

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2355

Introduced by

Senator Kelsh

1 A BILL for an Act to create and enact two new sections to chapter 43-29 of the North Dakota
2 Century Code, relating to examination, licensing, and continuing education requirements of
3 veterinarians; to amend and reenact sections 43-29-01.1, 43-29-03, 43-29-06, 43-29-07,
4 43-29-09, 43-29-13, 43-29-14, 43-29-15, and 43-29-16 of the North Dakota Century Code,
5 relating to veterinarians; and to repeal sections 43-28-09 and 43-29-12 of the North Dakota
6 Century Code, relating to veterinary certificates of registration and definition of veterinary
7 medicine.

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

9 **SECTION 1. AMENDMENT.** Section 43-29-01.1 of the 1995 Supplement to the North
10 Dakota Century Code is amended and reenacted as follows:

11 **43-29-01.1. Definitions.** As used in this chapter, unless the context otherwise
12 requires:

- 13 1. "Accredited or approved college of veterinary medicine" means any veterinary
14 college or division of a university or college which offers the degree of doctor of
15 veterinary medicine or its equivalent and which conforms to the standards required
16 for accreditation or approval by the American veterinary medical association.
- 17 2. "Accredited program in veterinary technology" means any postsecondary
18 educational program of two or more academic years that has fulfilled the essential
19 criteria established by the committee on veterinary technician education and
20 activities and approved by the American veterinary medical association house of
21 delegates.
- 22 3. "Animal" means any animal other than a human being. The term includes a any
23 mammal, bird, fish, and reptile, or fowl, whether wild or domestic, living or dead.
- 24 ~~2.~~ 4. "Board" means the board of veterinary medical examiners.

- 1 5. "Certificate" means a certificate issued by the American veterinary medical
2 association educational commission for foreign veterinary graduates, indicating the
3 holder has demonstrated knowledge and skill equivalent to that possessed by a
4 graduate of an accredited or approved college of veterinary medicine.
- 5 3- 6. "Licensed veterinarian" means a person who is licensed by the board to practice
6 veterinary medicine.
- 7 4- 7. "Licensed veterinary technician" means a person who has graduated from a an
8 accredited program in veterinary technology program that is accredited according
9 to the standards adopted by the American veterinary medical association's
10 committee on veterinary technician education and activities, or an equivalent
11 program as determined by the board, and who has passed an examination
12 prescribed by the board.
- 13 8. "Practice of veterinary medicine" means to:
- 14 a. Diagnose, treat, correct, change, relieve, or prevent animal disease,
15 deformity, defect, injury, or other physical or mental conditions. The term
16 includes the prescription or administration of any drug, medicine, biologic,
17 apparatus, application, anesthetic, or other therapeutic or diagnostic
18 substance or technique, the use of any manual or mechanical procedure for
19 testing for pregnancy, or for correcting sterility or infertility, or to render advice
20 or recommendation with regard to any of the above.
- 21 b. Represent, directly or indirectly, publicly or privately, an ability and willingness
22 to do an act described in subdivision a.
- 23 c. Use any title, word, abbreviation, or letter in a manner or under circumstances
24 that induce the belief the person using the title, word, abbreviation, or letter is
25 qualified to do any act described in subdivision a.
- 26 d. Apply principles of environmental sanitation, food inspection, environmental
27 pollution control, animal nutrition, zoonotic disease control, and disaster
28 medicine in the promotion and protection of public health.
- 29 9. "Veterinarian-client-patient relationship" means:
- 30 a. The veterinarian has assumed the responsibility for making medical
31 judgments regarding the health of an animal and the need for medical

- 1 treatment, and the client, who is the owner or other caretaker, has agreed to
2 follow the instruction of the veterinarian.
- 3 b. There is sufficient knowledge of the animal by the veterinarian to initiate at
4 least a general or preliminary diagnosis of the medical condition of the animal.
5 This means the veterinarian has recently seen and is personally acquainted
6 with the keeping and care of the animal by virtue of an examination of the
7 animal, or by medically appropriate and timely visits to the premises where
8 the animal is kept.
- 9 c. The practicing veterinarian is readily available for followup in the case of
10 adverse reactions or failure of the regimen of therapy.
- 11 10. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry,
12 chiropractic, acupuncture, and all other branches or specialties of veterinary
13 medicine.

