Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with House Amendments

ENGROSSED SENATE BILL NO. 2129

Introduced by

Workforce Development Committee

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

A BILL for an Act to create and enact ten new sections to chapter 43-29 of the North Dakota Century Code, relating to the practice of veterinary medicine, veterinary technology, and a specialized or holistic animal trade; to amend and reenact section 43-29-01.1, subsection 1 of section 43-29-02, sections 43-29-03, 43-29-04, 43-29-05, 43-29-05.1, 43-29-06, 43-29-07, 43-29-07.1, 43-29-07.2, 43-29-07.3, 43-29-08.1, 43-29-13, 43-29-14, and 43-29-15, subsection 2 of section 43-29-16, sections 43-29-16.1 and 43-29-17, and subsection 2 of section 43-29-19 of the North Dakota Century Code, relating to the practice of veterinary medicine and veterinary technology; to repeal sections 43-29-09, 43-29-10, 43-29-11, and 43-29-12.1 of the North Dakota Century Code, relating to the practice of veterinary medicine and veterinary technology; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-29-01.1 of the North Dakota Century Code is amended and reenacted as follows:

43-29-01.1. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Accepted livestock management practice" means a procedure that is commonly performed as part of the routine management of livestock which includes vaccination, implantation of growth hormones, branding, castration, dehorning, docking, earmarking, semen collection, nonsurgical artificial insemination, and assisting in a nonsurgical birthing process.
2. "Animal" means a member of the animal kingdom other than a human being whether living or dead.

3. "~~Accredited~~Approved college of veterinary medicine" means ~~any~~a veterinary college or division of a university or college which offers the degree of doctor of veterinary medicine or its equivalent and which conforms to the standards required for accreditation by ~~the council on education of the American veterinary medical association~~an accrediting entity approved by the board, if the entity is nationally recognized and develops and maintains accreditation standards for veterinary education.

~~2.~~4. "~~Accredited~~Approved program in veterinary technology" means any postsecondary educational program ~~of two or more academic years that is accredited by the committee on veterinary technician education and activities of the American veterinary medical association~~that offers a degree in veterinary technology or its equivalent and has been approved by the board by rule.

~~3. "Animal" means any animal other than a human being. The term includes any mammal, bird, fish, reptile, or fowl, whether wild or domestic, living or dead.~~

~~4.~~5. "Board" means the board of veterinary medical examiners.

~~5.~~6. ~~"Certificate" means a certificate issued by the educational commission for foreign veterinary graduates or the educational equivalence program of the American association of veterinary state boards, indicating the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.~~

~~6. "Licensed veterinarian" means a person who is licensed by the board to practice veterinary medicine.~~

~~7. "Licensed veterinary technician" means a person who has graduated from an accredited program in veterinary technology or an equivalent program as determined by the board, and who has passed an examination prescribed by the board.~~

8. "Client" means the patient's owner, owner's agent, or other individual presenting the patient for care.

7. "Complementary, integrative, and alternative therapies" means a heterogeneous group of preventative, diagnostic, and therapeutic philosophies and practices not considered part of conventional veterinary medicine practiced by most veterinarians.

8. "Consent" means the veterinarian has informed the client of the diagnostic and treatment options, risk assessment, and prognosis, and the client has authorized the recommended services.

9. "Consultation" means advice or assistance received by a veterinarian in person, or by any method of communication, from a veterinarian or other individual whose expertise, in the opinion of the veterinarian, would benefit a patient.

10. "Direct supervision" means supervision by a veterinarian who is readily available on the premises where the patient is being treated and has assumed responsibility for the veterinary care given to the patient by an individual working under the direction of the veterinarian.

11. "Foreign practitioner" has the same meaning as defined under section 43-51-01.

12. "Immediate supervision" means supervision by a veterinarian who is in the immediate area and within audible and visual range of the patient and the individual treating the patient and has assumed responsibility for the veterinary care given to the patient by an individual working under the direction of the veterinarian.

13. "Impaired veterinarian" means a veterinarian who is unable to practice veterinary medicine with reasonable skill and safety because of a physical or mental disability or the use of alcohol, drugs, or other habit-forming chemicals.

14. "Impaired veterinary technician" means a veterinary technician who is unable to practice veterinary technology with reasonable skill and safety because of a physical or mental disability or the use of alcohol, drugs, or other habit-forming chemicals.

15. "Indirect supervision" means supervision by a veterinarian who is not on the premises where the patient is being treated but has given written or oral instructions for the treatment of the patient, is readily available for communication, and has assumed responsibility for the veterinary care given to the patient by an individual working under the direction of the veterinarian.

16. "Jurisdiction" means any commonwealth, state, or territory of the United States of America, including the District of Columbia, or any province of Canada.

17. "Patient" means an animal or group of animals examined or treated by a veterinarian.

18. "Practice of veterinary medicine" means ~~to~~the:

a. ~~Diagnose, treat, correct, change, relieve, or prevent animal~~Diagnosis, prognosis, correction, supervision, recommendation, or performance of any medical or surgical treatment, including complementary, integrative or alternative therapies, for the diagnosis, prevention, cure, or relief of a wound, disease, deformity, defect, fracture, bodily injury, ~~or other~~dental, physical, behavioral, or mental ~~conditions. The term includes the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above.~~condition of an animal;

b. ~~Represent~~Prescription, distribution, or administration of a drug, medicine, anesthetic, biologic, appliance, apparatus, application, or treatment to an animal;

c. Provision of any manual or mechanical procedure for the diagnosis or treatment of pregnancy, sterility, or infertility of an animal;

d. Determination of the health, fitness, or soundness of an animal;

e. Representation of oneself, directly or indirectly, ~~publicly or privately, an ability and willingness to do an act described in subdivision a.~~as engaging in the practice of veterinary medicine; or

~~c.~~f. Use of any title, word, abbreviation, or letter in a manner or under circumstances that induce the belief ~~the person~~that the individual using ~~the~~such title~~, word, abbreviation, or letter~~ is ~~qualified to do any act described in subdivision a~~ authorized to practice veterinary medicine under this chapter.

