

**2025 SENATE WORKFORCE DEVELOPMENT**

**SB 2129**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2129  
1/16/2025

Relating to the practice of veterinary medicine and veterinary technology; and to provide a penalty.

2:30 p.m. Vice-Chairman Axtman called the meeting to order.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

### Discussion Topics:

- In State Licensing
- Telehealth usage
- Disproportional financial burden
- Referral locations

2:31 p.m. Dr. Sara Lyons, Executive Secretary, ND Board of Veterinary Medical Examiners, testified in favor and submitted testimony #29511.

2:37 p.m. Shane Goettle, ND Veterinary Medical Association, testified in favor.

2:38 p.m. Dr. Heather Mitchell, President of ND Veterinary Medical Association, testified in favor and submitted testimony #29391.

3:06 p.m. Peter Hanebutt, Director of ND Policy Farm Bureau, testified in favor.

3:09 p.m. Shelley Lenz, State Ave Vet Clinic, testified in opposition and submitted testimony #29386.

3:28 p.m. Kathrin Volochanko, Nonpartisan League, testified in opposition and submitted testimony #29229 and #29300.

### Additional written testimony:

Dr. Russell Behm, North Dakota Board of Veterinary Medical Examiners, submitted testimony in favor #29360.

Andrew Alexis Varvel, submitted testimony in opposition #29402.

Dr. Carolyn Woodruff, rural mixed practitioner, submitted testimony in favor #29504.

Scott Carlin submitted testimony in neutral #29524.

Bree Carmichiel, President of ND Veterinary Technician Association, submitted testimony in favor #29539.



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Kelly Thorsness, DVM and Owner of Lewis & Clark Animal Hospital, submitted testimony in opposition #29555.

3:33 p.m. Vice-Chairman Axtman closed the hearing.

*Andrew Ficek, Committee Clerk*

Greetings Mr./Madam Chair, members of the Committee, I'm Kathrin Volochenko of the Nonpartisan League.

To begin with, I see no Senators are sponsoring this bill, and instead, a committee of unelected persons is attempting to dictate the rights of all the small & large animal veterinarian practices in North Dakota.

I question this bill's validity as it wasn't generated by or from any of our dutifully elected officials. I didn't realize that a bill could be introduced by anyone other than a Senator or House representative.

Assuming that this bill is indeed valid, I shall continue.

As a former beef producer and current pet owner, I can easily see that this is a very dangerous bill that, if passed, will undermine the right of any veterinarian to practice knowing that all it would take is just one frivolous complaint from a client to ruin that veterinarian's reputation potentially, have their license revoked and perhaps ruin that practice that that person has worked so hard for so many years to build.

Never mind that the client may have some mental or personal issues that, in essence, take out their aggression on the veterinarian and or the vet assistant.

If this bill were to become law, we as pet owners and livestock producers could see our veterinarians and their practices become an endangered species in North Dakota.

I request that this committee bring "SB2129 bill" to the floor, if it even gets back to the floor, as I question its validity, with a **"Do Not Pass"** recommendation.

In closing, this bill requires much more thought and input from veterinarians, food animal producers, animal owners, and various animal welfare groups, and turn it into a study with sponsorship from one or more of our legislators.

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There have been so many cases where I've sought veterinarian services for routine vaccinations, health checks, and surgeries to improve, preserve, and even save the lives of the many animals that I've kept over the years. I would be devastated if my veterinarians could no longer practice over some frivolous charges that have no merit.

Never mind that the client may have some mental or personal issues that, in essence, take out their aggression on the veterinarian and or the vet assistant.

If this bill were to become law, we as pet owners and livestock producers could see our veterinarians and their practices become in essence, an "endangered species" in North Dakota.

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# North Dakota Board of Veterinary Medical Examiners

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**Testimony of  
Dr. Russell Behm  
On behalf of the North Dakota Board of Veterinary Medical Examiners  
In Support of Senate Bill 2129  
Before the Workforce Development Committee  
January 16, 2025**

Chairman Wobbema and members of the committee,

Thank you for the opportunity to testify before you today. My name is Dr. Russell Behm and I have served on the North Dakota Board of Veterinary Medical Examiners since 2018. I am here today to present testimony on behalf of the board in support of Senate Bill 2129 relating to the practice of veterinary medicine and veterinary technology.

The primary intent of this bill is to update and modify existing language to reflect changes within the professions of veterinary medicine and veterinary technology. Currently, there are areas of statute that contain cumbersome and outdated language that are confusing and restrictive for licensees and do not serve the needs of the board or the public.

Sections 3-9, 11-14, 16, 19-21, 23 and 25 provide clarification of language for the reasons expressed above and will not be addressed specifically within this testimony. The revised language allows for a more streamlined process for issuing licenses and completion of administrative duties. There is language that the board feels would be more appropriate in Administrative Code and has prepared the necessary revisions to reflect that if this bill is passed.

Section 1 has several new definitions that are used throughout this chapter and help to clarify and define existing terminology. Definitions for impaired veterinarians and veterinary technicians were added to address not only chemical dependency concerns, but also impairment due to physical or mental disabilities.

A definition for the practice of veterinary technology was added to replace the previous list of veterinary technician duties and allow veterinary technicians to be used as deemed appropriate by the veterinarian.

Section 2 was added to provide detailed requirements for the veterinarian-client-patient relationship, or VCPR, which is the cornerstone of veterinary practice. The importance of in-person establishment of the VCPR cannot be stressed enough. Veterinary patients cannot tell us how they are feeling, and video calls do not replace a hands-on examination for assessment of a patient. Therefore, the VCPR should only be established through an in-person examination.

The use of telemedicine is growing within the veterinary field and there is currently no statutory language pertaining to this area. Section 24 provides a framework for the use of telemedicine within the boundaries of a current VCPR. This VCPR must be established by the requirements listed in Section 2, which include an in-person examination. The board feels strongly that allowing establishment of the VCPR through telemedicine may lead to inadequate assessment of a patient and therefore improper diagnosis and treatment.

Sections 17 and 18 pertain to complaints and disciplinary action. Additional guidelines were necessary to allow the board to utilize professional treatment and monitoring programs if such programs become available in the future.

The current statute does not provide adequate guidelines for the regulation of the profession of veterinary technology. Licensing requirements for veterinary technicians have been clarified in Section 10 with the addition of a jurisprudence examination. Currently, only veterinarians must take this examination. There are several benefits to adding this requirement for veterinary technicians including familiarizing those individuals with the laws that govern their profession.

The board does not wish to restrict veterinarians from employing non-licensed individuals but does wish to provide recognition of the importance of licensed veterinary technicians and their contribution to the profession. The goal of Section 22 is to provide title protection for veterinary technicians and a penalty for those who practice veterinary technology without a license. Section 15 was created to allow for exceptions to the unlicensed practice of veterinary technology.

The board appreciates your consideration and urges a do pass recommendation.

## Testimony by Dr. Shelley Lenz, owner of State Ave Vet Clinic, opposing SB2129

SB 2129, a bill introduced by the Senate Workforce Development, to affect 43-29 NDCC relating to the practice of veterinary medicine and veterinary technology, will harm the veterinary workforce, veterinary businesses, animal health and welfare, food animal producers, and overall quality of life in our communities. Although the ND Veterinary Practice Act needs a complete and thoughtful revision to serve the public and animal health/welfare, the proposed changes do none of that. Additionally, it is an abject government overreach into privacy and inappropriate regulation of private business, and it leaves up a legal path for political activism from both sides of the spectrum to shut down a veterinarian/vet business. The NDVME governmental oversight should only include acts of veterinary medicine, i.e., (diagnose, prognose, prescribe, and surgicate). The current and proposed bill allows the NDVME to interfere with business rights, give vague power to decide morality/professionalism/personal ethics, and opens the door to political animal activism to easily shut down certain aspects of veterinary medicine that extremists disagree with. Further, the NDVME purposefully is moving much of the Board's legal obligations to administrative rule instead of the Practice Act, thus shielding them from legislative review and public input. **I oppose this bill and recommend this bill be sent to study to include input from all the parties whom this bill will affect, including food animal producers, veterinarians, veterinary technicians, business owners, animal welfare groups, and the general public.**

To give some context to how the NDVME already has compromised veterinary business and workforce due to the vagueness and outdated Practice Act, I would like to share my experience as a business owner and veterinarian in North Dakota. Since opening my practice in 2007, I have been in front of the Board thrice. All three complaints had nothing to do with an act of veterinary medicine (diagnose, prognose, prescribe, or surgicate) for which the board gives vets protected status to perform but rather because of business decisions that left disgruntled clients an easy path to lash out. As the practice owner, I terminate (or "fire") all clients when the need arises to protect my veterinarians, my staff, and my business from backlash of a disgruntled client. In 2021, as a business owner, I fired a client for harassing my staff, making disparaging remarks about my business policy, lying (or generously, a very unreliable narrative), and bashing my veterinarian on social media. I act as a business owner who happens to have a veterinary license when I terminate clients. This resulted in the client's attempt to extort my business by the client's lawyer sending me a letter threatening to file charges with the ND Labor Department for discrimination and NDVME for "unprofessional conduct" if my clinic didn't resume medical care for the animal. I declined to be extorted. Shortly afterward, both complaints were filed. The ND Labor Department did a prompt and appropriate investigation via phone call/email, ensuring that the fired client was not being discriminated against, and dismissed the charges within thirty days. The NDVME,

however, took the complaint's accusation as true at face value upon reading the complaint. The Board determined, without due process, investigation, or finding of fact, that I was guilty and threatened to suspend my license if I didn't acquiesce to the charges and accept my punishment. As per my rights, I requested an ALJ (Administrative Law Judge) hearing, which the Board continued to deny for close to two years. Rather, they chose to discuss at each board meeting how to pressure me by increasing threats to my livelihood, including trying to see if they could force me to take a psych eval, force my employees to report on me, and force interviews/reports with my clients. After two years of denying my due process and many long board meetings where the board publicly assassinated my character on speculation alone while my license and my business were under threat, they completely dismissed my case after a 20-minute executive session with a new Board lawyer that I wasn't privy to. The numerous veterinarians watching these Board meetings were shocked at the level of personal vindictiveness and misdirection the Board had. All this stress, threats, no findings of fact, and a blatant disregard to due process for a business decision that had nothing to do with an act of veterinary medicine.

The impact of a practice owner losing their veterinary license is significant. It would shut down my business as it is under my veterinary license that I have contracts with drug distributors and a registrar with the DEA for controlled drugs that are essential to our business. That loss of my veterinary business not only leaves the rural area further underserved with regard to access to veterinary care, severely affecting the quality of life for community members and their animals but would set precedence for veterinary business owners helpless in protecting their business, their property and their employees.

Specific to the Bill proposed-

**1- Senate Bill No. 2129 - Sixty-ninth Legislative Assembly of North Dakota - LC Number 25.8033.01000 page no 19, line 20; 43-29-14d)** Limit the NDVME to limit complaints specific to our license (diagnose, prognosis, surgical, and prescribe) and remove any reference to immorality, unprofessionalism, or ethics, as these are subjective and vague (43-29-14-d). Other governmental agencies, such as the ND Department of Labor and Human Rights or the Bureau of Criminal Investigation, can determine if a veterinarian's behaviors/actions are criminal/unlawful and the appropriate penalty. Further, market forces (clients) can decide if they want to continue to work with a veterinarian based on their own ethics, morals, and principles. At the minimum, the proposal needs an objective list of conditions that could result in license revocation. Otherwise, the issue becomes purely dependent upon who is hearing the case, and one board member with a different sense of morality/ethics/professionalism can destroy a veterinarian's livelihood and business.

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

*d. Immoral, unprofessional, or dishonorable conduct manifestly disqualifies the licensed veterinarian or veterinary technician from practicing veterinary medicine or veterinary technology.*

**2- Senate Bill No. 2129 - Sixty-ninth Legislative Assembly of North Dakota - LC Number 25.8033.01000 page no 21, line 26 43-29-15-2c. Complaints –**

*Investigations.* This vague proposal encroaches on a veterinarian's privacy, forces large medical expenditures on the vet, and allows nefarious complainants or board members to increase the burden of a veterinarian defending their livelihood. There might be instances where drugs, dementia, etc., might be a problem, but the board needs a completely separate protocol for these situations. This amendment could be easily weaponized by a board member, disgruntled client, or political activist by a simple complaint on vague accusations. Further, the wording used to define an "impaired veterinarian" (**Senate Bill No. 2129 - Sixty-ninth Legislative Assembly of North Dakota - LC Number 25.8033.01000 page 3 lines 5-10, Sections 11 & 12**) seems to be highly discriminatory phrasing to persons with disabilities.

*43-29-15-2c "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 or 43-29-01.1;"*

*43-29-11. "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.*

*43-29-12. "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*

**3- The proposal Senate Bill No. 2129 - Sixty-ninth Legislative Assembly of North Dakota - LC Number 25.8033.01000 SECTION 19. AMENDMENT page no 23, line 18 (below), that the DVM/LVT may be required to pay for the legal bills of the NDVME should be removed. This seems onerous as most complaints are frivolous. Additionally, to ensure due process of the DVM/LVT—the defendant can request an ALJ hearing. This can be expensive for the taxpayer but serves**



as a check on the power/competence of the Board while protecting the rights of the veterinarian to due process. This amendment appears to be an attempt by the Board to discourage veterinarians from their due process to protect their livelihood and business.

*“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 or temporary license of the veterinarian or veterinary technician may be suspended until the costs are paid to the board.”*

**4- Senate Bill No. 2129 - Sixty-ninth Legislative Assembly of North Dakota - LC Number 25.8033.01000 page no 6 beginning line 24 Section 2-8.** This provision should be completely removed as it violates a private business entity's ability to determine that they can serve or not serve. A terminated client is frequently a threat or danger to the business and/or their staff. The requirement of complete medical records for the client and a written prescription for any ongoing meds for 30 days should be sufficient to ensure animal health/welfare obligations are met. Being served by a veterinary business is a privilege, not a right. The wording leaves any chronic previously diagnosed disease (e.g., diabetes, arthritis, etc.) that may force a veterinary business to continue serving a client when a mutually respectful relationship is no longer present or, worse, is a threat to the business.

*Chapter 43-29 Section 2-08 “The veterinarian shall refer the patient to another veterinarian for diagnosis, care, and treatment if the veterinarian-client-patient relationship has been terminated and an ongoing medical or surgical condition exists. The veterinarian must allow the client a reasonable amount of time to arrange care with another veterinarian.*

**In summary, I strongly advocate sending SB2129 into a study to ensure proper input from veterinarians, food animal producers, animal owners, and interested associations such as Farm Bureau/Farmer's Union, NDVMA, and animal welfare groups.**

Respectfully,  
Shelley J. Lenz, DVM, Ph.D.  
Owner of State Ave Vet Clinic  
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### In Support of SB 2129 with Amendments

January 16, 2025

Chair Wobbema and Members of the Workforce Development Committee,

My name is Dr. Heather Mitchell, and I serve as the President of the North Dakota Veterinary Medical Association (NDVMA). Our organization proudly represents over 300 veterinarians across diverse disciplines, including companion animal, exotic, livestock, food and fiber animal, and equine medicine, as well as veterinarians in research, academia, and government. For more than a century, the NDVMA has been a steadfast advocate for the veterinary profession. We are committed to ensuring that statutory changes not only protect the interests of the public, our clients, and patients, but also recognize the practical realities of veterinary practice and support the ability of veterinarians to provide safe and effective veterinary services.

The NDVMA offers conditional support for SB 2129, contingent upon amendments. Over the past two years, we have worked closely with the North Dakota Board of Veterinary Medical Examiners, providing valuable input on proposed revisions to Chapter 43-29 of the North Dakota Century Code. This collaboration was instrumental in shaping many aspects of the bill. However, despite our concerted efforts, we were not afforded the opportunity to offer public comments or provide feedback on the final draft of the bill before it was pre-filed as an agency bill. Therefore, we are proposing the following amendments:

#### Amendment no. 1

Section 43-29-01.1. Definitions

Definition no. 2 (Page 1)

Amend the definition to:

"~~Accredited~~ Approved college of veterinary medicine" means any 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 is accredited by the accrediting body recognized by the board, as determined by rule, to meet the educational standards required for licensure as a veterinarian in this state.

- **Rationale:** *Keeping the accreditation requirement in statute ensures greater accountability and stability, making it a permanent, transparent part of veterinary licensure law. This allows for legislative review and public input when changes are needed, promoting consistency in educational qualifications. Moving it to administrative rules could reduce public engagement and legislative oversight, potentially leading to inconsistencies.*

## Amendment no. 2

### Section 43-29-01.1. Definitions

Amend to add the following definition: "Practitioner" means an individual licensed to practice veterinary medicine in another jurisdiction."

- **Rationale:** *The current definition of "veterinarian" in the practice act only refers to individuals licensed in North Dakota. This becomes problematic when language in the bill needs to refer to veterinarians not licensed in this state. An example of this is on page 25, line 27, where "veterinarian licensed in another jurisdiction" refers to a veterinarian licensed in another jurisdiction and not in this state.*
- Adding a definition for "practitioner" will:
  - 1) Improve clarity, regulatory effectiveness, and flexibility in recognizing out-of-state practitioners licensed in other states.
  - 2) Ensure regulatory compliance and clear enforcement of state-specific standards.
  - 3) Distinguish between licensed vs. unlicensed veterinarians in this state.

## Amendment no. 3

### Section 43-29-01.1. Definitions

#### No. 16 (Page 3)

Amend to include in the "Practice of veterinary medicine" definition, the following language:

For the purposes of this definition, the practice of veterinary medicine is deemed to occur when the veterinarian/practitioner, or the patient, or both, are located in this state. A practitioner located in another jurisdiction must be licensed in this state to practice veterinary medicine on a patient located in this state at the time the practice of veterinary medicine occurs.

- **Rationale:** *The ease of practicing telemedicine across state lines creates a need to ensure the board has appropriate oversight regardless of where the practice of veterinary medicine occurs. Legal accountability, liability, and responsibility associated with practicing veterinary medicine should be in both the state in which the patient is located and the state in which the veterinarian/practitioner providing the service is located.*

## Amendment no. 4

### Section 2 - Requirements of a veterinarian-client-patient relationship

#### No. 8 (Page 6), – Change the second sentence to:

The veterinarian must allow the client a reasonable amount of time to arrange care with another veterinarian unless the veterinarian believes the environment, patient, or client threatens the safety of themselves or their staff.

- **Rationale:** *This statement ensures that the veterinarian provides compassionate care and gives clients a reasonable chance to find alternative arrangements. At the same time, it acknowledges situations where safety concerns override this obligation, ensuring the welfare and safety of the veterinary team and maintaining professional integrity.*

## Amendment no. 5

### Section 43-29-03

#### Line 6 (page 8) – Amend and add telehealth

- **Rationale:** *Telehealth is a broader and more inclusive term that encompasses multiple remote services, including teleadvice, telerriage, and telemedicine. By using "telehealth," we capture the*

*full spectrum of remote veterinary care, ensuring that all forms of virtual consultations and services are covered under the practice act. This broader definition allows for more flexibility in addressing emerging technologies and practices within the field, ensuring that veterinarians can adapt to evolving methods of care while maintaining legal clarity and compliance.*

#### **Amendment no. 6**

Section 43-29-13

1. H, Line 15 (page 17)– amend to strike “approved” in line 15.

- **Rationale:** *Striking the term "approved" from the phrase, "An individual lecturing or giving instructions or demonstrations in connection with an approved continuing education or seminar," allows for greater flexibility in how educational opportunities are offered to veterinary professionals. Some clinics choose to invite speakers to provide valuable educational content without seeking formal continuing education (CE) credits. By removing the "approved" requirement, this change ensures that these non-CE opportunities are not excluded from the scope of allowable educational activities without the presenter possessing a ND license. It encourages broader access to knowledge and professional development, while still allowing the option for approved CE credits when desired.*

#### **Amendment no. 7**

Section 15 1.f

Page 18, Line 24 – amend to strike “approved” in line 24.

- **Rationale:** *Refer to rationale for amendment no. 6.*

#### **Amendment no. 8**

43-29-15 Complaints – Investigations

Pages 21/22

Amend 2 c. and strike lines 26 – 30

Amend 2 d, (1), (2), (3), (4), and (5) and strike lines 1 – 18

- **Rationale:** *NDVMA is proposing that addressing impaired veterinarians and veterinary technicians through appropriate evaluations, treatment, and rehabilitation be addressed in a separate section (amendment 9); Evaluations of Veterinarians and Veterinary Technicians – Behavioral Health, Mental Health, Physical Condition, Substance Use Disorder.*
- *By creating two separate sections—one focused on **Complaints and Investigations** and the other on **Evaluations for Impaired Individuals**, the proposed changes offer a more nuanced and supportive approach to handling situations where impairment may be suspected.*

#### **Amendment no. 9**

Add a new section to the bill.

#### **Evaluations of Veterinarians and Veterinary Technicians - Behavioral Health, Mental Health, Physical Condition, Substance Use Disorder**

1. **Evaluation Requirement for Veterinarians and Veterinary Technicians:** Upon receipt of a signed complaint by a complainant, if the board has reasonable cause to believe that a veterinarian or veterinary technician is unable to practice veterinary medicine or veterinary

technology with reasonable skill and safety due to a physical condition or a behavioral health, mental health, or substance use disorder, the board may, in writing, require that the veterinarian or veterinary technician submit to an examination.

This examination will evaluate:

- (a) The existence and extent of the physical condition or the behavioral health, mental health, or substance use disorder; and
  - (b) Any impact the physical condition or the behavioral health, mental health, or substance use disorder has on the veterinarian or veterinary technician's ability to practice veterinary medicine or veterinary technology with reasonable skill and safety to patients and clients.
2. **Selection of Qualified Examiner:** The board will select a qualified individual to conduct the examination. This examiner may be a professional from a recognized program to assess fitness to practice.
  3. **Failure to Submit to Examination:** If a veterinarian or veterinary technician fails to submit to the examination required under subsection (1), the board may suspend the individual's license to practice veterinary medicine until the examination is completed. However, if the veterinarian or veterinary technician demonstrates to the satisfaction of the board that the failure to submit to the examination is due to circumstances beyond their control, the board shall not suspend the license.
  4. **Voluntary Self-Reporting and Drug Testing:** If a veterinarian or veterinary technician voluntarily submits to drug testing or seeks evaluation or treatment for a behavioral health, mental health, or substance use disorder, without a formal complaint of impairment, the individual will be protected from disciplinary action based solely on participation in such testing or treatment. Specifically:
    - (a) Any reports from the treatment or testing program shared with the board will not be used as evidence in any disciplinary proceeding, except as required to determine the licensee's ability to safely practice veterinary medicine.
    - (b) The treatment or monitoring records are confidential and will not be disclosed to the board or other parties, except when necessary for the board to assess the veterinarian's or veterinary technician's fitness to practice or as required by law.
    - (c) The individual's voluntary participation in testing or treatment will not be considered an admission of impairment and will not trigger a complaint or investigation by the board unless additional information gives the board reasonable cause to believe the licensee's ability to practice safely is compromised.
  5. **Confidentiality of Examination and Treatment Records:** (a) The results of any examination ordered under subsection (1) of this section, as well as any reports or records related to voluntary testing or treatment, shall be kept confidential in accordance with North Dakota law. These records are exempt from public disclosure and are not public records under section 44-04-17.1 of the North Dakota Century Code.
    - (b) The board will not disclose the fact that an examination was administered or the content of the examination, nor will it disclose the complaint that prompted the examination, except as necessary for the board's evaluation of the licensed veterinarian or veterinary technician's fitness to practice or as required by law.
    - (c) Any records or reports from treatment programs or drug testing programs that are shared with the board will be considered confidential medical records and will not be made public unless required by law.

**Rationale:** *The board's role is to ensure both the safety of patients and the well-being of licensed professionals. These changes provide clarity in the process, protect the confidentiality of licensees undergoing evaluations, and encourage voluntary self-reporting for issues related to impairment without fear of immediate punitive action.*

Moreover, the clear distinction between **investigations related to complaints** and **evaluations for impairment** helps avoid potential confusion and ensures that professionals have access to the support and resources they need when facing personal or professional challenges. Ultimately, these changes foster an environment where public safety is prioritized, while supporting veterinarians and veterinary technicians in addressing impairments through appropriate evaluations, treatment, and rehabilitation.

**Amendment no. 10**

**Section 19, Page 23**

**Amend this section to remove lines 20 -26**

- **Rationale:** While the intention behind this provision may be to ensure accountability for the costs of disciplinary actions, it presents several significant issues that impact both the individuals involved and the broader veterinary profession. Here are the key reasons for removing this language:
- **Inability to Work and Loss of Service:** A suspension for failure to pay disciplinary costs may prevent veterinarians or veterinary technicians from practicing their profession, even if they are still willing and able to provide essential services. This creates an undue hardship, especially in rural or underserved areas where there may be limited access to veterinary care. In these areas, the loss of even one practitioner can significantly reduce available services, impacting both animal health and public welfare.
- **Disproportionate Financial Burden:** The requirement to pay the costs of the investigation and prosecution—including attorney’s fees—places a heavy financial burden on the individual practitioner, particularly in cases where the disciplinary action does not result in the revocation of their license. Many veterinarians and technicians already face financial stress due to the high costs of education and clinic overhead. Adding additional financial penalties could further exacerbate these pressures, potentially driving practitioners out of the field.
- **Potential for Unintended Consequences:** The threat of license suspension over unpaid costs could create a situation where licensed professionals are forced to prioritize paying the board over meeting other critical financial obligations, such as staff salaries or clinic operations. This could lead to job losses and the closure of small veterinary practices, further diminishing access to care.
- **Inconsistent with Fairness and Due Process:** The current provision may also be seen as punitive in nature, imposing additional financial penalties beyond the disciplinary actions themselves. The decision to suspend a license until costs are paid may be considered an excessive consequence, particularly in cases where the practitioner has made efforts to comply with the board’s directives but faces financial difficulty.

**Amendment no. 11**

**Section 23, 2a.**

**Page 25, Line 27/28**

**Amend to strike, “veterinarian licensed in another jurisdiction” and replace with practitioner.**

- **Rationale:** Refer to rationale provided in amendment no. 2.

## Amendment no. 12

### Section 23 c.

#### Page 26, lines 1-2 Amend to:

c. The dispensing veterinarian verifies the prescription with the prescribing veterinarian or the practitioner.

- **Rationale:** *The intent of the statute language is to verify the prescription which in some instances will be a practitioner (an individual licensed to practice veterinary medicine in another jurisdiction but not in this state).*

## Amendment no. 13

### Section 24

Veterinary telemedicine – teleadvice and teletriage

Page 26

Add the amendments below to include the following exceptions for licensure in this state regarding veterinary telemedicine:

A practitioner who holds an active, unrestricted license in good standing to practice veterinary medicine may provide veterinary telemedicine in this state without first obtaining a license from the board if one of the following applies:

1. A practitioner who has established a veterinarian-client-patient relationship via an in-person examination in another state with a patient that resides in North Dakota may provide continued care to the patient via veterinary telemedicine without obtaining a license to practice veterinary medicine in North Dakota subject to the following:

- a. The veterinarian-client-patient relationship must have been established through an in-person examination in a state in which the practitioner is licensed to practice veterinary medicine;
- b. Subsequent care may be provided to the patient via veterinary telemedicine while the patient is in North Dakota if the care is logical and expected continuation of care previously provided in the state where the practitioner is licensed. If the patient is presenting with new medical conditions, or conditions for which the standard of care dictates an in-person encounter is needed, the patient shall return to the state in which the practitioner is licensed for care or must be referred to a veterinarian; and
- c. The care provided to a patient located in North Dakota via veterinary telemedicine may continue for up to one year after the in-person establishment of the veterinarian-client-patient relationship in another state, after which an in-person encounter must take place in the jurisdiction where the practitioner is licensed before care via veterinary telemedicine may resume for another one year.

2. Temporary care via veterinary telemedicine may be provided if a practitioner has an established veterinarian-client-patient relationship with a patient that is in North Dakota temporarily for hunting, vacation, or other reasons and the patient requires health care services from that primary provider. If the patient is presenting with conditions for which the standard of care dictates an in-person encounter is needed, the patient shall return to the state in which the practitioner is licensed for care or must be referred to a veterinarian.

- **Rationale:** Overall Benefits of the Amendments:
  - 1) *Continuity of Care:* These amendments allow patients to continue receiving care from their established veterinarians, which is especially critical for ongoing treatments, chronic conditions, and long-term care.
  - 2) *Flexibility:* The amendments provide flexibility for veterinarians licensed in other states to offer veterinary telemedicine services in this state while maintaining safeguards to ensure the standard of care is not compromised.
  - 3) *Public Safety and Animal Welfare:* The provisions help ensure that veterinary telemedicine services are provided in a way that is consistent with veterinary standards, with clear rules for when in-person care is necessary.
  - 4) *Encouraging Veterinary Telemedicine Growth:* By providing a clear legal framework for out-of-state veterinarians, these amendments support the continued growth and integration of veterinary telemedicine into veterinary practices in a way that respects both patient needs and state regulations.

In conclusion, the proposed amendments strike a careful balance between advancing the veterinary profession and safeguarding public safety and animal welfare. By fostering continuity of care and offering greater flexibility for veterinarians, the changes ensure that animals receive timely, effective treatment while addressing the evolving needs of clients. Additionally, these amendments promote the responsible growth of veterinary telemedicine, creating new opportunities for innovation and improved access to care. Together, these efforts enhance the profession, protect public health, and contribute to the overall well-being of North Dakota's animals and communities.

Thank you for the opportunity to provide testimony re: SB 2129 and I am available for further questions concerning the legislation.

Sincerely,

A handwritten signature in black ink that reads "Heather Mitchell, DVM". The script is cursive and fluid, with the first name "Heather" being larger and more prominent than the last name "Mitchell". The "DVM" is written in a slightly smaller, more upright script at the end.

Dr. Heather Mitchell  
NDVMA President



# Senate Workforce Development Committee

## Senate Bill 2129

Andrew Alexis Varvel

Written Testimony

Chairman Wobbema and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck.

Please either vote **NO** or convert this legislation into a study resolution.

I don't normally look at veterinary medicine. However, when I found out that the State Board of Veterinary Examiners is attempting to substitute its own professional standards over and above existing accreditation from the American Veterinary Medical Association, I have become concerned. If this is an attempt to replace classical veterinary practice with “complementary, integrative, and alternative therapies”, this will need to be studied thoroughly before the criteria for acceptable credentials for veterinary medicine become fundamentally changed.

Please look at page 19, line 20.

It talks about “immoral” conduct. This is vague concept. For example, while I personally regard declawing of cats (onychectomy) to be highly immoral, this practice is unfortunately legal in North Dakota at present. So, it would be inappropriate to penalize a veterinarian for doing it.

If the professional standards for veterinarians need to be amended, this should be turned into a study resolution. Otherwise, please vote **NO**.

Thank you.

In Support of SB2129 with Response to NDVMA Proposed Amendments  
Jan 16, 2025

Chair Wobemma and members of the Workforce Development Committee,

I am Dr. Carolyn Woodruff, a rural mixed practitioner with 47 years of experience working in North and South Dakota. From 2013 through 2023 I was a member of the North Dakota Board of Veterinary Medicine (NDBVME) and president of the board for 4 of those years. During that time it became very evident that the current practice act was outdated in many areas and lacking in relevant guidelines for the board to follow in some areas. I became an advocate for updating the practice act and involving the NDVMA of which I was and am currently a member.