14 **SECTION 2. AMENDMENT.** Section 43-29-03 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **43-29-03. Officers of board - Seal - Meetings - Limitations on meetings -**
17 **Examinations - Rules - Code of ethics - Inspection of facilities - Educational**
18 **requirements - Reciprocity.**

- 19 1. ~~The state board of veterinary medical examiners~~ shall elect a president and a
20 secretary. The board shall have a ~~common~~ seal, and the president and the
21 secretary ~~thereof~~ may administer oaths. ~~‡~~ The board shall hold meetings
22 semiannually in the spring and fall of each year for the examination of candidates
23 at a time and place specified by ~~said~~ the board. ~~This~~ The board may hold ~~such~~
24 any other meetings as meeting it may deem determines necessary at ~~such~~ the
25 time and place ~~as it shall designate~~ designates. No session of the board may
26 exceed two days. A quorum of the board consists of two members and such
27 quorum is sufficient to conduct the business and proceedings of the board ~~set forth~~
28 ~~in this chapter~~, except that any changes in the rules ~~and regulations~~ must be taken
29 at a meeting at which all ~~of~~ the members are present.
- 30 2. ~~The board is hereby authorized and empowered to promulgate, revise, alter,~~
31 ~~amend,~~ may adopt and enforce reasonable rules, ~~regulations,~~ and orders ~~which~~

1 ~~that it determines in its discretion~~ to be necessary to the performance of its duties
2 and the regulation of the practice of veterinary medicine; ~~to~~ establish standards for
3 professional conduct, inspection of facilities, and educational requirements for
4 renewal and granting of licenses; ~~to~~ prescribe forms for application for
5 examination; ~~to~~ prepare and supervise examination of applicants for license to
6 practice veterinary medicine; ~~to~~ obtain the services of professional examination
7 agencies in lieu of its own preparation of such examinations; and ~~to~~ issue and
8 revoke licenses as hereinafter provided in this chapter. All rules ~~so promulgated,~~
9 ~~revised, altered, or amended~~ must be submitted to the attorney general in
10 accordance with chapter 28-32. ~~If approved, they must be printed and mailed to all~~
11 ~~licensed veterinarians practicing within this state.~~

12 3. The board may, in its discretion, enter ~~into~~ reciprocal agreements with the
13 examining boards of other states and nations, governing the granting of licenses to
14 practice veterinary medicine and surgery in ~~the~~ this state of ~~North Dakota~~ without
15 the applicant taking a written examination. Under no circumstances, however,
16 may any reciprocal agreement be entered ~~into~~ with the board of another state or
17 nation unless the requirements for the granting of licenses in the other state or
18 nation are on an equal or higher standard to the requirements of ~~North Dakota~~ this
19 state. The board may prescribe by ~~regulation~~ rule any other terms or conditions to
20 be contained in ~~any such~~ the agreements. The board shall determine the fee for
21 license by reciprocity agreement ~~must be determined by the board.~~

22 **SECTION 3. AMENDMENT.** Section 43-29-06 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **43-29-06. Graduation from recognized school and certificate or permit from**
25 **board required** ~~—Application for license.~~ Only ~~those persons who are graduates~~ a graduate
26 of the veterinary course offered in a veterinary school, college, or university recognized by the
27 board, and who possesses a certificate ~~or permit~~ of registration issued by the ~~state board of~~
28 ~~veterinary medical examiners~~ which is in full force and effect may ~~hold themselves out or~~
29 engage in the practice of veterinary medicine, surgery, or dentistry, or any department thereof.

