATING STANDARDS

21 NCAC 66 .1101 GENERAL

- (a) Housing facilities for dogs and cats shall be structurally sound and maintained to protect the animals from injury, contain the animals, and restrict the entrance of other animals and people.
- (b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such a way that animals do not have access to them.
- (c) Facilities shall have adequate, as defined in Rule .1003 of this Chapter, electric power.
- (d) Storage of food and bedding:
 - (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such supplies against infestation or contamination by vermin and insects;
 - (2) all open bags of food and edible treats shall be stored in airtight containers with lids;
 - (3) refrigeration shall be provided for supplies of perishable food including opened cans of food;
 - (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately from soiled laundry and materials; and stored separately from general housing areas for animals; and
 - (5) in areas housing animals being observed or treated for contagious disease, bedding shall only be stored in sealed cabinets if that clean laundry is dedicated solely for the use for those specific animals.
- (e) The facility shall provide for the daily removal and disposal of animal and food waste, soiled bedding, and debris from the facility, in accordance with local ordinances, to assure the facility will be maintained in a clean and sanitary manner.
- (f) Hot and cold running, potable water, as defined in Rule .1003 and compliant with Rule .1106 of this Section, must be available. Facilities such as a washroom, basin, or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.
- (g) Each facility shall have the ability to confirm ambient temperature. A functional room thermometer shall be present in each separate area of indoor enclosures, common areas, and exercise areas.
- (h) A separate five-foot tall perimeter fence is required if any animal(s) has/have unsupervised access to an outdoor primary enclosure, common area, and/or exercise area. Supervision of animals is required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot tall perimeter fence.
- (i) A suitable method of drainage, as defined in Rule .1003 of this Chapter, must be installed for the facility.
- (j) All areas of a facility are subject to review or inspection by the Board or its authorized representative during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).
- (k) All animals in a facility are subject to the requirements of this Section, regardless of ownership.
- (l) A facility shall comply with all federal, state, and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.
- (m) All persons of the facility shall be truthful with the Board during all phases of inspections or investigations.

(n) Neither an applicant for a permit or any agent of a facility may abuse, harass, delay, or obstruct any inspector or State official while inspectors or officials are attempting to discharge their official duties. For the purposes of this Rule, the following definitions apply:

- (1) "Abuse" means:
 - (A) Communicating a threat as defined by G.S. 14-277.1;
 - (B) Using profane, indecent, or threatening language to any person over the telephone, annoying or harassing by repeated telephoning or making false statements over the telephone as defined by G.S. 14-196;
 - (C) Cyberstalking as defined by G.S. 14-196.3;
 - (D) Stalking as defined by G.S. 14-277.3A; and/or
 - (E) Disorderly conduct as defined by G.S. 14-288.4.
- (2) "Harass" means knowingly conduct, including oral, written, or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, page messages or transmissions, answering machine or voice mail messages or transmissions, electronic mail messages, or other computerized or electronic transmissions directed at a specific person that torments, terrorizes or terrifies that person and that serves no legitimate purpose.

(o) No dog or cat shall be in a window display, except during business hours, and then only in compliance with standards set forth in this Section.

(p) Battery operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences, as well as pinch-collars and prong-collars, may only be used on an animal in a boarding kennel with the specific written consent of the owner of that animal.

(q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.

(r) All licensed and registered facilities must develop and maintain a plan of action for the continuity of care and/or evacuation of animals in the event of a natural or manmade disaster.

History Note: Authority G.S. 90-185; 90-186; S.L. 2023-63; Eff. January 1, 2025.

21 NCAC 66 .1102 INDOOR FACILITIES

(a) Heating and cooling of indoor facilities:

- (1) indoor facilities for dogs and cats shall be adequately heated and cooled to protect the dogs and cats from cold and heat and provide for their health and comfort;
- (2) the ambient temperature shall not be allowed to fall below 50 degrees F or exceed 85 degrees F; and
- (3) special provisions shall be provided to any animal that cannot maintain its normal body temperature. These special provisions shall be sufficient for the animal to maintain its normal body temperature and shall be documented in the animal's record.