For the last 4 years the board has spent innumerable hours discussing, researching and editing proposed changes to be submitted to the legislature. The NDVMA has been included and consulted throughout the process. Because the missions of the two organizations are significantly different there can never be 100% agreement. The NDBVME mission statement is to protect the public and the animals through control and regulation of persons who practice veterinary medicine or veterinary technology. The purpose of the NDVMA is to advocate for veterinarians.

I would like to provide testimony regarding the amendments proposed by the NDVMA to SB2129.

Regarding proposed Amendment #1:

Throughout SB2129 there are changes in terminology that are intended to insure that the codified law remains relevant when terminology or procedures change over time. Using the term approved allows the NDBVME to make rules that reflect current policies. The proposed amendment does not change the intent of the SB2129 and is unnecessary.

Regarding proposed Amendment #4:

Although I support the intent of this amendment the wording using "believes" would make the requirement unenforceable. A licensee would simply argue that it was their belief that they were in danger whether reasonable danger existed or not in order to evade disciplinary action. There have been complaints filed where termination of a client due to personality conflicts resulted in loss of necessary medication for the patient. If the amendment read "unless the environment, patient or client threatens the safety of the veterinarian or their staff" it would protect the client, patient, veterinarian and the staff. I do not support this amendment as proposed.

Regarding proposed Amendment #8:

I oppose amendment #8. The responsibilities and actions available to the NDBVME in cases of complaints regarding impaired professionals need to be established under 43-29.15. This section provides authority for board actions and requirements for board investigations. A new section addressing voluntary self reporting would be appropriate.

Regarding proposed Amendment #9:

I oppose this amendment as all points are already covered in SB2129 other than the section on voluntary self reporting. Specific details such as requirements for evaluations are better managed as rules of the board as current recommendations and available modalities change over time.

The amendment does not include any requirement for the licensee to be financially responsible for their personal evaluation and treatment. The board could be subject to litigation in attempts to make the NDBVME pay these expenses. Personal medical expenses should not be the responsibility of the NDBVME. It is funded by fees received from licensees. This funding is used for operational expenses and is not adequate to pay for services to impaired licensees.

Regarding proposed Amendment #10:

I strongly oppose this amendment as it would restrict the ability of the NDBVME to pursue disciplinary actions requiring judicial hearings. Most veterinarians carry malpractice insurance with coverage to protect their licenses. This insurance pays for professional legal representation from lawyers specializing in this aspect of law. The result is extended cases with repeated responses, accusations, legal briefs and counter offers as attorneys for the licensee's insurance and the NDBVME negotiate to arrange settlement agreements. The cost of these expenses can deplete the NDBVME of funds while the licensee has no expense. Judicial hearings are very expensive and the board would have to increase the cost

of licensure to a prohibitive level if it was unable to recover these costs when it prevails in court. Attorneys for licensees could prolong litigation to the point that the board would become unable to take disciplinary action and perform its duties.

Century Code 28-32-26 provides authority for regulatory boards to receive compensation for expenses incurred in disciplinary actions.

In conclusion I strongly support SB2129. There is always room for improvement and I find merit to NDVMA's amendments 2,3,5,6 and 7. The diligence and effort extended by members of the NDVMA to assist the NDBVME in evaluating and making recommendations for changes to the practice act has been greatly appreciated. I do not support amendments 1, 4, 7 and 8 for the reasons stated above. A careful balance is required to protect the needs of the public, individual veterinarians and the animal population. I believe SB2129 will provide that balance.

Thank you for allowing me to provide testimony.

Sincerely,

Carolyn R Woodruff DVM



# North Dakota Board of Veterinary Medical Examiners

P.O. Box 328  
Lisbon, ND 58054  
701-683-4705  
[ndbvme@nd.gov](mailto:ndbvme@nd.gov)

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**Testimony of  
Dr. Sara Lyons  
On behalf of the North Dakota Board of Veterinary Medical Examiners  
In Support of Senate Bill 2129  
Before the Workforce Development Committee  
January 16, 2025**

Chairman Wobbema and members of the committee,

Thank you for the opportunity to testify before you today. My name is Dr. Sara Lyons, and I have served as the Executive Secretary for the North Dakota Board of Veterinary Medical Examiners since 2019. I am here today to present testimony on behalf of the board in support of Senate Bill 2129 relating to the practice of veterinary medicine and veterinary technology.

The primary intent of this bill is to update and modify existing language to reflect changes within the professions of veterinary medicine and veterinary technology. Currently, there are areas of statute that contain cumbersome and outdated language that are confusing and restrictive for licensees and do not serve the needs of the board or the public.

Sections 3-9, 11-14, 16, 19-21, 23 and 25 provide clarification of language for the reasons expressed above and will not be addressed specifically within this testimony. The revised language allows for a more streamlined process for issuing licenses and completion of administrative duties. There is language that the board feels would be more appropriate in Administrative Code and has prepared the necessary revisions to reflect that if this bill is passed.

Section 1 has several new definitions that are used throughout this chapter and help to clarify and define existing terminology. Definitions for impaired veterinarians and veterinary technicians were added to address not only chemical dependency concerns, but also impairment due to physical or mental disabilities.

A definition for the practice of veterinary technology was added to replace the previous list of veterinary technician duties and allow veterinary technicians to be used as deemed appropriate by the veterinarian.

Section 2 was added to provide detailed requirements for the veterinarian-client-patient relationship, or VCPR, which is the cornerstone of veterinary practice. The importance of in-person establishment of the VCPR cannot be stressed enough. Veterinary patients cannot tell us how they are feeling, and video calls do not replace a hands-on examination for assessment of a patient. Therefore, the VCPR should only be established through an in-person examination.

The use of telemedicine is growing within the veterinary field and there is currently no statutory language pertaining to this area. Section 24 provides a framework for the use of telemedicine within the boundaries of a current VCPR. This VCPR must be established by the requirements listed in Section 2, which include an in-person examination. The board feels strongly that allowing establishment of the VCPR through telemedicine may lead to inadequate assessment of a patient and therefore improper diagnosis and treatment.

Sections 17 and 18 pertain to complaints and disciplinary action. Additional guidelines were necessary to allow the board to utilize professional treatment and monitoring programs if such programs become available in the future.

The current statute does not provide adequate guidelines for the regulation of the profession of veterinary technology. Licensing requirements for veterinary technicians have been clarified in Section 10 with the addition of a jurisprudence examination. Currently, only veterinarians must take this examination. There are several benefits to adding this requirement for veterinary technicians including familiarizing those individuals with the laws that govern their profession.

The board does not wish to restrict veterinarians from employing non-licensed individuals but does wish to provide recognition of the importance of licensed veterinary technicians and their contribution to the profession. The goal of Section 22 is to provide title protection for veterinary technicians and a penalty for those who practice veterinary technology without a license. Section 15 was created to allow for exceptions to the unlicensed practice of veterinary technology.

The board appreciates your consideration and urges a do pass recommendation. I would be happy to answer any questions you may have.

Regarding Page 25, Section 23, Line 25. This should likely end with “and” such that 2a, 2b, and 2c are all required. Additionally, line 26 should provide an exception for when the client is not physically able to reach the prescribing veterinarian. Examples include travelling across the state, being physically disabled or home bound, etc.

20       **SECTION 23. AMENDMENT.** Subsection 2 of section 43-29-19 of the North Dakota  
 21 Century Code is amended and reenacted as follows:  
 22       2. Other than a controlled substance, a ~~licensed~~ veterinarian may dispense a veterinary  
 23 prescription drug without establishing a veterinarian-client-patient relationship if:  
 24       a. The drug is prescribed by a ~~licensed~~ veterinarian or by a veterinarian licensed in  
 25 another jurisdiction who has established a veterinarian-client-patient relationship; **and**  
 26       b. The prescribing veterinarian has an inadequate supply of the drug, failure to  
 27 dispense the drug would interrupt a therapeutic regimen, or failure to dispense  
 28 the drug would cause an animal to suffer; and  
 29       c. The dispensing veterinarian verifies the prescription with the prescribing  
 30 veterinarian.

Regarding Page 6, Section 2...

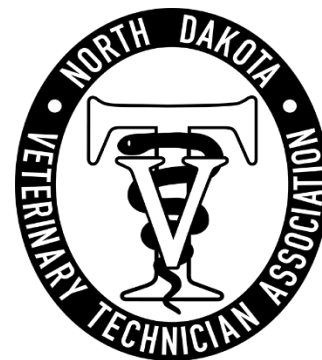
4       **SECTION 2.** A new section to chapter 43-29 of the North Dakota Century Code is created  
 5 and enacted as follows:  
 6       **Requirements of a veterinarian-client-patient relationship.**

And specifically lines 24-27. This section fails to provide legally-required exceptions to the ‘reasonable amount of time’ requirement. For example, when a client assaults, threatens, or takes other hostile action against the veterinarian, staff or the facility, which then results in the client being legally trespassed from the property (typically -- **but not always** -- with the engagement of police), then the veterinarian cannot legally provide any continuity of care. A proper wording of this section would follow line 27 with some legal exceptions.

24       8. The veterinarian shall refer the patient to another veterinarian for diagnosis, **care**, and  
 25 treatment if the veterinarian-client-patient relationship has been terminated and an  
 26 ongoing medical or surgical condition exists. The veterinarian must allow the client a  
 27 reasonable amount of time to arrange **care** with another veterinarian.

North Dakota Veterinary Technician Association  
1/16/2025

Senate Workforce Development Committee  
600 East Boulevard Avenue  
Bismarck, ND 58505



Dear Chairman Wobbema and Members of the Committee,

On behalf of the North Dakota Veterinary Technician Association (NDVTA), I am writing to express our strong support for the proposed bill to amend the North Dakota Veterinary Practice Act. This bill would provide title protection to veterinary technicians. As an organization dedicated to advancing the profession of veterinary technicians, we have witnessed firsthand the critical role that these professionals play in the delivery of high-quality veterinary care.

Veterinary technicians are highly trained professionals who possess specialized knowledge and skills essential to the veterinary team. They perform a wide range of tasks, including assisting in surgeries, administering anesthesia, conducting laboratory tests, and providing compassionate care to animals. Despite their significant contributions, the title "veterinary technician" is not currently protected, which can lead to confusion and misuse of the title by individuals who do not have the necessary qualifications.

Title protection is crucial for several reasons:

1. **Ensuring Quality of Care:** By protecting the title, we can ensure that only individuals who have met the rigorous educational and certification requirements can call themselves veterinary technicians. This will help maintain high standards of care and protect the welfare of animals.
2. **Public Trust:** Title protection will enhance public trust in the veterinary profession. Clients will have confidence that the individuals caring for their pets are properly trained and qualified.
3. **Professional Recognition:** Providing title protection acknowledges the professionalism and expertise of veterinary technicians. It recognizes their dedication and hard work, and it helps to elevate the status of the profession.
4. **Workforce Stability:** Title protection can also contribute to workforce stability by attracting and retaining qualified individuals in the field. It provides a clear career path and professional identity for those entering the profession and encourages a foundation to pursue further advanced credentialing.

This change is essential for ensuring the highest standards of veterinary care, enhancing public trust, and recognizing the valuable contributions of veterinary technicians. In conclusion, we urge a **"Do Pass"** recommendation for the bill.

Thank you for your consideration.

Sincerely,

**Bree Carmichiel, AS, LVT, VTS (ECC)**  
President  
North Dakota Veterinary Technician Association

Written testimony opposing Senate Bill # 2129

By Kelly Thorsness, DVM. Owner of Lewis & Clark Animal Hospital

Good afternoon,

My written testimony is in opposition to Senate Bill #2129 as the multiple changes proposed I believe are not written correctly for it to become law.

The one part I refer to today is about terminating (firing) an animal owner as a client.

Senate Bill # 2129 LC Number 25.8033.01000 page number 6, beginning line 24 Section 2-8.

Chapter 43-29 Section 2-08 "The veterinarian shall refer the patient to another veterinarian for diagnosis, care, and treatment if the veterinary-client-patient-relationship has been terminated and an ongoing medical or surgical condition exists. The veterinarian must allow the client a reasonable amount of time to arrange care with another veterinarian."

**These proposed changes should be completely removed. Once you are fired there is no "Reasonable" amount of time that anyone should have to be made to deal with a terminated client.**

**Making employees deal with a bad/terminated client brings up anxieties and mental anguish. Plus, who would want to keep working in that work place environment?**

**Referring the patient to another veterinarian can be done through sending records & paper prescriptions refills to the next clinic of the owner's choosing or to the owner themselves. The veterinarian should not be made to find another vet for this client that is unhappy with their current services.**

Firing/terminating a client is not done in haste but out of concern for the safety of employees and myself. Clients I have fired threatened physical abuse or



consistently verbally and mentally abused my employees, most commonly the front staff such as receptionists.

Think of your grandmother, mother, aunt, sister, wife, niece, or daughter being cursed at, told how stupid they are, and yelled at for no reason of their own. Would you allow anyone to treat your family members in that way?

We lose so many staff members to being exhausted from interacting with pet owners who are stressed out or plainly not being nice to another human being. Some clients call back or return to apologize to the employee they degraded. These individuals we continue with our vet-client-patient relationship as everyone deserves chances and prove that they understand what they did was inappropriate.

I recommend this bill be referred into a study to address the concerns of everyone.

Thank you

Kelly Thorsness DVM

Lewis & Clark Animal Hospital

Bismarck ND 58504

# 2025 SENATE STANDING COMMITTEE MINUTES

## Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2129  
1/23/2025

Relating to the practice of veterinary medicine and veterinary technology; and to provide a penalty.

11:11 a.m. Chairman Wobbema opened the hearing.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

### **Discussion Topics:**

- Sub-committee creation

11:11 a.m. Chairman Wobbema opened discussion to the committee for designating members of subcommittee.

11:16 a.m. Chairman Wobbema assigned Senator Boschee and Senator Powers to Subcommittee.

11:18 a.m. Chairman Wobbema closed the hearing.

*Andrew Ficek, Committee Clerk*

# 2025 SENATE STANDING COMMITTEE MINUTES

## Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2129  
1/30/2025  
Working Subcommittee

Relating to the practice of veterinary medicine and veterinary technology; and to provide a penalty
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10:15 a.m. Senator Boschee opened the hearing.

Members Present: Senator Boschee, Senator Larson.

### Discussion Topics:

- Accredited bodies
- Telehealth duties
- Continuing education credit
- Alternative therapies
- Ability to prescribe medication

10:17 a.m. Dr. Sara Lyons, Executive Secretary, ND Board of Veterinary Medical Examiners, answered committee questions and submitted testimony in favor #32938, and #32943.

10:33 a.m. Matt Menge, Assistant Attorney General with Board of Veterinary Examiners, answered committee questions.

10:54 a.m. Troy W. Dutton, Veterinarian/Owner, Steele Veterinary Clinic, answered committee questions.

11:07 a.m. Shane Goettle, Lobbyist, ND Veterinary Association, testified in favor.

11:14 a.m. Dr. Shelly Lenz, Practicing Veterinarian, answered committee questions

11:24 a.m. Peter Hanebutt, Director of ND Farm Bureau, testified in favor.

11:35 a.m. Senator Boschee recessed the meeting.

11:41 a.m. Senator Boschee reconvened the meeting.

11:42 a.m. Dr. Sarah Lyons clarified and answered committee questions.

11:55 a.m. Dr. Shelly Lenz clarified the rules of the Practice Act with committee.

12:00 p.m. Senator Boschee closed the hearing.

*Andrew Ficek, Committee Clerk*



# North Dakota Board of Veterinary Medical Examiners

P.O. Box 328  
Lisbon, ND 58054  
701-683-4705  
[ndbvme@nd.gov](mailto:ndbvme@nd.gov)

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**Testimony of  
Sara Lyons, DVM  
On behalf of the North Dakota Board of Veterinary Medical Examiners  
To discuss SB2129 and the proposed amendments by the NDVMA  
Before the Workforce Development Committee  
January 30, 2025**

Senators Boschee and Powers,

The North Dakota Board of Veterinary Medical Examiners would like to express their appreciation for the opportunity to work with the North Dakota Veterinary Medical Association and North Dakota Veterinary Technician Association to discuss the proposed amendments to Senate Bill 2129. A very productive meeting was held on January 28, 2025 and the organizations were able to reach a consensus on the majority of the amendments. A summary of the discussion points and references to the relevant sections are listed below and a copy of the amended bill is provided for review.

## Amendment 1 - FINAL DECISION ON LANGUAGE NEEDED

### **SECTION 1 (Page 1, lines 22-24 and Page 2, lines 1-2)**

This definition has been discussed at length multiple times and agreement has not been reached. The goal of removing the term accredited and the name of the accrediting body was to allow for possible future changes in the name of the process or organization without having to make statutory changes. No change to the educational standards or requirements would be made, but the accrediting body would be named in Administrative Code.

The NDBVME felt that the term accredited may be acceptable if the accrediting body does not need to be named in statute. If accredited is used in the definition of approved program of veterinary medicine, that terminology should be repeated for the definition of approved program of veterinary technology as well for the sake of consistency.

## Amendment 2 – APPROVE as amended

The term "foreign practitioner" appears in NDCC Ch. 43-51-01, so that term was used instead of practitioner for the sake of consistency.

### **Add to SECTION 1 (Page 4, line 1)**

Amendments 11 and 12 – APPROVE as amended  
**SECTION 24 (Page 29, lines 24-31)**

Amendment 3 - REMOVE

Language with similar intent was added upon discussion of Amendment 13, but this location was not found to be the appropriate place for such language.

Amendment 4 – APPROVE as amended

There have been comments from veterinarians with concern about the language in this subsection as proposed in the bill. The changes made reflect those concerns about having to continue treatment of a patient after a VCPR is terminated.

**SECTION 2 (Page 7, lines 24-29)**

Amendment 5 - REMOVE

Telehealth includes teletriage and teleadvice, which are not considered to be the practice of veterinary medicine and therefore do not require regulation.

Amendment 6 – APPROVE as amended

The intent of this exception is to allow someone to present continuing education who is qualified to do so but may not be licensed in this state or another jurisdiction.

**SECTION 14 (Page 18, lines 12-16)**

Amendment 7 – APPROVE as amended

The intent of this exception is to allow someone to present continuing education who is qualified to do so but may not be licensed in this state or another jurisdiction.

**SECTION 15 (Page 19, line 32 and Page 20, lines 33-34)**

Amendment 8 – FINAL DECISION ON LANGUAGE NEEDED

This section was modified to allow specific rules regarding a possible treatment and monitoring program to be addressed in Administrative Code. Currently, veterinarians and veterinary technicians are not part of the NDPHP and the board does not have an approved treatment and monitoring program.

**SECTION 17 (Page 24, lines 1-5)**

**SECTION 17 (Page 24, lines 6-19) - STRIKE**

Amendment 9 - FINAL DECISION ON LANGUAGE NEEDED

This section was added to allow for addressing the situation of self-reporting differently than the process of addressing a complaint.

**Add SECTION 18 (Page 25, lines 1-30 and Page 26, lines 31-49)**

Amendment 10 - REMOVE

Authority for the board to collect fees exists in NDCC Ch. 28-32-26.

Amendment 13 - FINAL DECISION ON LANGUAGE NEEDED

Since telemedicine is such a new and evolving area, the consensus was to provide framework in statute for the use of telemedicine and address specific situations or details within Administrative Code. The creation of the two new sections provides clarification for what constitutes the practice of veterinary medicine the use of telemedicine by foreign practitioners. The language used is similar to existing statute (NDCC 43-51-02 and 43-51-03).

**Amend SECTION 25 (Page 30, lines 1-23)**

**Add SECTION 27 (Page 30, lines 31-32 and Page 31, lines 33-37)**

**Add SECTION 28 (Page 31, lines 38-45)**

Amendment 14 (NEWLY PROPOSED BY THE NDBVME, NDVMA, and NDVTA) – APPROVE

There have been many comments by individuals that provide animal care services other than veterinary medicine. The concern is that with the addition of the term “complementary, integrative, and alternative therapies” within the definition of the practice of veterinary medicine. The board did not anticipate this response, as there was no intent to change current practices or standards of practice. The intent was to encompass all areas of veterinary medicine within the definition. This amendment is in response to the comments that have been received and should clarify exceptions to the practice of veterinary medicine that are allowed. The board does feel that it needs to be made clear that these individuals are not allowed to diagnose, prescribe or treat.

**Add to SECTION 1 (Page 1, lines 16-19)**

**Add to SECTION 14 (Page 19, lines 3-11)**

Thank you for the opportunity to discuss these amendments today. I would be happy to answer any questions you may have.

Lindy West, DVM  
Hettinger, ND  
*President*

Russell Behm, DVM  
Minot, ND

Laurie Huckle, DVM  
Horace, ND

Janell Morman, LVT  
Glen Ullin, ND  
*Secretary*

Naomi Day  
Mandan, ND

Sara Lyons, DVM  
Lisbon, ND  
*Executive Secretary*



25.8033.01000

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2129**

Introduced by

Workforce Development Committee

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

1 A BILL for an Act to create and enact six new sections to chapter 43-29 of the North Dakota  
2 Century Code, relating to the practice of veterinary medicine and veterinary technology; to  
3 amend and reenact section 43-29-01.1, subsection 1 of section 43-29-02, sections 43-29-03,  
4 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,  
5 43-29-08.1, 43-29-13, 43-29-14, and 43-29-15, subsection 2 of section 43-29-16, sections  
6 43-29-16.1 and 43-29-17, and subsection 2 of section 43-29-19 of the North Dakota Century  
7 Code, relating to the practice of veterinary medicine and veterinary technology; to repeal  
8 sections 43-29-09, 43-29-10, 43-29-11, and 43-29-12.1 of the North Dakota Century Code,  
9 relating to the practice of veterinary medicine and veterinary technology; and to provide a  
10 penalty.

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

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

14 **43-29-01.1. Definitions.**

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

16 1. "Accepted livestock management practice" means a procedure that is commonly performed  
17 as part of the routine management of livestock such as vaccination, implantation of growth  
18 hormones, branding, castration, dehorning, docking, earmarking, semen collection, non-  
19 surgical artificial insemination, and assisting in a non-surgical birthing process.

20 4. 2. "Animal" means any member of the animal kingdom other than a human being  
21 whether living or dead.

22 2. 3. "AccreditedApproved college of veterinary medicine" means any veterinary college or  
23 division of a university or college which offers the degree of doctor of veterinary  
24 medicine or its equivalent and which conforms to the standards required for

1 ~~accreditation by the council on education of the American veterinary medical~~  
2 ~~association~~has been approved by the board by rule.  
3 2.3.4 "AccreditedApproved program in veterinary technology" means any postsecondary  
4 educational program of two or more academic years that is accredited by the



committee on veterinary technician education and activities of the American veterinary

1           ~~medical association~~which offers a degree in veterinary technology or its equivalent  
2           and has been approved by the board by rule.

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

5       4.5. "Board" means the board of veterinary medical examiners.

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

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

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

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

18      6.7. "Complementary, integrative, and alternative therapies" means a heterogeneous group  
19      of preventative, diagnostic, and therapeutic philosophies and practices not considered  
20      part of conventional veterinary medicine practiced by most veterinarians.

21      7.8. "Consent" means the veterinarian has informed the client of the diagnostic and  
22      treatment options, risk assessment, and prognosis, and the client has authorized the  
23      recommended services.

24      8.9. "Consultation" means that a veterinarian receives advice or assistance in person, or  
25      by any method of communication, from a veterinarian or other individual whose  
26      expertise, in the opinion of the veterinarian, would benefit a patient.

27      9.10. "Direct supervision" means the supervising veterinarian is readily available on the  
28      premises where the patient is being treated and has assumed responsibility for the  
29      veterinary care given to the patient by an individual working under the direction of the  
30      veterinarian.

1 11. "Foreign practitioner" has the same meaning as defined by subsection two of 43-51-01.

2 ~~10-12.~~ "Immediate supervision" means the supervising veterinarian is in the immediate area  
3 and within audible and visual range of the patient and the individual treating the patient  
4 and has assumed responsibility for the veterinary care given to the patient by an  
5 individual working under the direction of the veterinarian.

6 ~~11-13.~~ "Impaired veterinarian" means a veterinarian who is unable to practice veterinary  
7 medicine with reasonable skill and safety because of a physical or mental disability or  
8 the use of alcohol, drugs, or other habit-forming chemicals.

9 ~~12-14.~~ "Impaired veterinary technician" means a veterinary technician who is unable to  
10 practice veterinary technology with reasonable skill and safety because of a physical  
11 or mental disability or the use of alcohol, drugs, or other habit-forming chemicals.

12 ~~13-15.~~ "Indirect supervision" means the supervising veterinarian is not on the premises where  
13 the patient is being treated but has given written or oral instructions for the treatment  
14 of the patient, is readily available for communication, and has assumed responsibility  
15 for the veterinary care given to the patient by an individual working under the direction  
16 of the veterinarian.

17 ~~14-16.~~ "Jurisdiction" means any commonwealth, state, or territory of the United States of  
18 America, including the District of Columbia, or any province of Canada.

19 ~~15-17.~~ "Patient" means an animal or group of animals examined or treated by a veterinarian.

20 ~~16-18.~~ "Practice of veterinary medicine" means to the:

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



- 1           b. Represent~~Prescription, distribution, or administration of a drug, medicine,~~  
2           anesthetic, biologic, appliance, apparatus, application, or treatment to an animal;  
3           c. Provision of any manual or mechanical procedure for the diagnosis or treatment  
4           of pregnancy, sterility, or infertility of an animal;  
5           d. Determination of the health, fitness, or soundness of an animal;  
6           e. Representation of oneself, directly or indirectly, publicly or privately, an ability and  
7           ~~willingness to do an act described in subdivision a.~~as engaging in the practice of  
8           veterinary medicine; or  
9           e.f. Use of any title, word, abbreviation, or letter in a manner or under circumstances  
10           that induce the belief ~~the person~~that the individual using ~~the~~such title, ~~word,~~  
11           ~~abbreviation, or letter is qualified to do any act described in subdivision a~~  
12           authorized to practice veterinary medicine under this chapter.  
13           d. ~~Apply principles of environmental sanitation, food inspection, environmental~~  
14           ~~pollution control, animal nutrition, zoonotic disease control, and disaster medicine~~  
15           ~~in the promotion and protection of public health.~~  
16        ~~17, 19.~~ a. "Practice of veterinary technology" means the:  
17           (1) Provision of professional medical care, monitoring, or treatment on the basis  
18           of written or oral instructions from a veterinarian;  
19           (2) Representation of oneself, directly or indirectly, as engaging in the practice  
20           of veterinary technology; or  
21           (3) Use of any title, word, abbreviation, or letter in a manner or under  
22           circumstances that induce the belief that the individual using such title is  
23           authorized to practice veterinary technology under this chapter.  
24           b. This section may not be construed to permit a veterinary technician to do the  
25           following:  
26           (1) Surgery, except when acting as a surgical assistant to a veterinarian;  
27           (2) Diagnose;  
28           (3) Prognose; or  
29           (4) Prescribe.  
30        ~~18, 20.~~ "State board examination" means the jurisprudence examination administered by the  
31           board.

1 ~~19.21.~~ "Supervising veterinarian" means a veterinarian who has a valid veterinarian-client-  
2 patient relationship and assumes responsibility for the veterinary care provided to the  
3 patient by an individual working under the direction of the veterinarian.

4 ~~20.22.~~ "Teleadvice" means the provision of any health information, opinion, or guidance that  
5 is not specific to a particular animal's health, illness, or injury and is not intended to  
6 diagnose, prognose, or treat an animal.

7 ~~21.23.~~ "Telehealth" means the use of technology to gather and deliver health information,  
8 advice, education, or patient care remotely.

9 ~~22.24.~~ "Triage" means electronic communication with the client to determine urgency and  
10 need for immediate referral to a veterinarian.

11 ~~23.25.~~ "Veterinarian" means an individual who is licensed to practice veterinary medicine  
12 under this chapter.

13 ~~24.26.~~ "Veterinarian-client-patient relationship" means:-

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

18 b.—There is sufficient knowledge of the animal by the veterinarian to initiate at least a  
19 general or preliminary diagnosis of the medical condition of the animal.

20 c.—The practicing veterinarian is readily available for followup in the case of adverse  
21 reactions or failure of the regimen of therapy. This relationship exists only when  
22 the veterinarian has recently seen and is personally acquainted with the keeping  
23 and care of the animal by virtue of an examination of the animal and by medically  
24 appropriate and timely visits to the premises where the animal is kept.

25 ~~25.27.~~ "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, chiropractic,  
26 acupuncture, and all other branches or specialties of veterinary medicine.

27 ~~26.28.~~ "Veterinary premises" means any premises or facility where the practice of veterinary  
28 medicine is performed but may not include the premises of a client, research facility,  
29 military base, or an approved college of veterinary medicine.

30 ~~27.29.~~ "Veterinary technician" means an individual who is licensed to practice veterinary  
31 technology under this chapter.



28-30. "Veterinary technology" includes all branches or specialties of veterinary technology.

29-31. "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 follow up 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 must 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 ~~refer the patient to another veterinarian for diagnosis, care, and treatment~~ provide medical records to the client or another veterinarian or foreign practitioner designated by the client if the veterinarian-client-patient relationship has been terminated ~~and an ongoing medical or surgical condition exists~~. The veterinarian must allow the client a reasonable amount of time to arrange care with another veterinarian unless the environment, 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~~

- 1 forms for application for examination; prepare and supervise examination of applicants  
2 for license to practice veterinary medicine; obtain the services of professional  
3 examination agencies in lieu of its own preparation of such examinations; and issue  
4 and revoke licenses as provided in this chapter. All rules must be submitted to the  
5 attorney general in accordance with chapter 28-32, veterinary technology, and  
6 veterinary telemedicine, including to:
- 7 a. Establish standards for professional conduct and inspection of veterinary  
8 premises;
  - 9 b. Establish requirements for granting of licenses and temporary licenses;
  - 10 c. Establish requirements for renewal of licenses and continuing education;
  - 11 d. Prepare application forms for licensure and renewal;
  - 12 e. Administer the state board examination for qualified applicants;
  - 13 f. Obtain the services of professional examination agencies to administer national  
14 examinations; and
  - 15 g. Issue, suspend, revoke, or place on probationary status licenses and temporary  
16 licenses as provided in this chapter.
- 17 3. All rules must be submitted to the attorney general in accordance with chapter 28-32.
- 18 ~~3.4.~~ The board may, in its discretion, enter reciprocal agreements with the examining  
19 boards of other states and nations, governing the granting of licenses to practice  
20 veterinary medicine and surgery in this state without the applicant taking a written  
21 examination. Under no circumstances, however, may any reciprocal agreement be  
22 entered with the board of another state or nation unless the requirements for the  
23 granting of licenses in the other state or nation are on an equal or higher standard to  
24 the requirements of this state. The board may prescribe by rule any other terms or  
25 conditions to be contained in the agreements. The board shall determine the fee for  
26 license by reciprocity agreement. shall set the following by rule:
- 27 a. Application fee;
  - 28 b. License fee;
  - 29 c. Temporary license fee;
  - 30 d. Renewal fee;
  - 31 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 are actually engaged in the performance of the duties of their office such per diem as must be fixed by the board. They may also 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

1 medicine after the fifteenth day of April, or any person issued a temporary permit to  
2 practice veterinary medicine after that date, is exempt from this requirement to pay the  
3 annual registration fee until the first day of July of the year following licensure.