30 ~~Any person qualified under the provisions of this chapter, desiring to begin the practice~~
31 ~~of veterinary medicine or veterinary surgery in the state of North Dakota, shall make application~~

1 ~~to said board for license to do so. Such application must be made at least thirty days prior to~~
2 ~~the meeting of the board. The board shall give public notice of the time and place for the~~
3 ~~examination.~~

4 **SECTION 4. AMENDMENT.** Section 43-29-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-29-07. Application for license - Fees for examination and registration—Fees**
7 **not to be returned—Renewal fees—Certificate of registration—Roster of registered**
8 **veterinarians— Change of address - Renewal of registration upon forfeiture Display of**
9 **certificate of registration.**

10 1. Any person desiring a license to practice veterinary medicine in this state shall
11 make written application ~~for licensing to the executive secretary on forms provided~~
12 ~~for that purpose and shall pay in advance to the North Dakota veterinary medical~~
13 ~~examining board a fee of fifty dollars. Fees may not be returned, except by action~~
14 ~~of the board. If the license is granted, the licensee shall pay on or before the date~~
15 ~~set out in this section, for such time as the licensee shall continue practice, an~~
16 ~~annual registration fee as determined by the board, based on the financial needs~~
17 ~~of the board. The renewal registration fee must be paid by all licensed~~
18 ~~veterinarians.~~

19 ~~All veterinarians actually engaged and employed as such by the state, county, city, or~~
20 ~~by any corporation, limited liability company, firm, or individual must be deemed to be practicing~~
21 ~~veterinary medicine and shall secure a state license or certificate of qualification issued by the~~
22 ~~board.~~

23 ~~Each person licensed by the board shall on or before the first day of July of each~~
24 ~~calendar year be required to pay the annual renewal registration fee to the executive secretary.~~
25 ~~Before the first day of June of each calendar year the executive secretary of the board shall~~
26 ~~send a notice to each veterinarian who holds a license to practice veterinary medicine in the~~
27 ~~state, whether resident or not, at that person's last address, that the annual renewal registration~~
28 ~~fee is due on or before the first day of July.~~

29 ~~The executive secretary of the board shall issue a certificate of registration upon the~~
30 ~~payment of the required fee and publish biennially for proper distribution a roster of all~~
31 ~~veterinarians registered in the state of North Dakota, as soon as the registration for each~~

1 ~~two-year period is completed.~~ to the board. The application must show the applicant is a
2 graduate of an accredited or approved college of veterinary medicine or the holder of a
3 certificate. The application must also show the applicant is a person of good moral character
4 and any other information and proof the board may require. The application must be
5 accompanied by a fee in the amount established by the board. If the board determines an
6 applicant possesses the proper qualifications, the board shall admit the applicant to the next
7 examination. If the applicant is eligible for license without examination under section
8 43-29-07.2, the board may grant the applicant a license. If an applicant is found not qualified to
9 take the examination or for a licensee without examination, the board shall immediately notify
10 the applicant in writing of this finding and the grounds of this finding. An applicant found
11 unqualified may request a hearing on the question of the applicant's qualifications.

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

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

23 ~~Any person registered under this chapter who may have forfeited his registration by~~
24 ~~nonpayment of fees may renew the same within one year without examination by paying such~~
25 ~~fees.~~

26 The board may by rule waive the payment of the registration fee of a licensed
27 veterinarian during the period when the veterinarian is on active duty in connection with any
28 branch of the armed forces of the United States, not to exceed the term of three years or the
29 duration of the national emergency, whichever last occurs.

30 **SECTION 5.** A new section to chapter 43-29 of the North Dakota Century Code is
31 created and enacted as follows:

1 **Examination - License without examination - Temporary permit.**

2 1. The board shall hold at least two examinations a year and may hold additional
3 examinations as necessary. A person desiring to take an examination shall apply
4 at least thirty days before the date of the examination. The board shall adopt rules
5 governing preparation, administration, and grading of examinations. Examinations
6 must be designed to test the examinee's knowledge of and proficiency in the
7 subjects and techniques commonly taught in veterinary schools. To pass the
8 examination, the examinee must demonstrate scientific and practical knowledge
9 sufficient to prove competency to practice veterinary medicine in the judgment of
10 the board. An examinee must be tested by written examination, supplemented by
11 any oral interview and practical demonstration the board determines necessary.
12 The board may adopt and use the examination prepared by the national board
13 examination committee. After each examination, the board shall notify each
14 examinee of the result of the examination, and the board shall issue a license to
15 each person who passed the examination. The board shall record each new
16 license and issue a certificate of registration to each new licensee. Any person
17 failing an examination must be admitted to any subsequent examination on
18 payment of the application fee.

