

Section 87-01-01-01 is amended as follows:

**87-01-01-01. Organization of board of veterinary medical examiners.**

1. **History.** The 1895 legislative assembly passed a law entitled "Qualifications of Veterinarians" which requires the governor to appoint a board of veterinary examiners, known as the state board of veterinary medical examiners. ~~The board consists of three practicing veterinarians who are graduates of a legally authorized veterinary school.~~
2. **Board membership.** The board consists of ~~three~~ five members (three veterinarians, one veterinary technician, and one public member) who serve three-year terms, with ~~one~~ no more than two terms expiring each year.
3. **Compensation of members of board.** A member of the board may receive for each day during which that member is actually engaged in the performance of the duties of office a per diem in the amount of one hundred twenty-five dollars.
4. **Executive secretary.** The board employs an executive secretary and such other persons necessary to carry out administration of the board's activities.
5. **Inquiries.** Inquiries regarding the board may be addressed to the executive secretary:

Dr. John R. Boyce  
Executive Secretary  
North Dakota Board of Veterinary Medical Examiners  
P.O. Box 5001  
Bismarck, North Dakota 58502  
(701) 328-9540

**History:** Amended effective November 1, 1981; April 1, 1988; November 1, 1991; March 1, 1999; August 1, 2004; \_\_\_\_\_, 2013

**General Authority:** NDCC 28-32-02, 43-29-03

**Law Implemented:** NDCC 28-32-02, 43-29-02, 43-29-05, 43-29-05.1

Section 87-01.1-01-01 is amended as follows:

**87-01.1-01-01. Examination - Waiver.**

1. To qualify for a North Dakota license, each applicant must take and pass a North Dakota examination, and the national board examination; and the clinical competency test or the North American veterinary licensing examination. The North Dakota examination is a combination written jurisprudence examination and oral interview.
2. The board adopts the passing score on the national examination recommended by the national board of veterinary medical examiners. Applicants must request that their examination scores be sent to the board.
3. ~~The national board examination and clinical competency test or the~~ North American veterinary licensing examination is required of all applicants for licensure in North Dakota who have been in practice less than five years. For an applicant who has been in practice more than five years, the applicant may petition the board to waive this requirement if the applicant meets the requirements of North Dakota Century Code section 43-29-07.2.
4. The North Dakota examination may not be waived.
5. A senior veterinary student may take the North Dakota ~~test~~ examination if the student has taken and passed the ~~national board examination and the clinical competency test or the~~ North American veterinary licensing examination and submits a letter from the dean of a veterinary college indicating the student's anticipated graduation date.
6. North Dakota ~~C~~candidates may apply for and take the North American veterinary licensing examination for the first time during the testing window eight months prior to their expected graduation according to eligibility criteria, deadlines, and fees specified in the annual agreement between the board and the national board of veterinary medical examiners.
7. Beginning with the fall 2007 administration of the North American veterinary licensing examination, a candidate may not take the examination more than five times, and may not take the examination at a date that is later than five years after a candidate's initial attempt. Each of the final two attempts must be at least one year from the previous attempt.

**History:** Effective January 1, 1999; amended effective November 1, 2000; June 1, 2002; August 1, 2004; April 1, 2009; \_\_\_\_\_, 2013.

**General Authority:** NDCC 43-29-03, 43-29-07.2

**Law Implemented:** NDCC 43-29-07.2

Section 87-01.1-01-02 is amended as follows:

**87-01.1-01-02. Examination application fee.** An applicant who takes for the North Dakota examination must file with the board a completed application, a copy of the applicant's diploma or other official proof of graduation, and an examination fee of fifty dollars. The examination fee will not be refunded. All required material and money must be submitted thirty days prior to the examination date. ~~Candidates for initial licensure in North Dakota must submit their application at least ninety two days prior to the opening of the testing window for the North American veterinary licensing examination.~~

**History:** Effective January 1, 1999; amended effective November 1, 2000; December 1, 2004; \_\_\_\_\_, 2013.

**General Authority:** NDCC 43-29-07.2

**Law Implemented:** NDCC 43-29-07.2

Section 87-02-01-01 is amended as follows:

**87-02-01-01. License renewal.**

1. Annual license renewal forms will be ~~mailed~~ provided to all licensed veterinarians on or before June first and completed license renewal forms must be received by June thirtieth.
2. The annual license renewal fee for veterinarians is ~~sixty~~ seventy-five dollars.
3. Renewals not received by the due date will be assessed a late fee of fifty percent of the license fee.