(b) Ventilation of indoor facilities:

- (1) indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times; the facilities shall be provided with fresh air by means of windows, doors, vents, and/or air conditioning and shall be ventilated so as to minimize drafts;
- (2) air vents and/or air filters shall be cleaned and/or changed as often as necessary to minimize buildup of debris, dust, and biological material to prevent inhibition or restriction of air flow; and
- (3) air flow shall be adequate to minimize odors and moisture condensation.

(c) Indoor housing facilities for dogs and cats shall have sufficient illumination to enable routine inspections, maintenance, cleaning and housekeeping of the facility and observation of the animals. Illumination shall provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities.

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.

(e) Drainage of indoor housing facility:

- (1) a suitable method of drainage shall be installed to rapidly eliminate excess water from an indoor housing facility;
- (2) if closed drain systems are used, they shall be equipped with traps and installed to prevent odors and backup of sewage; and

- (3) the drainage system shall be constructed with barriers adequate to protect the animals from cross-contamination with urine and fecal material from animals housed in adjacent and/or nearby enclosures and/or exercise areas.

History Note: Authority G.S. 90-185; 90-187.1; S.L. 2023-63; Eff. January 1, 2025.

21 NCAC 66 .1103 OUTDOOR FACILITIES

(a) In outdoor facilities that are subject to this Section, primary enclosures, common areas and walkways with which an animal comes in contact:

- (1) shall have groundcover constructed of sealed concrete or other surfaces so long as it is impervious to moisture, and/or;
- (2) may use gravel for groundcover so long as it is maintained at a minimum depth of six inches and maintained in a sanitary manner as prescribed in Rule .1107 of this Section.

(b) Exercise areas of outdoor facilities:

- (1) shall have flooring or groundcover constructed of sealed concrete or other surfaces impervious to moisture; and/or
- (2) use gravel for groundcover so long as it is maintained at a minimum depth of six inches and kept in a sanitary manner; and/or
- (3) artificial turf may be allowed so long as it is adequately maintained in good repair, is replaced when damaged, and is cleaned and sanitized in accordance with Rule .1107 of this Section; and/or
- (4) may contain established grass so long as the animal(s) do not have access to bare dirt and the grass covered area(s) must be kept properly cleaned and sanitized as prescribed in Rule .1107 of this Section. In the event of a contagious disease outbreak, the sanitation, management, and use of the grass area shall be documented in the veterinarian's written protocol required by Rule .1109(b) and (c) of this Section.

(c) Sand and organic materials such as mulch, pine straw, or other similar non- impervious materials shall not be used as ground cover in primary enclosures, common areas, exercise areas and/or walkways.

(d) Dogs and cats in outdoor primary enclosures shall be provided housing to allow them to remain dry and comfortable during inclement weather:

- (1) housing shall be constructed of material which is impervious to moisture and which can be cleaned and sanitized in accordance with Rule .1107 of this Section;
- (2) one house shall be available for each animal within each primary enclosure. The house(s) shall be of adequate size for the animal housed in the enclosure. In the case of a mother and her unweaned offspring, one house of adequate size to comfortably house the mother and all the offspring together must be provided;
- (3) housing structures in outdoor facilities must contain clean, dry bedding or a heat source when the temperature falls below 32 degrees F;
- (4) special provisions shall be provided to any animal that cannot maintain its normal body temperature when housed outside. These special provisions shall be adequate for the animal to maintain its normal body temperature and shall be documented in the animal's record. If the animal cannot maintain its normal body temperature even with special provisions, then that animal shall not be housed outside. No infirm animal may be housed outdoors; and
- (5) in addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.