19 2. The board may issue a license without a written examination to a qualified
20 applicant who furnishes satisfactory proof of graduation from an accredited or
21 approved college of veterinary medicine, or holds a certificate, and who:
22 a. Has for the five years immediately before filing of the application been a
23 practicing veterinarian licensed in a state having license requirements at the
24 time the applicant was first licensed which were substantially equivalent to the
25 requirements of this chapter;
26 b. Has within the three years immediately before filing the application
27 successfully completed the examinations provided by the national board of
28 veterinary medical examiners; or
29 c. Currently holds a license to practice in at least one state, has active diplomat
30 status in a specialty organization recognized by the American veterinary

- 1 medical association, and whose practice is limited to the certified specialty in
2 the state in which the specialist is licensed without examination.
- 3 3. The board may issue without examination a temporary permit to practice veterinary
4 medicine in this state to:
- 5 a. A qualified applicant for license pending examination, if the temporary permit
6 expires the day after the notice of results of the first examination given after
7 the permit is issued. A temporary permit may not be issued to an applicant
8 who previously has failed the examination in this or any other state or a
9 foreign country.
- 10 b. A nonresident veterinarian validly licensed in another state or a foreign
11 country who pays the fee established and published by the board if the
12 temporary permit is issued for a period of no more than sixty days and no
13 more than one permit is issued to a person during each calendar year.
- 14 c. A senior veterinary student who practices in the office of and under the direct
15 supervision of a licensed veterinarian. A temporary student permit may not
16 exceed six months from its date of issuance and is granted without payment
17 of a fee.

18 **SECTION 6.** A new section to chapter 43-29 of the North Dakota Century Code is
19 created and enacted as follows:

20 **License renewal - Continuing education requirements.**

- 21 1. All licenses expire annually as of July first but may be renewed by registration with
22 the board and payment of the registration renewal fee established by the board.
23 On June first of each year, the board shall mail a notice to each licensed
24 veterinarian that the licensee's license will expire as of July first and provide the
25 licensee with a form for registration. The board shall issue a new certificate of
26 registration to a person reregistering under this section. Any person who willfully
27 or by neglect fails to renew a license and who practices veterinary medicine after
28 the expiration of the license is practicing in violation of this chapter.
- 29 2. Any qualified person may renew an expired license within two years of the date of
30 its expiration by making written application for renewal and paying the current
31 renewal fee plus all delinquent renewal fees. After two years have elapsed since

1 the date of expiration, a license may not be renewed, but the holder may make
2 application for a new license and take the license examination. The board may by
3 rule waive the payment of the registration renewal fee of a licensed veterinarian
4 during the period when the veterinarian is on active duty with any branch of the
5 armed services of the United States, not to exceed the longer of three years or the
6 duration of active duty.

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

14 **SECTION 7. AMENDMENT.** Section 43-29-09 of the 1995 Supplement to the North
15 Dakota Century Code is amended and reenacted as follows:

16 **43-29-09. ~~Permit to practice issued by executive secretary of board- Limited~~**
17 **~~specialty license - Graduate veterinary technicians.~~** Any person who desires to practice
18 veterinary medicine, surgery, or dentistry may apply to the executive secretary of the board for
19 a temporary permit to practice if the applicant possesses a degree or diploma showing the
20 applicant to be a graduate of the veterinary course offered in a veterinary school, college, or
21 university recognized by the board. Upon the payment of fifty dollars by the applicant,
22 twenty five dollars must be applied toward the examination fee and is forfeited if the applicant
23 fails to appear at the next scheduled examination. No temporary permit may be issued to any
24 applicant who has previously failed the examination. The executive secretary, if satisfied that
25 the applicant is a qualified and a suitable person, and with the approval of the president of the
26 board, shall issue a permit to practice until the next examination is offered by the board. The
27 permit has the same force as a certificate from the board, but expires upon the adjournment of
28 the next meeting of the board at which an examination is held.