**History:** Amended effective January 1, 1999; December 1, 2004; April 1, 2009; \_\_\_\_\_, 2013.

**General Authority:** NDCC 43-29-03

**Law Implemented:** NDCC 43-29-07.3

Section 87-02-01-04 is amended as follows:

**87-02-01-04. Educational program requirements.** Veterinary continuing education may consist of the following:

1. Eight hours of in-house training including veterinary medical tapes, films, computer-based programs, and self-assessment tests relevant to the practice of veterinary medicine.
2. Programs sponsored by local, state, regional, or national veterinary associations and other continuing educational programs or training approved by the North Dakota veterinary medical examining board. The other programs or training may be approved only if they relate to the practice of veterinary medicine, as defined by subsection 8 of North Dakota Century Code section 43-29-01.1, and consist of evidence-based scientific material. The board accepts programs approved by the registry of approved continuing education of the American association of veterinary state boards.
3. Wet labs or instructions, or both, taken at a college or university, the subject material of which must pertain to veterinary medicine.
4. Up to eight hours of veterinary continuing education may relate to practice management. Programs designed to enhance the veterinarian's ability to earn money, invest money, or relating to personal financial planning are not acceptable for meeting the continuing education requirement.
5. Programs presented by pharmaceutical companies and other commercial groups may be approved, as long as they consist of objective presentations of scientific information and are not designed principally to sell products to the veterinarian or the animal owner.
6. Eight hours of participation in a clinical setting at another veterinary practice and completion of the written report required by the board's veterinary exchange program.

Proof of attendance and verification will be necessary on request. Verification may include a printed program, certificate, brochure, handout, or syllabus that lists the topics presented, the persons doing the instruction and their qualifications, and the time for each presentation.

**History:** Amended effective November 1, 1991; January 1, 1999; April 1, 2009; \_\_\_\_\_, 2013.

**General Authority:** NDCC 43-29-03, 43-29-07.3

**Law Implemented:** NDCC 43-29-07.3

Section 87-05-02-01 is amended as follows:

**87-05-02-01. Unprofessional conduct.** Unprofessional conduct manifestly disqualifying a licensee from practicing veterinary medicine includes:

1. Failing to meet the minimum standards of practice.
2. Engaging in conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, in which case, proof of actual injury need not be established.
3. Claiming to have performed or charging for an act or treatment that was, in fact, not performed or given.
4. Promoting, aiding, abetting, or permitting the practice of veterinary medicine by an unlicensed person.
5. Prescribing or dispensing, delivering, or ordering delivered a controlled substance without first having established a veterinarian-client-patient relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot and determining that treatment with the controlled substance is therapeutically indicated. Use of euthanizing drugs in recognized animal shelters or government animal control facilities is exempt from this requirement.
6. Performing surgery to conceal genetic or congenital defects, in any species, with the knowledge that the surgery has been requested to deceive a third party.
7. Promoting, selling, prescribing, or using a product for which the ingredient formula is unknown to the veterinarian.
8. Failing to report to law enforcement or humane officers inhumane treatment to animals, including staged animal fights or training events for fights, the veterinarian reasonably believed occurred.
9. Fraudulently issuing or using a certificate of veterinary inspection, test chart, vaccination report, or other official form used in the practice of veterinary medicine to prevent the dissemination of animal disease, transportation of diseased animals, or the sale of inedible products of animal origin for human consumption.
10. Willfully harassing, abusing, or intimidating a client or animal owner either physically or verbally. Taking legal action to collect for services rendered cannot be considered harassment.
11. Engaging in conduct which willingly and knowingly leads to the spread of contagious disease from one herd or animal to another.
12. Advertising, stating or implying that the veterinarian is a certified or recognized specialist in any given field unless the veterinarian is a diplomate of a specialty board recognized by the American veterinary medical association.

**History:** Effective August 1, 2004, \_\_\_\_\_, 2013.

**General Authority:** NDCC 43-29-03

**Law Implemented:** NDCC 43-29-14