~~d. Apply principles of environmental sanitation, food inspection, environmental pollution control, animal nutrition, zoonotic disease control, and disaster medicine in the promotion and protection of public health.~~

19. a. "Practice of veterinary technology" means the:

(1) Provision of professional medical care, monitoring, or treatment on the basis of written or oral instructions from a veterinarian;

(2) Representation of oneself, directly or indirectly, as engaging in the practice of veterinary technology; or

(3) Use of any title, word, abbreviation, or letter in a manner or under circumstances inducing the belief the individual using such title is authorized to practice veterinary technology under this chapter.

b. This section may not be construed to permit a veterinary technician to do the following:

(1) Surgery, except when acting as a surgical assistant to a veterinarian;

(2) Diagnose;

(3) Prognose; or

(4) Prescribe.

20. "State board examination" means the jurisprudence examination administered by the board.

21. "Supervising veterinarian" means a veterinarian who has a valid veterinarian-client-patient relationship and assumes responsibility for the veterinary care provided to the patient by an individual working under the direction of the veterinarian.

22. "Teleadvice" means the provision of any health information, opinion, or guidance that is not specific to a particular animal's health, illness, or injury and is not intended to diagnose, prognose, or treat an animal.

23. "Telehealth" means the use of technology to gather and deliver health information, advice, education, or patient care remotely.

24. "Teletriage" means electronic communication with the client to determine urgency and need for immediate referral to a veterinarian.

25. "Veterinarian" means an individual who is licensed to practice veterinary medicine under this chapter.

~~9.~~26. "Veterinarian-client-patient relationship" means~~:~~

~~a.~~ ~~A~~ a relationship in which the veterinarian has assumed ~~the~~ responsibility for making medical judgments regarding the health of ~~an animal and the need for medical treatment,~~ a patient and the client, ~~who is the owner or other caretaker,~~ has agreed to follow the instructions 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.~~

~~c. The practicing veterinarian is readily available for followup in the case of adverse reactions or failure of the regimen of therapy. This relationship exists only when 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 and by medically appropriate and timely visits to the premises where the animal is kept.~~

~~10.~~27. "Veterinary medicine" includes ~~veterinary surgery, obstetrics, dentistry, chiropractic, acupuncture, and~~ all ~~other~~ branches or specialties of veterinary medicine.

28. "Veterinary premises" means any premises or facility where the practice of veterinary medicine is performed but may not include the premises of a client, research facility, military base, or an approved college of veterinary medicine.

29. "Veterinary technician" means an individual who is licensed to practice veterinary technology under this chapter.

30. "Veterinary technology" includes all branches or specialties of veterinary technology.

31. "Veterinary telemedicine" means the virtual practice of veterinary medicine over the telecommunications infrastructure.

SECTION 2. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Requirements of a veterinarian-client-patient relationship.

1. A veterinarian-client-patient relationship may not be established unless the veterinarian has sufficient knowledge of the patient to initiate a general or preliminary diagnosis of the medical condition of the patient. To establish a veterinarian-client-patient relationship, the veterinarian must be personally acquainted with the keeping and care of the patient by virtue of a medically appropriate and timely in-person examination of the patient by the veterinarian, or by a timely in-person visit to the premises where the patient is managed or resides.

2. The veterinarian must be reasonably available for patient followup care after a veterinarian-client-patient relationship is established.

3. The veterinarian shall provide oversight of patient treatment.

4. Patient records must be maintained according to rules promulgated by the board.

5. A veterinarian-client-patient relationship may not be established solely through veterinary telemedicine.

6. A veterinarian seeking consultation shall maintain the veterinarian-client-patient relationship.

7. A veterinarian may terminate a veterinarian-client-patient relationship by notifying the client that the veterinarian no longer wishes to serve the patient and client.

8. The veterinarian shall provide medical records to the client, another veterinarian, or a foreign practitioner designated by the client if the veterinarian-client-patient relationship has been terminated. The veterinarian shall allow the client a reasonable amount of time to arrange care with another veterinarian unless the circumstance, patient, or client threatens the safety of the veterinarian or the staff.

9. A veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency care may not be subject to penalty based solely on the inability to establish a veterinarian-client-patient relationship.

10. The veterinarian-client-patient relationship may extend to all veterinarians within the same practice with access to the patient records.

SECTION 3. AMENDMENT. Subsection 1 of section 43-29-02 of the North Dakota Century Code is amended and reenacted as follows:

1. The state board of veterinary medical examiners consists of five gubernatorially appointed members. In appointing the board members, the governor shall appoint three veterinarians, one ~~veterinarian~~veterinary technician, and one individual representing the public. In appointing the veterinarian members of the board, the governor shall make an effort to appoint:
   a. One veterinarian whose practice has a predominant focus on large animals;
   b. One veterinarian whose practice has a predominant focus on small animals; and
   c. One veterinarian whose practice focuses on both large and small animals.

SECTION 4. AMENDMENT. Section 43-29-03 of the North Dakota Century Code is amended and reenacted as follows:

43-29-03. Officers of board - Seal - Meetings - Limitations on meetings - ~~Examinations~~Duties of board - Rules - ~~Code of ethics - Inspection of facilities - Educational requirements - Reciprocity~~Fees.