29 A senior veterinary student who practices in the office of, and under the direct
30 supervision of, a licensed veterinarian must obtain a temporary permit to practice veterinary

1 ~~medicine in this state. A temporary student permit may not exceed four months from its date of~~
2 ~~issuance and is granted without payment of a fee.~~

3 1. The board may issue a limited specialty license for the practice of that specialty in
4 this state to a veterinarian, licensed in another state, who has passed a nationally
5 recognized specialty board exam and who otherwise meets the qualifications to
6 practice in this state. All limited specialty licenses regardless of when issued,
7 expire on June thirtieth of each year and may be renewed in the discretion of the
8 board. All veterinarians holding a limited specialty license are subject to this
9 chapter during the term of the license. Fees for a limited specialty license are the
10 same as for a regular license.

11 2. The board ~~shall~~ may adopt rules for the training, certification, and limits of activity
12 for veterinary assistants and shall adopt rules for the licensing, training,
13 certification, and limits of activity for veterinary technicians being trained and
14 employed under the direct supervision and responsibility of a licensed veterinarian.
15 All veterinary technicians must be registered with and subject to requirements
16 established by the board.

17 **SECTION 8. AMENDMENT.** Section 43-29-13 of the 1995 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **43-29-13. Practices excepted from ~~provisions of this chapter.~~** The following
20 persons may not be considered to be engaging in the practice of veterinary medicine in this
21 state:

- 22 1. Those who administer to livestock, the title to which rests in themselves, or in their
23 regular employer, except where the ownership of the animal was transferred to
24 avoid the requirements of this chapter, or those who perform gratuitous services.
- 25 2. ~~Those~~ Anyone who conducts experimentation conducts experiments in scientific
26 research in the development of methods, techniques, or treatment, directly or
27 indirectly applicable to the problems of medicine, and who in connection ~~therewith~~
28 use with these activities uses animals.
- 29 3. ~~Those who are~~ Anyone who is a regular students student ~~in a legally chartered~~
30 ~~and recognized~~ an accredited or approved college of veterinary medicine, ~~while in~~
31 ~~the performance of studies and acts~~ performing duties or actions assigned by ~~their~~

- 1 ~~instructors~~ an instructor or working under the direct supervision of a licensed
2 veterinarian during a school vacation period.
- 3 4. ~~Those who are~~ Anyone licensed in another state or nation when engaged in this
4 state in consultation with veterinarians legally practicing herein, ~~providing such~~
5 ~~consultation does not exceed thirty days in any one year.~~
- 6 5. ~~Those who are senior students~~ A senior student who is in an approved school of
7 veterinary medicine and who shall obtain obtains from the board a student permit
8 to practice in the office and under the direct supervision of any veterinarian
9 practicing within this state.
- 10 6. ~~Those who are employees~~ Any employee of the United States ~~of America~~ or the
11 this state of North Dakota while in the performance of ~~their~~ duties as such
12 employees.
- 13 7. ~~Those selling drugs, medicine, household remedies, or appliances at wholesale or~~
14 ~~retail and advising as to the use and purpose of such drugs, medicine, household~~
15 ~~remedies, or appliances:~~ Any merchant or manufacturer selling medicine, feed, an
16 appliance, or any other product used in the prevention or treatment of animal
17 diseases.
- 18 8. ~~Those who render auxiliary or supporting assistance under the responsible~~
19 ~~supervision of a North Dakota licensed veterinarian, such as veterinary aids,~~
20 ~~nurses, laboratory technicians, interns, or other employees of such licensed~~
21 ~~practitioners:~~ Any veterinary technician or other employee of a licensed
22 veterinarian performing duties under the direction and supervision of the
23 veterinarian responsible for the technician's or other employee's performance.
- 24 9. Any member of the faculty of an accredited college of veterinary medicine
25 performing regular functions or a person lecturing or giving instructions or
26 demonstrations at an accredited college of veterinary medicine or in connection
27 with a continuing education course or seminar.
- 28 10. Any person selling or applying any pesticide, insecticide, or herbicide.
- 29 11. Any graduate of a foreign college of veterinary medicine who is in the process of
30 obtaining a certificate and is performing duties or actions assigned by the
31 graduate's instructors in an accredited or approved college of veterinary medicine.