(e) Dogs and cats in outdoor areas shall be provided adequate protection from inclement weather and the sun. This protection shall be sufficient to protect all animals simultaneously in the exercise area. If an animal cannot maintain its normal body temperature in an outdoor exercise area, the animal shall not be placed in an outside exercise area.

(f) Outdoor common areas used for play, enrichment and elimination shall be maintained in adequate repair and be properly cleaned and sanitized, as set forth in Rule .1107 of this Section, to protect the animals from injury and/or illness.

(g) Animal owners shall be advised at the time of reservation and admission at a boarding kennel if the animal will be kept in outside facilities. This shall be documented in the animal's record.

(h) A suitable method of drainage shall be provided so that water is adequately drained from the primary enclosures, common areas, exercise areas and walkways and so that the animal(s) does/do not have access to standing water.

History Note: Authority G.S. 90-185; 90-187.1; S.L. 2023-63; Eff. January 1, 2025.

21 NCAC 66 .1104 PRIMARY ENCLOSURES

- (a) Primary enclosures and exercise areas shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces where an animal comes in contact shall be impervious to moisture, excluding the ground cover options of gravel and grass allowed for in Rule .1103 of this Section.
- (b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January 1, 2005, any damaged wood shall be replaced in a manner that does not permit contact with wood by the animal.
- (c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in a manner to prevent injury to animals and keep other animals out.
- (d) Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, turn about freely, stand with their tails erect, and sit or lie in a natural position with their limbs extended without touching other animals within the enclosure, or the sides or top covering of the enclosure.
- (e) Exercise areas shall be constructed to provide adequate space to allow each dog or cat to run and express natural play behaviors typical of the species.
- (f) The height of a primary enclosure or an exercise area other than a cage shall be no less than five feet tall.
- (g) All primary enclosures and exercise areas shall be constructed to prevent the escape of animals.
- (h) Each primary enclosure and exercise area shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure and exercise area at the same time. All resting surfaces shall be of a non-porous or easily sanitized material, such as a solid floor, towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.
- (i) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is: $(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$. $\text{Required floor space in square inches} \div 144 = \text{required floor space in square feet}$. The calculation shall be expressed in square feet.
- (j) Not more than four adult dogs shall be housed or confined in the same primary enclosure or exercise area without supervision. Dogs younger than six months of age shall not be housed, confined, or comingled with adult dogs other than their dams without supervision; this includes any animals owned by the staff or operator of the facility.
- (k) If more than four dogs, including animals owned by the staff or operator of the facility, are housed or confined in an exercise area or primary enclosure, then there shall be at least one person constantly supervising each 10 dogs housed or confined within each primary enclosure or exercise area. This supervision shall be conducted from within the exercise area or primary enclosure such that the person(s) has/have immediate access to the animals in the event of an emergency, aggression, or fight between animals.
- (l) Pregnant dogs and cats shall be housed singly in a primary enclosure. Nursing dogs and cats shall be housed only with their litter in a primary enclosure until the litter has been weaned. The primary enclosure shall be of sufficient size to allow the dam and all animals in the litter to walk, turn about freely, nurse, to easily stand with their tails erect, and sit or lie in a natural position with their limbs extended without touching other animals within the enclosure, the sides, or top covering of the enclosure, and to leave the whelping/queening area for open exercise.
- (m) In addition to Paragraphs (d), (e) and (h) of this Rule, each feline older than six months housed in any primary enclosure or exercise area shall be provided a minimum of four-square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet of floor space.
- (n) Not more than 12 cats shall be housed or confined in the same primary enclosure or exercise area.
- (o) In all cat primary enclosures and exercise areas, a clean receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required for each primary enclosure and exercise area.
- (p) Pools in primary enclosures and/or exercise areas:
- (1) shall have an ingress-egress area whenever water in a pool is deeper than the height at the shoulder of the shortest dog in the pool;
 - (2) no dog shall have access to the pool or pool area other than a typical kiddie wading pool without supervision;
 - (3) facilities shall be constructed, maintained, and managed to protect animals from illness, injury, and death resulting from access to pools or pool areas;
 - (4) pools with a capacity of less than 100 gallons shall have the water changed and be cleaned and sanitized daily. Pools with a capacity of 100 gallons or more shall have commercially manufactured

- filtration and cleaning systems installed and the manufacturer recommendations followed for cleaning, sanitation, and water quality; and
- (5) typical kiddie wading pools are to be considered accessories for the purposes of cleaning, sanitation, repair, and maintenance.

