



NOTICE OF TEXT

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

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

☐

Notice with a scheduled hearing

☒

Notice without a scheduled hearing

☐

Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Veterinary Medical Board](#)

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

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

☒ ADOPTION: [21 NCAC 66 .0901-.0905](#)

☒ AMENDMENT: [21 NCAC 66 .0108](#)

☐ REPEAL:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

☐ REPEAL through READOPTION:

4. Proposed effective date: [11/02/2023](#)

5. Is a public hearing planned? [No](#)

If yes:

Date

Time

Location

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

To request a public hearing contact Keith West at kwest@ncvmb.org.

7. Explain Reason For Proposed Rule(s):

[Session Law 2019-170](#)

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

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

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

Name: [Keith West](#)
Address: [1611 Jones Franklin Road Suite 106](#)
[Raleigh, NC 27606](#)
Phone (optional):
Fax (optional):
EMail (optional) kwest@ncvmb.org

10. Comment Period Ends: [06/30/2023](#)**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

[No fiscal note required](#)

12. Rule-making Coordinator:

Name: [Keith West](#)
[919-854-5601](#)
keith@ncvmb.org

Agency contact, if any:

Name:
Phone:
Email:

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

Date: [04/04/2023](#)

21 NCAC 66 .0108 is proposed for amendment as follows:

21 NCAC 66 .0108 FEES

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

(1) Veterinary License

(a) Issuance or Renewal \$170.00

(b) North Carolina License Examination \$250.00

(c) Late Renewal Fee \$50.00

(d) Reinstatement \$100.00

(2) Veterinary Technician Registration

(a) Issuance or Renewal \$50.00

(b) North Carolina Veterinary Technician Examination \$50.00

(c) Late Renewal Fee \$50.00

(d) Reinstatement \$100.00

(3) Professional Corporation Certificate of Registration

(a) Issuance or Renewal \$160.00

(b) Late Renewal Fee \$50.00

(c) Reinstatement \$100.00

(4) Limited Veterinary License

(a) Issuance or Renewal \$170.00

(b) Late Renewal Fee \$50.00

(c) Reinstatement \$100.00

(5) Veterinary Faculty Certificate

(a) Issuance or Renewal \$170.00

(b) Late Renewal Fee \$50.00

(c) Reinstatement \$100.00

(6) Zoo Veterinary Certificate

(a) Issuance or Renewal \$170.00

(b) Late Renewal Fee \$50.00

(c) Reinstatement \$100.00

(7) Temporary Permit: Issuance \$150.00

(8) Veterinary Student Intern Registration: Issuance \$25.00

(9) ~~Veterinary Student Preceptee Registration: Issuance \$25.00~~ Veterinary Facility Permit

(a) Issuance or Renewal \$150.00

(b) Late Renewal Fee \$50.00

(c) Reinstatement \$100.00

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

~~(11)~~ (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. November 2, 2023*

21 NCAC 66 .0901 is proposed for adoption as follows:

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. November 2, 2023

21 NCAC 66. 0902 is proposed for adoption as follows:

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 to oversee practice of veterinary medicine.

(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 pursuant to Rule .0207(b)(16) of this chapter if an inspection has not been performed in the last two years. The facility inspection shall be conducted to ensure compliance with statutes and the rules of this Chapter, particularly Rules .0207 and .0208 of this Chapter. 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 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.

(g) The owner shall notify the Board within five 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 one of the following: an owner, the supervising veterinarian, or a member of the veterinary facility’s staff.

(j) In the event of a natural or physical event that results in the loss of the safe and effective utilization of the facility, pursuant to the rules of this Chapter, particularly Rules .0207 and .0208 of this Chapter, the Board shall be notified within 10 business days by the owner(s) or the supervising veterinarian.

(k) 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

1 authority revoked by the NC Secretary of State, the Board shall also suspend the permit issued to the owner. The
2 suspension shall remain in effect until the suspension has been lifted by NC Department of Revenue, or the person
3 has been reinstated by the NC Secretary of State, or both.

4 (l) The Board may issue a temporary veterinary facility permit to the owners of a veterinary facility for a period of 35
5 business days to allow the owners to address and resolve violations of the rules of this Chapter, particularly,
6 Rules .0207 and .0208 of this chapter, discovered during the veterinary facility inspection. However, the Board
7 shall not issue a temporary veterinary facility permit if the violations present a danger to the health or safety of the public
8 or animals. Upon request of the owner, the Board may extend a temporary permit for an additional period of no more
9 than 35 business days. In the event of the death of an owner, the permit remains valid for 35 business days from the
10 date of the death of the owner, so long as the facility continues to have an active, supervising veterinarian registered
11 with the Board.

12 (m) The following are exempt from the requirement for a veterinary facility permit:

13 (1) those exempted by licensure under G.S. 90-187.10;

14 (2) a veterinary facility owned and operated by the State of North Carolina, a political subdivision
15 thereof, or the federal government, so long as the facility does not offer or provide veterinary
16 services to the public; or

17 (3) a temporary veterinary facility established as a result of an emergency declared by the Governor of
18 North Carolina.

19 (n) A person operating without a veterinary facility permit is subject to the provisions of G.S. 90-187.13.

20 (o) The veterinary facility permit shall be displayed by the owners at the facility at a location viewable by the public.
21 Veterinary facility permits for mobile facilities shall be available upon request.

22 (p) An owner or supervising veterinarian shall provide a copy of medical records maintained pursuant to Rule .0207
23 of this Chapter within 10 business days of receipt of a request by a current or former patient's owner. The veterinary
24 facility may charge the patient's owner the actual cost of reproducing the records as a reasonable fee.

25 (q) Owners shall post on the veterinary facility website home page, the emergency services available at the veterinary
26 facility when the veterinary facility is open and the veterinary facility name, address, and telephone number for the
27 provider of after-hours emergency services.

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29 History Note: Authority G.S. 90-185; 90-186(2); 90-186(8); 90-186(9);

30 Eff. November 2, 2023

21 NCAC 66. 0903 is proposed for adoption as follows:

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 of Board Rules 21 NCAC 66 .0207 and 21 NCAC 66 .0208 of this chapter 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 as the supervising veterinarian for a period not to exceed 25 business days.

(d) A veterinarian may be a supervising veterinarian at more than one veterinary facility. The supervising veterinarian shall be physically onsite at each veterinary facility that is open for 159 hours or less per month, for a minimum of 25 percent of the total time a veterinary facility is open. The supervising veterinarian shall be physically onsite at each veterinary facility that is open for 160 hours or more per month, 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.

History Note: Authority G.S. 90-185(6); 90-186(9);

Eff. November 2, 2023

21 NCAC 66. 0904 is proposed for adoption as follows:

21 NCAC 66 .0904 DISCIPLINE VETERINARY FACILITY PERMITS

(a) The Board shall investigate any complaint or information within its jurisdiction. Following an investigation and the owner's opportunity to be heard pursuant to the provisions of Sections .0600 and .0700 of this chapter, the Board may:

- (1) revoke or suspend a veterinary facility permit issued under this Article;
- (2) discipline the owner of a facility permitted under this Article in accordance with the disciplinary measures set forth in Sections .0600 and .0700 of this Chapter;
- (3) deny a veterinary facility permit required by this Article in accordance with the provisions of G.S. 90 Article 11 and the rules of this Chapter based on violations of Board Rules including but not limited to .0207 and .0208 of this Chapter.

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, 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) Per 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. November 2, 2023

21 NCAC 66. 0905 is proposed for adoption as follows:

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. November 2, 2023