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

8 1. Is a graduate of an approved college of veterinary medicine or has completed an  
9 equivalency program of veterinary medicine as established by the board by rule;

10 2. Passes the national board examination and clinical competency test, or the North  
11 American veterinary licensing examination;

12 3. Passes the state board examination;

13 4. Has no grounds for license refusal under section 43-29-14; and

14 5. Meets any additional requirements for licensure established by the board by rule.

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

17 **43-29-07.1. Veterinary technicians – Examinations**~~Requirements for veterinary~~  
18 ~~technician licensure.~~

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

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

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

30 1. Is a graduate of an approved program of veterinary technology or completed an  
31 equivalency program of veterinary technology as established by the board by rule;



- 1        2. Passes the veterinary technician national examination;
- 2        3. Passes the state board examination;
- 3        4. Has no grounds for license refusal under section 43-29-14; and
- 4        5. Meets any additional requirements for licensure established by the board by rule.

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

7        **~~43-29-07.2. Examination--License without examination-- Temporary permit~~license.**

- 8        ~~1. The board shall hold at least two examinations a year. The board shall adopt rules~~  
9        ~~governing preparation, administration, and grading of examinations. Examinations~~  
10        ~~must be designed to test the examinee's knowledge of and proficiency in the subjects~~  
11        ~~and techniques commonly taught in veterinary schools. To pass the examination, the~~  
12        ~~examinee must demonstrate scientific and practical knowledge sufficient to prove~~  
13        ~~competency to practice veterinary medicine in the judgment of the board. An examinee~~  
14        ~~must be tested by written examination, supplemented by any oral interview and~~  
15        ~~practical demonstration the board determines necessary. The board may adopt and~~  
16        ~~use the examination prepared by the national board of veterinary medical examiners.~~  
17        ~~After each examination, the board shall notify each examinee of the result of the~~  
18        ~~examination, and the board shall issue a license to each person who passed the~~  
19        ~~examination. The board shall record each new license and issue a certificate of~~  
20        ~~registration to each new licensee. Any person failing an examination may be admitted~~  
21        ~~to any subsequent examination on approval by the board and payment of the~~  
22        ~~application fee.~~
- 23        ~~2. The board may issue a license without a written examination to a qualified applicant~~  
24        ~~who furnishes satisfactory proof of graduation from an accredited or approved college~~  
25        ~~of veterinary medicine, or holds a certificate, and who:~~
  - 26        ~~a. Has for the five years immediately before filing of the application been a~~  
27        ~~practicing veterinarian licensed in a state having license requirements at the time~~  
28        ~~the applicant was first licensed which were substantially equivalent to the~~  
29        ~~requirements of this chapter;~~

- 1           b. ~~Has within the three years immediately before filing the application successfully~~  
2           ~~completed the examinations provided by the national board of veterinary medical~~  
3           ~~examiners; or~~
- 4           c. ~~Currently holds a license to practice in at least one state, has active diplomat~~  
5           ~~status in a specialty organization recognized by the American veterinary medical~~  
6           ~~association, and whose practice is limited to the certified specialty in the state in~~  
7           ~~which the specialist is licensed without examination.~~
- 8       3. The board may issue without examination a temporary permitlicense to practice  
9       veterinary medicine in this state to:-
- 10       a. ~~A qualified applicant for license pending examination, if the temporary permit~~  
11       ~~expires the day after the notice of results of the first examination given after the~~  
12       ~~permit is issued. A temporary permit may not be issued to an applicant who~~  
13       ~~previously has failed the examination in this or any other state or a foreign~~  
14       ~~country.~~
- 15       b. ~~A nonresident veterinarian validly licensed in another state or a foreign country~~  
16       ~~who pays the fee established and published by the board if the temporary permit~~  
17       ~~is issued for a period of no more than sixty days and no more than one permit is~~  
18       ~~issued to a person during each calendar year.~~
- 19       c. ~~A senior veterinary student who practices in the office of and under the direct~~  
20       ~~supervision of a licensed veterinarian. A temporary student permit may not~~  
21       ~~exceed six months from its date of issuance and is granted without payment of a~~  
22       ~~fee.~~
- 23       d. ~~A graduate of a nonaccredited college of veterinary medicine, who has~~  
24       ~~satisfactorily completed the fourth year of clinical study at an accredited or~~  
25       ~~approved college of veterinary medicine, has successfully passed the~~  
26       ~~examination provided by the national board of veterinary medical examiners, and~~  
27       ~~is enrolled in the educational commission for foreign veterinary graduates~~  
28       ~~program. The holder of a temporary permit issued under this subdivision must~~  
29       ~~practice under the supervision of a licensed veterinarian. A temporary permit~~  
30       ~~issued under this subdivision is valid until the holder obtains a certificate or for~~



1                   ~~two years~~ a qualified applicant who has met the requirements established by the  
2                   board.

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

5           **43-29-07.3. License**~~Veterinarian~~ **- License renewal - Continuing education**  
6 **requirements.**

- 7           1. ~~All licenses expire~~ A veterinarian license expires annually as of July first but may be  
8 renewed by registration with the board and payment of the registration renewal fee  
9 established by the board. On June first of each year, the board shall mail a notice to  
10 each licensed veterinarian that the licensee's license will expire as of July first and  
11 provide the licensee with a form for registration. The board shall issue a new certificate  
12 of registration to a person reregistering under this section. Any person who willfully or  
13 by neglect fails to renew a license and who practices veterinary medicine after the  
14 expiration of the license is practicing in violation of this chapter on June thirtieth.
- 15           2. A veterinarian license may be renewed by submission of the following to the board, no  
16 later than June thirtieth:
- 17               a. A complete renewal application;  
18               b. Payment of the renewal fee established by the board; and  
19               c. Proof of completion of board required continuing education.
- 20           3. An individual who neglects or willfully fails to renew a license and practices veterinary  
21 medicine after the expiration of the license, is practicing veterinary medicine in  
22 violation of this chapter.
- 23           ~~2.4.~~ Any qualified person An individual may renew an expired license within ~~two~~ five years of  
24 the date of its expiration by ~~making written~~ completing an application for renewal and,  
25 paying the current renewal fee plus all delinquent renewal fees, and completing all  
26 required continuing education. After ~~two~~ five years have elapsed since the date of  
27 expiration, a license may not be renewed, but the holder may ~~make application~~ apply  
28 for a new license and ~~take the license examination.~~ The board may by rule waive the  
29 payment of the registration renewal fee of a licensed veterinarian during the period  
30 when the veterinarian is on active duty with any branch of the armed services of the  
31 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



1        continuing education. After five years have elapsed since the date of expiration, a  
2        license may not be renewed, but the holder may apply for a new license.

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

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

8        **43-29-13. ~~Practices excepted from chapter~~Exceptions to the unlicensed practice of**  
9        **veterinary medicine.**

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

12       4. a. ~~Those who administer to livestock~~treat animals, the title to which rests ~~in~~owned  
13       by themselves, or ~~in~~ their regular employer, except when the ownership of the  
14       animal was transferred or otherwise manipulated to avoid the requirements of  
15       this chapter, ~~or those who perform gratuitous services.~~

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

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

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

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

29       6. ~~Any~~An employee of the United States or this state while in the performance of duties  
30       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 at an ~~accredited college of veterinary medicine or~~ within the individual's area of professional expertise in connection with a ~~an approved~~ 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 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.

n. An individual who engages in any of these acts as long as the individual is not diagnosing, prescribing, or treating a condition that has not been previously diagnosed by a veterinarian who has referred the animal for treatment:

(1) Grooming;

(2) Training or conditioning;

(3) Horseshoeing or farrier work;

(4) Massage therapy or acupressure;

(5) Microchip implantation; or

(6) An accepted livestock management practice.

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 when 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

- 1           m. An individual who performs gratuitous services for an animal in a life-threatening  
33           individual's area of professional expertise in connection with ~~an approved a~~ continuing  
34           education course or seminar.
- 35           g. An individual who is not a graduate of an approved program of veterinary  
36           technology, enrolled in an equivalency program of veterinary technology as  
37           approved by the board, performing duties or actions assigned by an instructor in  
38           an approved program of veterinary technology.
- 39           h. An individual who administers medication or treatment as prescribed by a  
40           veterinarian.

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

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

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

8       **43-29-14. Refusal, suspension, and revocation of license and certificate -**  
9 **Reinstatement and relicense.**

- 10      1. ~~The state board of veterinary medical examiners~~ may refuse to issue a license or  
11 ~~certificate of registration~~temporary license, or may suspend or revoke a license and  
12 ~~certificate of registration or temporary license~~, upon any of the following grounds:
- 13      a. Fraud or deception in procuring the license, including conduct that violates the  
14 security or integrity of any licensing examination.
- 15      b. The use of advertising or solicitation that is false, misleading, or otherwise  
16 determined unprofessional under rules adopted by the board.
- 17      c. ~~Habitual intemperance in the use of intoxicating liquors, or habitual addiction to~~  
18 ~~the use of morphine, cocaine, or other habit-forming drugs~~An individual is  
19 determined to be an impaired veterinarian as defined by section 43-29.01.1 or an  
20 impaired veterinary technician as defined by section 43-29-01.1.
- 21      d. Immoral, unprofessional, or dishonorable conduct manifestly disqualifying the  
22 ~~licensee~~veterinarian or veterinary technician from practicing veterinary medicine  
23 or veterinary technology.
- 24      e. Incompetence, gross negligence, or other malpractice in the practice of  
25 veterinary medicine or veterinary technology.
- 26      f. Employment of unlicensed ~~persons~~individuals to perform work that under this  
27 chapter can lawfully be done only by ~~persons~~individuals licensed to practice  
28 veterinary medicine or veterinary technology.
- 29      g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests,  
30 inspecting foodstuffs, or in issuing ~~health certificates~~regulatory documents.
- 31      h. ~~Failure of the licensee~~ to keep the premises and equipment used ~~in the licensee's~~  
32 ~~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

1 a written response from the veterinarian or veterinary technician. The board may adopt  
2 rules establishing a peer review committee for the purpose of investigating complaints  
3 and providing recommendations to the board. A veterinarian or veterinary technician  
4 who is the subject of an investigation by the board shall cooperate fully with the  
5 investigation. Cooperation includes responding fully and promptly to any reasonable  
6 question raised by or on behalf of the board relating to the subject of the investigation  
7 and providing copies of records when reasonably requested by the board. Failure to  
8 cooperate in the investigative process may be grounds for disciplinary action against  
9 the veterinarian or veterinary technician.

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

- 23 a. Subpoena and examine witnesses, records, medical records, copy, photograph,  
24 or take samples;  
25 b. Require the veterinarian or veterinary technician to give statements under oath;  
26 c. Require the veterinarian or veterinary technician to submit to a physical  
27 examination, chemical dependency evaluation, or psychological examination by a  
28 physician or other qualified evaluation professional selected by the board if there  
29 is reasonable cause to believe the veterinarian or veterinary technician is  
30 impaired as defined by 43-29-01.1; or  
31



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. The board may adopt rules as necessary to carry into effect the provisions of this section.

~~(1) Failure to satisfactorily undergo an examination or enroll in a treatment and monitoring program must be reported to the board by the treating professional.~~

~~(2) The veterinarian or veterinary technician shall consent to the approved evaluation, examination, or the progress of the treatment or monitoring program, at such intervals the board deems necessary.~~

~~(3) The treating professional may release examination information, or treatment and monitoring program information, to the board so the board may evaluate the results of the examination or the progress and effectiveness of the treatment or monitoring program.~~

~~(4) Absent a release on file from the veterinarian or veterinary technician, all records released to the board are confidential and are not public records.~~

~~(5) The veterinarian or veterinary technician must be responsible for all expenses related to evaluation and treatment.~~

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.

- 1       **SECTION 18.** A new section to chapter 43-29 of the North Dakota Century Code is created  
2 and enacted as follows:
- 3       **Self-reporting and self-referral.**
- 4       1. A veterinarian or veterinary technician may voluntarily self-report or self-refer to a treatment or  
5 monitoring program approved or contracted by the board to seek assistance for a potential or  
6 existing impairment due to a mental health or substance use disorder.
- 7       2. A veterinarian or veterinary technician who under this section voluntarily seeks the assistance  
8 of a treatment or monitoring program in assessing or treating a potential or existing impairment  
9 will not be reported to the board solely on the basis of self-reporting or self-referral.
- 10       3. The identity of the veterinarian or veterinarian technician and findings of the evaluation shall  
11 only be reported to the board in the following instances:
- 12       a. A veterinarian or veterinary technician refuses to undergo an evaluation by the program;  
13       b. The evaluation reveals evidence of an impairment that could affect the ability of the  
14 veterinarian or veterinary technician to practice or constitutes a threat to the safety of patients or  
15 the public; or
- 16       c. The veterinarian or veterinarian technician refuses to cooperate with the treatment plan,  
17 monitoring and follow-up, or aftercare directed by the program, including any recommendation  
18 about current continuation in practice.
- 19       4. Participation in the program does not protect a veterinarian or veterinarian technician from  
20 disciplinary action resulting from a complaint.
- 21       5. A veterinarian or veterinary technician who self-reports or self-refers to the board for a  
22 potential or existing impairment may be referred by the board to a treatment or monitoring  
23 program in a manner prescribed by the board by rule, and subsequent reporting by the program  
24 to the board shall be at the discretion and in the manner prescribed by the board.
- 25       6. A veterinarian or veterinary technician who has completed a treatment program and is in full  
26 compliance with all facets of the treatment or monitoring plan and aftercare, may answer in the  
27 negative on any question on the application to the board for licensure or licensure renewal  
28 regarding current impairment by the condition for which the veterinarian or veterinary technician  
29 completed treatment. However, any recurrence of the impairment or the existence of  
30 other potential impairments that are not currently known to the program must be



31 reported on the application.

32 7. Notwithstanding section 44-04-18, except as otherwise provided in this chapter, all records  
33 related to participation in a treatment or monitoring program established under this section which  
34 contain identifying information about a veterinarian or veterinarian technician are confidential and  
35 may only be disclosed in the following instances:

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

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

40 c. Disclosure is necessary regarding noncompliance with the program by a veterinarian or  
41 veterinary technician;

42 d. A staff member that is handling records for administrative purposes as provided under this  
43 section; or

44 e. A person is engaged by the treatment or monitoring program to perform evaluations,  
45 monitoring, or follow-up.

46 8. A person in attendance at any meeting of a treatment or monitoring program may not be  
47 required to testify as to the content of any findings, committee discussion, or proceedings, unless  
48 requested by the board for a disciplinary proceeding or regarding participant noncompliance with  
49 the program.

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

52 **Immunity from liability.**

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

56 1. A member of the board;

57 2. A member of a peer review committee;

58 3. A witness testifying in a proceeding or hearing authorized under this chapter or  
59 administrative proceeding held under chapter 28-32;

60 4. A treating professional;

61 5. An individual who files a complaint pursuant to this Act; and

62 6. An individual reporting an impaired veterinarian or impaired veterinary technician as



14 defined by 43-29-01.1.

15 **SECTION 19 SECTION 20. AMENDMENT.** Subsection 2 of section 43-29-16 of the North  
16 Dakota Century Code is amended and reenacted as follows:

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

24 **SECTION 20 SECTION 21. AMENDMENT.** Section 43-29-16.1 of the North Dakota Century  
25 Code is amended and reenacted as follows:

26 **43-29-16.1. Abandonment of animals by ~~owner~~client - Disposal of remains.**

27 1. Any animal placed in the custody of a ~~licensed doctor of veterinary~~  
28 ~~medicine~~veterinarian for treatment, boarding, or other care, which is abandoned by its  
29 ~~owner or its owner's agent~~the client for a period of more than ten days after a written  
30 notice, by registered or certified letter, return receipt requested, is ~~given~~mailed to the  
31 ~~owner or its owner's agent~~client at the last-known address, may be turned over to the

**SECTION 24 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 ~~may practice~~ must establish a veterinarian-client-patient relationship 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 before the provision of veterinary telemedicine if: services.

~~a. The veterinarian has established a veterinarian-client-patient relationship before the provision of veterinary telemedicine services;~~

~~b. The veterinarian employs sound professional judgement to determine whether the use of veterinary telemedicine is medically appropriate;~~

~~c. The veterinarian obtains appropriate consent from the client;~~

~~d. The veterinarian conducts all necessary patient evaluations consistent with currently acceptable standards of care;~~

~~e. The veterinarian maintains patient records according to rules promulgated by the board; and~~

~~f. The veterinarian ensures the client is aware of the veterinarian's identity, location, license number, and licensure status.~~

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 into effect the provisions of this section.

**SECTION 25 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:

33 Location of the practice of veterinary medicine.

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

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

40 Indirect practice without a license for foreign practitioners.

41 A foreign practitioner may provide veterinary services in this state which fall within the scope of  
42 practice designated by the foreign practitioner's license and by this title without obtaining a  
43 license from the board if the services are provided through telehealth and are a continuation of a  
44 previously established veterinarian-client-patient relationship which was established in the  
45 jurisdiction in which the foreign practitioner is currently licensed.

46 ~~SECTION 26~~ **SECTION 29. REPEAL.** Sections 43-29-09, 43-29-10, 43-29-11, and 43-29-12.1 of  
47 the North Dakota Century Code are repealed.

# 2025 SENATE STANDING COMMITTEE MINUTES

## Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2129  
1/31/2025

Relating to the practice of veterinary medicine and veterinary technology; and to provide a penalty.

10:52 a.m. Chairman Wobbema opened the hearing.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

### **Discussion Topics:**

- Unprofessional conduct
- Accreditation rules
- Disciplinary actions of licensee

10:52 a.m. Chairman Wobbema opened the discussion on subcommittees recommendations.

10:52 a.m. Senator Boschee provided a briefing on subcommittee's developments.

10:58 a.m. Chairman Wobbema adjourned the meeting.

*Andrew Ficek, Committee Clerk*

# 2025 SENATE STANDING COMMITTEE MINUTES

## Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2129  
2/14/2025

Relating to the practice of veterinary medicine and veterinary technology; and to provide a penalty.

9:45 a.m. Chairman Wobbema opened the hearing.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers

### Discussion Topics:

- Out of state licenses
- Exemption list
- Boards disciplinary action
- Delivery of services

10:08 a.m. Dr. Sara Lyons, Executive North Dakota Board of Veterinary Medical Examiners, answered committee questions and submitted testimony in favor #37601.

10:11 a.m. Dr. Troy Dutton, ND Medical Association, Answered Committee Questions

10:15 a.m. Senator Boschee moved Amendment LC#25.8033.01001 with additional amendment to remove "Immoral" on page 19 line 20.

10:16 a.m. Senator Axtman seconded the motion.

10:16 a.m. Senator Boschee withdrew the motion.

10:21 a.m. Shane Goettle, ND Veterinary Medical Association, answered committee questions.

10:30 a.m. Kay LaCoe answered committee questions and submitted testimony in opposition #37693.

10:42 a.m. Pete Hanebutt, Director of Public Policy, ND Farm Bureau, answered committee questions.

10:46 a.m. Chairman Wobbema recessed the meeting.

10:54 a.m. Chairman Wobbema reconvened the meeting.

10:54 a.m. Senator Boschee moved Amendment LC#25.8033.01001.

10:54 a.m. Senator Powers seconded the motion.



Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	AB
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

Motion passed 4-0-1.

10:55 a.m. Senator Boschee moved a Do Pass as Amended.

10:55 a.m. Senator Powers seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	AB
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

Motion passed 4-0-1.

Senator Boschee will carry the bill.

**Additional written testimony:**

Senator Boschee submitted written testimony in favor #37725.

Thomas Van Ness, Co-Founder of Balanced Stride Equine Services, submitted written testimony in opposition #37694.

Sarah Perbix, submitted written testimony in opposition #37690.

Connie Samuelson submitted written testimony in opposition #37398.

Kris Anderson, Chiropractor, North Dakota Chiropractic Association, submitted written testimony in favor #37686.

10:56 a.m. Chairman Wobbema closed the hearing.

*Andrew Ficek, Committee Clerk*

February 14, 2025

Re 2/14/25

1 of 30

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2129

Introduced by

Workforce Development Committee

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

1 A BILL for an Act to create and enact ~~six~~nine new sections to chapter 43-29 of the North Dakota  
2 Century Code, relating to the practice of veterinary medicine and veterinary technology; to  
3 amend and reenact section 43-29-01.1, subsection 1 of section 43-29-02, sections 43-29-03,  
4 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,  
5 43-29-08.1, 43-29-13, 43-29-14, and 43-29-15, subsection 2 of section 43-29-16, sections  
6 43-29-16.1 and 43-29-17, and subsection 2 of section 43-29-19 of the North Dakota Century  
7 Code, relating to the practice of veterinary medicine and veterinary technology; to repeal  
8 sections 43-29-09, 43-29-10, 43-29-11, and 43-29-12.1 of the North Dakota Century Code,  
9 relating to the practice of veterinary medicine and veterinary technology; and to provide a  
10 penalty.

### 11 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

#### 14 **43-29-01.1. Definitions.**

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

- 16 1. "Accepted livestock management practice" means a procedure that is commonly  
17 performed as part of the routine management of livestock which includes vaccination,  
18 implantation of growth hormones, branding, castration, dehorning, docking,  
19 earmarking, semen collection, nonsurgical artificial insemination, and assisting in a  
20 nonsurgical birthing process.

- 1     2. "Animal" means any member of the animal kingdom other than a human being  
2     whether living or dead.
- 3     ~~2.3.~~ "Accredited~~Approved~~ college of veterinary medicine" means any veterinary college or
- 4     division of a university or college which offers the degree of doctor of veterinary
- 5     medicine or its equivalent and which conforms to the standards required for
- 6     accreditation by the council on education of the American veterinary medical
- 7     association~~has been approved by the board by rule~~an accrediting entity approved by
- 8     the board, if the entity is nationally recognized and develops and maintains
- 9     accreditation standards for veterinary education.
- 10    ~~2.3.4.~~ "Accredited~~Approved~~ program in veterinary technology" means any postsecondary
- 11    educational program ~~of two or more academic years that is accredited by the~~
- 12    ~~committee on veterinary technician education and activities of the American veterinary~~
- 13    ~~medical association~~which offers a degree in veterinary technology or its equivalent
- 14    and has been approved by the board by rule.
- 15    3. "Animal" means any animal other than a human being. The term includes any
- 16    mammal, bird, fish, reptile, or fowl, whether wild or domestic, living or dead.
- 17    ~~4.5.~~ "Board" means the board of veterinary medical examiners.
- 18    ~~5.6.~~ "Certificate" means a certificate issued by the educational commission for foreign
- 19    veterinary graduates or the educational equivalence program of the American
- 20    association of veterinary state boards, indicating the holder has demonstrated
- 21    knowledge and skill equivalent to that possessed by a graduate of an accredited
- 22    college of veterinary medicine.
- 23    6. "Licensed veterinarian" means a person who is licensed by the board to practice
- 24    veterinary medicine.
- 25    7. "Licensed veterinary technician" means a person who has graduated from an
- 26    accredited program in veterinary technology or an equivalent program as determined
- 27    by the board, and who has passed an examination prescribed by the board.
- 28    8. "Client" means the patient's owner, owner's agent, or other individual presenting the
- 29    patient for care.



- 1 ~~6-7.~~ "Complementary, integrative, and alternative therapies" means a heterogeneous group  
2 of preventative, diagnostic, and therapeutic philosophies and practices not considered  
3 part of conventional veterinary medicine practiced by most veterinarians.
- 4 ~~7-8.~~ "Consent" means the veterinarian has informed the client of the diagnostic and  
5 treatment options, risk assessment, and prognosis, and the client has authorized the  
6 recommended services.
- 7 ~~8-9.~~ "Consultation" means that a veterinarian receives advice or assistance in person, or  
8 by any method of communication, from a veterinarian or other individual whose  
9 expertise, in the opinion of the veterinarian, would benefit a patient.
- 10 ~~9-10.~~ "Direct supervision" means the supervising veterinarian is readily available on the  
11 premises where the patient is being treated and has assumed responsibility for the  
12 veterinary care given to the patient by an individual working under the direction of the  
13 veterinarian.
- 14 11. "Foreign practitioner" has the same meaning as defined under section 43-51-01.
- 15 ~~10-12.~~ "Immediate supervision" means the supervising veterinarian is in the immediate area  
16 and within audible and visual range of the patient and the individual treating the patient  
17 and has assumed responsibility for the veterinary care given to the patient by an  
18 individual working under the direction of the veterinarian.
- 19 ~~11-13.~~ "Impaired veterinarian" means a veterinarian who is unable to practice veterinary  
20 medicine with reasonable skill and safety because of a physical or mental disability or  
21 the use of alcohol, drugs, or other habit-forming chemicals.
- 22 ~~12-14.~~ "Impaired veterinary technician" means a veterinary technician who is unable to  
23 practice veterinary technology with reasonable skill and safety because of a physical  
24 or mental disability or the use of alcohol, drugs, or other habit-forming chemicals.
- 25 ~~13-15.~~ "Indirect supervision" means the supervising veterinarian is not on the premises where  
26 the patient is being treated but has given written or oral instructions for the treatment  
27 of the patient, is readily available for communication, and has assumed responsibility  
28 for the veterinary care given to the patient by an individual working under the direction  
29 of the veterinarian.
- 30 ~~14-16.~~ "Jurisdiction" means any commonwealth, state, or territory of the United States of  
31 America, including the District of Columbia, or any province of Canada.

1 ~~15.17.~~ "Patient" means an animal or group of animals examined or treated by a veterinarian.

2 ~~16.18.~~ "Practice of veterinary medicine" means ~~to the~~:

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

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

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

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

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

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

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

29 ~~17.19.~~ a. "Practice of veterinary technology" means the:

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



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

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

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

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

9                   (2) Diagnose;

10                  (3) Prognose; or

11                  (4) Prescribe.

12    ~~18-20.~~ "State board examination" means the jurisprudence examination administered by the  
13           board.

14    ~~19-21.~~ "Supervising veterinarian" means a veterinarian who has a valid veterinarian-client-  
15           patient relationship and assumes responsibility for the veterinary care provided to the  
16           patient by an individual working under the direction of the veterinarian.

17    ~~20-22.~~ "Teleadvice" means the provision of any health information, opinion, or guidance that  
18           is not specific to a particular animal's health, illness, or injury and is not intended to  
19           diagnose, prognose, or treat an animal.

20    ~~21-23.~~ "Telehealth" means the use of technology to gather and deliver health information,  
21           advice, education, or patient care remotely.

22    ~~22-24.~~ "Triage" means electronic communication with the client to determine urgency and  
23           need for immediate referral to a veterinarian.

24    ~~23-25.~~ "Veterinarian" means an individual who is licensed to practice veterinary medicine  
25           under this chapter.

26    ~~9-24-26.~~ "Veterinarian-client-patient relationship" means:

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

- 1           b. ~~There is sufficient knowledge of the animal by the veterinarian to initiate at least a~~  
2           ~~general or preliminary diagnosis of the medical condition of the animal.~~
- 3           e. ~~The practicing veterinarian is readily available for followup in the case of adverse~~  
4           ~~reactions or failure of the regimen of therapy. This relationship exists only when~~  
5           ~~the veterinarian has recently seen and is personally acquainted with the keeping~~  
6           ~~and care of the animal by virtue of an examination of the animal and by medically~~  
7           ~~appropriate and timely visits to the premises where the animal is kept.~~
- 8    ~~10.25.27.~~       "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry,  
9           chiropractic, acupuncture, and all other branches or specialties of veterinary medicine.
- 10   ~~26.28.~~       "Veterinary premises" means any premises or facility where the practice of veterinary  
11           medicine is performed but may not include the premises of a client, research facility,  
12           military base, or an approved college of veterinary medicine.
- 13   ~~27.29.~~       "Veterinary technician" means an individual who is licensed to practice veterinary  
14           technology under this chapter.
- 15   ~~28.30.~~       "Veterinary technology" includes all branches or specialties of veterinary technology.
- 16   ~~29.31.~~       "Veterinary telemedicine" means the virtual practice of veterinary medicine over the  
17           telecommunications infrastructure.

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

20       **Requirements of a veterinarian-client-patient relationship.**

- 21       1. A veterinarian-client-patient relationship may not be established unless the  
22       veterinarian has sufficient knowledge of the patient to initiate a general or preliminary  
23       diagnosis of the medical condition of the patient. To establish a veterinarian-client-  
24       patient relationship, the veterinarian must be personally acquainted with the keeping  
25       and care of the patient by virtue of a medically appropriate and timely in-person  
26       examination of the patient by the veterinarian, or by a timely in-person visit to the  
27       premises where the patient is managed or resides.
- 28       2. The veterinarian must be reasonably available for patient followup care after a  
29       veterinarian-client-patient relationship is established.
- 30       3. The veterinarian shall provide oversight of patient treatment.
- 31       4. Patient records must be maintained according to rules promulgated by the board.



- 1       5. A veterinarian-client-patient relationship may not be established solely through  
2       veterinary telemedicine.
- 3       6. A veterinarian seeking consultation must maintain the veterinarian-client-patient  
4       relationship.
- 5       7. A veterinarian may terminate a veterinarian-client-patient relationship by notifying the  
6       client that the veterinarian no longer wishes to serve the patient and client.
- 7       8. The veterinarian shall ~~refer the patient to another veterinarian for diagnosis, care, and~~  
8       ~~treatment~~ provide medical records to the client, another veterinarian, or a foreign  
9       practitioner designated by the client if the veterinarian-client-patient relationship has  
10      been terminated and an ongoing medical or surgical condition exists. The veterinarian  
11      must allow the client a reasonable amount of time to arrange care with another  
12      veterinarian unless the circumstance, patient, or client threatens the safety of the  
13      veterinarian or the staff.
- 14      9. A veterinarian who in good faith engages in the practice of veterinary medicine by  
15      rendering or attempting to render emergency care may not be subject to penalty  
16      based solely on the inability to establish a veterinarian-client-patient relationship.
- 17      10. The veterinarian-client-patient relationship may extend to all veterinarians within the  
18      same practice with access to the patient records.