1. The board shall elect a president and a ~~secretary. The board shall have a seal, and the president and the secretary may administer oaths~~vice president. The board shall

hold meetings semiannually ~~in the spring and fall of each year~~ for the ~~examination~~approval of ~~candidates at a time and place specified by the board~~applicants for licensure. The board may hold any other meeting it determines necessary at the time and place it designates. No session of the board may exceed two days. A quorum ~~of the board consists of two members and such quorum is sufficient~~must be present to conduct the business and proceedings of the board~~, except that any changes in the rules must be taken at a meeting at which all the members are present~~.

2. The board may adopt and enforce reasonable rules, and orders that it determines to be necessary to the performance of its duties and the regulation of the practice of veterinary medicine~~; establish standards for professional conduct, inspection of facilities, and educational requirements for renewal and granting of licenses; prescribe forms for application for examination; prepare and supervise examination of applicants for license to practice veterinary medicine; obtain the services of professional examination agencies in lieu of its own preparation of such examinations; and issue and revoke licenses as provided in this chapter. All rules must be submitted to the attorney general in accordance with chapter 28-32.~~, veterinary technology, and veterinary telemedicine, including to:

   a. Establish standards for professional conduct and inspection of veterinary premises;

   b. Establish requirements for granting of licenses and temporary licenses;

   c. Establish requirements for renewal of licenses and continuing education;

   d. Prepare application forms for licensure and renewal;

   e. Administer the state board examination for qualified applicants;

   f. Obtain the services of professional examination agencies to administer national examinations; and

   g. Issue, suspend, revoke, or place on probationary status licenses and temporary licenses as provided in this chapter.

3. All rules must be submitted to the attorney general in accordance with chapter 28-32.

~~3.~~4. The board ~~may, in its discretion, enter reciprocal agreements with the examining boards of other states and nations, governing the granting of licenses to practice~~

~~veterinary medicine and surgery in this state without the applicant taking a written examination. Under no circumstances, however, may any reciprocal agreement be entered with the board of another state or nation unless the requirements for the granting of licenses in the other state or nation are on an equal or higher standard to the requirements of this state. The board may prescribe by rule any other terms or conditions to be contained in the agreements. The board shall determine the fee for license by reciprocity agreement.~~shall set the following by rule:

a. Application fee;

b. License fee;

c. Temporary license fee;

d. Renewal fee;

e. Late renewal fee; and

f. Continuing education fee.

SECTION 5. AMENDMENT. Section 43-29-04 of the North Dakota Century Code is amended and reenacted as follows:

43-29-04. Record of proceedings of board - Register of applicants kept by board - Records and register as evidence.

The ~~state~~ board ~~of veterinary medical examiners~~ shall keep a record of all its proceedings and a register of applicants for licenses showing the name of each applicant, the time spent by each applicant in the study and practice of veterinary medicine~~, surgery, or dentistry~~ or veterinary technology, and the name and location of the ~~school, college, or university~~program which granted the applicant a degree or diploma. Such books and records are prima facie evidence of the matters recorded therein.

SECTION 6. AMENDMENT. Section 43-29-05 of the North Dakota Century Code is amended and reenacted as follows:

43-29-05. Compensation and expenses of members of board.

Members of the board may receive for each day ~~during which they~~the members are ~~actually~~ engaged in the performance of the duties of their office ~~such~~the per diem ~~as must be~~ fixed by the board. ~~They may also~~The members also may be reimbursed for necessary travel expenses and meals and lodging expenses at the same rate and in the same manner as are elected officials and employees of the state.

~~The board may select one of its members to attend the annual meeting of the national organization of state examining boards. The member so selected may be reimbursed for necessary travel expenses and meals and lodging expenses at the same rate and in the same manner as are elected officials and employees of the state.~~

~~The board may incur no expense exceeding the sum received as fees, as hereinafter provided.~~

SECTION 7. AMENDMENT. Section 43-29-05.1 of the North Dakota Century Code is amended and reenacted as follows:

43-29-05.1. Executive ~~secretary~~director.

The board may employ an executive ~~secretary~~director and ~~such~~ other ~~persons~~individuals as ~~it deems advisable~~necessary to carry out the purpose of this chapter at such salaries as it may determine.

~~Each biennium the executive secretary shall prepare the budget of the board for presentation to the executive office of the budget. The executive secretary shall also carry out all routine secretarial and other duties as directed by the board.~~

SECTION 8. AMENDMENT. Section 43-29-06 of the North Dakota Century Code is amended and reenacted as follows:

43-29-06. ~~Graduation from recognized school and certificate or permit from board~~License required.

~~Only a graduate of the veterinary course offered in a veterinary school, college, or university recognized by the board, and who possesses a certificate of registration~~An individual must have a license or temporary license issued by the board ~~which is in effect, may engage in the~~ to practice ~~of~~ veterinary medicine or veterinary technology.

SECTION 9. AMENDMENT. Section 43-29-07 of the North Dakota Century Code is amended and reenacted as follows:

43-29-07. ~~Application for license - Change of address - Display of certificate of registration~~Requirements for veterinarian licensure.

