

CHAPTER 87-05-03
ADMINISTRATION OF PROFESSIONAL HEALTH PROGRAM

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87-05-03-01. Definitions.

As used in this chapter:

1. "Administrator" means the professional health program designated through the agreement.
2. "Participant" means an individual referred to or enrolled in the program.
3. "Program" means the agreement set forth in North Dakota Century Code section 43-29-15.1.
4. "Treatment plan" means a plan of care, rehabilitation, monitoring and maintenance, followup or aftercare services, or a combination of these services provided by an organization or an individual authorized by the board or administrator to provide such services for a participant.

History: Effective April 1, 2026.

General Authority: NDCC 43-29-15, 43-29-15.1

Law Implemented: NDCC 43-29-15, 43-29-15.1

87-05-03-02. Agreement.

The board may enter an agreement with the administrator to undertake the functions and responsibilities specified in the agreement. The functions and responsibilities of the agreement may include the following:

1. Contracting with agencies or providers for diagnostic, monitoring, or treatment services;
2. Receiving and evaluating reports of veterinarians, veterinary technicians, or applicants who are experiencing impairment or who are at risk for impairment;
3. Intervening in cases in which a veterinarian, veterinary technician, or applicant is determined to need treatment;
4. Referring veterinarians, veterinary technicians, or applicants to appropriate services;
5. Monitoring the treatment and aftercare services provided to veterinarians, veterinary technicians, or applicants;
6. Educating veterinarians, veterinary technicians, or applicants and the public about the functions of the administrator and the professional health program, and their relationship with the board; and
7. Performing other activities as agreed upon by the board and the administrator.

History: Effective April 1, 2026.

General Authority: NDCC 43-29-15, 43-29-15.1

Law Implemented: NDCC 43-29-15, 43-29-15.1

87-05-03-03. Requirements and procedures.

In consultation with the board, the administrator shall develop procedures for:

1. Periodic reporting of statistical information regarding program activity;
2. Periodic disclosure and joint review of information the board deems appropriate regarding reports received, contacts of investigations made, and the disposition of each case;
3. Immediate reporting to the board the identity of any contact and results or results of any investigation concerning an impaired veterinarian or impaired veterinary technician who is believed to constitute an imminent danger to the public or to the individual;
4. Reporting to the board, in a timely fashion, the identity of any contact or the results of any investigation concerning a potentially impaired participant:
 - a. Who refuses to cooperate with the administrator;
 - b. Who refuses to submit to an evaluation or treatment;
 - c. Who is not in compliance with a contractual treatment plan; or
 - d. Whose possible impairment is not alleviated substantially through treatment and:
 - (1) Who the administrator determines is unable to practice veterinary medicine or veterinary technology with reasonable skill and safety by reason of illness related to the abuse of alcohol or other substances or as a result of any physical or mental condition; or
 - (2) Who may pose a threat to the health or safety of a patient or individual;
5. Reporting to the board, in a timely fashion, the identity of any participant for whom the administrator learns of the filing of any disciplinary charges or actions or violations of North Dakota Century Code chapter 43-29;
6. Entering contractual agreements with each participant in the program which make clear the administrator and program procedures, the responsibilities of the participants, and the consequences of noncompliance with the program or with contractual agreements, including the administrator's reporting obligations to the board; and
7. A policy by which a participant may obtain a second opinion review of recommendations by the administrator regarding assessment, monitoring, or treatment.

History: Effective April 1, 2026.

General Authority: NDCC 43-29-15, 43-29-15.1

Law Implemented: NDCC 43-29-15, 43-29-15.1

87-05-03-04. Evaluation.

If the board determines a veterinarian or veterinary technician currently exhibits possible impairment, the board may direct that an evaluation of the veterinarian or veterinary technician be facilitated by the administrator for the purpose of determining whether there is a current need for treatment or monitoring of the veterinarian or veterinary technician and to ensure the veterinarian or veterinary technician is able to practice safely. The administrator shall report the findings of the evaluation to the board.

History: Effective April 1, 2026.

General Authority: NDCC 43-29-15, 43-29-15.1

Law Implemented: NDCC 43-29-15, 43-29-15.1

87-05-03-05. Mandated reporting.

A report by a veterinarian or veterinary technician, including a self-report or self-referral to the administrator, must be deemed to be a report to the board for purposes of mandated reporting of impairment.

History: Effective April 1, 2026.

General Authority: NDCC 43-29-15, 43-29-15.1

Law Implemented: NDCC 43-29-15, 43-29-15.1

87-05-03-06. Confidentiality of records.

Except as expressly provided under this article and North Dakota Century Code section 43-29-15, the administrator may not disclose personally identifiable information about participants other than board-ordered participants.

History: Effective April 1, 2026.

General Authority: NDCC 43-29-15, 43-29-15.1

Law Implemented: NDCC 43-29-15, 43-29-15.1

87-05-03-07. Liability.

Notwithstanding any other provision of law, the administrator, or delegated individuals and members the administrator are not liable to any person for any acts, omissions, or recommendations made in good faith within the scope of responsibilities pursuant to this chapter.

History: Effective April 1, 2026.

General Authority: NDCC 43-29-15, 43-29-15.1

Law Implemented: NDCC 43-29-15, 43-29-15.1