

Sixtieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1052

Introduced by

Agriculture Committee

(At the request of the State Board of Veterinary Medical Examiners)

1 A BILL for an Act to amend and reenact subsections 1, 2, 5, and 9 of section 43-29-01.1,  
2 subsection 1 of section 43-29-07, subsections 1, 2, and 3 of section 43-29-07.2, subsection 11  
3 of section 43-29-13, and subsection 1 of section 43-29-14 of the North Dakota Century Code,  
4 relating to the licensure of veterinarians.

### 5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsections 1, 2, 5, and 9 of section 43-29-01.1 of the  
7 North Dakota Century Code are amended and reenacted as follows:

- 8 1. "Accredited ~~or approved~~ college of veterinary medicine" means any veterinary  
9 college or division of a university or college which offers the degree of doctor of  
10 veterinary medicine or its equivalent and which conforms to the standards required  
11 for accreditation ~~or approval~~ by the council on education of the American  
12 veterinary medical association.
- 13 2. "Accredited program in veterinary technology" means any postsecondary  
14 educational program of two or more academic years that ~~has fulfilled the essential~~  
15 ~~criteria established~~ is accredited by the committee on veterinary technician  
16 education and activities ~~and approved by~~ of the American veterinary medical  
17 association ~~house of delegates~~.
- 18 5. "Certificate" means a certificate issued by the educational commission for foreign  
19 veterinary graduates or the educational equivalence program of the American  
20 association of veterinary state boards, indicating the holder has demonstrated  
21 knowledge and skill equivalent to that possessed by a graduate of an accredited ~~or~~  
22 ~~approved~~ college of veterinary medicine.
- 23 9. "Veterinarian-client-patient relationship" means:

- 1           a.   ~~The A~~ veterinarian has assumed the responsibility for making medical  
2                    judgments regarding the health of an animal and the need for medical  
3                    treatment, and the client, who is the owner or other caretaker, has agreed to  
4                    follow the ~~instruction~~ instructions of the veterinarian.
- 5           b.   There is sufficient knowledge of the animal by the veterinarian to initiate at  
6                    least a general or preliminary diagnosis of the medical condition of the animal.  
7                    ~~This means the veterinarian has recently seen and is personally acquainted~~  
8                    ~~with the keeping and care of the animal by virtue of an examination of the~~  
9                    ~~animal, or by medically appropriate and timely visits to the premises where~~  
10                  ~~the animal is kept.~~
- 11          c.   The practicing veterinarian is readily available for followup in the case of  
12                    adverse reactions or failure of the regimen of therapy. This relationship exists  
13                    only when the veterinarian has recently seen and is personally acquainted  
14                    with the keeping and care of the animal by virtue of an examination of the  
15                    animal and by medically appropriate and timely visits to the premises where  
16                    the animal is kept.

17           **SECTION 2. AMENDMENT.** Subsection 1 of section 43-29-07 of the North Dakota  
18 Century Code is amended and reenacted as follows:

- 19          1.   A person desiring a license to practice veterinary medicine in this state shall make  
20                    written application to the board. The application must show the applicant is a  
21                    graduate of an accredited ~~or approved~~ college of veterinary medicine or the holder  
22                    of a certificate. The application must also show the applicant is a person of good  
23                    moral character and any other information and proof the board may require. The  
24                    application must be accompanied by a fee in the amount established by the board.  
25                    If the board determines an applicant possesses the proper qualifications, the board  
26                    shall admit the applicant to the next examination. If the applicant is eligible for  
27                    license without examination under section 43-29-07.2, the board may grant the  
28                    applicant a license. If an applicant is found not qualified to take the examination or  
29                    for a license without examination, the board shall immediately notify the applicant  
30                    in writing of this finding and the grounds of this finding. An applicant found  
31                    unqualified may request a hearing on the question of the applicant's qualifications.

1           **SECTION 3. AMENDMENT.** Subsections 1, 2, and 3 of section 43-29-07.2 of the  
2 North Dakota Century Code are amended and reenacted as follows:

- 3           1. The board shall hold at least two examinations a year ~~and may hold additional~~  
4 ~~examinations as necessary. A person desiring to take an examination shall apply~~  
5 ~~at least thirty days before the date of the examination.~~ The board shall adopt rules  
6 governing preparation, administration, and grading of examinations. Examinations  
7 must be designed to test the examinee's knowledge of and proficiency in the  
8 subjects and techniques commonly taught in veterinary schools. To pass the  
9 examination, the examinee must demonstrate scientific and practical knowledge  
10 sufficient to prove competency to practice veterinary medicine in the judgment of  
11 the board. An examinee must be tested by written examination, supplemented by  
12 any oral interview and practical demonstration the board determines necessary.  
13 The board may adopt and use the examination prepared by the national board  
14 ~~examination committee of veterinary medical examiners.~~ After each examination,  
15 the board shall notify each examinee of the result of the examination, and the  
16 board shall issue a license to each person who passed the examination. The  
17 board shall record each new license and issue a certificate of registration to each  
18 new licensee. Any person failing an examination ~~must~~ may be admitted to any  
19 subsequent examination on approval by the board and payment of the application  
20 fee.
- 21           2. The board may issue a license without a written examination to a qualified  
22 applicant who furnishes satisfactory proof of graduation from an accredited or  
23 approved college of veterinary medicine, or holds a certificate, and who:
- 24           a. Has for the five years immediately before filing of the application been a  
25 practicing veterinarian licensed in a state having license requirements at the  
26 time the applicant was first licensed which were substantially equivalent to the  
27 requirements of this chapter;
- 28           b. Has within the three years immediately before filing the application  
29 successfully completed the examinations provided by the national board  
30 ~~examination committee of veterinary medical examiners;~~ or

1           c.   Currently holds a license to practice in at least one state, has active diplomat  
2               status in a specialty organization recognized by the American veterinary  
3               medical association, and whose practice is limited to the certified specialty in  
4               the state in which the specialist is licensed without examination.

5       3.   The board may issue without examination a temporary permit to practice veterinary  
6       medicine in this state to:

7       a.   A qualified applicant for license pending examination, if the temporary permit  
8           expires the day after the notice of results of the first examination given after  
9           the permit is issued. A temporary permit may not be issued to an applicant  
10          who previously has failed the examination in this or any other state or a  
11          foreign country.

12       b.   A nonresident veterinarian validly licensed in another state or a foreign  
13          country who pays the fee established and published by the board if the  
14          temporary permit is issued for a period of no more than sixty days and no  
15          more than one permit is issued to a person during each calendar year.

16       c.   A senior veterinary student who practices in the office of and under the direct  
17          supervision of a licensed veterinarian. A temporary student permit may not  
18          exceed six months from its date of issuance and is granted without payment  
19          of a fee.

20       d.   A graduate of a nonaccredited ~~or unapproved~~ college of veterinary medicine,  
21          who has satisfactorily completed the fourth year of clinical study at an  
22          accredited or approved college of veterinary medicine, has successfully  
23          passed the examination provided by the national board of veterinary medical  
24          examiners, and is enrolled in the educational commission for foreign  
25          veterinary graduates program. The holder of a temporary permit issued under  
26          this subdivision must practice under the supervision of a licensed veterinarian.  
27          A temporary permit issued under this subdivision is valid until the holder  
28          obtains a certificate or for two years.

29       **SECTION 4. AMENDMENT.** Subsection 11 of section 43-29-13 of the North Dakota  
30       Century Code is amended and reenacted as follows:

11. Any graduate of a foreign college of veterinary medicine who is in the process of obtaining a certificate and is performing duties or actions assigned by the graduate's instructors in an accredited ~~or approved~~ college of veterinary medicine.

**SECTION 5. AMENDMENT.** Subsection 1 of section 43-29-14 of the North Dakota Century Code is amended and reenacted as follows:

1. The state board of veterinary medical examiners may refuse to issue a license or certificate of registration, or may suspend or revoke a license and certificate of registration, upon any of the following grounds:
  - a. Fraud or deception in procuring the license, including conduct that violates the security or integrity of any licensing examination.
  - b. The use of advertising or solicitation that is false, misleading, or otherwise determined unprofessional under rules adopted by the board.
  - c. Habitual intemperance in the use of intoxicating liquors, or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs.
  - d. Immoral, unprofessional, or dishonorable conduct manifestly disqualifying the licensee from practicing veterinary medicine.
  - e. Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.
  - f. Employment of unlicensed persons to perform work that under this chapter can lawfully be done only by persons licensed to practice veterinary medicine.
  - g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests, inspecting foodstuffs, or in issuing health certificates.
  - h. Failure of the licensee to keep the premises and equipment used in the licensee's practice in a reasonably clean and sanitary condition and failure to use reasonably sanitary methods in the practice of veterinary medicine.
  - i. Violation of the rules adopted by the board.
  - j. Conviction of an offense determined by the board to have a direct bearing upon a person's ability to serve the public as a veterinarian, or when the board determines, following conviction of any offense, that a person is not sufficiently rehabilitated under section 12.1-33-02.1.
  - k. Willful or repeated violations of this chapter or any rule adopted by the board.

- 1                   l.    Failure to report, as required by law, or making false report of, any contagious
- 2                   or infectious disease.
- 3                   m.   Cruelty to animals.
- 4                   n.    Revocation of a license to practice veterinary medicine by another state on
- 5                   grounds other than nonpayment of a registration fee.
- 6                   o.    The use, prescription, or sale of any veterinary prescription drug, or the
- 7                   prescription or an extra-label use of any over-the-counter drug in the absence
- 8                   of a valid veterinarian-client-patient relationship.