~~1. A person desiring~~

The board may grant a license to practice veterinary medicine ~~in this state shall make written application to the board. The application must show the applicant is a graduate of an accredited college of veterinary medicine or the holder of a certificate. The application must also~~

~~show the applicant is a person of good moral character and any other information and proof the board may require. The application must be accompanied by a fee in the amount established by the board. If the board determines an applicant possesses the proper qualifications, the board shall admit the applicant to the next examination. If the applicant is eligible for license without examination under section 43-29-07.2, the board may grant the applicant a license. If an applicant is found not qualified to take the examination or for a license without examination, the board shall immediately notify the applicant in writing of this finding and the grounds of this finding. An applicant found unqualified may request a hearing on the question of the applicant's qualifications.~~

~~2. Each veterinarian licensed by the board, whether a resident or not, shall notify the secretary of any change in that person's office address or employment within sixty days after the change has taken place. Any person licensed to practice veterinary medicine after the fifteenth day of April, or any person issued a temporary permit to practice veterinary medicine after that date, is exempt from this requirement to pay the annual registration fee until the first day of July of the year following licensure.~~

~~3. Registration is a condition precedent to the practice of veterinary medicine and surgery in this state, and a certificate of registration currently in effect must be on display at all times in the office of each veterinarian engaged in active practice.~~to an applicant who:

1. Is a graduate of an approved college of veterinary medicine or has completed an equivalency program of veterinary medicine as established by the board by rule;
2. Passes the national board examination and clinical competency test, or the North American veterinary licensing examination;
3. Passes the state board examination;
4. Has no grounds for license refusal under section 43-29-14; and
5. Meets any additional requirements for licensure established by the board by rule.

SECTION 10. AMENDMENT. Section 43-29-07.1 of the North Dakota Century Code is amended and reenacted as follows:

43-29-07.1. ~~Veterinary technicians - Examinations~~Requirements for veterinary technician licensure.

~~1.~~ ~~An~~

The board may grant a license to practice veterinary technology to an applicant ~~for licensure as a veterinary technician must have an examination date offered at least annually at a time, place, and date determined by the board at least ninety days before the scheduled examination.~~

~~2. An applicant for licensure as a veterinary technician must pass the veterinary technician national examination with a score approved by the board.~~

~~3. An applicant for licensure as a veterinary technician who has successfully passed the veterinary technician national examination shall request that the applicant's examination scores be forwarded to the board. An applicant is eligible for licensure upon meeting the licensure requirements set by the board.~~who:

1. Is a graduate of an approved program of veterinary technology or completed an equivalency program of veterinary technology as established by the board by rule;
2. Passes the veterinary technician national examination;
3. Passes the state board examination;
4. Has no grounds for license refusal under section 43-29-14; and
5. Meets any additional requirements for licensure established by the board by rule.

SECTION 11. AMENDMENT. Section 43-29-07.2 of the North Dakota Century Code is amended and reenacted as follows:

43-29-07.2. ~~Examination - License without examination -~~ Temporary ~~permit~~license.

~~1. The board shall hold at least two examinations a year. The board shall adopt rules governing preparation, administration, and grading of examinations. Examinations must be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove competency to practice veterinary medicine in the judgment of the board. An examinee must be tested by written examination, supplemented by any oral interview and practical demonstration the board determines necessary. The board may adopt and use the examination prepared by the national board of veterinary medical examiners. After each examination, the board shall notify each examinee of the result of the examination, and the board shall issue a license to each person who passed the examination. The board shall record each new license and issue a certificate of~~

~~registration to each new licensee. Any person failing an examination may be admitted to any subsequent examination on approval by the board and payment of the application fee.~~

~~2. The board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof of graduation from an accredited or approved college of veterinary medicine, or holds a certificate, and who:~~

~~a. Has for the five years immediately before filing of the application been a practicing veterinarian licensed in a state having license requirements at the time the applicant was first licensed which were substantially equivalent to the requirements of this chapter;~~

~~b. Has within the three years immediately before filing the application successfully completed the examinations provided by the national board of veterinary medical examiners; or~~

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

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

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

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

~~c. A senior veterinary student who practices in the office of and under the direct supervision of a licensed veterinarian. A temporary student permit may not~~

~~exceed six months from its date of issuance and is granted without payment of a fee.~~

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

SECTION 12. AMENDMENT. Section 43-29-07.3 of the North Dakota Century Code is amended and reenacted as follows:

43-29-07.3. ~~License~~Veterinarian - License renewal - Continuing education requirements.

1. ~~All licenses expire~~A veterinarian license expires annually ~~as of July first but may be renewed by registration with the board and payment of the registration renewal fee established by the board. On June first of each year, the board shall mail a notice to each licensed veterinarian that the licensee's license will expire as of July first and provide the licensee with a form for registration. The board shall issue a new certificate of registration to a person reregistering under this section. Any person who willfully or by neglect fails to renew a license and who practices veterinary medicine after the expiration of the license is practicing in violation of this chapter~~on June thirtieth.
2. A veterinarian license may be renewed by submission of the following to the board, no later than June thirtieth:
   a. A complete renewal application;
   b. Payment of the renewal fee established by the board; and
   c. Proof of completion of board required continuing education.

3. An individual who neglects or willfully fails to renew a license and practices veterinary medicine after the expiration of the license, is practicing veterinary medicine in violation of this chapter.

~~2.~~4. ~~Any qualified person~~An individual may renew an expired license within ~~two~~five years of the date of ~~its~~ expiration by ~~making written~~completing an application for renewal ~~and~~, paying the current renewal fee plus all delinquent renewal fees, and completing all required continuing education. After ~~two~~five years have elapsed since the date of expiration, a license may not be renewed, but the holder may ~~make application~~apply for a new license ~~and take the license examination. The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when the veterinarian is on active duty with any branch of the armed services of the United States, not to exceed the longer of three years or the duration of active duty~~.