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

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

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

1       **43-29-03. Officers of board - Seal - Meetings - Limitations on meetings -**  
2 **~~Examinations~~Duties of board - Rules - ~~Code of ethics~~ - ~~Inspection of facilities~~ -**  
3 **~~Educational requirements~~ - ~~Reciprocity~~Fees.**

- 4       1. The board shall elect a president and a secretary. The board shall have a seal, and  
5       the president and the secretary may administer oaths vice president. The board shall  
6       hold meetings semiannually in the spring and fall of each year for the  
7       examination approval of candidates at a time and place specified by the  
8       board applicants for licensure. The board may hold any other meeting it determines  
9       necessary at the time and place it designates. No session of the board may exceed  
10      two days. A quorum of the board consists of two members and such quorum is  
11      sufficient must be present to conduct the business and proceedings of the board;  
12      except that any changes in the rules must be taken at a meeting at which all the  
13      members are present.
- 14      2. The board may adopt and enforce reasonable rules, and orders that it determines to  
15      be necessary to the performance of its duties and the regulation of the practice of  
16      veterinary medicine; establish standards for professional conduct, inspection of  
17      facilities, and educational requirements for renewal and granting of licenses; prescribe  
18      forms for application for examination; prepare and supervise examination of applicants  
19      for license to practice veterinary medicine; obtain the services of professional  
20      examination agencies in lieu of its own preparation of such examinations; and issue  
21      and revoke licenses as provided in this chapter. All rules must be submitted to the  
22      attorney general in accordance with chapter 28-32., veterinary technology, and  
23      veterinary telemedicine, including to:
- 24      a. Establish standards for professional conduct and inspection of veterinary  
25      premises;
- 26      b. Establish requirements for granting of licenses and temporary licenses;
- 27      c. Establish requirements for renewal of licenses and continuing education;
- 28      d. Prepare application forms for licensure and renewal;
- 29      e. Administer the state board examination for qualified applicants;
- 30      f. Obtain the services of professional examination agencies to administer national  
31      examinations; and



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

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

4        ~~3.4. The board may, in its discretion, enter reciprocal agreements with the examining~~  
5        ~~boards of other states and nations, governing the granting of licenses to practice~~  
6        ~~veterinary medicine and surgery in this state without the applicant taking a written~~  
7        ~~examination. Under no circumstances, however, may any reciprocal agreement be~~  
8        ~~entered with the board of another state or nation unless the requirements for the~~  
9        ~~granting of licenses in the other state or nation are on an equal or higher standard to~~  
10       ~~the requirements of this state. The board may prescribe by rule any other terms or~~  
11       ~~conditions to be contained in the agreements. The board shall determine the fee for~~  
12       ~~license by reciprocity agreement shall set the following by rule:~~

- 13       a. Application fee;  
14       b. License fee;  
15       c. Temporary license fee;  
16       d. Renewal fee;  
17       e. Late renewal fee; and  
18       f. Continuing education fee.

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

21       **43-29-04. Record of proceedings of board - Register of applicants kept by board -**  
22       **Records and register as evidence.**

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

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

1       **43-29-05. Compensation and expenses of members of board.**

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

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

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

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

14       **43-29-05.1. Executive ~~secretary~~director.**

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

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

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

23       ~~43-29-06. Graduation from recognized school and certificate or permit from~~  
24       ~~board~~License required.

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

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



**43-29-07. Application for license—Change of address—Display of certificate of  
registrationRequirements 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

1       5. Meets any additional requirements for licensure established by the board by rule.

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

4       **43-29-07.1. ~~Veterinary technicians – Examinations~~Requirements for veterinary**  
5 **technician licensure.**

6       1. ~~An~~

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

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

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

17       1. Is a graduate of an approved program of veterinary technology or completed an  
18 equivalency program of veterinary technology as established by the board by rule;

19       2. Passes the veterinary technician national examination;

20       3. Passes the state board examination;

21       4. Has no grounds for license refusal under section 43-29-14; and

22       5. Meets any additional requirements for licensure established by the board by rule.

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

25       **43-29-07.2. ~~Examination – License without examination – Temporary permit~~license.**

26       1. ~~The board shall hold at least two examinations a year. The board shall adopt rules~~  
27 ~~governing preparation, administration, and grading of examinations. Examinations~~  
28 ~~must be designed to test the examinee's knowledge of and proficiency in the subjects~~  
29 ~~and techniques commonly taught in veterinary schools. To pass the examination, the~~  
30 ~~examinee must demonstrate scientific and practical knowledge sufficient to prove~~  
31 ~~competency to practice veterinary medicine in the judgment of the board. An examinee~~



- 1        ~~must be tested by written examination, supplemented by any oral interview and~~  
2        ~~practical demonstration the board determines necessary. The board may adopt and~~  
3        ~~use the examination prepared by the national board of veterinary medical examiners.~~  
4        ~~After each examination, the board shall notify each examinee of the result of the~~  
5        ~~examination, and the board shall issue a license to each person who passed the~~  
6        ~~examination. The board shall record each new license and issue a certificate of~~  
7        ~~registration to each new licensee. Any person failing an examination may be admitted~~  
8        ~~to any subsequent examination on approval by the board and payment of the~~  
9        ~~application fee.~~
- 10       2. ~~The board may issue a license without a written examination to a qualified applicant~~  
11       ~~who furnishes satisfactory proof of graduation from an accredited or approved college~~  
12       ~~of veterinary medicine, or holds a certificate, and who:~~
- 13       a. ~~Has for the five years immediately before filing of the application been a~~  
14       ~~practicing veterinarian licensed in a state having license requirements at the time~~  
15       ~~the applicant was first licensed which were substantially equivalent to the~~  
16       ~~requirements of this chapter;~~
- 17       b. ~~Has within the three years immediately before filing the application successfully~~  
18       ~~completed the examinations provided by the national board of veterinary medical~~  
19       ~~examiners; or~~
- 20       c. ~~Currently holds a license to practice in at least one state, has active diplomat~~  
21       ~~status in a specialty organization recognized by the American veterinary medical~~  
22       ~~association, and whose practice is limited to the certified specialty in the state in~~  
23       ~~which the specialist is licensed without examination.~~
- 24       3. ~~The board may issue without examination a temporary permit~~license ~~to practice~~  
25       ~~veterinary medicine in this state to:~~
- 26       a. ~~A qualified applicant for license pending examination, if the temporary permit~~  
27       ~~expires the day after the notice of results of the first examination given after the~~  
28       ~~permit is issued. A temporary permit may not be issued to an applicant who~~  
29       ~~previously has failed the examination in this or any other state or a foreign~~  
30       ~~country.~~

- 1           b. ~~A nonresident veterinarian validly licensed in another state or a foreign country~~  
2           ~~who pays the fee established and published by the board if the temporary permit~~  
3           ~~is issued for a period of no more than sixty days and no more than one permit is~~  
4           ~~issued to a person during each calendar year.~~
- 5           c. ~~A senior veterinary student who practices in the office of and under the direct~~  
6           ~~supervision of a licensed veterinarian. A temporary student permit may not~~  
7           ~~exceed six months from its date of issuance and is granted without payment of a~~  
8           ~~fee.~~
- 9           d. ~~A graduate of a nonaccredited college of veterinary medicine, who has~~  
10          ~~satisfactorily completed the fourth year of clinical study at an accredited or~~  
11          ~~approved college of veterinary medicine, has successfully passed the~~  
12          ~~examination provided by the national board of veterinary medical examiners, and~~  
13          ~~is enrolled in the educational commission for foreign veterinary graduates~~  
14          ~~program. The holder of a temporary permit issued under this subdivision must~~  
15          ~~practice under the supervision of a licensed veterinarian. A temporary permit~~  
16          ~~issued under this subdivision is valid until the holder obtains a certificate or for~~  
17          ~~two years~~ a qualified applicant who has met the requirements established by the  
18          board.

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

21          **43-29-07.3. License~~Veterinarian~~ - License renewal - Continuing education**  
22          **requirements.**

- 23          1. ~~All licenses expire~~A veterinarian license expires annually as of July first but may be  
24          renewed by registration with the board and payment of the registration renewal fee  
25          established by the board. ~~On June first of each year, the board shall mail a notice to~~  
26          each licensed veterinarian that the licensee's license will expire as of July first and  
27          provide the licensee with a form for registration. ~~The board shall issue a new certificate~~  
28          of registration to a person reregistering under this section. ~~Any person who willfully or~~  
29          by neglect fails to renew a license and who practices veterinary medicine after the  
30          expiration of the license is practicing in violation of this chapter on June thirtieth.



- 1       2. A veterinarian license may be renewed by submission of the following to the board, no  
2       later than June thirtieth:
- 3       a. A complete renewal application;  
4       b. Payment of the renewal fee established by the board; and  
5       c. Proof of completion of board required continuing education.
- 6       3. An individual who neglects or willfully fails to renew a license and practices veterinary  
7       medicine after the expiration of the license, is practicing veterinary medicine in  
8       violation of this chapter.
- 9       2.4. ~~Any qualified person~~An individual may renew an expired license within ~~two~~five years of  
10       the date of its expiration by ~~making written~~completing an application for renewal and,  
11       paying the current renewal fee plus all delinquent renewal fees, and completing all  
12       required continuing education. After ~~two~~five years have elapsed since the date of  
13       expiration, a license may not be renewed, but the holder may ~~make application~~apply  
14       for a new license and ~~take the license examination~~. The board may by rule waive the  
15       payment of the registration renewal fee of a licensed veterinarian during the period  
16       ~~when the veterinarian is on active duty with any branch of the armed services of the~~  
17       ~~United States, not to exceed the longer of three years or the duration of active duty.~~
- 18       3.5. ~~The board may adopt rules establishing requirements for the continuing education of~~  
19       ~~veterinarians and veterinary technicians. The board may refuse to renew or may~~  
20       ~~suspend, revoke, or place on probationary status any license issued under this~~  
21       ~~chapter upon proof the licensee~~veterinarian ~~has failed to meet the applicable~~  
22       ~~continuing education requirements. Applicants for accreditation of continuing~~  
23       ~~education courses, classes, or activities may be charged a reasonable fee determined~~  
24       ~~by the board.~~

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

27       **43-29-08.1. Veterinary technician - Renewal of license - Continuing education**  
28       **requirements.**

- 29       1. ~~A license issued to a veterinary technician under this chapter expires~~license expires  
30       annually on December thirty-first.

- 1       2. ~~A veterinary technician shall submit renewal fees and current mailing address~~  
2       ~~before~~license may be renewed by submission of the following to the board, no later  
3       than December thirty-first ~~on an application form provided and mailed to the~~  
4       ~~licenseholder by the board;~~
  - 5       a. A complete renewal application;
  - 6       b. Payment of a renewal fee established by the board; and
  - 7       c. Proof of completion of board required continuing education.
- 8       3. ~~A veterinary technician shall submit evidence of completion of required continuing~~  
9       ~~education credits in the veterinary field during the calendar year in order to apply for a~~  
10       ~~license renewal~~An individual who neglects or willfully fails to renew a license and  
11       practices veterinary technology after the expiration of the license, is practicing  
12       veterinary technology in violation of this chapter.
- 13       4. ~~Failure to submit the appropriate~~An individual may renew an expired license renewal  
14       ~~fee every year results in forfeiture of all rights and privileges under this chapter and the~~  
15       ~~veterinary technician may not perform veterinary technician services unless the~~  
16       ~~veterinary technician pays a delinquency fee in addition to the license~~within five years  
17       of the date of its expiration by completing an application for renewal, paying the  
18       current renewal fee plus all delinquent renewal fees, and completing all required  
19       continuing education. After five years have elapsed since the date of expiration, a  
20       license may not be renewed, but the holder may apply for a new license.
- 21       5. The board may refuse to renew or may suspend, revoke, or place on probationary  
22       status any license issued under this chapter upon proof the veterinary technician has  
23       failed to meet the applicable continuing education requirements.

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

26       **43-29-13. ~~Practices excepted from chapter~~Exceptions to the unlicensed practice of**  
27       **veterinary medicine.**

- 28       1. The following ~~persons~~individuals may not be considered to be engaging in the practice  
29       of veterinary medicine in this state:
  - 30       1. a. ~~Those who administer to livestock~~treat animals, the title to which rests in  
31       owned by themselves, or ~~in~~ their regular employer, except when the ownership of the



- 1 animal was transferred or otherwise manipulated to avoid the requirements of  
2 this chapter, ~~or those who perform gratuitous services.~~
- 3 2. ~~b.~~ b. ~~Anyone~~An individual who conducts experiments in scientific research in the  
4 development of methods, techniques, or treatment, directly or indirectly  
5 applicable to the problems of medicine, and who in connection with these  
6 activities uses animals.
- 7 3. ~~c.~~ c. ~~Anyone who is a regular~~A student enrolled in an ~~accredited or approved~~ college  
8 of veterinary medicine performing duties or actions assigned by an instructor or  
9 working under the direct supervision of a ~~licensed veterinarian during a school~~  
10 ~~vacation period.~~
- 11 4. ~~d.~~ d. ~~Anyone licensed in another state or nation when~~An individual engaged in this  
12 state in consultation with veterinarians legally practicing herein.
- 13 5. ~~e.~~ e. ~~A senior student who is in an approved school of veterinary medicine and who~~  
14 ~~obtains from the board a student permit to practice in the office and under the~~  
15 ~~direct supervision of any veterinarian practicing within this state.~~
- 16 6. ~~Any~~An employee of the United States or this state while in the performance of duties  
17 as ~~employees~~an employee.
- 18 7. ~~f.~~ f. ~~Any~~A merchant or manufacturer selling nonprescription medicine, feed, an  
19 appliance, or any other product ~~used~~for use as labeled in the prevention or  
20 treatment of animal diseases.
- 21 8. ~~g.~~ g. ~~Any veterinary technician or other~~An employee of a licensed veterinarian  
22 performing duties under the direction ~~and~~or supervision of the veterinarian  
23 responsible for the technician's ~~or other~~ employee's performance, except the  
24 following duties:
- 25 (1) Performing surgery;  
26 (2) Diagnosing;  
27 (3) Prognosing; or  
28 (4) Prescribing.
- 29 9. ~~h.~~ h. ~~Any member of the faculty of an accredited college of veterinary medicine~~  
30 ~~performing regular functions or a person~~An individual lecturing or giving  
31 instructions or demonstrations within the individual's area of professional

1 ~~expertise~~at an accredited college of veterinary medicine or in connection with ~~an~~  
2 ~~approved~~ continuing education course or seminar.

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

5 11. j. ~~Any~~An individual who is not a graduate of a ~~foreign~~an approved college of  
6 veterinary medicine who, and is in the process of obtaining a certificate and is  
7 enrolled in an equivalency program of veterinary medicine as approved by the  
8 board, performing duties or actions assigned by the graduate's instructorsan  
9 instructor in an ~~accredited~~approved college of veterinary medicine.

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

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

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

21 n. An individual who engages in any of these acts if the individual is not diagnosing,  
22 prescribing, or treating a condition that has not been previously diagnosed by a  
23 veterinarian who has referred the animal for treatment:

24 (1) Grooming;

25 (2) Training or conditioning;

26 (3) Horseshoeing or farrier work;

27 (4) Massage therapy or acupressure;

28 (5) Microchip implantation; or

29 (6) An accepted livestock management practice.

30 2. This section may not be construed to protect individuals from animal cruelty laws in  
31 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 when 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 an approved 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~~An individual is determined to be 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 veterinarian or veterinary technician from practicing veterinary medicine or veterinary technology~~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.



- 1 j. Conviction of an offense determined by the board to have a direct bearing upon a  
2 ~~person's~~the ability of an individual to serve the public as a veterinarian or  
3 veterinary technician, or when the board determines, following conviction of any  
4 offense, that a ~~person~~an individual is not sufficiently rehabilitated under section  
5 12.1-33-02.1.
- 6 k. Willful or repeated violations of this chapter or any rule adopted by the board.
- 7 l. Failure to report, as required by law, or making false report of, any contagious or  
8 infectious disease.
- 9 m. Cruelty to animals as defined under chapter 36-21.2.
- 10 n. Revocation of a license to practice veterinary medicine or veterinary technology  
11 by another state jurisdiction on grounds other than nonpayment of a  
12 registration renewal fee.
- 13 o. The use, prescription, or dispensing of any veterinary prescription drug, or the  
14 prescription or extra-label use of any over-the-counter drug, in the absence of a  
15 valid veterinarian-client-patient relationship, except as provided by section  
16 43-29-19.
- 17 2. ~~Any person~~An individual whose license has been revoked may apply to the board for  
18 reinstatement and relicensure one year after the date of revocation. The board may  
19 reissue a license if the board is satisfied the applicant is qualified to practice veterinary  
20 medicine or veterinary technology, meets the existing requirements for licensure, and  
21 will comply with the rules regarding the practice of veterinary medicine or veterinary  
22 technology.

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

25 **43-29-15. Complaints - Investigations.**

- 26 1. ~~Any person~~An individual may file a written complaint with the board setting forth the  
27 specific charges upon which the complaint is made. Upon receiving a complaint, the  
28 board shall notify the veterinarian or veterinary technician of the complaint and request  
29 a written response from the veterinarian or veterinary technician. The board may adopt  
30 rules establishing a peer review committee for the purpose of investigating complaints  
31 and providing recommendations to the board. A veterinarian or veterinary technician

1           who is the subject of an investigation by the board shall cooperate fully with the  
2           investigation. Cooperation includes responding fully and promptly to any reasonable  
3           question raised by or on behalf of the board relating to the subject of the investigation  
4           and providing copies of records when reasonably requested by the board. Failure to  
5           cooperate in the investigative process may be grounds for disciplinary action against  
6           the veterinarian or veterinary technician.

7           2. ~~To pursue the investigation, the board may subpoena and examine witnesses and~~  
8           ~~records, including medical records, copy, photograph, or take samples. The board may~~  
9           ~~require the veterinarian to give statements under oath, to submit to a physical or~~  
10          ~~psychological examination, or both, by a physician or other qualified evaluation~~  
11          ~~professional selected by the board if it appears to be in the best interest of the public~~  
12          ~~that this evaluation be secured. After review of the complaint, the veterinarian's~~  
13          ~~response, and information obtained in the investigation, the board shall determine if~~  
14          ~~there is a reasonable basis to believe the allegations are true and that the allegations~~  
15          ~~constitute a violation of this chapter or the rules of the board. If the board determines~~  
16          ~~there is a reasonable basis to believe the allegations are true and the allegations~~  
17          ~~constitute a violation of this chapter or the rules of the board, the board shall take~~  
18          ~~appropriate action. If a reasonable basis is not found by the board, the board shall~~  
19          ~~notify the complaining party and the veterinarian in writing:~~

- 20          a. Subpoena and examine witnesses, records, medical records, copy, photograph,  
21          or take samples;  
22          b. Require the veterinarian or veterinary technician to give statements under oath;  
23          c. Require the veterinarian or veterinary technician to submit to a physical  
24          examination, chemical dependency evaluation, or psychological examination by a  
25          physician or other qualified evaluation professional selected by the board if there  
26          is reasonable cause to believe the veterinarian or veterinary technician is  
27          impaired as defined by 43-29-01.1;  
28          d. Require the veterinarian or veterinary technician to enroll in a treatment or  
29          monitoring program approved by the board if the board determines in good faith  
30          enrollment would be beneficial to the veterinarian or veterinary technician or to  
31          protect the public.



- 1           (1) Failure to satisfactorily undergo an examination or enroll in a treatment and  
2           monitoring program must be reported to the board by the treating  
3           professional.
- 4           (2) The veterinarian or veterinary technician shall consent to the approved  
5           evaluation, examination, or the progress of the treatment or monitoring  
6           program, at such intervals the board deems necessary.
- 7           (3) The treating professional may release examination information, or treatment  
8           and monitoring program information, to the board so the board may  
9           evaluate the results of the examination or the progress and effectiveness of  
10          the treatment or monitoring program.
- 11          (4) Absent a release on file from the veterinarian or veterinary technician, all  
12          records released to the board are confidential and are not public records.
- 13          (5) The veterinarian or veterinary technician must be responsible for all  
14          expenses related to evaluation and treatment.
- 15      3. After review of the complaint, the response from the veterinarian or veterinary  
16      technician, and information obtained in the investigation, the board shall determine if  
17      there is a reasonable basis to believe the allegations are true and if the allegations  
18      constitute a violation of this chapter or the rules of the board. If the board determines  
19      there is a reasonable basis to believe the allegations are true and the allegations  
20      constitute a violation of this chapter or the rules of the board, the board shall take  
21      appropriate action. If a reasonable basis is not found by the board, the board shall  
22      notify the complaining party and the veterinarian or veterinary technician in writing.
- 23      4. Unless the board proceeds with a disciplinary action, the complaint, the response, and  
24      any records received by the board during an investigation of a complaint under this  
25      section are exempt records, as defined in section 44-04-17.1.
- 26      5. A veterinarian or veterinary technician shall report in good faith any impaired  
27      veterinarian or impaired veterinary technician as defined by 43-29-01.1.
- 28      6. The board may adopt rules as necessary to carry out this section.

29      **SECTION 18.** A new section to chapter 43-29 of the North Dakota Century Code is created  
30      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 must be 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;

- 1       5. An individual who files a complaint pursuant to this Act; and
- 2       6. An individual reporting an impaired veterinarian or impaired veterinary technician as
- 3       defined by 43-29-01.1.

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

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

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

15      **43-29-16.1. Abandonment of animals by ownerclient - Disposal of remains.**

- 16      1. Any animal placed in the custody of a ~~licensed doctor of veterinary~~
- 17      ~~medicine~~veterinarian for treatment, boarding, or other care, which is abandoned by its
- 18      ~~owner or its owner's agent~~the client for a period of more than ten days after a written
- 19      notice, by registered or certified letter, return receipt requested, is ~~given~~mailed to the
- 20      ~~owner or its owner's agent~~client at the last-known address, may be turned over to the
- 21      custody of the nearest humane society or dog pound in the area or disposed of as
- 22      such custodian may deem proper.
- 23      2. The ~~giving~~service of notice to the ~~owner, or the agent of the owner~~client, of such
- 24      animal by the ~~doctor of veterinary medicine~~veterinarian, as provided in subsection 1,
- 25      shall relieve the ~~doctor of veterinary medicine~~veterinarian and any custodian to whom
- 26      such animal may be given of any further liability for disposal; ~~it is further provided that~~
- 27      ~~such.~~ Such procedure by the ~~licensed doctor of veterinary medicine~~veterinarian does
- 28      not constitute grounds for disciplinary procedure under this chapter.
- 29      3. For the purpose of this section, the term "abandoned" means to forsake entirely or to
- 30      neglect or refuse to provide or perform the care and support of an animal by ~~its owner~~



1           ~~or its owner's agent~~the client; such abandonment constitutes the relinquishment of all  
2           rights and claim by the owner of such animal.

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

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

9       **43-29-17. Unlawful practice of veterinary medicine - Penalty - Civil remedy.**

10      ~~Any person who~~

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

12      ~~1- a.~~ a. Practices veterinary medicine, ~~surgery, or dentistry~~ in this state without  
13      compliance with the provisions of this chapter;

14      ~~2- b.~~ b. Willfully and falsely claims or pretends to have or hold a ~~certificate of~~  
15      ~~registration~~license or temporary license issued by the state board of veterinary  
16      ~~medical examiners~~; or

17      ~~3- c.~~ c. Willfully and falsely, with intent to deceive the public, claims or pretends to be a  
18      graduate of, or to hold a degree or diploma ~~showing the satisfactory completion~~  
19      ~~of a course in veterinary science in a school, college, or university~~  
20      ~~recognized~~from a program of veterinary medicine approved by the board;

21      ~~is guilty of a class B misdemeanor.~~

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

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

28      **Unlawful practice of veterinary technology - Penalty - Civil remedy.**

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

30      a. Practices veterinary technology in this state without compliance with the  
31      provisions of this chapter;

- 1           b. Willfully and falsely claims or pretends to have or hold a license issued by the  
2           board; or  
3           c. Willfully and falsely, with intent to deceive the public, claims or pretends to be a  
4           graduate of, or to hold a degree or diploma from, a program of veterinary  
5           technology approved by the board.  
6       2. In addition to the criminal penalty provided, the civil remedy of injunction is available to  
7       restrain and enjoin violations of any provisions of this chapter without proof of actual  
8       damages sustained by an individual, upon application and unanimous vote of all  
9       members of the board.

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

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

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

26       **Veterinary telemedicine - Teleadvice and teletriage.**

- 27       1. A veterinarian ~~may practice~~ shall establish a veterinarian-client-patient relationship by  
28       virtue of a medically appropriate and timely in-person examination of a patient by the  
29       veterinarian, or by a timely in-person visit to the premises where the patient is  
30       managed or resides before the provision of veterinary telemedicine if: services.



- 1           a. The veterinarian has established a veterinarian-client-patient relationship before
- 2           the provision of veterinary telemedicine services;
- 3           b. The veterinarian employs sound professional judgement to determine whether
- 4           the use of veterinary telemedicine is medically appropriate;
- 5           c. The veterinarian obtains appropriate consent from the client;
- 6           d. The veterinarian conducts all necessary patient evaluations consistent with
- 7           currently acceptable standards of care;
- 8           e. The veterinarian maintains patient records according to rules promulgated by the
- 9           board; and
- 10          f. The veterinarian ensures the client is aware of the veterinarian's identity, location,
- 11          license number, and licensure status.
- 12          2. The provision of teleadvice or telerriage by a veterinarian does not require the prior
- 13          establishment of a veterinarian-client-patient relationship.
- 14          3. A veterinary technician may perform teleadvice and telerriage without instructions from
- 15          a veterinarian.
- 16          4. The board may adopt rules as necessary to carry out this section.

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

19          **Source of data.**

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

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

26          **Location of the practice of veterinary medicine.**

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



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

3       **Indirect practice without a license for foreign practitioners.**

4       A foreign practitioner may provide veterinary services in this state which fall within the  
5 scope of practice designated by the foreign practitioner's license and by this chapter without  
6 obtaining a license from the board if the services are provided through telehealth and are a  
7 continuation of a previously established veterinarian-client-patient relationship as defined under  
8 this chapter.

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

**REPORT OF STANDING COMMITTEE  
SB 2129**

**Workforce Development Committee (Sen. Wobbema, Chairman)** recommends **AMENDMENTS** ([25.8033.01001](#)) and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2129 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

## Opposition to SB2129

Mr. Chair and members of the Committee,

My name is Connie Samuelson and I am a pet owner.

I am opposing this bill as I believe it an overreach of control and regulations on a already understaffed profession. ND is severely insufficient in the type of workforce specializing in small animal veterinary services and this bill would add to that burden.

My family has had various pets over the years and the time-frame for obtaining veterinary services continues to grow. This bill would eliminate many positions that assist in pet care. Many owners have the knowledge and experience to take it upon themselves to administer various typed of care and this bill would prevent pet-owner alike from that capability.

Minot has had several vet clinics close in recent years due to shortage of Drs and staff. Our own pound recently closed and that extra work has been placed on our human society, which in turn had to hire a vet from an existing clinic because they couldn't find one, causing the clinic to close it's doors.

I respectfully ask for a DO NOT pass on SB2129.

Thank you,

Connie Samuelson, Minot





# North Dakota Board of Veterinary Medical Examiners

P.O. Box 328  
Lisbon, ND 58054  
701-683-4705  
[ndbvme@nd.gov](mailto:ndbvme@nd.gov)

**Testimony of  
Sara Lyons, DVM  
On behalf of the North Dakota Board of Veterinary Medical Examiners  
To provide a proposed amendment to SB2129  
Before the Workforce Development Committee  
February 14, 2025**

Senator Wobbema and members of the committee,

My name is Dr. Sara Lyons, and I am the Executive Secretary for the North Dakota Board of Veterinary Medical Examiners. I am here today to propose an amendment to SB2129 relating to the previous committee discussion around the use of the term 'immoral'.

The board did not have discussion about changing this terminology in any previous meetings. The changes to this section were made to update the language to provide clarity and consistency and to ensure that both veterinary medicine and veterinary technology were addressed.

The board appreciates the committee bringing this concern to their attention. After hearing comments from the committee and reviewing language in other North Dakota occupational statutes, the board would propose amending the language as follows.

**SECTION 16 (Page 21, lines 21-24)**

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

Currently, Administrative Code 87-05-02 specifies areas of unprofessional conduct regarding the practice of veterinary medicine. The board does plan to revise 87-05-02 to address unprofessional conduct within the practice of veterinary technology as well. There are currently no specific guidelines in statute or rules or within SB2129 regarding immoral or dishonorable conduct. The board has referred to the American Veterinary Medical Association Principles of Veterinary Medical Ethics when discussing previous complaints as a widely accepted code of ethics for the practice of veterinary medicine. The National Association of Veterinary Technicians in America also has a published Code of Ethics for the practice of veterinary technology.

This proposed amendment and creation of a code of ethics in Administrative Code or citations to the AVMA Principles of Veterinary Medical Ethics and NAVTA Code of Ethics would provide specific language and guidelines and should satisfy the concerns that have been brought forth.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions you may have.

Lindy West, DVM  
Hettinger, ND  
*President*

Russell Behm, DVM  
Minot, ND

Laurie Huckle, DVM  
Horace, ND

Janell Morman, LVT  
Glen Ullin, ND  
*Secretary*

Naomi Day  
Mandan, ND

Sara Lyons, DVM  
Lisbon, ND  
*Executive Secretary*



2025 Senate Bill 2129  
Senate Workforce Development Committee  
Senator Mike Wobbema, Chairman  
February 14, 2025

Chairman Wobbema and members of the Senate Workforce Development Committee, I am Dr. Kris Anderson, a practicing chiropractor in Grand Forks. I am representing the North Dakota Chiropractic Association (NDCA), and on behalf of the organization, I testify in support of Senate Bill 2129 with a specific amendment that surfaced following the January 30<sup>th</sup> committee workgroup meeting.

The NDCA respectfully submits an additional amendment regarding complementary, alternative, and integrative therapies. During the committee workgroup meeting on January 30<sup>th</sup>, Dr. Sara Lyons, representing the ND Veterinary Medicine Board of Examiners, testified that chiropractic is a defined part of veterinary medicine, which is true. In fact, chiropractic has been part of the definition of veterinary medicine since 1997, and SB 2129 will remove chiropractic from the definition. The concern is that, in nearly 30 years, no rules have been written to describe the practice of animal chiropractic. The lack of rules or other descriptions of chiropractic is a source of confusion for the public and members of our association who are trained to perform animal chiropractic services.

Animal chiropractic certification programs are post-graduate courses requiring participants to be either a licensed DVM or DC. The curricula are 200-300 hours with multiple on-site modules and supplementary online content. Those professionals who become certified animal chiropractors have certainly made a significant investment and cleared a high bar to do so.

Animal chiropractic is not a recognized specialty by the American Veterinary Medical Association (AVMA). The AVMA and the American Association of Veterinary State Boards (AAVSB) do recognize animal chiropractic in their model practice acts as *complementary, alternative and integrative*, which is not part of the normal practice of most veterinarians. In



fact, SB 2129 draws directly from the AVMA language on page 2, beginning at line 19, when defining “Complementary, integrative, and alternative therapies.”

*"Complementary, alternative, and integrative therapies" means a heterogeneous group of preventive, diagnostic, and therapeutic philosophies and practices that are not considered part of conventional (Western) medicine as practiced by most veterinarians and veterinary technicians/technologists. **These therapies include, but are not limited to, veterinary acupuncture, acuthery, and acupressure; veterinary homeopathy; veterinary manual or manipulative therapy (i.e., therapies based on techniques practiced in osteopathy and chiropractic medicine); veterinary nutraceutical therapy; and veterinary phytotherapy. (emphasis added)***

The added emphasis to the second sentence is due to it being omitted from the text in SB 2129. We understand the point of view that specific examples should not be included in the century code and that the second sentence was likely removed in response to advice from the legislative council. Still, the additional examples are clarifying and help people understand what is and what is not part of the practice of veterinary medicine.

Despite the expectation that the legislative council may advise against it a second time, we recommend that SB 2129 be amended to include the full description of *complementary, alternative, and integrative therapies* from the AVMA Model Practice Act.

SB 2129 strikes all direct references to animal chiropractic from the law. Doing so further complicates the provision of animal chiropractic services in ND. Currently, only a DVM is allowed to perform such services under the law. In practice, it is common for DVMs to refer to local DCs for animal chiropractic services. SB 2129 needs to ensure the provision of animal chiropractic services is clearly defined.