History Note: Authority G.S. 90-185; 90-187.1; S.L. 2023-63;
Eff. January 1, 2025.

21 NCAC 66 .1105 FEEDING

- (a) Dogs and cats older than six months shall be fed at least once each 24-hour period.
- (b) Dogs and cats less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour interval between feedings is required if only two feedings are offered in a 24-hour period.
- (c) Should a veterinarian prescribe a feeding regime different from the ones described in Paragraphs (a) and (b) of this Rule for a specific animal, documentation of such veterinary care is required and shall include:
- (1) the original veterinary directive signed by the veterinarian issuing it;
 - (2) the printed name of the veterinarian;
 - (3) the reason for the restriction;
 - (4) the specific feeding directions;
 - (5) the origination and review dates of the directive;
 - (6) documentation by the facility of each veterinary review and renewal of the directive, occurring every 30 days until it is no longer required;
 - (7) the date of the cessation of the directive; and
 - (8) documentation by the facility of each feeding as prescribed by the veterinarian.
- (d) Food shall be commercially prepared food, which complies with laws applicable to animal feed, or the food shall be provided by the owner.
- (e) The food shall be free from contamination, wholesome, palatable, and of sufficient quality and quantity appropriate of the given size, age, and condition of an animal to meet the daily requirements for nutritional value.
- (f) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by waste.
- (g) For every adult animal, there shall be at least one food receptacle offered. When multiple animals are housed together, caretakers shall observe each animal feeding to ensure that each animal receives adequate feed.
- (h) Food receptacles shall be durable and shall be kept clean and sanitized.
- (i) Uneaten food within food receptacles shall be discarded within 24 hours or sooner if spoiled or contaminated.
- (j) Damaged food receptacles shall be replaced. Disposable food receptacles may be used but shall be discarded after each feeding.
- (k) Food and water receptacles in outdoor facilities shall be protected from the elements.
- (l) This Rule is applicable only to animals identified within this Section.

History Note: Authority G.S. 90-185; 90-186; S.L. 2023-63;
Eff. January 1, 2025.

21 NCAC 66 .1106 WATERING

- (a) Animals, subject to this Subchapter, shall have continuous access to fresh, potable water, except when directed by a veterinarian to limit access.
- (b) Veterinary care for a specific animal that requires water to be withheld, given in intervals, or any variation other than continuous access by an animal, can only be prescribed by a veterinarian and shall be documented in writing by the facility. The documentation shall include:
- (1) the original veterinary directive signed by the veterinarian issuing it;
 - (2) the printed name of the veterinarian;
 - (3) the reason for the restriction;
 - (4) the specific watering directions;
 - (5) the origination and review dates of the directive;
 - (6) the facility shall have the veterinarian review and renew this directive every 30 days until it is no longer required;
 - (7) the date of the cessation of the directive; and
 - (8) documentation by the facility of each watering as prescribed by the veterinarian.

- (c) Water in receptacles shall be changed daily and whenever visibly soiled.
- (d) Watering receptacles shall be durable and kept clean and sanitized.
- (e) Damaged receptacles shall be replaced.

