



North Dakota Board of Veterinary Medical Examiners

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Legislative Council Administrative Rules Committee March 12, 2026

The following testimony applies to rule changes for the Board of Veterinary Medical Examiners (87-01 through 87-07), to be published in April 2026 (pages 359-390).

1. The rule changes implement SB2129 which was passed during the 69th Legislative Assembly.
2. The rules are not related to any federal statute or regulation.
3. The board published the rule change notice through the North Dakota Newspaper Association in September 2025, and held a public hearing in Fargo, ND on October 6, 2025. In addition, the proposed rule changes were shared with the North Dakota Veterinary Medical Association (NDVMA) and North Dakota Veterinary Technician Association (NDVTA) prior to the public hearing. The proposed rule changes were published on the board website and notification of proposed rule changes was sent to all licensees via email prior to the public hearing.
4. The following written and oral comments were received:
 - a. Public comments on 87-03-01-03 were received from the individuals listed below and all shared the same concern that this language would allow unqualified individuals to become licensed veterinary technicians. Currently, there is not a nationally recognized equivalency program for graduates of a nonaccredited veterinary technician program. The board felt that the current language allows the board the authority to collect transcripts, letters of recommendation and other necessary documentation to determine whether an applicant is qualified to take the national examination. The board has no desire to decrease the qualifications for veterinary technician licensure and did clarify the language to read 'graduate of a veterinary technology program that is not an approved program'. The board felt that since the revised language still requires graduation from a veterinary technology program and a passing score on the national examination for an individual to even be considered eligible for licensure, the standards for veterinary technician licensure are not being diminished and there is still a pathway to licensure for a graduate of a nonaccredited program.
 - i. Troy Dutton, DVM on behalf of the NDVMA (oral and written)
 - ii. Bree Carmichel, LVT on behalf of the NDVTA (written)
 - iii. Lisa Christensen, DVM on behalf of the NDSU VT program (oral)
 - iv. Susan Kieffer, LVT (written)
 - v. Annie Vail, LVT (written)

- vi. Kelsey Leinen, LVT (written)
- vii. Janet Wright, LVT (written)
- viii. Pat Anderson, NDVMA Executive Director (written)
- b. Comments were received from Troy Dutton, DVM and Pat Anderson on behalf of the NDVMA regarding 87-01.1-01-01(5) stating that an individual failing the state board examination would need to be approved by the board to retake the examination. They expressed concerns that waiting for board approval to retake the state board examination could take several months and create an unnecessary wait time for an individual to obtain licensure. The state board examination is an open-book jurisprudence examination containing straight forward questions pertaining to the laws governing veterinary medicine and veterinary technology in North Dakota. A passing score of 80% should not be difficult, but the board acknowledged that there could be other factors leading to a failed examination. The board revised the language to allow an individual to retake the examination after thirty days, but if the examination is failed the second time, board approval would be required for a third attempt.
- c. A letter was received from Benjamin Dick, DVM with concerns regarding the requirement for eighteen of twenty-four hours of continuing education to be completed through in-person or live virtual methods of delivery as stated in 87-02-01-04.4(d). The board felt there is increased value from in-person and live virtual continuing education versus self-study modules. The board also felt that the ability to provide feedback and ask questions of the presenter were valuable to the continuing education experience.
- d. Pat Anderson, NDVMA Executive Director submitted a question through email wondering if approval would be needed for CE provided by the NDVMA as it doesn't specifically say approval is needed in 87-02-01-04.1(a). 87-02-01-04.1(a) states that continuing education may consist of the following programs, but approval is addressed in letters b and c. The board did not feel that any changes were necessary and commented that there were no proposed changes to these areas (letters a, b and c) from previous Administrative Code.
- e. An email was received from Tom Bettenhausen, DVM regarding 87-02-01-01. He stated that he felt the board needed to still send renewal reminders. The board addressed this concern by acknowledging that the language in question was not removed from Administrative Code, but rather moved to 87-01.1-01.05.1.
- f. Gerald Bucholz, DVM asked for clarification of inactive status and continuing education requirements, inquired about waiving the renewal fee like the NDVMA lifetime membership, and asked if peer review committee members can be specialists. The board feels that it is important to require someone on inactive status to complete all continuing education that was required during their time on inactive status to become active or this tactic could be used by individuals to get out of completing continuing education. The board agreed that a lifetime membership of an association is very different than fees required for licensure and that the licensing fees should not be waived at any point. The language regarding peer review committee members does not prohibit the use of a specialist, but the board did feel that a specialist may not be viewed as a peer to a non-specialist. The language in 87-05-01-02.2 states that if a peer review committee needs additional expertise, the board may appoint an additional member who has training, experience and expertise necessary to assist in making a recommendation, so this is where a specialist may be utilized.