1 **SECTION 9. AMENDMENT.** Section 43-29-14 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-29-14. Refusal, suspension, and revocation of license and certificate -**
4 **Reinstatement and relicense.**

- 5 1. The state board of veterinary medical examiners may ~~either~~ refuse to issue a
6 license or ~~refuse to issue~~ a certificate of registration, or may suspend; or revoke a
7 license and certificate of registration, upon any of the following grounds:
- 8 ~~1.~~ a. Fraud or deception in procuring the license.
- 9 ~~2.~~ b. ~~The publication or use of any untruthful or improper statement, or~~
10 ~~representation, with a view of deceiving the public, or any client or customer~~
11 ~~in connection with the practice of veterinary medicine~~ advertising or
12 solicitation that is false, misleading, or otherwise determined unprofessional
13 under rules adopted by the board.
- 14 ~~3.~~ c. Habitual intemperance in the use of intoxicating liquors, or habitual addiction
15 to the use of morphine, cocaine, or other habit-forming drugs.
- 16 ~~4.~~ d. Immoral, unprofessional, or dishonorable conduct manifestly disqualifying the
17 licensee from practicing veterinary medicine.
- 18 ~~5.~~ e. ~~Gross malpractice, including failure to furnish to the board, upon written~~
19 ~~application by it, any report or information relating thereto.~~ Incompetence,
20 gross negligence, or other malpractice in the practice of veterinary medicine.
- 21 ~~6.~~ f. ~~The employment~~ Employment of unlicensed persons to perform work ~~which~~
22 that under this chapter can lawfully be done only by persons licensed to
23 practice veterinary medicine.
- 24 ~~7.~~ g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests,
25 inspecting foodstuffs, or in issuing health certificates.
- 26 ~~8.~~ h. Failure of the licensee to keep the premises and equipment used in the
27 licensee's practice in a reasonably clean and sanitary condition; and failure to
28 use reasonably sanitary methods in the practice of veterinary medicine.
- 29 ~~9.~~ i. Violation of the rules ~~as duly promulgated~~ adopted by the board ~~in~~
30 ~~accordance with the law.~~

- 1 ~~40.~~ j. Conviction of an offense determined by the board to have a direct bearing
2 upon a persons ability to serve the public as a veterinarian, or when the board
3 determines, following conviction of any offense, that a person is not
4 sufficiently rehabilitated under section 12.1-33-02.1.
- 5 ~~44.~~ k. Willful or repeated violations of ~~any provisions of~~ this chapter or any ~~of the~~
6 ~~rules of~~ rule adopted by the board.
- 7 l. Failure to report, as required by law, or making false report of, any contagious
8 or infectious disease.
- 9 m. Cruelty to animals.
- 10 n. Revocation of a license to practice veterinary medicine by another state on
11 grounds other than nonpayment of a registration fee.
- 12 o. The use, prescription, or sale of any veterinary prescription drug, or the
13 prescription or an extra-label use of any over-the-counter drug in the absence
14 of a valid veterinarian-client-patient relationship.
- 15 2. Any person whose license has been revoked may apply to the board for
16 reinstatement and relicensure one year after the date of revocation. The board
17 may reissue a license if the board is satisfied the applicant is qualified to practice
18 veterinary medicine, meets the existing requirements for licensure, and will comply
19 with the rules regarding the practice of veterinary medicine.