~~3.~~5. ~~The board may adopt rules establishing requirements for the continuing education of veterinarians and veterinary technicians~~. The board may refuse to renew or may suspend, revoke, or place on probationary status any license issued under this chapter upon proof the ~~licensee~~veterinarian has failed to meet the applicable continuing education requirements. ~~Applicants for accreditation of continuing education courses, classes, or activities may be charged a reasonable fee determined by the board.~~

SECTION 13. AMENDMENT. Section 43-29-08.1 of the North Dakota Century Code is amended and reenacted as follows:

43-29-08.1. Veterinary technician - Renewal of license - Continuing education requirements.

1. A ~~license issued to a~~ veterinary technician ~~under this chapter expires~~license expires annually on December thirty-first.
2. A veterinary technician ~~shall submit renewal fees and current mailing address before~~license may be renewed by submission of the following to the board, no later than December thirty-first ~~on an application form provided and mailed to the licenseholder by the board~~:
   a. A complete renewal application;
   b. Payment of a renewal fee established by the board; and

c. Proof of completion of board required continuing education.

3. ~~A veterinary technician shall submit evidence of completion of required continuing education credits in the veterinary field during the calendar year in order to apply for a license renewal~~An individual who neglects or willfully fails to renew a license and practices veterinary technology after the expiration of the license, is practicing veterinary technology in violation of this chapter.

4. ~~Failure to submit the appropriate~~An individual may renew an expired license ~~renewal fee every year results in forfeiture of all rights and privileges under this chapter and the veterinary technician may not perform veterinary technician services unless the veterinary technician pays a delinquency fee in addition to the license~~within five years of the date of its expiration by completing an application for renewal, paying the current renewal fee plus all delinquent renewal fees, and completing all required continuing education. After five years have elapsed since the date of expiration, a license may not be renewed, but the holder may apply for a new license.

5. The board may refuse to renew or may suspend, revoke, or place on probationary status any license issued under this chapter upon proof the veterinary technician has failed to meet the applicable continuing education requirements.

SECTION 14. AMENDMENT. Section 43-29-13 of the North Dakota Century Code is amended and reenacted as follows:

43-29-13. ~~Practices excepted from chapter~~Exceptions to the unlicensed practice of veterinary medicine.

1. The following ~~persons~~individuals may not be considered to be engaging in the practice of veterinary medicine in this state:

~~1.~~ a. ~~Those~~An individual who ~~administer to livestock,~~ treats animals~~the title to which rests in~~ owned by themselves~~,~~ or ~~in their~~the individual's regular employer, except ~~when the~~if ownership of the animal was transferred or otherwise manipulated to avoid the requirements of this chapter~~, or those who perform gratuitous services~~.

~~2.~~ b. ~~Anyone~~An individual who conducts experiments in scientific research in the development of methods, techniques, or treatment, directly or indirectly applicable to the problems of medicine, and who in connection with these activities uses animals.

~~3.~~ c. ~~Anyone who is a regular~~A student enrolled in an ~~accredited or~~ approved college of veterinary medicine performing duties or actions assigned by an instructor or working under the direct supervision of a ~~licensed~~ veterinarian ~~during a school vacation period~~.

~~4.~~ d. ~~Anyone licensed in another state or nation when~~An individual engaged in this state in consultation with veterinarians legally practicing herein.

~~5.~~ e. ~~A senior student who is in an approved school of veterinary medicine and who obtains from the board a student permit to practice in the office and under the direct supervision of any veterinarian practicing within this state.~~

~~6.~~ ~~Any~~An employee of the United States or this state while in the performance of duties as ~~employees~~an employee.

~~7.~~ f. ~~Any~~A merchant or manufacturer selling nonprescription medicine, feed, an appliance, or any other product ~~used~~for use as labeled in the prevention or treatment of animal diseases.

~~8.~~ g. ~~Any veterinary technician or other~~An employee of a ~~licensed~~ veterinarian performing duties under the direction ~~and~~or supervision of the veterinarian responsible for the ~~technician's or other~~ employee's performance, except the following duties:

(1) Performing surgery;

(2) Diagnosing;

(3) Prognosing; or

(4) Prescribing.

~~9.~~ h. ~~Any member of the faculty of an accredited college of veterinary medicine performing regular functions or a person~~An individual lecturing or giving instructions or demonstrations within the individual's area of professional expertise~~at an accredited college of veterinary medicine or~~ in connection with a continuing education course or seminar.

~~10.~~ i. ~~Any person~~An individual selling or applying any pesticide, insecticide, or herbicide.

~~11.~~ j. ~~Any~~An individual who is not a graduate of ~~a foreign~~an approved college of veterinary medicine ~~who~~, and is ~~in the process of obtaining a certificate and is~~

enrolled in an equivalency program of veterinary medicine as approved by the board, performing duties or actions assigned by ~~the graduate's instructors~~an instructor in an ~~accredited~~approved college of veterinary medicine.

~~12.~~ k. ~~Any person~~An individual performing a direct embryo transfer procedure on a recipient cow. Except as provided in this subsection, ~~a person~~an individual performing a direct embryo transfer procedure on a recipient cow may not administer prescription drugs to the cow during, or as part of, the procedure. The owner of the recipient cow, however, may administer or cause the administration of prescription drugs to the recipient cow during, or as part of, the procedure ~~if a veterinarian-client-patient relationship exists~~as prescribed by a veterinarian.

l. An individual who administers medication or treatment as prescribed by a veterinarian.

m. An individual who performs gratuitous services for an animal in a life-threatening situation.

2. This section may not be construed to protect individuals from animal cruelty laws in this state.

SECTION 15. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Exceptions to unlicensed practice of veterinary technology.