*History Note: Authority G.S. 90-185; 90-187.1; S.L. 2023-63;
Eff. January 1, 2025.*

21 NCAC 66 .1107 SANITATION

- (a) Waste shall be removed from primary enclosures, exercise areas, and common areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats shall be thoroughly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris.
- (b) When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in clean enclosures from being contaminated with water and other wastes.
- (c) Cross contamination barriers shall be installed in primary enclosures and be sufficient to prevent feces, urine and cleaning waste water from entering another occupied primary enclosure.
- (d) Sanitation shall be as follows:
 - (1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (d)(3) of this Rule;
 - (2) In addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days, in the manner provided in Subparagraph (d)(3) of this Rule, if the same animal is housed in the same enclosure for seven or more days;
 - (3) Primary enclosures, cages, rooms, hard-surfaced or artificial turf exercise areas, pens, and runs shall be sanitized by:
 - (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
 - (B) removal of visible organic matter, precleaning all soiled surfaces with a detergent or degreaser solution, followed by the application, at the correct concentration, of an animal-safe disinfectant labeled to be effective against common pathogens. The disinfectant is to be left on the surfaces for the time indicated by the manufacturer. After such time, all surfaces shall be thoroughly rinsed to remove all residual chemicals and then the area dried prior to returning the animal(s) to this area; or
 - (C) cleaning all soiled surfaces with live steam. The area is to be cooled and dried prior to the return of the animal(s).
 - (4) Common areas, any area accessible to multiple animals, and exercise areas not covered by Subparagraph (d)(3) of this Rule shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule;
 - (5) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The disinfectant shall be used consistent with the manufacturer's directions;
 - (6) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized;
 - (7) Any area accessible to multiple animals shall be kept clean and sanitary; and
 - (8) Fans, including floor fans, ceiling fans, wall fans, and vent fans, shall be kept clean of accumulated debris, dust, and biological material.
- (e) Premises, which include the buildings and grounds, shall be kept clean and in adequate repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises, to improve pest control, and to protect the health and well-being of the animals.
- (f) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

History Note: Authority G.S. 90-185; 90-186; 90-187.1; S.L. 2023-63;
Eff. January 1, 2025.

21 NCAC 66 .1108 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure or confined to an exercise area shall be maintained in groups, with the following additional restrictions:

- (1) Females in season (estrus) shall not be housed in the same primary enclosure or exercise area with intact or neutered males.
- (2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written permission is obtained from the animal's owner. The documentation of this written permission shall be kept as part of the animal's record for one year and must be renewed yearly thereafter.
- (3) Any dog or cat exhibiting an aggressive disposition shall be housed individually in a primary enclosure. Housing of aggressive animals shall be such that the animals are prevented from biting or injuring another animal or human.
- (4) Puppies or kittens less than six months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between 4 and 16 weeks of age shall have daily access to human social interaction in addition to the human interaction during the cleaning and sanitation of the enclosures, excluding animals which pose a danger to humans or other animals.
- (5) Dogs shall not be housed in the same primary enclosure or exercise areas with cats, nor shall dogs or cats be housed in the same primary enclosure or exercise areas with any other species of animals. Exceptions are allowed at boarding kennels, if requested in writing by the animals' owner.
- (6) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats, in isolation that are being treated for a communicable disease, shall be separated from other dogs or cats and other susceptible species of animals, in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease, including the identification of the disease. Accessories, cleaning equipment, and supplies used in isolation areas shall not be used in other areas of the facility.
- (7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:
 - (a) The provision of the daily social interactions and enrichment shall be documented in the animal's records and the records maintained for three years; and
 - (b) Exemptions from these long-term care provisions are allowed only for safety or health reasons and must be approved by a veterinarian. This exemption must be reviewed and renewed every 30 days if the continuation is necessary. Documentation of the exemption must include the reason for the exemption, the name and contact information of the veterinarian authorizing the exemption, the original exemption date and the dates of review and renewal and alternative(s) offered, if any.
- (8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and exercise areas shall be inspected and in compliance with Rules .1103 and .1104 of this Section before an animal can be confined in the enclosure or area.

History Note: Authority G.S. 90-185; 90-187.10; S.L. 2023-63;
Eff. January 1, 2025.