20 **SECTION 10. AMENDMENT.** Section 43-29-15 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **43-29-15. ~~Hearing on charges~~ Complaints - Appeal Investigations.**

- 23 1. Any person may ~~prefer charges on any of the grounds as set forth in~~
24 ~~subsections 1 to 11 of section 43-29-14 by filing~~ file a written complaint with the
25 board ~~in writing a sworn statement~~ setting forth the specific charges upon which
26 the complaint is made. Upon receiving ~~any such a~~ a complaint, the board shall ~~give~~
27 ~~at least twenty days notice to the person complained about of the time and place~~
28 ~~for hearing thereon, together with a copy of the complaint filed, and after hearing~~
29 ~~all evidence and testimony presented thereon, the board has the power to revoke,~~
30 ~~or suspend for a limited time, the license and registration certificate of any~~
31 ~~registrant found guilty by the board of improper conduct on any of the grounds as~~

1 ~~set forth in subsections 1 to 11 of section 43-29-14. Any licensee whose license~~
2 ~~has been revoked by the board may within thirty days thereafter upon written~~
3 ~~notice to the board appeal to the district court in the county of the licensee's~~
4 ~~residence for a hearing de novo of the charges on which his license was revoked.~~
5 ~~The licensee has the right at any such hearing to be represented by counsel, to~~
6 ~~call witnesses, and to cross-examine adverse witnesses. Any appeal regarding a~~
7 ~~limited specialty license must be made to the Burleigh County district court.~~

8 ~~Any person whose license has been revoked may apply to the board for reinstatement~~
9 ~~and relicensure, and if the board is satisfied that such conduct will be discontinued may reissue a~~
10 ~~license to such person notify the veterinarian of the complaint and request a written response~~
11 ~~from the veterinarian. The board may adopt rules establishing a peer review committee for the~~
12 ~~purpose of investigating complaints and providing recommendations to the board. A~~
13 ~~veterinarian who is the subject of an investigation by the board shall cooperate fully with the~~
14 ~~investigation. Cooperation includes responding fully and promptly to any reasonable question~~
15 ~~raised by or on behalf of the board relating to the subject of the investigation and providing~~
16 ~~copies of records when reasonably requested by the board.~~

17 2. To pursue the investigation, the board may subpoena and examine witnesses and
18 records, including medical records, copy, photograph, or take samples. The board
19 may require the veterinarian to give statements under oath, to submit to a physical
20 or psychological examination, or both, by a physician or other qualified evaluation
21 professional selected by the board if it appears to be in the best interest of the
22 public that this evaluation be secured. After review of the complaint, the
23 veterinarian's response, and information obtained in the investigation, the board
24 shall determine if there is a reasonable basis to believe the allegations are true
25 and that the allegations constitute a violation of this chapter or the rules of the
26 board. If the board determines there is a reasonable basis to believe the
27 allegations are true and the allegations constitute a violation of this chapter or the
28 rules of the board, the board shall take appropriate action. If a reasonable basis is
29 not found by the board, the board shall notify the complaining party and the
30 veterinarian in writing.

1 **SECTION 11. AMENDMENT.** Section 43-29-16 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-29-16. Proceedings on revocation or suspension of license - Appeals - Costs**
4 **of prosecution - Disciplinary proceedings.**

5 1. All proceedings relative to the issuance, revocation, or suspension of a license, or
6 relative to reissuing a license ~~which that~~ has been revoked ~~may only be held when~~
7 ~~a majority of the members of such board are present at such hearings, and~~
8 ~~throughout such hearings a stenographer must be present and take down the~~
9 ~~testimony and preserve a record of all proceedings at the hearing. The complaint,~~
10 ~~notice of hearing, proof of service of notice of hearing, which proof must show that~~
11 ~~such notice was personally served upon the party against whom the complaint is~~
12 ~~made, and all other documents in the nature of pleadings and written motions filed~~
13 ~~in the proceedings, and all written documents presented in evidence, and the~~
14 ~~transcript of testimony, and the findings of the board on such hearing, constitute~~
15 ~~the record of such proceedings. Either party to the action may require that any of~~
16 ~~the matters filed with the board be presented to the district court to whom the case~~
17 ~~is appealed de novo~~ must be conducted pursuant to chapter 28-32. An appeal
18 from the final decision of the board in any matter covered by this chapter may be
19 taken to the district court of Burleigh County or the aggrieved party's county of
20 residence in accordance with chapter 28-32.

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

26 **SECTION 12. REPEAL.** Sections 43-29-08 and 43-29-12 of the North Dakota Century
27 Code are repealed.