1. The following individuals may not be considered to be engaging in the practice of veterinary technology in this state:

a. An individual who treats an animal owned by the individual or the individual's regular employer, except if ownership of the animal was transferred or otherwise manipulated to avoid the requirements of this chapter.

b. An individual who conducts experiments in scientific research in the development of methods, techniques, or treatment, directly or indirectly applicable to the problems of medicine, and who in connection with these activities uses animals.

c. A student enrolled in an approved program of veterinary technology performing duties or actions assigned by an instructor or working under the direct supervision of a veterinarian.

d. An employee of the United States or this state while in the performance of duties as employees.

e. An employee of a veterinarian performing duties under the direction or supervision of the veterinarian responsible for the employee's performance.

f. An individual lecturing or giving instructions or demonstrations within the individual's area of professional expertise in connection with a continuing education course or seminar.

g. An individual who is not a graduate of an approved program of veterinary technology, enrolled in an equivalency program of veterinary technology as approved by the board, performing duties or actions assigned by an instructor in an approved program of veterinary technology.

h. An individual who administers medication or treatment as prescribed by a veterinarian.

i. An individual who performs gratuitous services for an animal in a life-threatening situation.

2. This section may not be construed to protect individuals from animal cruelty laws in this state.

SECTION 16. AMENDMENT. Section 43-29-14 of the North Dakota Century Code is amended and reenacted as follows:

43-29-14. Refusal, suspension, and revocation of license ~~and certificate~~ - Reinstatement and relicense.

1. The ~~state~~ board ~~of veterinary medical examiners~~ may refuse to issue a license or ~~certificate of registration~~temporary license, or may suspend or revoke a license ~~and certificate of registration~~or temporary license, 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~~The determination that

an individual is an impaired veterinarian as defined by section 43-29.01.1 or an impaired veterinary technician as defined by section 43-29-01.1.

d. ~~Immoral, unprofessional, or dishonorable~~Unprofessional conduct ~~manifestly disqualifying the licensee from practicing veterinary medicine~~as defined by the rules adopted by the board, or violating the code of ethics adopted by the board by rule.

e. Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine or veterinary technology.

f. Employment of unlicensed ~~persons~~individuals to perform work that under this chapter can lawfully be done only by ~~persons~~individuals licensed to practice veterinary medicine or veterinary technology.

g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests, inspecting foodstuffs, or in issuing ~~health certificates~~regulatory documents.

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 or veterinary technology.

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~~the ability of an individual to serve the public as a veterinarian or veterinary technician, or when the board determines, following conviction of any offense, that ~~a person~~an individual 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.

l. Failure to report, as required by law, or making false report of, any contagious or infectious disease.

m. Cruelty to animals as defined under chapter 36-21.2.

n. Revocation of a license to practice veterinary medicine or veterinary technology by another ~~state~~jurisdiction on grounds other than nonpayment of a ~~registration~~renewal fee.

o. The use, prescription, or dispensing of any veterinary prescription drug, or the prescription or extra-label use of any over-the-counter drug, in the absence of a valid veterinarian-client-patient relationship, except as provided by section 43-29-19.

2. ~~Any person~~An individual whose license has been revoked may apply to the board for reinstatement and relicensure one year after the date of revocation. The board may reissue a license if the board is satisfied the applicant is qualified to practice veterinary medicine or veterinary technology, meets the existing requirements for licensure, and will comply with the rules regarding the practice of veterinary medicine or veterinary technology.

SECTION 17. AMENDMENT. Section 43-29-15 of the North Dakota Century Code is amended and reenacted as follows:

43-29-15. Complaints - Investigations.

1. ~~Any person~~An individual may file a written complaint with the board setting forth the specific charges upon which the complaint is made. Upon receiving a complaint, the board shall notify the veterinarian or veterinary technician of the complaint and request a written response from the veterinarian or veterinary technician. The board may adopt rules establishing a peer review committee for the purpose of investigating complaints and providing recommendations to the board. A veterinarian or veterinary technician who is the subject of an investigation by the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any reasonable question raised by or on behalf of the board relating to the subject of the investigation and providing copies of records when reasonably requested by the board. Failure to cooperate in the investigative process may be grounds for disciplinary action against the veterinarian or veterinary technician.

2. To pursue the investigation, the board may ~~subpoena and examine witnesses and records, including medical records, copy, photograph, or take samples. The board may require the veterinarian to give statements under oath, to submit to a physical or psychological examination, or both, by a physician or other qualified evaluation professional selected by the board if it appears to be in the best interest of the public that this evaluation be secured. After review of the complaint, the veterinarian's~~

~~response, and information obtained in the investigation, the board shall determine if there is a reasonable basis to believe the allegations are true and that the allegations constitute a violation of this chapter or the rules of the board. If the board determines there is a reasonable basis to believe the allegations are true and the allegations constitute a violation of this chapter or the rules of the board, the board shall take appropriate action. If a reasonable basis is not found by the board, the board shall notify the complaining party and the veterinarian in writing:~~

a. Subpoena and examine witnesses, records, medical records, copy, photograph, or take samples;

b. Require the veterinarian or veterinary technician to give statements under oath;

c. Require the veterinarian or veterinary technician to submit to a physical examination, chemical dependency evaluation, or psychological examination by a physician or other qualified evaluation professional selected by the board if there is reasonable cause to believe the veterinarian or veterinary technician is impaired as defined by 43-29-01.1; and

d. Require the veterinarian or veterinary technician to enroll in a treatment or monitoring program approved by the board if the board determines in good faith enrollment would be beneficial to the veterinarian or veterinary technician or to protect the public.