21 NCAC 66 .1109 VETERINARY CARE

(a) A written Program of Veterinary Care (PVC), to include disease control and prevention, vaccination, euthanasia, disposition of diseased, ill, injured, infirm or deformed animals, and provision of adequate routine and emergency veterinary care, shall be established by the owner and supervising veterinarian at each facility. The following is required of each PVC:

- (1) the PVC for boarding kennels shall be submitted as part of the application and must be approved by the Board;
 - (2) the facility shall implement and follow the PVC; and
 - (3) changes to the PVC shall be submitted for approval to the Board within 10 days of the effective date.
- (b) If there is an infectious disease outbreak that persists for more than seven days at the facility, the facility owner shall consult with a veterinarian for procedures to mitigate the problem. This consultation shall be documented by the facility.
- (c) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem. These recommendations shall include, at a minimum: sanitation of primary enclosures, common areas, exercise areas and accessories, and protocols for animal intake, evaluation, isolation, disease recognition and treatment, and euthanasia.
- (d) Each dog and cat shall be observed daily by the animal caretaker who has been adequately trained, or is experienced in animal care, or is under the direct supervision of a person who has such training or experience. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care.
- (f) All animals in a facility shall be in compliance with the North Carolina Rabies Law, G.S. 130A, Article 6, Part 6.
- (g) Boarding kennels shall not administer a prescription medication, tranquilizer, sedative, or any pharmaceutical drug designed to calm an animal unless the medication or drug is administered under the direction of or by prescription from the animal's veterinarian, and written permission from the animal's owner. In the event a boarding kennel agrees to administer such medications or substances, the medications shall be in the original container issued by the veterinarian or pharmacy and administered according to label directions. The administration of these medications or substances shall be documented as required by Rule .1001 of this Chapter.

History Note: Authority G.S. 90-185; 90-187.10; S.L. 2023-63;
Eff. January 1, 2025.

21 NCAC 66 .1110 DISCIPLINE OF BOARDING KENNEL PERMITS

- (a) The Board shall investigate any complaint within its jurisdiction. The investigation and any resulting hearings shall be conducted pursuant to Sections .0600 and .0700 of this Chapter. Following an investigation and the boarding kennel permittee's opportunity to be heard, the Board may:
- (1) revoke or suspend a boarding kennel permit issued under this Chapter;
 - (2) discipline the boarding kennel permittee permitted under this Chapter in accordance with the disciplinary measures set forth in Sections .0600 and .0700 of this Chapter;
 - (3) deny a boarding kennel permit required by G.S. 90-186(8) and the rules of this Chapter based on violations of Board Rules, including, but not limited to, Rules .1001 - .1004 of this Chapter. For the purpose of this Rule, references to licensee or registrant in the provisions of Sections .0600 and .0700 of this Chapter are treated as references to owner and permittee. References to license are treated as references to boarding kennel permit.
- (b) The Board may suspend, revoke, or deny issuance of a boarding kennel permit, without hearing, if:
- (1) A veterinary facility has not had a supervising veterinarian or an interim supervising veterinarian serving in that capacity for more than five business days.
 - (2) The Board obtains a summary emergency order pursuant to the provisions of G.S. 90-186(3).
 - (3) The owners of the veterinary facility have failed to notify the Board after 10 business days of a change in ownership of the facility or change in the supervising veterinarian.
- (c) A boarding kennel permittee shall cease to operate the boarding kennel as of the date the Board notifies the boarding kennel permittee of the revocation of his or her boarding kennel permit. Within 24 hours of receiving notification of revocation, a boarding kennel permittee shall display the following information at the boarding kennel and through any existing medium of communication with the public, such as social media, a telephone answering system, or boarding kennel website:
- (1) information that the boarding kennel is closed;
 - (2) the means by which clients may obtain their animal's medical records; and
 - (3) notice of the Board's revocation of the boarding kennel permit.

History Note: Authority G.S. 90-186; S.L. 2023-63;
Eff. January 1, 2025.