We recommend that it be stated that the board shall adopt rules regarding manual or manipulative therapies, such as animal chiropractic. Such therapies should be defined as post-graduate skills that can be performed by those with necessary advanced training, up to and including certification. We recommend animal chiropractic services be performed by professionals whose license already allows them to perform manual or manipulation services in ND, such as DCs, PTs, or DOs if they are supervised or with a referral from a DVM.

Lastly, we recommend that animal chiropractic services may also be performed by those who have completed a recognized certification program. Anyone who is certified must first notify their licensing board and the board of veterinary medicine of their intent to provide animal chiropractic services in ND and submit documentation of their certification.

Our recommendations respect the autonomy of those DVMs who want to continue providing integrated services to their client patients while also allowing those who become certified to practice under the protection of the law. Further, it removes the burden on the State Board of Veterinary Medicine Examiners to wield its authority exclusively for licensed DVMs when, in fact, their duty is to the public.

Respectfully,

NDCA Board of Directors

There will be a great number of equine owners that will be angry if this passes. They use massage therapists that travel to them. Massage therapists also travel to their clients competitions. A vet will not do that!!

There are facilities with aqua treds for equines. Many horses are sent to these facilities on a recommendation from a vet. A massage therapist for a human isnt required to be a doctor. A physical therapist for humans isnt required to be a doctor Why is it felt a vet is to be the only one to provide these services. Or is it intended to destroy competition and not really concerned on what equine need?



## Testimony Opposing Senate Bill 2129

Presented to the Workforce Development Committee

**Date: February 14, 2025**

Chair Sen. Mike Wobbema and Members of the Committee:

My name is Kay LaCoe, I am here today to express my **opposition** to **Senate Bill 2129** due to its unintended consequences on alternative and specialized animal care in North Dakota. While I understand the need for updating veterinary regulations to reflect changes in the profession, I am deeply concerned that this bill overreaches in ways that could **significantly limit access to proven, complementary treatments** such as chiropractic care, acupuncture, osteopathy, farriery, and massage therapy.

I come before you today not only as a concerned advocate for alternative animal care but also as an animal owner and highly skilled and decorated equestrian. My experience in competitive equestrian sports has given me firsthand knowledge of the critical role specialized alternative therapies play in maintaining peak animal performance and welfare. My competitive horses would not be able to compete at the national level or recover from injury, and my non-competing horses would also suffer without access to chiropractic care, osteopathy, farrier and dental work – all specialties requiring years of training and certifications.

### Unintended Consequences of SB2129

This bill expands the definition of veterinary medicine to include "complementary, integrative, and alternative therapies"—without clear exemptions for licensed, trained, or certified practitioners in these fields. The result is that these professionals, many of whom have years of specialized training, would be required to obtain a veterinary license or operate under a veterinarian's supervision.

I acknowledge that amendments have been offered to address some of these concerns, but I have not yet had the opportunity to review them. I must rely on what I have been told by several practitioners—that while these amendments may address some concerns, they still fall far short of resolving the issues I will outline in my testimony. The practical implications of this are:

- **Loss of Access to Specialized Care** – Many practitioners providing chiropractic, acupuncture, osteopathy, and equine bodywork have highly specialized expertise. If they are required to work under a veterinarian's approval, this will limit owner choice and potentially remove services from the state altogether.
- **Increased Burden on Veterinarians** – North Dakota already faces a shortage of veterinarians, especially in large animal and equine care. Requiring veterinary approval or oversight for every alternative therapy provider would increase workload, create bottlenecks, and delay necessary care for animals.
- **No Training Requirements for Veterinarians in Alternative Therapies** – This bill does not require veterinarians to have any specific training in chiropractic care, acupuncture, osteopathy, or bodywork, yet it gives them sole authority over these disciplines. This means a vet with no training in equine chiropractic adjustments could legally perform them, while a licensed, highly trained equine chiropractor would be restricted from doing so. This contradicts best practices in animal welfare.

- **Added Costs to Animal Owners** – If every alternative therapy provider must seek veterinary approval or supervision, the cost of animal care will increase. Many veterinarians will likely charge for these approvals, which will make alternative treatments more expensive and less accessible to livestock owners, horse trainers, pet owners, and breeders.
- **Creates an Uneven Playing Field** – Current practitioners already operate under ethical and professional guidelines, many with national certifications requiring continuing education. This bill disrupts their ability to practice while allowing veterinarians to perform services without specialized training.

### **A More Balanced Solution**

Rather than eliminating or severely restricting these skilled professionals, I urge the committee to amend SB2129 to achieve its intended purpose—clarifying veterinary practice standards—without negatively impacting alternative care.

A more targeted approach would:

- Define clear exemptions for trained, certified, and credentialed alternative care providers, such as chiropractors, acupuncturists, massage therapists, farriers, and osteopaths.
- Require veterinarians offering specialized therapies to meet certification standards in those fields—just as human doctors must be trained in a specialty before practicing it.
- Protect the veterinarian-client-patient relationship without creating an undue monopoly on alternative care services.
- Consider a study resolution to ensure that future changes to veterinary law are evidence-based, practical, and reflective of input from veterinarians, alternative therapy practitioners, and animal owners.

### **Final Thoughts**

North Dakota's veterinary industry may need modernization, but it must be done without limiting access to safe, effective animal care. SB2129, risks creating a regulatory environment that benefits neither veterinarians nor the public. I strongly urge the committee to consider amendments that protect access to alternative therapies while still upholding professional standards in veterinary care.

I respectfully ask for a “**Do Not Pass**” recommendation or comprehensive amendments that include exemptions for properly trained professionals.

Thank you for your time, and I welcome any questions.

Sincerely,  
 Kay LaCoe  
 Bismarck, ND  
 klacoe@gmail.com

Thomas Van Ness  
 Balanced Stride Equine Services  
 11108 County Road 19  
 Lawton, ND 58345

North Dakota Legislative Council  
 State Capital  
 600 east Boulevard Avenue  
 Bismarck, ND 58505

Senate Workforce Development Public Hearing,

This is a testimony opposing senate bill number 2129. After reviewing the proposed bill from the North Dakota board of veterinary medical examiners, this bill needs to NOT pass due to being unfair to the public, businesses, animal owners, and work force industry.

On behalf of the Balanced Stride Equine services, we excel in excellence in the rehabilitation and condition of equines, commonly known as horses. This business strives to serve their clients to their fullest potential by providing exceptional services. Unfortunately, if this bill passes, we will be forced to close our facility along with several others across the state. At our business, we provide therapy services utilizing an aqua treadmill and massage therapy techniques tailored to each individual horse. Each individual horse comes to us with specific therapy instructions specified by that client's veterinarian, and we work very closely with their equine veterinarian. Not only do we provide weekly updates to their veterinarians, but we specifically follow their protocols with their therapy regime.

Not only do we offer these services at our business, but we travel to different clients and rodeos practice massage therapy. These performance horses require this type of therapy, and do you think veterinarians are going to travel on the weekends to rub horses for a living? Probably not since they went through YEARS of education and spent TONS of money on tuition.

Under Section 1. Amendment. Section 43-20-01.1 definitions it states, "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." This statement alone includes everything that my business has to offer, massage therapy, aquatic rehabilitation and conditioning, kinesiology taping, and PMF technology. Later in the bill on page 3 line 19, it continues to define "Practice of veterinary medicine ... including complementary, integrative, and alternative therapies..." As you can see, in the addition of these statements, my business, which also employs three other individuals, would be forced to close the doors increasing the unemployment status and taking away a large revenue source for families.

In addition to this bill, it is trying to stop the certifications of certificates according to the redaction on page two line seven, earned by individuals, who have worked a large portion of their life. These individuals in therapeutic philosophies are very skillful and have learned from experts in that field whether it is massage, aquatic, or kinesiology-taping therapies. Ask yourself these questions, 1) Who do you go see when you get sick? 2) Who do you go see after to help in recovery or therapy?

You may answer a doctor to the first question and a therapist to the second question. Let those who specialize in their fields perform their duties and this bill would eliminate a lot of therapists.

Equines play a huge role in this state whether it is from trail riding, ranching, rodeos, or performances at the Medora Musical. This state is in the need of equine specialists just as humans are in the need of doctors and therapists. As you can see, this bill has changed in numerous areas, but it is also going to eliminate a lot of jobs and close several equine facilities across the state of North Dakota. Allow those who are practicing massage and aquatic therapies to continue utilizing their talents and skills to help this industry. Almost every individual practicing these alternative therapies are certified individuals with specific trainings from experts. I encourage you to stop this bill and force the board to revise these statements to allow individuals to stay certified helping this crucial industry.

Look at the state of Minnesota who have adopted this industry. Only one facility in the entire state is authorized to utilize these alternative therapies because they have a veterinarian on staff. We are better than this state. Let's demonstrate to other states how it is possible to allow gifted individuals to become certified in this field and bring some good to this state. Let's stop those who are trying to monopolize or control specific industries. Let's live the American Dream and work hard.

Here is a little story of that American Dream coming true. My wife worked very diligently and hard to get into veterinary school. She received excellent grades and even worked for a veterinary clinic for seven years to gain experience to be eligible for veterinary school. After years of applying to Vet School, she never got accepted due to high competition and only a few being selected each year. She then decided to chase her dreams of helping equines, horses, in a different way. Now she is the co-founder with me at Balanced Stride Equine Services where she utilizes aquatic and massage therapies to help these animals perform at their highest potential. We don't diagnose or treat animals, all we do is just help them live a better life.

I am going to leave you with this last thought. We recently received a horse at our business with a strict therapy regime. This horse was examined by a well-known equine veterinarian in the state and was provided with a strict aquatic therapy regime from the veterinarian. The owner of this horse is a large veterinarian but does not simply have the time or resources available to follow the therapy protocol. This is where people and businesses in my industry step up and help by providing the necessary time and tools for these animals to achieve their highest performance possible by living a better.

Sincerely,

A handwritten signature in black ink that reads "Thomas P. Van Ness". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Thomas Van Ness  
Balanced Stride Equine Services  
Co-Founder



**SB 2129 Boschee Proposed Amendment 1**

- Page 1, lines 18-24, Page 2, lines 1-3 Replace all with ""Accredited college of veterinary medicine" means any veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and conforms to the standards required for accreditation by an accrediting entity approved by the board through rulemaking, provided that the entity is nationally recognized and develops and maintains accreditation standards for veterinary education."

**SB 2129 Boschee Proposed Amendment 2**

- Page 19, line 20 - Strike "Immoral"

**SB 2129 Boschee Proposed Amendment 3**

- Page 23, lines 21-23 - Strike "When applicable, the license or temporary license of the veterinarian or veterinary technician may be suspended until the costs are paid to the board."

**2025 HOUSE AGRICULTURE**

**SB 2129**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Room JW327C, State Capitol

SB 2129  
3/13/2025

A BILL for an Act to create and enact nine new sections to chapter 43-29 of the North Dakota Century Code, relating to the practice of veterinary medicine and veterinary technology; 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.

3:59 p.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

## **Discussion Topics:**

- Update/modify outdated language
- Definitions for technicians
- Unlicensed practice of veterinary technology
- Penalties without a license
- Veterinary telemedicine
- Owned animals exempted

4:00 p.m. Dr. Sara E. Lyons, Executive Secretary, North Dakota Board of Veterinary Medical Examiners, testified in favor and submitted testimony #41309 and #44445.

4:22 p.m. Shane Goettle, Representing the North Dakota Veterinary Medical Association (NDVMA), testified in favor.

4:30 p.m. Heather Mitchell, DVM, President, North Dakota Veterinary Medical Association (NDVMA), testified in favor and submitted testimony #41182.

4:39 p.m. Pete Hanebutt, ND Farm Bureau, testified in favor.

4:45 p.m. Julie Ellingson, ND Stockmen's Association, testified in favor.

4:47 p.m. Gary Dassinger, Cattle and Horse Producer, SW North Dakota, testified in favor.

House Agriculture Committee

SB 2129

03/13/25

Page 2

**Additional Written Testimony:**

Carolyn Woodriff, Golden Valley, ND, submitted testimony in favor #41161.

4:51 p.m. Chairman Beltz closed the meeting.

*Diane Lillis, Committee Clerk*



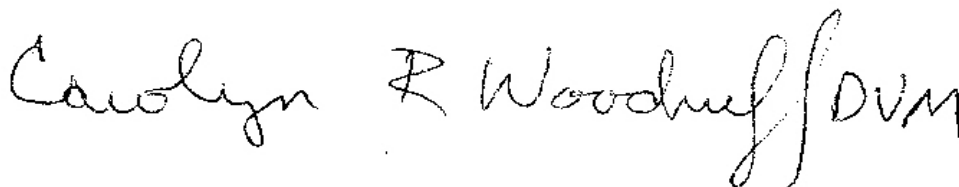
## Honorable Members of the Agriculture Committee,

I am Dr. Carolyn Woodruff, a rural mixed practitioner with 47 years of experience working in North and South Dakota. I owned and operated Knife River Veterinary Clinic in Beulah from 1997 through 2024. From 2013 through 2023 I was a member of the North Dakota Board of Veterinary Medicine (NDBVME) and president of the board for 4 of those years. During that time it became very evident that the current practice act was outdated in many areas and lacking in relevant guidelines for the board to follow in some areas. I became an advocate for updating the practice act and involving the North Dakota Veterinary Medical Association (NDVMA) of which I was and am currently a member.

For the last 4 years the board has spent innumerable hours discussing, researching and editing proposed changes to be submitted to the legislature. The NDVMA has been included and consulted throughout the process. During the house committee hearings amendments were made to address concerns from many parties who gave testimony. The wording was carefully examined for clarity. I believe that this bill will serve to assure competent veterinary care for the population of ND, both animal and human. It allows for use of telemedicine which will increase access to care. It provides for the board to handle cases of impaired practice, similar to other professions. It will allow increased use of veterinary technicians, providing a higher level of care and availability of services. I encourage you to support SB2129 in the amended form which was given a unanimous do pass from the Workforce Development Committee in the house. They have done an incredible job of listening to all concerns, negotiating solutions and producing an improved bill. Although I am not a current member of the NDBVME I have followed the preparation, editing and progress of this bill throughout. I am happy to answer any questions or concerns you may have about the bill. In conclusion I strongly support SB2129. A careful balance is required to protect the needs of the public, individual veterinarians and the animal population. I believe SB2129 will provide that balance.

Thank you for allowing me to provide testimony.

Sincerely,

A handwritten signature in black ink that reads "Carolyn R Woodruff DVM". The signature is written in a cursive, flowing style.

Carolyn R Woodruff DVM



## North Dakota Veterinary Medical Association

P.O. Box 1231

Bismarck, ND 58502-1231

T | 701.221.7740 Fax: 701.751.4451

E | [execdir@ndvma.com](mailto:execdir@ndvma.com) [www.ndvma.com](http://www.ndvma.com)

### In Support of SB 2129

March 13, 2025

Chairman Beltz and Members of the House Agriculture Committee,

My name is Dr. Heather Mitchell, and I serve as the President of the North Dakota Veterinary Medical Association (NDVMA). Our organization proudly represents over 300 veterinarians across diverse disciplines, including livestock and companion animals, to research, academia, and government. We are committed to ensuring that statutory changes not only protect the interests of the public, our clients, and patients, but also recognize the practical realities of veterinary practice and support the ability of veterinarians to provide safe and effective veterinary services. To achieve this balance, collaboration among key stakeholders was essential in shaping legislation that meets both public protection and veterinary practice needs.

The combined efforts of the Senate Workforce Development Committee, NDVMA and NDVBME, through the leadership of Senators Bouchee and Powers, allowed all parties to address their concerns with the bill in a productive and cooperative manner. As a result of these efforts, several important amendments were successfully incorporated into the bill during the Senate process. However, a few amendments, including one proposed by the NDVMA and those addressed by the NDVBME, were inadvertently omitted from the final engrossed version. Today, NDVMA is here to express its support for SB 2129 and to advocate for the inclusion of these omitted amendments. Specifically, NDVMA would like to highlight a proposed amendment to SB 2129 in section 28, page 30, Indirect practice without a license for foreign practitioners.

This section allows an out-of-state veterinarian, licensed elsewhere but not in North Dakota, to provide telehealth services to a patient in North Dakota, as long as the two parties have established a veterinarian-client-patient relationship through an in-person exam per section 2 of this bill (page 6). Specifically, NDVMA would like to make this clear by amending line 5 to read: continuation of a previously (strike established) existing veterinarian-client-patient relationship as (strike defined) established under this chapter. The impact of this section is to facilitate a continuum of care for patients as well as adherence to veterinary standards for establishment of a veterinarian-client-patient relationship.

In conclusion, SB 2129 and the proposed amendments by the NDVMA and NDVBME strike a careful balance between advancing the veterinary profession and safeguarding public safety and animal welfare.

Thank you for the opportunity to provide testimony re: SB 2129 and I am available for further questions.

Sincerely,

*Heather Mitchell, DVM*

Heather Mitchell, DVM  
NDVMA President



# North Dakota Board of Veterinary Medical Examiners

P.O. Box 328  
Lisbon, ND 58054  
701-683-4705  
[ndbvme@nd.gov](mailto:ndbvme@nd.gov)

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**Testimony of  
Dr. Sara Lyons  
On behalf of the North Dakota Board of Veterinary Medical Examiners  
In Support of Senate Bill 2129  
Before the House Agriculture Committee  
March 13, 2025**

Chairman Beltz and members of the House Agriculture Committee,

Thank you for the opportunity to testify before you today. My name is Dr. Sara Lyons and I am the Executive Secretary for the North Dakota Board of Veterinary Medical Examiners. I am here today to present testimony on behalf of the board in support of Senate Bill 2129 relating to the practice of veterinary medicine and veterinary technology and to request two amendments.

The primary intent of this bill is to update and modify existing language to reflect changes within the professions of veterinary medicine and veterinary technology. Currently, there are areas of statute that contain cumbersome and outdated language that are confusing and restrictive for licensees and do not serve the needs of the board or the public. There was no intent by the board to change the existing licensing requirements or scope of practice for veterinarians.

Sections 3-9, 11-13, 20-22, and 24 provide clarification of language for the reasons expressed above and will not be addressed specifically within this testimony. The revised language allows for a more streamlined process for issuing licenses and completion of administrative duties. There is language that the board feels would be more appropriate in Administrative Code and has prepared the necessary revisions to reflect that if this bill is passed.

All references to page and line numbers within this testimony refer to the version 'Proposed Amendments to First Engrossment' prepared by Legislative Council staff for Senator Boschee March 12, 2025.

**Section 1 (Page 1, line 12 through Page 6, line 17)**

Section 1 has several new definitions that are used throughout this chapter and help to clarify and define existing terminology. A definition for the practice of veterinary technology was added to replace the previous list of veterinary technician duties and allow veterinary technicians to be utilized as deemed appropriate by the veterinarian.

**Section 2 (Page 6, line 18 through Page 7, line 16)**

This section was added to provide detailed requirements for the veterinarian-client-patient relationship, or VCPR, which is the cornerstone of veterinary practice. The importance of in-person establishment of the VCPR cannot be stressed enough. Veterinary patients cannot tell us how they are feeling, and video calls do not replace a hands-on examination for assessment of a patient. Therefore, the VCPR should only be established through an in-person examination or in-person visit to a premise where an animal is kept.

**Section 10 (Page 12, lines 2 through 22)**

The current statute does not provide adequate guidelines for the regulation of the profession of veterinary technology. Licensing requirements for veterinary technicians have been clarified in Section 10 with the addition of a jurisprudence examination. Currently, only veterinarians must take this examination. There are several benefits to adding this requirement for veterinary technicians including familiarizing those individuals with the laws that govern their profession.

**Section 14 (Page 16, line 24 through Page 18, line 31)**

This section pertains to exceptions to the unlicensed practice of veterinary medicine. This section was amended in response to concerns from the public regarding animal care professionals other than veterinarians and veterinary technicians. An exception was added for those individuals engaged in massage therapy and grooming, as examples. It is important to note that this exception does not allow for these individuals to diagnose, prescribe or to treat a new condition, but rather work under the direction of a veterinarian to care for a patient with a previously diagnosed condition.

**Section 15 (Page 19, lines 1 through 31)**

This section was created to provide exceptions to the unlicensed practice of veterinary technology.

**Section 16 (Page 20, line 1 through Page 21, line 22)**

Section 16 was initially amended to clean up language and include veterinary technology but was additionally amended upon recommendation from the Senate Workforce Development Committee to remove the term immoral. **(Page 20, lines 14-17)**

**AMENDMENT: Section 17 (Strike lines 1-14 on Page 23)**

The board proposes an amendment to Section 17 striking lines 1-14 on Page 23. This amendment was previously included in the amended version passed by the Senate Workforce Development Committee but unfortunately was not included in the engrossed version that was passed by the Senate.

**Section 18 (Page 23, line 29 through Page 25, line 20)**



A new section was created to allow for self-reporting by a veterinarian or veterinary technician and include language regarding treatment and monitoring programs. Veterinarians are not currently included in the NDPHP, but this language allows the statutory authority to join such a program in the future if available.

**Section 19 (Page 25, line 21 through Page 26, line 3)**

This section was created to allow for immunity for individuals involved with complaints, disciplinary action and reporting of impaired veterinarians or veterinary technicians.

**Section 23 (Page 27, line 24 through Page 28, line 7)**

The board does not wish to restrict veterinarians from employing non-licensed individuals but does wish to provide recognition of the importance of licensed veterinary technicians and their contribution to the profession. The goal of Section 23 is to provide title protection for veterinary technicians and a penalty for those who practice veterinary technology without a license.

The use of telemedicine is growing within the veterinary field and there is currently no statutory language pertaining to this area. Sections 25, 27 and 28 provide a framework for the use of telemedicine within the boundaries of an established VCPR. This VCPR must be established by the requirements listed in Section 2, which include an in-person examination or in-person visit to the premises where the animal is kept. The board feels strongly that allowing establishment of the VCPR through telemedicine may lead to inadequate assessment of a patient and therefore improper diagnosis and treatment.

**AMENDMENT: Section 25 (Strike line 29 on Page 28 through line 9 on Page 29)**

The second amendment proposed by the board is to strike line 29 on Page 28 through line 9 on Page 29. This amendment was also previously included in the amended version passed by the Senate Workforce Development Committee but unfortunately was not included in the engrossed version that was passed by the Senate.

The board has worked closely with the North Dakota Veterinary Medical Association and North Dakota Veterinary Technician Association throughout this process and feels that the amended version of SB2129 addresses all concerns expressed by these organizations as well as concerns that have been raised by the public.

The board appreciates your consideration and urges a do pass recommendation with the amendments provided. I would be happy to answer any questions you may have.

25.8033.02002  
Title.

Prepared by the Legislative Council  
staff for Senator Boschee  
March 12, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2129**

Introduced by

Workforce Development Committee

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

1 A BILL for an Act to create and enact nine new sections to chapter 43-29 of the North Dakota  
2 Century Code, relating to the practice of veterinary medicine and veterinary technology; to  
3 amend and reenact section 43-29-01.1, subsection 1 of section 43-29-02, sections 43-29-03,  
4 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,  
5 43-29-08.1, 43-29-13, 43-29-14, and 43-29-15, subsection 2 of section 43-29-16, sections  
6 43-29-16.1 and 43-29-17, and subsection 2 of section 43-29-19 of the North Dakota Century  
7 Code, relating to the practice of veterinary medicine and veterinary technology; to repeal  
8 sections 43-29-09, 43-29-10, 43-29-11, and 43-29-12.1 of the North Dakota Century Code,  
9 relating to the practice of veterinary medicine and veterinary technology; and to provide a  
10 penalty.

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

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

14 **43-29-01.1. Definitions.**

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

- 16 1. "Accepted livestock management practice" means a procedure that is commonly  
17 performed as part of the routine management of livestock which includes vaccination,  
18 implantation of growth hormones, branding, castration, dehorning, docking,  
19 earmarking, semen collection, nonsurgical artificial insemination, and assisting in a  
20 nonsurgical birthing process.

- 1       2. "Animal" means any member of the animal kingdom other than a human being  
2       whether living or dead.
- 3       3. ~~"Accredited~~Approved college of veterinary medicine" means any veterinary college or  
4       division of a university or college which offers the degree of doctor of veterinary  
5       medicine or its equivalent and which conforms to the standards required for  
6       accreditation by the ~~council on education of the American veterinary medical~~  
7       ~~association~~an accrediting entity approved by the board, if the entity is nationally  
8       recognized and develops and maintains accreditation standards for veterinary  
9       education.
- 10      ~~2.4.~~ "Accredited~~Approved~~ program in veterinary technology" means any postsecondary  
11      educational program ~~of two or more academic years that is accredited by the~~  
12      ~~committee on veterinary technician education and activities of the American veterinary~~  
13      ~~medical association~~which offers a degree in veterinary technology or its equivalent  
14      and has been approved by the board by rule.
- 15      3. ~~"Animal" means any animal other than a human being. The term includes any~~  
16      ~~mammal, bird, fish, reptile, or fowl, whether wild or domestic, living or dead.~~
- 17      4.5. "Board" means the board of veterinary medical examiners.
- 18      5.6. ~~"Certificate" means a certificate issued by the educational commission for foreign~~  
19      ~~veterinary graduates or the educational equivalence program of the American~~  
20      ~~association of veterinary state boards, indicating the holder has demonstrated~~  
21      ~~knowledge and skill equivalent to that possessed by a graduate of an accredited~~  
22      ~~college of veterinary medicine.~~
- 23      6. ~~"Licensed veterinarian" means a person who is licensed by the board to practice~~  
24      ~~veterinary medicine.~~
- 25      7. ~~"Licensed veterinary technician" means a person who has graduated from an~~  
26      ~~accredited program in veterinary technology or an equivalent program as determined~~  
27      ~~by the board, and who has passed an examination prescribed by the board.~~
- 28      8. "Client" means the patient's owner, owner's agent, or other individual presenting the  
29      patient for care.



- 1       7. "Complementary, integrative, and alternative therapies" means a heterogeneous group  
2       of preventative, diagnostic, and therapeutic philosophies and practices not considered  
3       part of conventional veterinary medicine practiced by most veterinarians.
- 4       8. "Consent" means the veterinarian has informed the client of the diagnostic and  
5       treatment options, risk assessment, and prognosis, and the client has authorized the  
6       recommended services.
- 7       9. "Consultation" means that a veterinarian receives advice or assistance in person, or  
8       by any method of communication, from a veterinarian or other individual whose  
9       expertise, in the opinion of the veterinarian, would benefit a patient.
- 10      10. "Direct supervision" means the supervising veterinarian is readily available on the  
11      premises where the patient is being treated and has assumed responsibility for the  
12      veterinary care given to the patient by an individual working under the direction of the  
13      veterinarian.
- 14      11. "Foreign practitioner" has the same meaning as defined under section 43-51-01.
- 15      12. "Immediate supervision" means the supervising veterinarian is in the immediate area  
16      and within audible and visual range of the patient and the individual treating the patient  
17      and has assumed responsibility for the veterinary care given to the patient by an  
18      individual working under the direction of the veterinarian.
- 19      13. "Impaired veterinarian" means a veterinarian who is unable to practice veterinary  
20      medicine with reasonable skill and safety because of a physical or mental disability or  
21      the use of alcohol, drugs, or other habit-forming chemicals.
- 22      14. "Impaired veterinary technician" means a veterinary technician who is unable to  
23      practice veterinary technology with reasonable skill and safety because of a physical  
24      or mental disability or the use of alcohol, drugs, or other habit-forming chemicals.
- 25      15. "Indirect supervision" means the supervising veterinarian is not on the premises where  
26      the patient is being treated but has given written or oral instructions for the treatment  
27      of the patient, is readily available for communication, and has assumed responsibility  
28      for the veterinary care given to the patient by an individual working under the direction  
29      of the veterinarian.
- 30      16. "Jurisdiction" means any commonwealth, state, or territory of the United States of  
31      America, including the District of Columbia, or any province of Canada.



- 1     17. "Patient" means an animal or group of animals examined or treated by a veterinarian.
- 2     18. "Practice of veterinary medicine" means to the:
- 3         a. ~~Diagnose, treat, correct, change, relieve, or prevent animal~~Diagnosis, prognosis,
- 4             correction, supervision, recommendation, or performance of any medical or
- 5             surgical treatment, including complementary, integrative or alternative therapies,
- 6             for the diagnosis, prevention, cure, or relief of a wound, disease, deformity,
- 7             defect, fracture, bodily injury, or other dental, physical, behavioral, or mental
- 8             conditions. The term includes the prescription or administration of any drug,
- 9             medicine, biologic, apparatus, application, anesthetic, or other therapeutic or
- 10            diagnostic substance or technique, the use of any manual or mechanical
- 11            procedure for testing for pregnancy, or for correcting sterility or infertility, or to
- 12            render advice or recommendation with regard to any of the above condition of an
- 13            animal;
- 14         b. ~~Represent~~Prescription, distribution, or administration of a drug, medicine,
- 15             anesthetic, biologic, appliance, apparatus, application, or treatment to an animal;
- 16         c. Provision of any manual or mechanical procedure for the diagnosis or treatment
- 17             of pregnancy, sterility, or infertility of an animal;
- 18         d. Determination of the health, fitness, or soundness of an animal;
- 19         e. Representation of oneself, directly or indirectly, publicly or privately, an ability and
- 20             willingness to do an act described in subdivision a as engaging in the practice of
- 21             veterinary medicine; or
- 22         e.f. Use of any title, word, abbreviation, or letter in a manner or under circumstances
- 23             that induce the belief the person that the individual using the such title, word,
- 24             abbreviation, or letter is qualified to do any act described in subdivision a
- 25             authorized to practice veterinary medicine under this chapter.
- 26         d. ~~Apply principles of environmental sanitation, food inspection, environmental~~
- 27             pollution control, animal nutrition, zoonotic disease control, and disaster medicine
- 28             in the promotion and protection of public health.
- 29     19. a. "Practice of veterinary technology" means the:
- 30         (1) Provision of professional medical care, monitoring, or treatment on the basis
- 31             of written or oral instructions from a veterinarian;

- 1           (2) Representation of oneself, directly or indirectly, as engaging in the practice  
2           of veterinary technology; or
- 3           (3) Use of any title, word, abbreviation, or letter in a manner or under  
4           circumstances that induce the belief that the individual using such title is  
5           authorized to practice veterinary technology under this chapter.
- 6       b. This section may not be construed to permit a veterinary technician to do the  
7       following:
- 8           (1) Surgery, except when acting as a surgical assistant to a veterinarian;  
9           (2) Diagnose;  
10          (3) Prognose; or  
11          (4) Prescribe.
- 12       20. "State board examination" means the jurisprudence examination administered by the  
13       board.
- 14       21. "Supervising veterinarian" means a veterinarian who has a valid veterinarian-client-  
15       patient relationship and assumes responsibility for the veterinary care provided to the  
16       patient by an individual working under the direction of the veterinarian.
- 17       22. "Teleadvice" means the provision of any health information, opinion, or guidance that  
18       is not specific to a particular animal's health, illness, or injury and is not intended to  
19       diagnose, prognose, or treat an animal.
- 20       23. "Telehealth" means the use of technology to gather and deliver health information,  
21       advice, education, or patient care remotely.
- 22       24. "Triage" means electronic communication with the client to determine urgency and  
23       need for immediate referral to a veterinarian.
- 24       25. "Veterinarian" means an individual who is licensed to practice veterinary medicine  
25       under this chapter.
- 26       9.26. "Veterinarian-client-patient relationship" means:
- 27       a. A relationship in which the veterinarian has assumed the responsibility for  
28       making medical judgments regarding the health of an animal and the need for  
29       medical treatment; a patient and the client, who is the owner or other caretaker,  
30       has agreed to follow the instructions of the veterinarian.