3. After review of the complaint, the response from the veterinarian or veterinary technician, and information obtained in the investigation, the board shall determine if there is a reasonable basis to believe the allegations are true and if the allegations constitute a violation of this chapter or the rules of the board. If the board determines there is a reasonable basis to believe the allegations are true and the allegations constitute a violation of this chapter or the rules of the board, the board shall take appropriate action. If a reasonable basis is not found by the board, the board shall notify the complaining party and the veterinarian or veterinary technician in writing.

4. Unless the board proceeds with a disciplinary action, the complaint, the response, and any records received by the board during an investigation of a complaint under this section are exempt records, as defined in section 44-04-17.1.

5. A veterinarian or veterinary technician shall report in good faith any impaired veterinarian or impaired veterinary technician as defined by 43-29-01.1.

6. The board may adopt rules as necessary to carry out this section.

SECTION 18. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Self-reporting and self-referral.

1. A veterinarian or veterinary technician may voluntarily self-report or self-refer to a treatment or monitoring program approved or contracted by the board to seek assistance for a potential or existing impairment due to a mental health or substance use disorder.

2. A veterinarian or veterinary technician who under this section voluntarily seeks assistance from a treatment or monitoring program in assessing or treating a potential or existing impairment will not be reported to the board solely on the basis of self-reporting or self-referral.

3. The identity of the veterinarian or veterinary technician and findings of the evaluation only may be reported to the board when:

   a. A veterinarian or veterinary technician refuses to undergo an evaluation by the program;

   b. The evaluation reveals evidence of an impairment that could affect the ability of the veterinarian or veterinary technician to practice, or constitutes a threat to the safety of a patient or the public; or

   c. The veterinarian or veterinary technician refuses to cooperate with a treatment plan, monitoring and followup, or aftercare directed by the program, including a recommendation about continuing practice.

4. Participation in the program does not protect a veterinarian or veterinary technician from disciplinary action resulting from a complaint.

5. A veterinarian or veterinary technician who self-reports or self-refers to the board for a potential or existing impairment may be referred by the board to a treatment or monitoring program in a manner prescribed by the board by rule, and subsequent reporting by the program to the board is at the discretion of and in the manner prescribed by the board.

6. A veterinarian or veterinary technician who has completed a treatment or monitoring program and is in full compliance with all parts of the treatment or monitoring plan and aftercare, may answer in the negative to a question on an application to the board for licensure or licensure renewal regarding current impairment by the condition for which the veterinarian or veterinary technician completed treatment. However, any recurrence of the impairment or the existence of other potential impairments that are not currently known to the program must be reported on the application.

7. Notwithstanding section 44-04-18, except as otherwise provided in this chapter, all records related to participation in a treatment or monitoring program established under this section containing identifying information about a veterinarian or veterinary technician are confidential and only may be disclosed when:

   a. Disclosure is reasonably necessary for the accomplishment of the purposes of intervention, rehabilitation, referral assistance, or supportive services;

   b. Disclosure is required by law in a legal or administrative hearing or requested by the board for a formal disciplinary action;

   c. Disclosure is necessary regarding a veterinarian's or veterinary technician's noncompliance with the program;

   d. A staff member is handling records for administrative purposes as provided under this section; and

   e. A person is participating in treatment or program monitoring, evaluations, or followup.

8. A person in attendance at any meeting of a treatment or monitoring program is not required to testify as to the content of any findings, committee discussions, or proceedings, unless requested by the board for a disciplinary proceeding or regarding noncompliance with the program.

SECTION 19. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Immunity from liability.

The following individuals are immune from liability in any civil or criminal proceeding brought against the individual for any action occurring while the individual was acting in good faith within the scope of the individual's respective capacity:

1. A member of the board;
2. A member of a peer review committee;
3. A witness testifying in a proceeding or hearing authorized under this chapter or administrative proceeding held under chapter 28-32;
4. A treating professional;
5. An individual who files a complaint pursuant to this Act; and
6. An individual reporting an impaired veterinarian or impaired veterinary technician as defined by section 43-29-01.1.

SECTION 20. AMENDMENT. Subsection 2 of section 43-29-16 of the North Dakota Century Code is amended and reenacted as follows:

2. In any order or decision issued by the board in which disciplinary action is imposed against a ~~licensee~~veterinarian or veterinary technician, the board may direct the ~~licensee~~veterinarian or veterinary technician to pay the board a sum not to exceed the reasonable and actual costs, including attorney's fees, incurred by the board in the investigation and prosecution of the case. ~~When applicable, the licensee's license may be suspended until the costs are paid to the board.~~

SECTION 21. AMENDMENT. Section 43-29-16.1 of the North Dakota Century Code is amended and reenacted as follows:

43-29-16.1. Abandonment of animals by ~~owner~~client - Disposal of remains.

1. Any animal placed in the custody of a ~~licensed doctor of veterinary medicine~~veterinarian for treatment, boarding, or other care, which is abandoned by ~~its owner or its owner's agent~~the client for a period of more than ten days after a written notice, by registered or certified letter, return receipt requested, is ~~given~~mailed to the ~~owner or its owner's agent~~client at the last-known address, may be turned over to the custody of the nearest humane society or ~~dog~~ pound in the area or disposed of as such custodian may deem proper.
2. The ~~giving~~service of notice to the ~~owner, or the agent of the owner~~client, of such animal by the ~~doctor of veterinary medicine~~veterinarian, as provided in subsection 1, shall relieve the ~~doctor of veterinary medicine~~veterinarian and any custodian to whom such animal may be given of any further liability for disposal~~; it is further provided that~~

~~such~~. Such procedure by the ~~licensed doctor of veterinary medicine~~veterinarian does not constitute grounds for disciplinary procedure under this chapter.