5. The cost to the board for the publication of the rule change notice in the newspaper was \$1785.54 and the fee for the meeting room rental in Fargo was \$300. There were no other significant costs associated with the rule changes.
6. The proposed rule changes and explanation for changes are as follows:
 - a. 87-01-01 (pg. 361)
 - i. 87-01-01-01.3 – increased per diem for board members from \$125 to \$150.
 - ii. 87-01-01-01.4 and 87-01-01-01.5 – changed Executive Secretary to Executive Director.
 - b. 87-01.1 (pg. 362-366)
 - i. 87-01.1-01-01.1 through 87-01.1-01-01.6 (pg. 362-363) – clarified requirements for licensure as a veterinarian, specified approved college of veterinary medicine, increased fee for application and license, and added passing score and retake requirements for state board examination.
 - ii. 87-01.1-01-02 (pg. 364) – repealed as information now included in 87-01.1-01-01.
 - iii. 87-01.1-01-03 (pg. 364) – changed language from permit to temporary license, clarified eligibility for temporary license, and increased fee.
 - iv. 87-01.1-01-04 (pg. 364-365) – clarified path to licensure for graduates of nonaccredited institutions.
 - v. 87-01.1-01-05 (pg. 365) – moved from 87-02-01-01 to keep licensure information separate from continuing education.
 - vi. 87-01.1-01-06 (pg. 365) – moved from 87-02-01-06 to keep licensure information separate from continuing education.
 - vii. 87-01.1-01-07 (pg. 365) – moved from 87-02-01-07 to keep licensure information separate from continuing education.
 - viii. 87-01.1-01-08 (pg. 366) – added to require notification of change in address or contact information.
 - c. 87-02 (pg. 367-370)
 - i. 87-02-01-01 (pg. 367) – repealed, language moved to 87-01.1-01-05.
 - ii. 87-02-01-02 (pg. 367) – clarified educational program requirements.
 - iii. 87-02-01-03 (pg. 368) – removed requirement for inactive status to only apply to an individual 65 and older.
 - iv. 87-02-01-04 (pg. 368-369) – defined delivery methods for continuing education and clarified number of credits allowed through each method.
 - v. 87-02-01-05 (pg. 369) – updated language.
 - vi. 87-02-01-06 (pg. 370) – repealed, language moved to 87-01.1-01-06.
 - vii. 87-02-01-07 (pg. 370) – repealed, language moved to 87-01.1-01-07.
 - d. 87-03-01 (pg. 371-378)
 - i. 87-03-01-01 (pg. 371) – repealed, defined in statute.
 - ii. 87-03-01-02.1 through 87-03-01-02.5 (pg. 371-372) – clarified requirements for licensure as a veterinary technician, specified approved colleges of veterinary technology, increased fee for application and license, and added state board examination requirements.
 - iii. 87-03-01-02.1 (pg. 372) – added military and military spouse language under veterinary technician license chapter.
 - iv. 87-03-01-03 (pg. 373) – clarified path to licensure for graduates of nonaccredited institutions.
 - v. 87-03-01-04 (pg. 373) – clarified license renewal requirements.
 - vi. 87-03-01-05 through 87-03-01-08 (pg. 373-375) – repealed, moved to 87-03-02 to keep licensure requirements separate from continuing education.
 - vii. 87-03-01-09 and 87-03-01-10 (pg. 375) – updated language.
 - viii. 87-03-01-11 (pg. 375) – added to require notification of change in address or contact information.

- e. 87-03-02 (pg. 376-378) – new chapter created to separate continuing education requirements from licensure information, to increase the hours of continuing education needed for veterinary technician license renewal, defined delivery methods for continuing education and clarified number of credits allowed through each method. Much of the information in this chapter was moved from previous 87-03-01-05 through 87-03-01-08.
 - f. 87-04-01 (pg. 379) – updated requirements for drug storage in accordance with board of pharmacy language.
 - g. 87-04-02 (pg. 380) – clarified language regarding companion animal records and remove the term treatment plan.
 - h. 87-05-01 (pg. 381-382) – clarified language and added veterinary technology.
 - i. 87-05-02 (pg. 383-385) – updated language regarding unprofessional conduct, included veterinary technology references, and added references to acceptable code of ethics.
 - j. 87-05-03 (pg. 386-388) – chapter created to provide guidelines for the participation in the professional health program.
 - k. 87-06 (pg. 389) – repealed, defined in statute.
 - l. 87-07-01 (pg. 390) – chapter created to provide guidelines for the use of veterinary telemedicine.
7. No regulatory analysis was required by NDCC Section 28-32-08.
 8. No regulatory analysis or economic impact statement was required by NDCC Section 28-32-08.1.
 9. The rule change will not have any fiscal effect on state revenues and expenditures, or on funds controlled by the board.
 10. No constitutional takings assessment was required by NDCC Section 28-32-09.
 11. The changes were not adopted as emergency rules.