- 1           b. ~~There is sufficient knowledge of the animal by the veterinarian to initiate at least a~~  
2           ~~general or preliminary diagnosis of the medical condition of the animal.~~  
3           e. ~~The practicing veterinarian is readily available for followup in the case of adverse~~  
4           ~~reactions or failure of the regimen of therapy. This relationship exists only when~~  
5           ~~the veterinarian has recently seen and is personally acquainted with the keeping~~  
6           ~~and care of the animal by virtue of an examination of the animal and by medically~~  
7           ~~appropriate and timely visits to the premises where the animal is kept.~~

8   40:27. ~~"Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, chiropractic,~~  
9           ~~acupuncture, and all other branches or specialties of veterinary medicine.~~

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

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

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

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

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

20       **Requirements of a veterinarian-client-patient relationship.**

- 21       1. A veterinarian-client-patient relationship may not be established unless the  
22       veterinarian has sufficient knowledge of the patient to initiate a general or preliminary  
23       diagnosis of the medical condition of the patient. To establish a veterinarian-client-  
24       patient relationship, the veterinarian must be personally acquainted with the keeping  
25       and care of the patient by virtue of a medically appropriate and timely in-person  
26       examination of the patient by the veterinarian, or by a timely in-person visit to the  
27       premises where the patient is managed or resides.  
28       2. The veterinarian must be reasonably available for patient followup care after a  
29       veterinarian-client-patient relationship is established.  
30       3. The veterinarian shall provide oversight of patient treatment.  
31       4. Patient records must be maintained according to rules promulgated by the board.

- 1       5. A veterinarian-client-patient relationship may not be established solely through  
2       veterinary telemedicine.
- 3       6. A veterinarian seeking consultation must maintain the veterinarian-client-patient  
4       relationship.
- 5       7. A veterinarian may terminate a veterinarian-client-patient relationship by notifying the  
6       client that the veterinarian no longer wishes to serve the patient and client.
- 7       8. The veterinarian shall provide medical records to the client, another veterinarian, or a  
8       foreign practitioner designated by the client if the veterinarian-client-patient  
9       relationship has been terminated. The veterinarian must allow the client a reasonable  
10      amount of time to arrange care with another veterinarian unless the circumstance,  
11      patient, or client threatens the safety of the veterinarian or the staff.
- 12      9. A veterinarian who in good faith engages in the practice of veterinary medicine by  
13      rendering or attempting to render emergency care may not be subject to penalty  
14      based solely on the inability to establish a veterinarian-client-patient relationship.
- 15      10. The veterinarian-client-patient relationship may extend to all veterinarians within the  
16      same practice with access to the patient records.

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

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

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



**43-29-03. Officers of board - Seal - Meetings - Limitations on meetings -**

~~**ExaminationsDuties 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

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

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

4       ~~3-4.~~ The board may, in its discretion, enter reciprocal agreements with the examining  
5       boards of other states and nations, governing the granting of licenses to practice  
6       veterinary medicine and surgery in this state without the applicant taking a written  
7       examination. Under no circumstances, however, may any reciprocal agreement be  
8       entered with the board of another state or nation unless the requirements for the  
9       granting of licenses in the other state or nation are on an equal or higher standard to  
10      the requirements of this state. The board may prescribe by rule any other terms or  
11      conditions to be contained in the agreements. The board shall determine the fee for  
12      license by reciprocity agreement. shall set the following by rule:

- 13           a. Application fee;  
14           b. License fee;  
15           c. Temporary license fee;  
16           d. Renewal fee;  
17           e. Late renewal fee; and  
18           f. Continuing education fee.

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

21           **43-29-04. Record of proceedings of board - Register of applicants kept by board -**  
22      **Records and register as evidence.**

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

29           **SECTION 6. AMENDMENT.** Section 43-29-05 of the North Dakota Century Code is  
30      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 are actually engaged in the performance of the duties of their office such per diem as must be fixed by the board. They may also 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.**

~~4. 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~~

1        must be tested by written examination, supplemented by any oral interview and  
2        practical demonstration the board determines necessary. The board may adopt and  
3        use the examination prepared by the national board of veterinary medical examiners.  
4        After each examination, the board shall notify each examinee of the result of the  
5        examination, and the board shall issue a license to each person who passed the  
6        examination. The board shall record each new license and issue a certificate of  
7        registration to each new licensee. Any person failing an examination may be admitted  
8        to any subsequent examination on approval by the board and payment of the  
9        application fee.

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

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

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

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

24       3. The board may issue without examination a temporary permitlicense to practice  
25       veterinary medicine in this state to:

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



- 1           b. ~~A nonresident veterinarian validly licensed in another state or a foreign country~~  
2           ~~who pays the fee established and published by the board if the temporary permit~~  
3           ~~is issued for a period of no more than sixty days and no more than one permit is~~  
4           ~~issued to a person during each calendar year.~~
- 5           e. ~~A senior veterinary student who practices in the office of and under the direct~~  
6           ~~supervision of a licensed veterinarian. A temporary student permit may not~~  
7           ~~exceed six months from its date of issuance and is granted without payment of a~~  
8           ~~fee.~~
- 9           d. ~~A graduate of a nonaccredited college of veterinary medicine, who has~~  
10          ~~satisfactorily completed the fourth year of clinical study at an accredited or~~  
11          ~~approved college of veterinary medicine, has successfully passed the~~  
12          ~~examination provided by the national board of veterinary medical examiners, and~~  
13          ~~is enrolled in the educational commission for foreign veterinary graduates~~  
14          ~~program. The holder of a temporary permit issued under this subdivision must~~  
15          ~~practice under the supervision of a licensed veterinarian. A temporary permit~~  
16          ~~issued under this subdivision is valid until the holder obtains a certificate or for~~  
17          ~~two years~~ a qualified applicant who has met the requirements established by the  
18          board.

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

21          **43-29-07.3. License~~Veterinarian~~ - License renewal - Continuing education**  
22          **requirements.**

- 23          1. ~~All licenses expire~~A veterinarian license expires annually as of July first but may be  
24          renewed by registration with the board and payment of the registration renewal fee  
25          established by the board. On June first of each year, the board shall mail a notice to  
26          each licensed veterinarian that the licensee's license will expire as of July first and  
27          provide the licensee with a form for registration. The board shall issue a new certificate  
28          of registration to a person reregistering under this section. Any person who willfully or  
29          by neglect fails to renew a license and who practices veterinary medicine after the  
30          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 licensewithin 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:
  - a. ~~Those who administer to livestock~~treat animals, the title to which rests inowned by themselves, or in their regular employer, except when the ownership of the

1 animal was transferred or otherwise manipulated to avoid the requirements of  
2 this chapter, ~~or those who perform gratuitous services.~~

3 2- b. ~~Anyone~~An individual who conducts experiments in scientific research in the  
4 development of methods, techniques, or treatment, directly or indirectly  
5 applicable to the problems of medicine, and who in connection with these  
6 activities uses animals.

7 3- c. ~~Anyone who is a regular~~A student enrolled in an ~~accredited or~~ approved college  
8 of veterinary medicine performing duties or actions assigned by an instructor or  
9 working under the direct supervision of a ~~licensed veterinarian during a school-~~  
10 ~~vacation period.~~

11 4- d. ~~Anyone licensed in another state or nation when~~An individual engaged in this  
12 state in consultation with veterinarians legally practicing herein.

13 5- e. ~~A senior student who is in an approved school of veterinary medicine and who~~  
14 ~~obtains from the board a student permit to practice in the office and under the~~  
15 ~~direct supervision of any veterinarian practicing within this state.~~

16 6- ~~Any~~An employee of the United States or this state while in the performance of duties  
17 as ~~employees~~an employee.

18 7- f. ~~Any~~A merchant or manufacturer selling nonprescription medicine, feed, an  
19 appliance, or any other product ~~used~~for use as labeled in the prevention or  
20 treatment of animal diseases.

21 8- g. ~~Any veterinary technician or other~~An employee of a licensed veterinarian  
22 performing duties under the direction ~~and or~~ supervision of the veterinarian  
23 responsible for the ~~technician's or other~~ employee's performance, except the  
24 following duties:

25 (1) Performing surgery;

26 (2) Diagnosing;

27 (3) Prognosing; or

28 (4) Prescribing.

29 9- h. ~~Any member of the faculty of an accredited college of veterinary medicine-~~  
30 ~~performing regular functions or a person~~An individual lecturing or giving  
31 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~~ i. An individual selling or applying any pesticide, insecticide, or  
herbicide.

14. ~~j. Any~~ j. 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~~ k. 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.

n. An individual who engages in any of these acts if the individual is not diagnosing,  
prescribing, or treating a condition that has not been previously diagnosed by a  
veterinarian who has referred the animal for treatment:

(1) Grooming;

(2) Training or conditioning;

(3) Horseshoeing or farrier work;

(4) Massage therapy or acupressure;

(5) Microchip implantation; or

(6) An accepted livestock management practice.

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 when 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.



1       **SECTION 16. 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 refuse to issue a license or  
6 ~~certificate of registration~~temporary license, or may suspend or revoke a license and  
7 ~~certificate of registration~~or temporary license, upon any of the following grounds:
- 8       a. Fraud or deception in procuring the license, including conduct that violates the  
9 security or integrity of any licensing examination.
  - 10       b. The use of advertising or solicitation that is false, misleading, or otherwise  
11 determined unprofessional under rules adopted by the board.
  - 12       c. ~~Habitual intemperance in the use of intoxicating liquors, or habitual addiction to~~  
13 ~~the use of morphine, cocaine, or other habit-forming drugs~~An individual is  
14 determined to be an impaired veterinarian as defined by section 43-29.01.1 or an  
15 impaired veterinary technician as defined by section 43-29-01.1.
  - 16       d. ~~Immoral, unprofessional, or dishonorable~~Unprofessional conduct manifestly  
17 ~~disqualifying the licensee from practicing veterinary medicine~~as defined by the  
18 rules adopted by the board, or violating the code of ethics adopted by the board  
19 by rule.
  - 20       e. Incompetence, gross negligence, or other malpractice in the practice of  
21 veterinary medicine or veterinary technology.
  - 22       f. Employment of unlicensed ~~persons~~individuals to perform work that under this  
23 chapter can lawfully be done only by ~~persons~~individuals licensed to practice  
24 veterinary medicine or veterinary technology.
  - 25       g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests,  
26 inspecting foodstuffs, or in issuing ~~health certificates~~regulatory documents.
  - 27       h. ~~Failure of the licensee to keep the premises and equipment used in the licensee's~~  
28 ~~practice~~ in a reasonably clean and sanitary condition and failure to use  
29 reasonably sanitary methods in the practice of veterinary medicine or veterinary  
30 technology.
  - 31       i. Violation of the rules adopted by the board.

- 1           j. Conviction of an offense determined by the board to have a direct bearing upon a  
2           ~~person's~~the ability of an individual to serve the public as a veterinarian or  
3           veterinary technician, or when the board determines, following conviction of any  
4           offense, that ~~a person~~an individual is not sufficiently rehabilitated under section  
5           12.1-33-02.1.
- 6           k. Willful or repeated violations of this chapter or any rule adopted by the board.
- 7           l. Failure to report, as required by law, or making false report of, any contagious or  
8           infectious disease.
- 9           m. Cruelty to animals as defined under chapter 36-21.2.
- 10          n. Revocation of a license to practice veterinary medicine or veterinary technology  
11          by another ~~state~~jurisdiction on grounds other than nonpayment of a  
12          ~~registration~~renewal fee.
- 13          o. The use, prescription, or dispensing of any veterinary prescription drug, or the  
14          prescription or extra-label use of any over-the-counter drug, in the absence of a  
15          valid veterinarian-client-patient relationship, except as provided by section  
16          43-29-19.
- 17          2. ~~Any person~~An individual whose license has been revoked may apply to the board for  
18          reinstatement and relicensure one year after the date of revocation. The board may  
19          reissue a license if the board is satisfied the applicant is qualified to practice veterinary  
20          medicine or veterinary technology, meets the existing requirements for licensure, and  
21          will comply with the rules regarding the practice of veterinary medicine or veterinary  
22          technology.

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

25          **43-29-15. Complaints - Investigations.**

- 26          1. ~~Any person~~An individual may file a written complaint with the board setting forth the  
27          specific charges upon which the complaint is made. Upon receiving a complaint, the  
28          board shall notify the veterinarian or veterinary technician of the complaint and request  
29          a written response from the veterinarian or veterinary technician. The board may adopt  
30          rules establishing a peer review committee for the purpose of investigating complaints  
31          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.

- 1 ~~(1) Failure to satisfactorily undergo an examination or enroll in a treatment and~~  
2 ~~monitoring program must be reported to the board by the treating~~  
3 ~~professional.~~
  - 4 ~~(2) The veterinarian or veterinary technician shall consent to the approved~~  
5 ~~evaluation, examination, or the progress of the treatment or monitoring~~  
6 ~~program, at such intervals the board deems necessary.~~
  - 7 ~~(3) The treating professional may release examination information, or treatment~~  
8 ~~and monitoring program information, to the board so the board may~~  
9 ~~evaluate the results of the examination or the progress and effectiveness of~~  
10 ~~the treatment or monitoring program.~~
  - 11 ~~(4) Absent a release on file from the veterinarian or veterinary technician, all~~  
12 ~~records released to the board are confidential and are not public records.~~
  - 13 ~~(5) The veterinarian or veterinary technician must be responsible for all~~  
14 ~~expenses related to evaluation and treatment.~~
- 15 3. After review of the complaint, the response from the veterinarian or veterinary  
16 technician, and information obtained in the investigation, the board shall determine if  
17 there is a reasonable basis to believe the allegations are true and if the allegations  
18 constitute a violation of this chapter or the rules of the board. If the board determines  
19 there is a reasonable basis to believe the allegations are true and the allegations  
20 constitute a violation of this chapter or the rules of the board, the board shall take  
21 appropriate action. If a reasonable basis is not found by the board, the board shall  
22 notify the complaining party and the veterinarian or veterinary technician in writing.
- 23 4. Unless the board proceeds with a disciplinary action, the complaint, the response, and  
24 any records received by the board during an investigation of a complaint under this  
25 section are exempt records, as defined in section 44-04-17.1.
- 26 5. A veterinarian or veterinary technician shall report in good faith any impaired  
27 veterinarian or impaired veterinary technician as defined by 43-29-01.1.
- 28 6. The board may adopt rules as necessary to carry out this section.
- 29 **SECTION 18.** A new section to chapter 43-29 of the North Dakota Century Code is created  
30 and enacted as follows:



1       **Self-reporting and self-referral.**

- 2       1. A veterinarian or veterinary technician may voluntarily self-report or self-refer to a  
3       treatment or monitoring program approved or contracted by the board to seek  
4       assistance for a potential or existing impairment due to a mental health or substance  
5       use disorder.
- 6       2. A veterinarian or veterinary technician who under this section voluntarily seeks  
7       assistance from a treatment or monitoring program in assessing or treating a potential  
8       or existing impairment will not be reported to the board solely on the basis of self-  
9       reporting or self-referral.
- 10      3. The identity of the veterinarian or veterinary technician and findings of the evaluation  
11      only may be reported to the board when:
- 12      a. A veterinarian or veterinary technician refuses to undergo an evaluation by the  
13      program;
- 14      b. The evaluation reveals evidence of an impairment that could affect the ability of  
15      the veterinarian or veterinary technician to practice, or constitutes a threat to the  
16      safety of a patient or the public; or
- 17      c. The veterinarian or veterinary technician refuses to cooperate with a treatment  
18      plan, monitoring and followup, or aftercare directed by the program, including a  
19      recommendation about continuing practice.
- 20      4. Participation in the program does not protect a veterinarian or veterinary technician  
21      from disciplinary action resulting from a complaint.
- 22      5. A veterinarian or veterinary technician who self-reports or self-refers to the board for a  
23      potential or existing impairment may be referred by the board to a treatment or  
24      monitoring program in a manner prescribed by the board by rule, and subsequent  
25      reporting by the program to the board is at the discretion of and in the manner  
26      prescribed by the board.
- 27      6. A veterinarian or veterinary technician who has completed a treatment or monitoring  
28      program and is in full compliance with all parts of the treatment or monitoring plan and  
29      aftercare, may answer in the negative to a question on an application to the board for  
30      licensure or licensure renewal regarding current impairment by the condition for which  
31      the veterinarian or veterinary technician completed treatment. However, any

- 1        recurrence of the impairment or the existence of other potential impairments that are  
2        not currently known to the program must be reported on the application.
- 3        7. Notwithstanding section 44-04-18, except as otherwise provided in this chapter, all  
4        records related to participation in a treatment or monitoring program established under  
5        this section containing identifying information about a veterinarian or veterinary  
6        technician are confidential and only may be disclosed when:
- 7        a. Disclosure is reasonably necessary for the accomplishment of the purposes of  
8        intervention, rehabilitation, referral assistance, or supportive services;
- 9        b. Disclosure is required by law in a legal or administrative hearing or requested by  
10       the board for a formal disciplinary action;
- 11       c. Disclosure is necessary regarding a veterinarian's or veterinary technician's  
12       noncompliance with the program;
- 13       d. A staff member is handling records for administrative purposes as provided under  
14       this section; and
- 15       e. A person is participating in treatment or program monitoring, evaluations, or  
16       followup.
- 17       8. A person in attendance at any meeting of a treatment or monitoring program is not  
18       required to testify as to the content of any findings, committee discussions, or  
19       proceedings, unless requested by the board for a disciplinary proceeding or regarding  
20       noncompliance with the program.

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

23       **Immunity from liability.**

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

- 27       1. A member of the board;
- 28       2. A member of a peer review committee;
- 29       3. A witness testifying in a proceeding or hearing authorized under this chapter or  
30       administrative proceeding held under chapter 28-32;
- 31       4. A treating professional;

1     5. An individual who files a complaint pursuant to this Act; and

2     6. An individual reporting an impaired veterinarian or impaired veterinary technician as  
3     defined by 43-29-01.1.

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

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

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

14     **43-29-16.1. Abandonment of animals by ownerclient - Disposal of remains.**

15     1. Any animal placed in the custody of a ~~licensed doctor of veterinary~~  
16 ~~medicine~~veterinarian for treatment, boarding, or other care, which is abandoned by its  
17 ~~owner or its owner's agent~~the client for a period of more than ten days after a written  
18 notice, by registered or certified letter, return receipt requested, is ~~given~~mailed to the  
19 ~~owner or its owner's agent~~client at the last-known address, may be turned over to the  
20 custody of the nearest humane society or dog pound in the area or disposed of as  
21 such custodian may deem proper.

22     2. The ~~giving~~service of notice to the ~~owner, or the agent of the owner~~client, of such  
23 animal by the ~~doctor of veterinary medicine~~veterinarian, as provided in subsection 1,  
24 shall relieve the ~~doctor of veterinary medicine~~veterinarian and any custodian to whom  
25 such animal may be given of any further liability for disposal; ~~it is further provided that~~  
26 ~~such.~~ Such procedure by the ~~licensed doctor of veterinary medicine~~veterinarian does  
27 not constitute grounds for disciplinary procedure under this chapter.

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

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

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

7       **43-29-17. Unlawful practice of veterinary medicine - Penalty - Civil remedy.**

8       ~~Any person who~~

- 9       1. An individual is guilty of a class B misdemeanor if the individual:  
10      4. ~~a.~~ a. Practices veterinary medicine, surgery, or dentistry in this state without  
11           compliance with the provisions of this chapter;  
12      2. ~~b.~~ b. Willfully and falsely claims or pretends to have or hold a ~~certificate of~~  
13           registration license or temporary license issued by the state board of veterinary  
14           ~~medical examiners; or~~  
15      3. ~~c.~~ c. Willfully and falsely, with intent to deceive the public, claims or pretends to be a  
16           graduate of, or to hold a degree or diploma ~~showing the satisfactory completion~~  
17           ~~of a course in veterinary science in a school, college, or university~~  
18           recognized from a program of veterinary medicine approved by the board;  
19       ~~is guilty of a class B misdemeanor.~~  
20      2. In addition to the criminal penalty provided, the civil remedy of injunction is available to  
21           restrain and enjoin violations of any provisions of this chapter without proof of actual  
22           damages sustained by ~~any person an individual~~, upon application and unanimous vote  
23           of all members of the state board of ~~veterinary medical examiners.~~

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

26       **Unlawful practice of veterinary technology - Penalty - Civil remedy.**

- 27      1. An individual is guilty of a class B misdemeanor if the individual:  
28          a. Practices veterinary technology in this state without compliance with the  
29           provisions of this chapter;  
30          b. Willfully and falsely claims or pretends to have or hold a license issued by the  
31           board; or



1           c. Willfully and falsely, with intent to deceive the public, claims or pretends to be a  
2           graduate of, or to hold a degree or diploma from, a program of veterinary  
3           technology approved by the board.

4           2. In addition to the criminal penalty provided, the civil remedy of injunction is available to  
5           restrain and enjoin violations of any provisions of this chapter without proof of actual  
6           damages sustained by an individual, upon application and unanimous vote of all  
7           members of the board.

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

10          2. Other than a controlled substance, a ~~licensed~~ veterinarian may dispense a veterinary  
11 prescription drug without establishing a veterinarian-client-patient relationship if:

12          a. The drug is prescribed by a ~~licensed~~ veterinarian or by a ~~veterinarian-licensed in~~  
13 ~~another jurisdiction~~foreign practitioner who has established a  
14 veterinarian-client-patient relationship;

15          b. The prescribing veterinarian or foreign practitioner has an inadequate supply of  
16 the drug, failure to dispense the drug would interrupt a therapeutic regimen, or  
17 failure to dispense the drug would cause an animal to suffer; and

18          c. The dispensing veterinarian verifies the prescription with the prescribing  
19 veterinarian or foreign practitioner.

20          d. The dispensing veterinarian is not presumptively aware of any disciplinary action  
21 against the prescribing veterinarian or foreign practitioner.

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

24          **Veterinary telemedicine - Teleadvice and teletriage.**

25          1. A veterinarian shall establish a veterinarian-client-patient relationship by virtue of a  
26 medically appropriate and timely in-person examination of a patient by the  
27 veterinarian, or by a timely in-person visit to the premises where the patient is  
28 managed or resides before the provision of veterinary telemedicine services.

29          ~~a. The veterinarian has established a veterinarian-client-patient relationship before~~  
30 ~~the provision of veterinary telemedicine services;~~

- 1 ~~b. The veterinarian employs sound professional judgement to determine whether~~
  - 2 ~~the use of veterinary telemedicine is medically appropriate;~~
  - 3 ~~c. The veterinarian obtains appropriate consent from the client;~~
  - 4 ~~d. The veterinarian conducts all necessary patient evaluations consistent with~~
  - 5 ~~currently acceptable standards of care;~~
  - 6 ~~e. The veterinarian maintains patient records according to rules promulgated by the~~
  - 7 ~~board; and~~
  - 8 ~~f. The veterinarian ensures the client is aware of the veterinarian's identity, location,~~
  - 9 ~~license number, and licensure status.~~
- 10 2. The provision of teleadvice or teletriage by a veterinarian does not require the prior
  - 11 establishment of a veterinarian-client-patient relationship.
  - 12 3. A veterinary technician may perform teleadvice and teletriage without instructions from
  - 13 a veterinarian.
  - 14 4. The board may adopt rules as necessary to carry out this section.

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

17 **Source of data.**

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

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

24 **Location of the practice of veterinary medicine.**

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

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

1        **Indirect practice without a license for foreign practitioners.**

2        A foreign practitioner may provide veterinary services in this state which fall within the  
3        scope of practice designated by the foreign practitioner's license and by this chapter without  
4        obtaining a license from the board if the services are provided through telehealth and are a  
5        continuation of a previously established **existing** veterinarian-client-patient relationship as  
6        defined **established** under this chapter.

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

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Agriculture Committee Room JW327C, State Capitol

SB 2129  
3/14/2025

A BILL for an Act to create and enact nine new sections to chapter 43-29 of the North Dakota Century Code, relating to the practice of veterinary medicine and veterinary technology; 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.

10:52 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

### Discussion Topics:

- Legal description
- Clarifying language
- Included not limiting

10:57 a.m. Representative Holle moved to adopt the amendment LC #25.8033.02002 (presented by Dr. Lyons on 3/13/25, #44445).

10:57 a.m. Representative Tveit seconded the motion.

Voice vote.

Motion passed.

10:58 a.m. Representative Nehring moved to further amend, removing section 14 subsection n. lines 21-29 on page 18 and replaces with a new section 29 titled "Specialized or holistic animal trade - Exemptions" on page 30, #41577

11:02 a.m. Representative Henderson seconded the motion.

Representatives	Vote
Representative Mike Beltz	Y
Representative Dori Hauck	Y
Representative Karen A. Anderson	Y



Representative Gretchen Dobervich	AB
Representative Donna Henderson	Y
Representative Dawson Holle	Y
Representative Jeff Hoverson	Y
Representative Dwight Kiefert	Y
Representative Dennis Nehring	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Cynthia Schreiber-Beck	AB
Representative Bill Tveit	Y
Representative Daniel R. Vollmer	Y

Motion passed 11-1-2.

11:08 a.m. Representative Hauck moved Do Pass as amended.

11:08 a.m. Representative K. Anderson seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Mike Beltz	Y
Representative Dori Hauck	Y
Representative Karen A. Anderson	Y
Representative Gretchen Dobervich	AB
Representative Donna Henderson	Y
Representative Dawson Holle	Y
Representative Jeff Hoverson	Y
Representative Dwight Kiefert	Y
Representative Dennis Nehring	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Cynthia Schreiber-Beck	AB
Representative Bill Tveit	Y
Representative Daniel R. Vollmer	Y

Motion passed 12-0-2.

11:09 a.m. Representative Olson will carry the bill.

11:09 a.m. Chairman Beltz closed the meeting.

*Diane Lillis, Committee Clerk*

March 14, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED SENATE BILL NO. 2129

Introduced by

Workforce Development Committee

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

1 A BILL for an Act to create and enact ~~nineteen~~ new sections to chapter 43-29 of the North Dakota  
2 Century Code, relating to the practice of veterinary medicine ~~and~~, veterinary technology, and a  
3 specialized or holistic animal trade; to amend and reenact section 43-29-01.1, subsection 1 of  
4 section 43-29-02, sections 43-29-03, 43-29-04, 43-29-05, 43-29-05.1, 43-29-06, 43-29-07,  
5 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,  
6 subsection 2 of section 43-29-16, sections 43-29-16.1 and 43-29-17, and subsection 2 of  
7 section 43-29-19 of the North Dakota Century Code, relating to the practice of veterinary  
8 medicine and veterinary technology; to repeal sections 43-29-09, 43-29-10, 43-29-11, and  
9 43-29-12.1 of the North Dakota Century Code, relating to the practice of veterinary medicine  
10 and veterinary technology; and to provide a penalty.

### 11 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

#### 14 **43-29-01.1. Definitions.**

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

- 16 1. "Accepted livestock management practice" means a procedure that is commonly  
17 ~~performed~~ performed as part of the routine management of livestock which includes  
18 vaccination, implantation of growth hormones, branding, castration, dehorning,  
19 docking, earmarking, semen collection, nonsurgical artificial insemination, and  
20 assisting in a nonsurgical birthing process.

- 1       2. "Animal" means ~~any~~<sup>a</sup> member of the animal kingdom other than a human being  
2       whether living or dead.
- 3       3. "~~Accredited~~<sup>Approved</sup> college of veterinary medicine" means ~~any~~<sup>a</sup> veterinary college or  
4       division of a university or college which offers the degree of doctor of veterinary  
5       medicine or its equivalent and which conforms to the standards required for  
6       accreditation by the ~~council on education of the American veterinary medical~~  
7       ~~association~~<sup>an accrediting entity approved by the board</sup>, if the entity is nationally  
8       recognized and develops and maintains accreditation standards for veterinary  
9       education.
- 10      2.4. "~~Accredited~~<sup>Approved</sup> program in veterinary technology" means any postsecondary  
11      educational program of two or more academic years that is ~~accredited by the~~  
12      ~~committee on veterinary technician education and activities of the American veterinary~~  
13      ~~medical association~~<sup>which~~that~~</sup> offers a degree in veterinary technology or its equivalent  
14      and has been approved by the board by rule.
- 15      3. "Animal" means any animal other than a human being. The term includes any  
16      mammal, bird, fish, reptile, or fowl, whether wild or domestic, living or dead.
- 17      4.5. "Board" means the board of veterinary medical examiners.
- 18      5.6. "Certificate" means a certificate issued by the educational commission for foreign  
19      veterinary graduates or the educational equivalence program of the American  
20      association of veterinary state boards, indicating the holder has demonstrated  
21      knowledge and skill equivalent to that possessed by a graduate of an accredited  
22      college of veterinary medicine.
- 23      6. "Licensed veterinarian" means a person who is licensed by the board to practice  
24      veterinary medicine.
- 25      7. "Licensed veterinary technician" means a person who has graduated from an  
26      accredited program in veterinary technology or an equivalent program as determined  
27      by the board, and who has passed an examination prescribed by the board.
- 28      8. "Client" means the patient's owner, owner's agent, or other individual presenting the  
29      patient for care.



- 1       7. "Complementary, integrative, and alternative therapies" means a heterogeneous group  
2       of preventative, diagnostic, and therapeutic philosophies and practices not considered  
3       part of conventional veterinary medicine practiced by most veterinarians.
- 4       8. "Consent" means the veterinarian has informed the client of the diagnostic and  
5       treatment options, risk assessment, and prognosis, and the client has authorized the  
6       recommended services.
- 7       9. "Consultation" means ~~that a veterinarian receives~~ advice or assistance ~~received by a~~  
8       ~~veterinarian~~ in person, or by any method of communication, from a veterinarian or  
9       other individual whose expertise, in the opinion of the veterinarian, would benefit a  
10      patient.
- 11      10. "Direct supervision" means ~~the supervising~~ supervision by a veterinarian who is readily  
12      available on the premises where the patient is being treated and has assumed  
13      responsibility for the veterinary care given to the patient by an individual working under  
14      the direction of the veterinarian.
- 15      11. "Foreign practitioner" has the same meaning as defined under section 43-51-01.
- 16      12. "Immediate supervision" means ~~the supervising~~ supervision by a veterinarian who is in  
17      the immediate area and within audible and visual range of the patient and the  
18      individual treating the patient and has assumed responsibility for the veterinary care  
19      given to the patient by an individual working under the direction of the veterinarian.
- 20      13. "Impaired veterinarian" means a veterinarian who is unable to practice veterinary  
21      medicine with reasonable skill and safety because of a physical or mental disability or  
22      the use of alcohol, drugs, or other habit-forming chemicals.
- 23      14. "Impaired veterinary technician" means a veterinary technician who is unable to  
24      practice veterinary technology with reasonable skill and safety because of a physical  
25      or mental disability or the use of alcohol, drugs, or other habit-forming chemicals.
- 26      15. "Indirect supervision" means ~~the supervising~~ supervision by a veterinarian who is not  
27      on the premises where the patient is being treated but has given written or oral  
28      instructions for the treatment of the patient, is readily available for communication, and  
29      has assumed responsibility for the veterinary care given to the patient by an individual  
30      working under the direction of the veterinarian.