3. For the purpose of this section, the term "abandoned" means to forsake entirely or to neglect or refuse to provide or perform the care and support of an animal by ~~its owner or its owner's agent~~the client; such abandonment constitutes the relinquishment of all rights and claim by the owner of such animal.

4. Any animal remains that are left in the possession of a veterinarian and have not been claimed by the client for a period of more than ten days after a written notice, by registered or certified letter, return receipt requested, is mailed to the client at the last-known address, may be disposed of by the veterinarian as deemed proper.

SECTION 22. AMENDMENT. Section 43-29-17 of the North Dakota Century Code is amended and reenacted as follows:

43-29-17. Unlawful practice of veterinary medicine - Penalty - Civil remedy.

~~Any person who~~

1. An individual is guilty of a class B misdemeanor if the individual:

~~1.~~ a. Practices veterinary medicine~~, surgery, or dentistry~~ in this state without compliance with the provisions of this chapter;

~~2.~~ b. Willfully and falsely claims or pretends to have or hold a ~~certificate of registration~~license or temporary license issued by the ~~state~~ board ~~of veterinary medical examiners~~; or

~~3.~~ c. Willfully and falsely, with intent to deceive the public, claims or pretends to be a graduate of, or to hold a degree or diploma ~~showing the satisfactory completion of a course in veterinary science in a school, college, or university recognized~~from a program of veterinary medicine approved by the board~~;~~ ~~is guilty of a class B misdemeanor~~.

2. In addition to the criminal penalty provided, the civil remedy of injunction is available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by ~~any person~~an individual, upon application and unanimous vote of all members of the ~~state~~ board ~~of veterinary medical examiners~~.

SECTION 23. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Unlawful practice of veterinary technology - Penalty - Civil remedy.

1. An individual is guilty of a class B misdemeanor if the individual:
   a. Practices veterinary technology in this state without compliance with the provisions of this chapter;
   b. Willfully and falsely claims or pretends to have or hold a license issued by the board; or
   c. Willfully and falsely, with intent to deceive the public, claims or pretends to be a graduate of, or to hold a degree or diploma from, a program of veterinary technology approved by the board.
2. In addition to the criminal penalty provided, the civil remedy of injunction is available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by an individual, upon application and unanimous vote of all members of the board.

SECTION 24. AMENDMENT. Subsection 2 of section 43-29-19 of the North Dakota Century Code is amended and reenacted as follows:

2. Other than a controlled substance, a ~~licensed~~ veterinarian may dispense a veterinary prescription drug without establishing a veterinarian-client-patient relationship if:
   a. The drug is prescribed by a ~~licensed~~ veterinarian or by a ~~veterinarian licensed in another jurisdiction~~foreign practitioner who has established a veterinarian-client-patient relationship;
   b. The prescribing veterinarian or foreign practitioner has an inadequate supply of the drug, failure to dispense the drug would interrupt a therapeutic regimen, or failure to dispense the drug would cause an animal to suffer; and
   c. The dispensing veterinarian verifies the prescription with the prescribing veterinarian or foreign practitioner.
   d. The dispensing veterinarian is not presumptively aware of any disciplinary action against the prescribing veterinarian or foreign practitioner.

SECTION 25. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Veterinary telemedicine - Teleadvice and teletriage.

1. A veterinarian shall establish a veterinarian-client-patient relationship by virtue of a medically appropriate and timely in-person examination of a patient by the veterinarian, or by a timely in-person visit to the premises where the patient is managed or resides before the provision of veterinary telemedicine services.
2. The provision of teleadvice or teletriage by a veterinarian does not require the prior establishment of a veterinarian-client-patient relationship.
3. A veterinary technician may perform teleadvice and teletriage without instructions from a veterinarian.
4. The board may adopt rules as necessary to carry out this section.

SECTION 26. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Source of data.

The board shall be authorized to rely upon the expertise of and verified data gathered and stored by not for profit organizations that share in the public protection mission of the board including the American association of veterinary state boards to make determinations under this chapter and to promote uniformity and administrative efficiencies.

SECTION 27. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Location of the practice of veterinary medicine.

The provision of veterinary services to a patient in this state which fall within the standard of practice of veterinary medicine regardless of the means by which the services are provided or the physical location of the person providing those services, constitutes the practice of veterinary medicine in this state and is subject to regulation by the board.

SECTION 28. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Indirect practice without a license for foreign practitioners.

A foreign practitioner may provide veterinary services in this state which fall within the scope of practice designated by the foreign practitioner's license and by this chapter without obtaining a license from the board if the services are provided through telehealth and are a

continuation of an existing veterinarian-client-patient relationship as established under this chapter.

SECTION 29. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Specialized or holistic animal trade - Exceptions.

1. This chapter does not apply to an individual who engages in the practice of a specialized or holistic trade on an animal, requiring manual skills and special training.
2. An individual practicing under the exception of this section:
   a. Shall disclose the individual is not a licensed veterinarian or veterinary technician to the client; and
   b. May not:
      (1) Provide a diagnosis or prognosis;
      (2) Prescribe a medication; or
      (3) Perform a surgical treatment.
3. For the purposes of this section, "specialized or holistic trade" includes:
   a. An accepted livestock management practice;
   b. Acupuncture or accupressure;
   c. Grooming;
   d. Horseshoeing or farrier work;
   e. Massage therapy;
   f. Microchip implantation;
   g. Nonveterinarian dentistry; and
   h. Training or conditioning.

SECTION 30. REPEAL. Sections 43-29-09, 43-29-10, 43-29-11, and 43-29-12.1 of the North Dakota Century Code are repealed.