- 1     16. "Jurisdiction" means any commonwealth, state, or territory of the United States of  
2     America, including the District of Columbia, or any province of Canada.
- 3     17. "Patient" means an animal or group of animals examined or treated by a veterinarian.
- 4     18. "Practice of veterinary medicine" means to the:
- 5         a. ~~Diagnose, treat, correct, change, relieve, or prevent animal~~ Diagnosis, prognosis,  
6         correction, supervision, recommendation, or performance of any medical or  
7         surgical treatment, including complementary, integrative or alternative therapies,  
8         for the diagnosis, prevention, cure, or relief of a wound, disease, deformity,  
9         defect, fracture, bodily injury, or other dental, physical, behavioral, or mental  
10        conditions. The term includes the prescription or administration of any drug,  
11        medicine, biologic, apparatus, application, anesthetic, or other therapeutic or  
12        diagnostic substance or technique, the use of any manual or mechanical  
13        procedure for testing for pregnancy, or for correcting sterility or infertility, or to  
14        render advice or recommendation with regard to any of the above condition of an  
15        animal;
- 16        b. ~~Represent~~ Prescription, distribution, or administration of a drug, medicine,  
17        anesthetic, biologic, appliance, apparatus, application, or treatment to an animal;
- 18        c. Provision of any manual or mechanical procedure for the diagnosis or treatment  
19        of pregnancy, sterility, or infertility of an animal;
- 20        d. Determination of the health, fitness, or soundness of an animal;
- 21        e. Representation of oneself, directly or indirectly, publicly or privately, an ability and  
22        willingness to do an act described in subdivision a. as engaging in the practice of  
23        veterinary medicine; or
- 24        e.f. Use of any title, word, abbreviation, or letter in a manner or under circumstances  
25        that induce the belief the person that the individual using the such title, word,  
26        abbreviation, or letter is qualified to do any act described in subdivision a  
27        authorized to practice veterinary medicine under this chapter.
- 28        d. ~~Apply principles of environmental sanitation, food inspection, environmental~~  
29        pollution control, animal nutrition, zoonotic disease control, and disaster medicine  
30        in the promotion and protection of public health.
- 31     19. a. "Practice of veterinary technology" means the:

- 1           (1) Provision of professional medical care, monitoring, or treatment on the basis  
2           of written or oral instructions from a veterinarian;
- 3           (2) Representation of oneself, directly or indirectly, as engaging in the practice  
4           of veterinary technology; or
- 5           (3) Use of any title, word, abbreviation, or letter in a manner or under  
6           circumstances ~~that induce~~ inducing the belief ~~that~~ the individual using such  
7           title is authorized to practice veterinary technology under this chapter.
- 8       b. This section may not be construed to permit a veterinary technician to do the  
9       following:
- 10       (1) Surgery, except when acting as a surgical assistant to a veterinarian;  
11       (2) Diagnose;  
12       (3) Prognose; or  
13       (4) Prescribe.
- 14    20. "State board examination" means the jurisprudence examination administered by the  
15       board.
- 16    21. "Supervising veterinarian" means a veterinarian who has a valid veterinarian-client-  
17       patient relationship and assumes responsibility for the veterinary care provided to the  
18       patient by an individual working under the direction of the veterinarian.
- 19    22. "Teleadvice" means the provision of any health information, opinion, or guidance that  
20       is not specific to a particular animal's health, illness, or injury and is not intended to  
21       diagnose, prognose, or treat an animal.
- 22    23. "Telehealth" means the use of technology to gather and deliver health information,  
23       advice, education, or patient care remotely.
- 24    24. "Triage" means electronic communication with the client to determine urgency and  
25       need for immediate referral to a veterinarian.
- 26    25. "Veterinarian" means an individual who is licensed to practice veterinary medicine  
27       under this chapter.
- 28    9-26. "Veterinarian-client-patient relationship" means:
- 29       a. A a relationship in which the veterinarian has assumed the responsibility for  
30       making medical judgments regarding the health of an animal and the need for



1           ~~medical treatment, a patient and the client, who is the owner or other caretaker,~~  
2           ~~has agreed to follow the instructions of the veterinarian.~~

3           ~~b. There is sufficient knowledge of the animal by the veterinarian to initiate at least a~~  
4           ~~general or preliminary diagnosis of the medical condition of the animal.~~

5           ~~c. The practicing veterinarian is readily available for followup in the case of adverse~~  
6           ~~reactions or failure of the regimen of therapy. This relationship exists only when~~  
7           ~~the veterinarian has recently seen and is personally acquainted with the keeping~~  
8           ~~and care of the animal by virtue of an examination of the animal and by medically~~  
9           ~~appropriate and timely visits to the premises where the animal is kept.~~

10   ~~40.27. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, chiropractic,~~  
11   ~~acupuncture, and all other branches or specialties of veterinary medicine.~~

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

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

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

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

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

22       **Requirements of a veterinarian-client-patient relationship.**

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

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

- 1        3. The veterinarian shall provide oversight of patient treatment.
- 2        4. Patient records must be maintained according to rules promulgated by the board.
- 3        5. A veterinarian-client-patient relationship may not be established solely through
- 4        veterinary telemedicine.
- 5        6. A veterinarian seeking consultation ~~must~~shall maintain the veterinarian-client-patient
- 6        relationship.
- 7        7. A veterinarian may terminate a veterinarian-client-patient relationship by notifying the
- 8        client that the veterinarian no longer wishes to serve the patient and client.
- 9        8. The veterinarian shall provide medical records to the client, another veterinarian, or a
- 10       foreign practitioner designated by the client if the veterinarian-client-patient
- 11       relationship has been terminated. The veterinarian ~~must~~shall allow the client a
- 12       reasonable amount of time to arrange care with another veterinarian unless the
- 13       circumstance, patient, or client threatens the safety of the veterinarian or the staff.
- 14       9. A veterinarian who in good faith engages in the practice of veterinary medicine by
- 15       rendering or attempting to render emergency care may not be subject to penalty
- 16       based solely on the inability to establish a veterinarian-client-patient relationship.
- 17       10. The veterinarian-client-patient relationship may extend to all veterinarians within the
- 18       same practice with access to the patient records.

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

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

29        **SECTION 4. AMENDMENT.** Section 43-29-03 of the North Dakota Century Code is  
30 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

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

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

4       ~~3-4.~~ The board may, in its discretion, enter reciprocal agreements with the examining  
5       boards of other states and nations, governing the granting of licenses to practice  
6       veterinary medicine and surgery in this state without the applicant taking a written  
7       examination. Under no circumstances, however, may any reciprocal agreement be  
8       entered with the board of another state or nation unless the requirements for the  
9       granting of licenses in the other state or nation are on an equal or higher standard to  
10      the requirements of this state. The board may prescribe by rule any other terms or  
11      conditions to be contained in the agreements. The board shall determine the fee for  
12      license by reciprocity agreement. shall set the following by rule:

- 13      a. Application fee;  
14      b. License fee;  
15      c. Temporary license fee;  
16      d. Renewal fee;  
17      e. Late renewal fee; and  
18      f. Continuing education fee.

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

21      **43-29-04. Record of proceedings of board - Register of applicants kept by board -**  
22      **Records and register as evidence.**

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

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



1       **43-29-05. Compensation and expenses of members of board.**

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

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

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

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

15       **43-29-05.1. Executive ~~secretary~~director.**

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

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

22       **SECTION 8. 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~~License required.

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

30       **SECTION 9. AMENDMENT.** Section 43-29-07 of the North Dakota Century Code is  
31 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



1       5. Meets any additional requirements for licensure established by the board by rule.

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

4       **43-29-07.1. ~~Veterinary technicians – Examinations~~Requirements for veterinary**  
5 **technician licensure.**

6       1. ~~An~~

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

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

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

17       1. Is a graduate of an approved program of veterinary technology or completed an  
18 equivalency program of veterinary technology as established by the board by rule;

19       2. Passes the veterinary technician national examination;

20       3. Passes the state board examination;

21       4. Has no grounds for license refusal under section 43-29-14; and

22       5. Meets any additional requirements for licensure established by the board by rule.

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

25       **43-29-07.2. ~~Examination – License without examination – Temporary permit~~license.**

26       1. ~~The board shall hold at least two examinations a year. The board shall adopt rules~~  
27 ~~governing preparation, administration, and grading of examinations. Examinations~~  
28 ~~must be designed to test the examinee's knowledge of and proficiency in the subjects~~  
29 ~~and techniques commonly taught in veterinary schools. To pass the examination, the~~  
30 ~~examinee must demonstrate scientific and practical knowledge sufficient to prove~~  
31 ~~competency to practice veterinary medicine in the judgment of the board. An examinee~~

- 1        ~~must be tested by written examination, supplemented by any oral interview and~~  
2        ~~practical demonstration the board determines necessary. The board may adopt and~~  
3        ~~use the examination prepared by the national board of veterinary medical examiners.~~  
4        ~~After each examination, the board shall notify each examinee of the result of the~~  
5        ~~examination, and the board shall issue a license to each person who passed the~~  
6        ~~examination. The board shall record each new license and issue a certificate of~~  
7        ~~registration to each new licensee. Any person failing an examination may be admitted~~  
8        ~~to any subsequent examination on approval by the board and payment of the~~  
9        ~~application fee.~~
- 10       2. ~~The board may issue a license without a written examination to a qualified applicant~~  
11       ~~who furnishes satisfactory proof of graduation from an accredited or approved college~~  
12       ~~of veterinary medicine, or holds a certificate, and who:~~
- 13       a. ~~Has for the five years immediately before filing of the application been a~~  
14       ~~practicing veterinarian licensed in a state having license requirements at the time~~  
15       ~~the applicant was first licensed which were substantially equivalent to the~~  
16       ~~requirements of this chapter;~~
- 17       b. ~~Has within the three years immediately before filing the application successfully~~  
18       ~~completed the examinations provided by the national board of veterinary medical~~  
19       ~~examiners; or~~
- 20       c. ~~Currently holds a license to practice in at least one state, has active diplomat~~  
21       ~~status in a specialty organization recognized by the American veterinary medical~~  
22       ~~association, and whose practice is limited to the certified specialty in the state in~~  
23       ~~which the specialist is licensed without examination.~~
- 24       3. ~~The board may issue without examination a temporary permit~~license ~~to practice~~  
25       ~~veterinary medicine in this state to:~~
- 26       a. ~~A qualified applicant for license pending examination, if the temporary permit~~  
27       ~~expires the day after the notice of results of the first examination given after the~~  
28       ~~permit is issued. A temporary permit may not be issued to an applicant who~~  
29       ~~previously has failed the examination in this or any other state or a foreign~~  
30       ~~country.~~



- 1           b. ~~A nonresident veterinarian validly licensed in another state or a foreign country~~  
2           ~~who pays the fee established and published by the board if the temporary permit~~  
3           ~~is issued for a period of no more than sixty days and no more than one permit is~~  
4           ~~issued to a person during each calendar year.~~
- 5           c. ~~A senior veterinary student who practices in the office of and under the direct~~  
6           ~~supervision of a licensed veterinarian. A temporary student permit may not~~  
7           ~~exceed six months from its date of issuance and is granted without payment of a~~  
8           ~~fee.~~
- 9           d. ~~A graduate of a nonaccredited college of veterinary medicine, who has~~  
10           ~~satisfactorily completed the fourth year of clinical study at an accredited or~~  
11           ~~approved college of veterinary medicine, has successfully passed the~~  
12           ~~examination provided by the national board of veterinary medical examiners, and~~  
13           ~~is enrolled in the educational commission for foreign veterinary graduates~~  
14           ~~program. The holder of a temporary permit issued under this subdivision must~~  
15           ~~practice under the supervision of a licensed veterinarian. A temporary permit~~  
16           ~~issued under this subdivision is valid until the holder obtains a certificate or for~~  
17           ~~two years~~ a qualified applicant who has met the requirements established by the  
18           board.

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

21           **43-29-07.3. LicenseVeterinarian - License renewal - Continuing education**  
22           **requirements.**

- 23           1. ~~All licenses expire~~A veterinarian license expires annually as of July first but may be  
24           ~~renewed by registration with the board and payment of the registration renewal fee~~  
25           ~~established by the board. On June first of each year, the board shall mail a notice to~~  
26           ~~each licensed veterinarian that the licensee's license will expire as of July first and~~  
27           ~~provide the licensee with a form for registration. The board shall issue a new certificate~~  
28           ~~of registration to a person reregistering under this section. Any person who willfully or~~  
29           ~~by neglect fails to renew a license and who practices veterinary medicine after the~~  
30           ~~expiration of the license is practicing in violation of this chapter~~on June thirtieth.



- 1       2. A veterinarian license may be renewed by submission of the following to the board, no  
2       later than June thirtieth:
- 3       a. A complete renewal application;  
4       b. Payment of the renewal fee established by the board; and  
5       c. Proof of completion of board required continuing education.
- 6       3. An individual who neglects or willfully fails to renew a license and practices veterinary  
7       medicine after the expiration of the license, is practicing veterinary medicine in  
8       violation of this chapter.
- 9       ~~2.4.~~ Any qualified person~~An individual~~ may renew an expired license within ~~two~~five years of  
10       the date of its expiration by ~~making written~~completing an application for renewal and,  
11       paying the current renewal fee plus all delinquent renewal fees, and completing all  
12       required continuing education. After ~~two~~five years have elapsed since the date of  
13       expiration, a license may not be renewed, but the holder may ~~make application~~apply  
14       for a new license and take the license examination. The board may by rule waive the  
15       payment of the registration renewal fee of a licensed veterinarian during the period  
16       when the veterinarian is on active duty with any branch of the armed services of the  
17       United States, not to exceed the longer of three years or the duration of active duty.
- 18       ~~3.5.~~ The board may adopt rules establishing requirements for the continuing education of  
19       veterinarians and veterinary technicians. The board may refuse to renew or may  
20       suspend, revoke, or place on probationary status any license issued under this  
21       chapter upon proof the licensee veterinarian has failed to meet the applicable  
22       continuing education requirements. Applicants for accreditation of continuing  
23       education courses, classes, or activities may be charged a reasonable fee determined  
24       by the board.

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

27       **43-29-08.1. Veterinary technician - Renewal of license - Continuing education**  
28       **requirements.**

- 29       1. A license issued to a veterinary technician under this chapter ~~expires~~license expires  
30       annually on December thirty-first.

- 1       2. ~~A veterinary technician shall submit renewal fees and current mailing address~~  
2       ~~before license may be renewed by submission of the following to the board, no later~~  
3       ~~than December thirty-first on an application form provided and mailed to the~~  
4       ~~licenseholder by the board;~~
  - 5       a. A complete renewal application;
  - 6       b. Payment of a renewal fee established by the board; and
  - 7       c. Proof of completion of board required continuing education.
- 8       3. ~~A veterinary technician shall submit evidence of completion of required continuing~~  
9       ~~education credits in the veterinary field during the calendar year in order to apply for a~~  
10       ~~license renewal~~An individual who neglects or willfully fails to renew a license and  
11       practices veterinary technology after the expiration of the license, is practicing  
12       veterinary technology in violation of this chapter.
- 13       4. ~~Failure to submit the appropriate~~An individual may renew an expired license renewal  
14       ~~fee every year results in forfeiture of all rights and privileges under this chapter and the~~  
15       ~~veterinary technician may not perform veterinary technician services unless the~~  
16       ~~veterinary technician pays a delinquency fee in addition to the license~~within five years  
17       of the date of its expiration by completing an application for renewal, paying the  
18       current renewal fee plus all delinquent renewal fees, and completing all required  
19       continuing education. After five years have elapsed since the date of expiration, a  
20       license may not be renewed, but the holder may apply for a new license.
- 21       5. The board may refuse to renew or may suspend, revoke, or place on probationary  
22       status any license issued under this chapter upon proof the veterinary technician has  
23       failed to meet the applicable continuing education requirements.

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

26       **43-29-13. Practices excepted from chapter**~~Exceptions to the unlicensed practice of~~  
27       **veterinary medicine.**

- 28       1. The following persons~~individuals~~ may not be considered to be engaging in the practice  
29       of veterinary medicine in this state:
  - 30       1. a. ~~These~~An individual who administer to livestock, ~~treat~~treats animals, ~~the title to~~  
31       ~~which rests in~~ owned by themselves, or in ~~their~~the individual's regular employer,



- 1                   except ~~when the~~if ownership of the animal was transferred or otherwise  
2                   manipulated to avoid the requirements of this chapter, ~~or those who perform~~  
3                   ~~gratuitous services.~~
- 4       2.   ~~b.~~   ~~Anyone~~An individual who conducts experiments in scientific research in the  
5                   development of methods, techniques, or treatment, directly or indirectly  
6                   applicable to the problems of medicine, and who in connection with these  
7                   activities uses animals.
- 8       ~~3.~~   ~~c.~~   ~~Anyone who is a regular~~A student enrolled in an ~~accredited or~~ approved college  
9                   of veterinary medicine performing duties or actions assigned by an instructor or  
10                  working under the direct supervision of a ~~licensed veterinarian during a school~~  
11                  ~~vacation period.~~
- 12       4.   ~~d.~~   ~~Anyone licensed in another state or nation when~~An individual engaged in this  
13                  state in consultation with veterinarians legally practicing herein.
- 14       ~~5.~~   ~~e.~~   ~~A senior student who is in an approved school of veterinary medicine and who~~  
15                  ~~obtains from the board a student permit to practice in the office and under the~~  
16                  ~~direct supervision of any veterinarian practicing within this state.~~
- 17       6.   ~~Any~~An employee of the United States or this state while in the performance of duties  
18                  as ~~employees~~an employee.
- 19       7.   ~~f.~~   ~~Any~~A merchant or manufacturer selling nonprescription medicine, feed, an  
20                  appliance, or any other product ~~used~~for use as labeled in the prevention or  
21                  treatment of animal diseases.
- 22       8.   ~~g.~~   ~~Any veterinary technician or other~~An employee of a licensed veterinarian  
23                  performing duties under the direction ~~and~~or supervision of the veterinarian  
24                  responsible for the ~~technician's or other~~ employee's performance, except the  
25                  following duties:
- 26                  (1)   Performing surgery;  
27                  (2)   Diagnosing;  
28                  (3)   Prognosing; or  
29                  (4)   Prescribing.
- 30       9.   ~~h.~~   ~~Any member of the faculty of an accredited college of veterinary medicine~~  
31                  ~~performing regular functions or a person~~An individual lecturing or giving



- 1 instructions or demonstrations within the individual's area of professional  
2 expertise ~~at an accredited college of veterinary medicine or~~ in connection with a  
3 continuing education course or seminar.
- 4 10. i. ~~Any person~~ An individual selling or applying any pesticide, insecticide, or  
5 herbicide.
- 6 11. j. ~~Any~~ An individual who is not a graduate of a foreign approved college of  
7 veterinary medicine who, and is in the process of obtaining a certificate and is  
8 enrolled in an equivalency program of veterinary medicine as approved by the  
9 board, performing duties or actions assigned by the ~~graduate's instructors~~ an  
10 instructor in an accredited approved college of veterinary medicine.
- 11 12. k. ~~Any person~~ An individual performing a direct embryo transfer procedure on a  
12 recipient cow. Except as provided in this subsection, ~~a person~~ an individual  
13 performing a direct embryo transfer procedure on a recipient cow may not  
14 administer prescription drugs to the cow during, or as part of, the procedure. The  
15 owner of the recipient cow, however, may administer or cause the administration  
16 of prescription drugs to the recipient cow during, or as part of, the procedure ~~if a~~  
17 ~~veterinarian-client-patient relationship exists~~ as prescribed by a veterinarian.
- 18 l. An individual who administers medication or treatment as prescribed by a  
19 veterinarian.
- 20 m. An individual who performs gratuitous services for an animal in a life-threatening  
21 situation.
- 22 ~~n. An individual who engages in any of these acts if the individual is not diagnosing,~~  
23 ~~prescribing, or treating a condition that has not been previously diagnosed by a~~  
24 ~~veterinarian who has referred the animal for treatment:~~
- 25 ~~(1) Grooming;~~  
26 ~~(2) Training or conditioning;~~  
27 ~~(3) Horseshoeing or farrier work;~~  
28 ~~(4) Massage therapy or acupressure;~~  
29 ~~(5) Microchip implantation; or~~  
30 ~~(6) An accepted livestock management practice.~~

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

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

5       **Exceptions to unlicensed practice of veterinary technology.**

- 6       1. The following individuals may not be considered to be engaging in the practice of  
7       veterinary technology in this state:
- 8       a. An individual who treats an animal owned by the individual or the individual's  
9       regular employer, except when if ownership of the animal was transferred or  
10       otherwise manipulated to avoid the requirements of this chapter.
  - 11       b. An individual who conducts experiments in scientific research in the development  
12       of methods, techniques, or treatment, directly or indirectly applicable to the  
13       problems of medicine, and who in connection with these activities uses animals.
  - 14       c. A student enrolled in an approved program of veterinary technology performing  
15       duties or actions assigned by an instructor or working under the direct  
16       supervision of a veterinarian.
  - 17       d. An employee of the United States or this state while in the performance of duties  
18       as employees.
  - 19       e. An employee of a veterinarian performing duties under the direction or  
20       supervision of the veterinarian responsible for the employee's performance.
  - 21       f. An individual lecturing or giving instructions or demonstrations within the  
22       individual's area of professional expertise in connection with a continuing  
23       education course or seminar.
  - 24       g. An individual who is not a graduate of an approved program of veterinary  
25       technology, enrolled in an equivalency program of veterinary technology as  
26       approved by the board, performing duties or actions assigned by an instructor in  
27       an approved program of veterinary technology.
  - 28       h. An individual who administers medication or treatment as prescribed by a  
29       veterinarian.
  - 30       i. An individual who performs gratuitous services for an animal in a life-threatening  
31       situation.



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

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

5       **43-29-14. Refusal, suspension, and revocation of license and certificate -**  
6 **Reinstatement and relicense.**

- 7       1. The state board of veterinary medical examiners may refuse to issue a license or  
8 ~~certificate of registration~~temporary license, or may suspend or revoke a license and  
9 ~~certificate of registration~~or temporary license, upon any of the following grounds:
- 10       a. Fraud or deception in procuring the license, including conduct that violates the  
11 security or integrity of any licensing examination.
- 12       b. The use of advertising or solicitation that is false, misleading, or otherwise  
13 determined unprofessional under rules adopted by the board.
- 14       c. ~~Habitual intemperance in the use of intoxicating liquors, or habitual addiction to~~  
15 ~~the use of morphine, cocaine, or other habit-forming drugs~~AnThe determination  
16 that an individual is determined to be an impaired veterinarian as defined by  
17 section 43-29.01.1 or an impaired veterinary technician as defined by section  
18 43-29-01.1.
- 19       d. ~~Immoral, unprofessional, or dishonorable~~Unprofessional conduct manifestly  
20 ~~disqualifying the licensee from practicing veterinary medicine~~as defined by the  
21 rules adopted by the board, or violating the code of ethics adopted by the board  
22 by rule.
- 23       e. Incompetence, gross negligence, or other malpractice in the practice of  
24 veterinary medicine or veterinary technology.
- 25       f. Employment of unlicensed ~~persons~~individuals to perform work that under this  
26 chapter can lawfully be done only by ~~persons~~individuals licensed to practice  
27 veterinary medicine or veterinary technology.
- 28       g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests,  
29 inspecting foodstuffs, or in issuing ~~health certificates~~regulatory documents.
- 30       h. Failure of the licensee to keep the premises and equipment used in the licensee's  
31 practice in a reasonably clean and sanitary condition and failure to use



- 1 reasonably sanitary methods in the practice of veterinary medicine or veterinary  
 2 technology.
- 3 i. Violation of the rules adopted by the board.
- 4 j. Conviction of an offense determined by the board to have a direct bearing upon a  
 5 ~~person's~~the ability of an individual to serve the public as a veterinarian or  
 6 veterinary technician, or when the board determines, following conviction of any  
 7 offense, that ~~a person~~an individual is not sufficiently rehabilitated under section  
 8 12.1-33-02.1.
- 9 k. Willful or repeated violations of this chapter or any rule adopted by the board.
- 10 l. Failure to report, as required by law, or making false report of, any contagious or  
 11 infectious disease.
- 12 m. Cruelty to animals as defined under chapter 36-21.2.
- 13 n. Revocation of a license to practice veterinary medicine or veterinary technology  
 14 by another ~~state~~jurisdiction on grounds other than nonpayment of a  
 15 ~~registration~~renewal fee.
- 16 o. The use, prescription, or dispensing of any veterinary prescription drug, or the  
 17 prescription or extra-label use of any over-the-counter drug, in the absence of a  
 18 valid veterinarian-client-patient relationship, except as provided by section  
 19 43-29-19.
- 20 2. ~~Any person~~An individual whose license has been revoked may apply to the board for  
 21 reinstatement and relicensure one year after the date of revocation. The board may  
 22 reissue a license if the board is satisfied the applicant is qualified to practice veterinary  
 23 medicine or veterinary technology, meets the existing requirements for licensure, and  
 24 will comply with the rules regarding the practice of veterinary medicine or veterinary  
 25 technology.

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

28 **43-29-15. Complaints - Investigations.**

- 29 1. ~~Any person~~An individual may file a written complaint with the board setting forth the  
 30 specific charges upon which the complaint is made. Upon receiving a complaint, the  
 31 board shall notify the veterinarian or veterinary technician of the complaint and request

1 a written response from the veterinarian or veterinary technician. The board may adopt  
2 rules establishing a peer review committee for the purpose of investigating complaints  
3 and providing recommendations to the board. A veterinarian or veterinary technician  
4 who is the subject of an investigation by the board shall cooperate fully with the  
5 investigation. Cooperation includes responding fully and promptly to any reasonable  
6 question raised by or on behalf of the board relating to the subject of the investigation  
7 and providing copies of records when reasonably requested by the board. Failure to  
8 cooperate in the investigative process may be grounds for disciplinary action against  
9 the veterinarian or veterinary technician.

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

- 23 a. Subpoena and examine witnesses, records, medical records, copy, photograph,  
24 or take samples;  
25 b. Require the veterinarian or veterinary technician to give statements under oath;  
26 c. Require the veterinarian or veterinary technician to submit to a physical  
27 examination, chemical dependency evaluation, or psychological examination by a  
28 physician or other qualified evaluation professional selected by the board if there  
29 is reasonable cause to believe the veterinarian or veterinary technician is  
30 impaired as defined by 43-29-01.1; and



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

5           ~~(1) Failure to satisfactorily undergo an examination or enroll in a treatment and~~  
6           ~~monitoring program must be reported to the board by the treating~~  
7           ~~professional.~~

8           ~~(2) The veterinarian or veterinary technician shall consent to the approved~~  
9           ~~evaluation, examination, or the progress of the treatment or monitoring~~  
10          ~~program, at such intervals the board deems necessary.~~

11          ~~(3) The treating professional may release examination information, or treatment~~  
12          ~~and monitoring program information, to the board so the board may~~  
13          ~~evaluate the results of the examination or the progress and effectiveness of~~  
14          ~~the treatment or monitoring program.~~

15          ~~(4) Absent a release on file from the veterinarian or veterinary technician, all~~  
16          ~~records released to the board are confidential and are not public records.~~

17          ~~(5) The veterinarian or veterinary technician must be responsible for all~~  
18          ~~expenses related to evaluation and treatment.~~

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

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

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



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

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

4       **Self-reporting and self-referral.**

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

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

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

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

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

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

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

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

30      6.   A veterinarian or veterinary technician who has completed a treatment or monitoring  
31          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 ~~must be~~ 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 ownerclient - 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.



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

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

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

11       **43-29-17. Unlawful practice of veterinary medicine - Penalty - Civil remedy.**

12       Any person who

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

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

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

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

23       ~~is guilty of a class B misdemeanor.~~

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

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

30       **Unlawful practice of veterinary technology - Penalty - Civil remedy.**

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

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

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

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

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

28       **Veterinary telemedicine - Teleadvice and teletriage.**

- 29       1. A veterinarian shall establish a veterinarian-client-patient relationship by virtue of a  
30                 medically appropriate and timely in-person examination of a patient by the



1        veterinarian, or by a timely in-person visit to the premises where the patient is  
2        managed or resides before the provision of veterinary telemedicine services.

3        ~~a.    The veterinarian has established a veterinarian-client-patient relationship before~~  
4        ~~the provision of veterinary telemedicine services;~~

5        ~~b.    The veterinarian employs sound professional judgement to determine whether~~  
6        ~~the use of veterinary telemedicine is medically appropriate;~~

7        ~~c.    The veterinarian obtains appropriate consent from the client;~~

8        ~~d.    The veterinarian conducts all necessary patient evaluations consistent with~~  
9        ~~currently acceptable standards of care;~~

10       ~~e.    The veterinarian maintains patient records according to rules promulgated by the~~  
11       ~~board; and~~

12       ~~f.    The veterinarian ensures the client is aware of the veterinarian's identity, location,~~  
13       ~~license number, and licensure status.~~

14       2.    The provision of teleadvice or teletriage by a veterinarian does not require the prior  
15       establishment of a veterinarian-client-patient relationship.

16       3.    A veterinary technician may perform teleadvice and teletriage without instructions from  
17       a veterinarian.

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

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

21       **Source of data.**

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

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

28       **Location of the practice of veterinary medicine.**

29       The provision of veterinary services to a patient in this state which fall within the standard of  
30 practice of veterinary medicine regardless of the means by which the services are provided or



1 the physical location of the person providing those services, constitutes the practice of  
2 veterinary medicine in this state and is subject to regulation by the board.

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

5 **Indirect practice without a license for foreign practitioners.**

6 A foreign practitioner may provide veterinary services in this state which fall within the  
7 scope of practice designated by the foreign practitioner's license and by this chapter without  
8 obtaining a license from the board if the services are provided through telehealth and are a  
9 continuation of ~~a previously established~~ an existing veterinarian-client-patient relationship as  
10 ~~defined~~ established under this chapter.

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

13 **Specialized or holistic animal trade - Exceptions.**

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

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

**REPORT OF STANDING COMMITTEE  
ENGROSSED SB 2129**

**Agriculture Committee (Rep. Beltz, Chairman)** recommends **AMENDMENTS** ([25.8033.02003](#)) and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). SB 2129 was placed on the Sixth order on the calendar.



Sixty-ninth  
Legislative Assembly

1 **Indirect practice without a license for foreign practitioners.**

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3 scope of practice designated by the foreign practitioner's license and by this chapter without  
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6 this chapter.

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

**2025 CONFERENCE COMMITTEE**

**SB 2129**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2129  
4/3/2025  
Conference Committee

Relating to the practice of veterinary medicine and veterinary technology; and to provide a penalty.

5:00 p.m. Chairman Wobbema called the meeting to order.

Members Present: Chairman Wobbema, Senator Boschee, Senator Powers, Representative Hauck, Representative Nehring, Representative Tveit.

### **Discussion Topics:**

- Equine Dental Care
- Equine Acupuncture
- Legal Definitions in Other States
- Animal Cruelty in Century Code

5:00 p.m. Chairman Wobbema opened committee discussion on reason for changes.

5:15 p.m. Dr. Sara Lyons, Executive Secretary of the North Dakota Board of Veterinary Medical Examiners, answered committee questions.

5:34 p.m. Troy Dutton, Veterinarian/Owner, answered committee questions.

5:48 p.m. Chairman Wobbema closed the meeting.

*Andrew Ficek, Committee Clerk*



# 2025 SENATE STANDING COMMITTEE MINUTES

## Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2129  
4/10/2025

### Conference Committee

The North Dakota Century Code, relating to the practice of veterinary medicine and veterinary technology; and to provide a penalty.

4:00 p.m. Chairman Wobbema called the meeting to order.

Members Present: Chairman Wobbema, Senator Boschee, Senator Powers, Representative Hauck, Representative Nehring, Representative Tveit.

### Discussion Topics:

- Recognized Animal Services
- Gratuitous services

4:01 p.m. Senator Boschee opened discussion on submitted testimony #44931.

4:04 p.m. Matt Menge, Assistant Attorney General, answered committee questions.

4:08 p.m. Dr. Sara Lyons, North Dakota Board of Veterinary Medical Examiners answered committee questions.

4:10 p.m. Senator Boschee moved Amendment LC#25.8033.02006.

4:10 p.m. Representative Tveit seconded the motion.

Motion passed 6-0-0.

4:13 p.m. Representative Tveit moved amendment LC#25.8033.02006 in place of LC#25.8033.02003.

4:14 p.m. Representative Nehring seconded the motion.

Motion passed 6-0-0.

Senator Boschee will carry the bill.

Representative Hauck will carry the bill.

4:14 p.m. Chairman Wobbema closed the hearing.

*Andrew Ficek, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

4/10/25 VC  
1 of 30

**ENGROSSED SENATE BILL NO. 2129**

Introduced by

Workforce Development Committee

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

1 *In place of the amendments (25.8033.02003) adopted by the House, Engrossed Senate Bill*  
2 *No. 2129 is amended by amendment (25.8033.02006) as follows:*

3 A BILL for an Act to create and enact ~~nineteen~~ new sections to chapter 43-29 of the North Dakota  
4 Century Code, relating to the practice of veterinary medicine ~~and~~ veterinary technology, ~~and~~  
5 recognized animal services; to amend and reenact section 43-29-01.1, subsection 1 of section  
6 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,  
7 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  
8 43-29-16, sections 43-29-16.1 and 43-29-17, and subsection 2 of section 43-29-19 of the North  
9 Dakota Century Code, relating to the practice of veterinary medicine and veterinary technology;  
10 to repeal sections 43-29-09, 43-29-10, 43-29-11, and 43-29-12.1 of the North Dakota Century  
11 Code, relating to the practice of veterinary medicine and veterinary technology; and to provide a  
12 penalty.

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

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

16 **43-29-01.1. Definitions.**

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

- 18 1. "Accepted livestock management practice" means a procedure that is commonly  
19 performed as part of the routine management of livestock which includes  
20 vaccination, implantation of growth hormones, branding, castration, dehorning,  
21 docking, ear marking, semen collection, nonsurgical artificial insemination, and  
22 assisting in a nonsurgical birthing process.

2. "Animal" means ~~any~~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~~which~~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.



- 1       7. "Complementary, integrative, and alternative therapies" means a heterogeneous group  
2       of preventative, diagnostic, and therapeutic philosophies and practices not considered  
3       part of conventional veterinary medicine practiced by most veterinarians.
- 4       8. "Consent" means the veterinarian has informed the client of the diagnostic and  
5       treatment options, risk assessment, and prognosis, and the client has authorized the  
6       recommended services.
- 7       9. "Consultation" means ~~that a veterinarian receives~~ advice or assistance ~~received~~ by a  
8       veterinarian in person, or by any method of communication, from a veterinarian or  
9       other individual whose expertise, in the opinion of the veterinarian, would benefit a  
10       patient.
- 11      10. "Direct supervision" means ~~the supervising~~ supervision by a veterinarian who is readily  
12       available on the premises where the patient is being treated and has assumed  
13       responsibility for the veterinary care given to the patient by an individual working under  
14       the direction of the veterinarian.
- 15      11. "Foreign practitioner" has the same meaning as defined under section 43-51-01.
- 16      12. "Immediate supervision" means ~~the supervising~~ supervision by a veterinarian who is in  
17       the immediate area and within audible and visual range of the patient and the  
18       individual treating the patient and has assumed responsibility for the veterinary care  
19       given to the patient by an individual working under the direction of the veterinarian.
- 20      13. "Impaired veterinarian" means a veterinarian who is unable to practice veterinary  
21       medicine with reasonable skill and safety because of a physical or mental disability or  
22       the use of alcohol, drugs, or other habit-forming chemicals.
- 23      14. "Impaired veterinary technician" means a veterinary technician who is unable to  
24       practice veterinary technology with reasonable skill and safety because of a physical  
25       or mental disability or the use of alcohol, drugs, or other habit-forming chemicals.
- 26      15. "Indirect supervision" means ~~the supervising~~ supervision by a veterinarian who is not  
27       on the premises where the patient is being treated but has given written or oral  
28       instructions for the treatment of the patient, is readily available for communication, and  
29       has assumed responsibility for the veterinary care given to the patient by an individual  
30       working under the direction of the veterinarian.

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

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

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

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

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

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

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

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

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

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

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



- 1           (1) Provision of professional medical care, monitoring, or treatment on the basis
- 2           of written or oral instructions from a veterinarian;
- 3           (2) Representation of oneself, directly or indirectly, as engaging in the practice
- 4           of veterinary technology; or
- 5           (3) Use of any title, word, abbreviation, or letter in a manner or under
- 6           circumstances ~~that induce~~ inducing the belief that the individual using such
- 7           title is authorized to practice veterinary technology under this chapter.
- 8       b. This section may not be construed to permit a veterinary technician to do the
- 9           following:
- 10           (1) Surgery, except when acting as a surgical assistant to a veterinarian;
- 11           (2) Diagnose;
- 12           (3) Prognose; or
- 13           (4) Prescribe.
- 14       20. "State board examination" means the jurisprudence examination administered by the
- 15           board.
- 16       21. "Supervising veterinarian" means a veterinarian who has a valid veterinarian-client-
- 17           patient relationship and assumes responsibility for the veterinary care provided to the
- 18           patient by an individual working under the direction of the veterinarian.
- 19       22. "Teleadvice" means the provision of any health information, opinion, or guidance that
- 20           is not specific to a particular animal's health, illness, or injury and is not intended to
- 21           diagnose, prognose, or treat an animal.
- 22       23. "Telehealth" means the use of technology to gather and deliver health information,
- 23           advice, education, or patient care remotely.
- 24       24. "Triage" means electronic communication with the client to determine urgency and
- 25           need for immediate referral to a veterinarian.
- 26       25. "Veterinarian" means an individual who is licensed to practice veterinary medicine
- 27           under this chapter.
- 28       9-26. "Veterinarian-client-patient relationship" means:
- 29           a. A a relationship in which the veterinarian has assumed the responsibility for
- 30           making medical judgments regarding the health of an animal and the need for



- 1                    ~~medical treatment, a patient and the client, who is the owner or other caretaker,~~  
2                    ~~has agreed to follow the instructions of the veterinarian.~~
- 3                    ~~b. There is sufficient knowledge of the animal by the veterinarian to initiate at least a~~  
4                    ~~general or preliminary diagnosis of the medical condition of the animal.~~
- 5                    ~~c. The practicing veterinarian is readily available for followup in the case of adverse~~  
6                    ~~reactions or failure of the regimen of therapy. This relationship exists only when~~  
7                    ~~the veterinarian has recently seen and is personally acquainted with the keeping~~  
8                    ~~and care of the animal by virtue of an examination of the animal and by medically~~  
9                    ~~appropriate and timely visits to the premises where the animal is kept.~~
- 10    ~~40-27. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, chiropractic,~~  
11                    ~~acupuncture, and all other branches or specialties of veterinary medicine.~~
- 12                    28. "Veterinary premises" means any premises or facility where the practice of veterinary  
13                    medicine is performed but may not include the premises of a client, research facility,  
14                    military base, or an approved college of veterinary medicine.
- 15                    29. "Veterinary technician" means an individual who is licensed to practice veterinary  
16                    technology under this chapter.
- 17                    30. "Veterinary technology" includes all branches or specialties of veterinary technology.
- 18                    31. "Veterinary telemedicine" means the virtual practice of veterinary medicine over the  
19                    telecommunications infrastructure.

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

22                    **Requirements of a veterinarian-client-patient relationship.**

- 23                    1. A veterinarian-client-patient relationship may not be established unless the  
24                    veterinarian has sufficient knowledge of the patient to initiate a general or preliminary  
25                    diagnosis of the medical condition of the patient. To establish a veterinarian-client-  
26                    patient relationship, the veterinarian must be personally acquainted with the keeping  
27                    and care of the patient by virtue of a medically appropriate and timely in-person  
28                    examination of the patient by the veterinarian, or by a timely in-person visit to the  
29                    premises where the patient is managed or resides.
- 30                    2. The veterinarian must be reasonably available for patient followup care after a  
31                    veterinarian-client-patient relationship is established.

- 1        3. The veterinarian shall provide oversight of patient treatment.
- 2        4. Patient records must be maintained according to rules promulgated by the board.
- 3        5. A veterinarian-client-patient relationship may not be established solely through
- 4        veterinary telemedicine.
- 5        6. A veterinarian seeking consultation ~~must~~shall maintain the veterinarian-client-patient
- 6        relationship.
- 7        7. A veterinarian may terminate a veterinarian-client-patient relationship by notifying the
- 8        client that the veterinarian no longer wishes to serve the patient and client.
- 9        8. The veterinarian shall provide medical records to the client, another veterinarian, or a
- 10       foreign practitioner designated by the client if the veterinarian-client-patient
- 11       relationship has been terminated. The veterinarian ~~must~~shall allow the client a
- 12       reasonable amount of time to arrange care with another veterinarian unless the
- 13       circumstance, patient, or client threatens the safety of the veterinarian or the staff.
- 14       9. A veterinarian who in good faith engages in the practice of veterinary medicine by
- 15       rendering or attempting to render emergency care may not be subject to penalty
- 16       based solely on the inability to establish a veterinarian-client-patient relationship.
- 17       10. The veterinarian-client-patient relationship may extend to all veterinarians within the
- 18       same practice with access to the patient records.

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

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

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



**43-29-03. Officers of board - Seal - Meetings - Limitations on meetings -  
ExaminationsDuties of board - Rules - Code of ethics-- Inspection of facilities--  
Educational requirements-- ReciprocityFees.**

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  
registrationRequirements 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



1       5. Meets any additional requirements for licensure established by the board by rule.

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

4       **43-29-07.1. Veterinary technicians—Examinations**~~Requirements for veterinary~~  
5 ~~technician licensure.~~

6       1. An

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

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

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

17       1. Is a graduate of an approved program of veterinary technology or completed an  
18 equivalency program of veterinary technology as established by the board by rule;

19       2. Passes the veterinary technician national examination;

20       3. Passes the state board examination;

21       4. Has no grounds for license refusal under section 43-29-14; and

22       5. Meets any additional requirements for licensure established by the board by rule.

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

25       **43-29-07.2. Examination—License without examination— Temporary permit**~~license.~~

26       1. ~~The board shall hold at least two examinations a year. The board shall adopt rules~~  
27 ~~governing preparation, administration, and grading of examinations. Examinations~~  
28 ~~must be designed to test the examinee's knowledge of and proficiency in the subjects~~  
29 ~~and techniques commonly taught in veterinary schools. To pass the examination, the~~  
30 ~~examinee must demonstrate scientific and practical knowledge sufficient to prove~~  
31 ~~competency to practice veterinary medicine in the judgment of the board. An examinee~~

1 must be tested by written examination, supplemented by any oral interview and  
2 practical demonstration the board determines necessary. The board may adopt and  
3 use the examination prepared by the national board of veterinary medical examiners.  
4 After each examination, the board shall notify each examinee of the result of the  
5 examination, and the board shall issue a license to each person who passed the  
6 examination. The board shall record each new license and issue a certificate of  
7 registration to each new licensee. Any person failing an examination may be admitted  
8 to any subsequent examination on approval by the board and payment of the  
9 application fee.

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

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

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

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

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

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



- 1           b. ~~A nonresident veterinarian validly licensed in another state or a foreign country~~  
2           ~~who pays the fee established and published by the board if the temporary permit~~  
3           ~~is issued for a period of no more than sixty days and no more than one permit is~~  
4           ~~issued to a person during each calendar year.~~
- 5           e. ~~A senior veterinary student who practices in the office of and under the direct~~  
6           ~~supervision of a licensed veterinarian. A temporary student permit may not~~  
7           ~~exceed six months from its date of issuance and is granted without payment of a~~  
8           ~~fee.~~
- 9           d. ~~A graduate of a nonaccredited college of veterinary medicine, who has~~  
10           ~~satisfactorily completed the fourth year of clinical study at an accredited or~~  
11           ~~approved college of veterinary medicine, has successfully passed the~~  
12           ~~examination provided by the national board of veterinary medical examiners, and~~  
13           ~~is enrolled in the educational commission for foreign veterinary graduates~~  
14           ~~program. The holder of a temporary permit issued under this subdivision must~~  
15           ~~practice under the supervision of a licensed veterinarian. A temporary permit~~  
16           ~~issued under this subdivision is valid until the holder obtains a certificate or for~~  
17           ~~two years~~ a qualified applicant who has met the requirements established by the  
18           board.

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

21           **43-29-07.3. ~~License~~Veterinarian - License renewal - Continuing education**  
22           **requirements.**

- 23           1. ~~All licenses expire~~A veterinarian license expires annually as of July first but may be  
24           renewed by registration with the board and payment of the registration renewal fee  
25           established by the board. ~~On June first of each year, the board shall mail a notice to~~  
26           ~~each licensed veterinarian that the licensee's license will expire as of July first and~~  
27           ~~provide the licensee with a form for registration. The board shall issue a new certificate~~  
28           ~~of registration to a person reregistering under this section. Any person who willfully or~~  
29           ~~by neglect fails to renew a license and who practices veterinary medicine after the~~  
30           ~~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:
  - a. ~~Those~~An individual who administer to livestock~~treat~~treats animals, the title to which rests in ~~owned by~~ themselves, or in their ~~the individual's~~ regular employer,



1                   except ~~when the~~if ownership of the animal was transferred or otherwise  
2                   manipulated to avoid the requirements of this chapter, ~~or those who perform~~  
3                   ~~gratuitous services.~~

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

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

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

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

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

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

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

26               (1)   Performing surgery;

27               (2)   Diagnosing;

28               (3)   Prognosing; or

29               (4)   Prescribing.

30       9.   **h.**   ~~Any member of the faculty of an accredited college of veterinary medicine~~  
31                  ~~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.

~~n. An individual who engages in any of these acts if the individual is not diagnosing, prescribing, or treating a condition that has not been previously diagnosed by a veterinarian who has referred the animal for treatment:~~

~~(1) Grooming;~~

~~(2) Training or conditioning;~~

~~(3) Horseshoeing or farrier work;~~

~~(4) Massage therapy or acupressure;~~

~~(5) Microchip implantation; or~~

~~(6) An accepted livestock management practice.~~

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 ~~when~~ 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.



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

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

5       **43-29-14. Refusal, suspension, and revocation of license and certificate -**  
6 **Reinstatement and relicense.**

- 7       1. The state board of veterinary medical examiners may refuse to issue a license or  
8 ~~certificate of registration~~temporary license, or may suspend or revoke a license and  
9 ~~certificate of registration~~or temporary license, upon any of the following grounds:
- 10       a. Fraud or deception in procuring the license, including conduct that violates the  
11       security or integrity of any licensing examination.
- 12       b. The use of advertising or solicitation that is false, misleading, or otherwise  
13       determined unprofessional under rules adopted by the board.
- 14       c. ~~Habitual intemperance in the use of intoxicating liquors, or habitual addiction to~~  
15 ~~the use of morphine, cocaine, or other habit-forming drugs~~An~~The determination~~  
16 that an individual is determined to be an impaired veterinarian as defined by  
17 section 43-29.01.1 or an impaired veterinary technician as defined by section 43-  
18 29-01.1.
- 19       d. ~~Immoral, unprofessional, or dishonorable~~Unprofessional conduct manifestly  
20 ~~disqualifying the licensee from practicing veterinary medicine~~as defined by the  
21 rules adopted by the board, or violating the code of ethics adopted by the board  
22 by rule.
- 23       e. Incompetence, gross negligence, or other malpractice in the practice of  
24       veterinary medicine or veterinary technology.
- 25       f. Employment of unlicensed persons~~individuals~~ to perform work that under this  
26       chapter can lawfully be done only by persons~~individuals~~ licensed to practice  
27       veterinary medicine or veterinary technology.
- 28       g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests,  
29       inspecting foodstuffs, or in issuing ~~health certificates~~regulatory documents.
- 30       h. Failure of the licensee to keep the premises and equipment used in the licensee's  
31       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

1 a written response from the veterinarian or veterinary technician. The board may adopt  
2 rules establishing a peer review committee for the purpose of investigating complaints  
3 and providing recommendations to the board. A veterinarian or veterinary technician  
4 who is the subject of an investigation by the board shall cooperate fully with the  
5 investigation. Cooperation includes responding fully and promptly to any reasonable  
6 question raised by or on behalf of the board relating to the subject of the investigation  
7 and providing copies of records when reasonably requested by the board. Failure to  
8 cooperate in the investigative process may be grounds for disciplinary action against  
9 the veterinarian or veterinary technician.

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

- 23 a. Subpoena and examine witnesses, records, medical records, copy, photograph,  
24 or take samples;  
25 b. Require the veterinarian or veterinary technician to give statements under oath;  
26 c. Require the veterinarian or veterinary technician to submit to a physical  
27 examination, chemical dependency evaluation, or psychological examination by a  
28 physician or other qualified evaluation professional selected by the board if there  
29 is reasonable cause to believe the veterinarian or veterinary technician is  
30 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.

~~(1) Failure to satisfactorily undergo an examination or enroll in a treatment and monitoring program must be reported to the board by the treating professional.~~

~~(2) The veterinarian or veterinary technician shall consent to the approved evaluation, examination, or the progress of the treatment or monitoring program, at such intervals the board deems necessary.~~

~~(3) The treating professional may release examination information, or treatment and monitoring program information, to the board so the board may evaluate the results of the examination or the progress and effectiveness of the treatment or monitoring program.~~

~~(4) Absent a release on file from the veterinarian or veterinary technician, all records released to the board are confidential and are not public records.~~

~~(5) The veterinarian or veterinary technician must be responsible for all expenses related to evaluation and treatment.~~

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.



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

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

4       **Self-reporting and self-referral.**

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

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

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

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

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

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

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

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

30      6.   A veterinarian or veterinary technician who has completed a treatment or monitoring  
31           program and is in full compliance with all parts of the treatment or monitoring plan and

1 aftercare, may answer in the negative to a question on an application to the board for  
2 licensure or licensure renewal regarding current impairment by the condition for which  
3 the veterinarian or veterinary technician completed treatment. However, any  
4 recurrence of the impairment or the existence of other potential impairments that are  
5 not currently known to the program must be reported on the application.

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

- 10 a. Disclosure is reasonably necessary for the accomplishment of the purposes of  
11 intervention, rehabilitation, referral assistance, or supportive services;  
12 b. Disclosure is required by law in a legal or administrative hearing or requested by  
13 the board for a formal disciplinary action;  
14 c. Disclosure is necessary regarding a veterinarian's or veterinary technician's  
15 noncompliance with the program;  
16 d. A staff member is handling records for administrative purposes as provided under  
17 this section; and  
18 e. A person is participating in treatment or program monitoring, evaluations, or  
19 followup.

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

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

26 **Immunity from liability.**

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

- 30 1. A member of the board;  
31 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.~~ a. Practices veterinary medicine, ~~surgery, or dentistry~~ in this state without compliance with the provisions of this chapter;

~~2. b.~~ 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.~~ 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.

~~a. The veterinarian has established a veterinarian-client-patient relationship before the provision of veterinary telemedicine services;~~

~~b. The veterinarian employs sound professional judgement to determine whether the use of veterinary telemedicine is medically appropriate;~~

~~c. The veterinarian obtains appropriate consent from the client;~~

~~d. The veterinarian conducts all necessary patient evaluations consistent with currently acceptable standards of care;~~

~~e. The veterinarian maintains patient records according to rules promulgated by the board; and~~

~~f. The veterinarian ensures the client is aware of the veterinarian's identity, location, license number, and licensure status.~~

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



1 the physical location of the person providing those services, constitutes the practice of  
2 veterinary medicine in this state and is subject to regulation by the board.

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

5 **Indirect practice without a license for foreign practitioners.**

6 A foreign practitioner may provide veterinary services in this state which fall within the  
7 scope of practice designated by the foreign practitioner's license and by this chapter without  
8 obtaining a license from the board if the services are provided through telehealth and are a  
9 continuation of a previously established an existing veterinarian-client-patient relationship as  
10 defined established under this chapter.

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

13 **Recognized animal services - Exceptions.**

14 1. The provision of a recognized animal service does not constitute the practice of  
15 veterinary medicine if provided by an individual who is not a veterinarian or veterinary  
16 technician and not otherwise excepted from the practice of veterinary medicine under  
17 section 43-29-13.

18 2. For purposes of this section, "recognized animal service" means:

19 a. Grooming;

20 b. Training or conditioning;

21 c. Horseshoeing or farrier work;

22 d. Massage therapy or acupressure;

23 e. Microchip implantation; and

24 f. An accepted livestock management practice.

25 3. This section does not permit an individual who is not a veterinarian to diagnose,  
26 prescribe, or perform surgical procedures, other than surgical procedures considered  
27 to be an accepted livestock management practice.

28 4. The exceptions provided under this section do not extend to any other animal  
29 services.

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

## SB 2129 041025 1611 PM Roll Call Vote

### Amendment

**SB 2129**

**Date Submitted:** April 10, 2025, 4:11 p.m.

**Action:** Passed

**Amendment LC #:** Pending LC #

**Description of Amendment:** Proposed Amendment LC#2006

**Motioned By:** Boschee, Josh

**Seconded By:** Tveit, Bill

**Emergency Clause:** None

**Vote Results:** 6 - 0 - 0

Sen. Wobbema, Mike	Yea
Sen. Powers, Michelle	Yea
Sen. Boschee, Josh	Yea
Rep. Hauck, Dori	Yea
Rep. Nehring, Dennis	Yea
Rep. Tveit, Bill	Yea

## SB 2129 041025 1614 PM Roll Call Vote

### Final Recommendation

**SB 2129**

**Date Submitted:** April 10, 2025, 4:14 p.m.

**Recommendation:** In Place Of

**Amendment LC #:** 25.8033.02006

**Engrossed LC #:** N/A

**Description:**

**Motioned By:** Tveit, Bill

**Seconded By:** Nehring, Dennis

**House Carrier:** Hauck, Dori

**Senate Carrier:** Boschee, Josh

**Emergency Clause:** None

**Vote Results:** 6 - 0 - 0

Sen. Wobbema, Mike	Yea
Sen. Powers, Michelle	Yea
Sen. Boschee, Josh	Yea
Rep. Hauck, Dori	Yea
Rep. Nehring, Dennis	Yea
Rep. Tveit, Bill	Yea



**REPORT OF CONFERENCE COMMITTEE  
ENGROSSED SB 2129**

Your conference committee (Sens. Wobbema, Powers, Boschee and Reps. Hauck, Nehring, Tveit) recommends that in place of amendment [25.8033.02003](#) adopted by the House, Engrossed SB 2129 is amended by amendment [25.8033.02006](#).

Engrossed SB 2129 was placed on the Seventh order of business on the calendar.

25.8033.02006  
Title.

Prepared by the Legislative Council  
staff for Senator Boschee  
April 7, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED SENATE BILL NO. 2129

Introduced by

Workforce Development Committee

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

1 *In place of the amendments (25.8033.02003) adopted by the House, Engrossed Senate Bill*  
2 *No. 2129 is amended by amendment (25.8033.02006) as follows:*

3 A BILL for an Act to create and enact ~~nineteen~~ new sections to chapter 43-29 of the North Dakota  
4 Century Code, relating to the practice of veterinary medicine ~~and~~, veterinary technology, and  
5 recognized animal services; to amend and reenact section 43-29-01.1, subsection 1 of section  
6 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,  
7 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  
8 43-29-16, sections 43-29-16.1 and 43-29-17, and subsection 2 of section 43-29-19 of the North  
9 Dakota Century Code, relating to the practice of veterinary medicine and veterinary technology;  
10 to repeal sections 43-29-09, 43-29-10, 43-29-11, and 43-29-12.1 of the North Dakota Century  
11 Code, relating to the practice of veterinary medicine and veterinary technology; and to provide a  
12 penalty.

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

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

16 **43-29-01.1. Definitions.**

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

18 1. "Accepted livestock management practice" means a procedure that is commonly  
19 ~~performed~~ performed as part of the routine management of livestock which includes  
20 vaccination, implantation of growth hormones, branding, castration, dehorning,  
21 docking, earmarking, semen collection, nonsurgical artificial insemination, and  
22 assisting in a nonsurgical birthing process.

2. "Animal" means ~~any~~<sup>a</sup> member of the animal kingdom other than a human being whether living or dead.

3. "~~Accredited~~<sup>Approved</sup> college of veterinary medicine" means ~~any~~<sup>a</sup> 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~~<sup>an accrediting entity approved by the board, if the entity is nationally recognized and develops and maintains accreditation standards for veterinary education.</sup>

2.4. "~~Accredited~~<sup>Approved</sup> 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~~<sup>which~~that~~ offers a degree in veterinary technology or its equivalent and has been approved by the board by rule.</sup>

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.



- 1       7. "Complementary, integrative, and alternative therapies" means a heterogeneous group  
2       of preventative, diagnostic, and therapeutic philosophies and practices not considered  
3       part of conventional veterinary medicine practiced by most veterinarians.
- 4       8. "Consent" means the veterinarian has informed the client of the diagnostic and  
5       treatment options, risk assessment, and prognosis, and the client has authorized the  
6       recommended services.
- 7       9. "Consultation" means ~~that a veterinarian receives~~ advice or assistance ~~received by a~~  
8       veterinarian in person, or by any method of communication, from a veterinarian or  
9       other individual whose expertise, in the opinion of the veterinarian, would benefit a  
10      patient.
- 11      10. "Direct supervision" means ~~the supervising~~supervision by a veterinarian who is readily  
12      available on the premises where the patient is being treated and has assumed  
13      responsibility for the veterinary care given to the patient by an individual working under  
14      the direction of the veterinarian.
- 15      11. "Foreign practitioner" has the same meaning as defined under section 43-51-01.
- 16      12. "Immediate supervision" means ~~the supervising~~supervision by a veterinarian who is in  
17      the immediate area and within audible and visual range of the patient and the  
18      individual treating the patient and has assumed responsibility for the veterinary care  
19      given to the patient by an individual working under the direction of the veterinarian.
- 20      13. "Impaired veterinarian" means a veterinarian who is unable to practice veterinary  
21      medicine with reasonable skill and safety because of a physical or mental disability or  
22      the use of alcohol, drugs, or other habit-forming chemicals.
- 23      14. "Impaired veterinary technician" means a veterinary technician who is unable to  
24      practice veterinary technology with reasonable skill and safety because of a physical  
25      or mental disability or the use of alcohol, drugs, or other habit-forming chemicals.
- 26      15. "Indirect supervision" means the ~~supervising~~supervision by a veterinarian who is not  
27      on the premises where the patient is being treated but has given written or oral  
28      instructions for the treatment of the patient, is readily available for communication, and  
29      has assumed responsibility for the veterinary care given to the patient by an individual  
30      working under the direction of the veterinarian.

- 1        16. "Jurisdiction" means any commonwealth, state, or territory of the United States of  
2        America, including the District of Columbia, or any province of Canada.
- 3        17. "Patient" means an animal or group of animals examined or treated by a veterinarian.
- 4        18. "Practice of veterinary medicine" means to the:
- 5            a. ~~Diagnose, treat, correct, change, relieve, or prevent animal~~ Diagnosis, prognosis,  
6            correction, supervision, recommendation, or performance of any medical or  
7            surgical treatment, including complementary, integrative or alternative therapies,  
8            for the diagnosis, prevention, cure, or relief of a wound, disease, deformity,  
9            defect, fracture, bodily injury, or other dental, physical, behavioral, or mental  
10           conditions. The term includes the prescription or administration of any drug,  
11           medicine, biologic, apparatus, application, anesthetic, or other therapeutic or  
12           diagnostic substance or technique, the use of any manual or mechanical  
13           procedure for testing for pregnancy, or for correcting sterility or infertility, or to  
14           render advice or recommendation with regard to any of the above condition of an  
15           animal;
- 16           b. ~~Represent~~ Prescription, distribution, or administration of a drug, medicine,  
17           anesthetic, biologic, appliance, apparatus, application, or treatment to an animal;
- 18           c. Provision of any manual or mechanical procedure for the diagnosis or treatment  
19           of pregnancy, sterility, or infertility of an animal;
- 20           d. Determination of the health, fitness, or soundness of an animal;
- 21           e. Representation of oneself, directly or indirectly, publicly or privately, an ability and  
22           willingness to do an act described in subdivision a as engaging in the practice of  
23           veterinary medicine; or
- 24           e.f. Use of any title, word, abbreviation, or letter in a manner or under circumstances  
25           that induce the belief the person that the individual using the such title, word,  
26           abbreviation, or letter is qualified to do any act described in subdivision a  
27           authorized to practice veterinary medicine under this chapter.
- 28           d. ~~Apply principles of environmental sanitation, food inspection, environmental~~  
29           ~~pollution control, animal nutrition, zoonotic disease control, and disaster medicine~~  
30           ~~in the promotion and protection of public health.~~
- 31        19. a. "Practice of veterinary technology" means the:

- 1           (1) Provision of professional medical care, monitoring, or treatment on the basis  
2           of written or oral instructions from a veterinarian;
- 3           (2) Representation of oneself, directly or indirectly, as engaging in the practice  
4           of veterinary technology; or
- 5           (3) Use of any title, word, abbreviation, or letter in a manner or under  
6           circumstances ~~that induce~~ inducing the belief ~~that~~ the individual using such  
7           title is authorized to practice veterinary technology under this chapter.
- 8       b. This section may not be construed to permit a veterinary technician to do the  
9       following:
- 10       (1) Surgery, except when acting as a surgical assistant to a veterinarian;  
11       (2) Diagnose;  
12       (3) Prognose; or  
13       (4) Prescribe.
- 14    20. "State board examination" means the jurisprudence examination administered by the  
15       board.
- 16    21. "Supervising veterinarian" means a veterinarian who has a valid veterinarian-client-  
17       patient relationship and assumes responsibility for the veterinary care provided to the  
18       patient by an individual working under the direction of the veterinarian.
- 19    22. "Teleadvice" means the provision of any health information, opinion, or guidance that  
20       is not specific to a particular animal's health, illness, or injury and is not intended to  
21       diagnose, prognose, or treat an animal.
- 22    23. "Telehealth" means the use of technology to gather and deliver health information,  
23       advice, education, or patient care remotely.
- 24    24. "Triage" means electronic communication with the client to determine urgency and  
25       need for immediate referral to a veterinarian.
- 26    25. "Veterinarian" means an individual who is licensed to practice veterinary medicine  
27       under this chapter.
- 28    9-26. "Veterinarian-client-patient relationship" means:
- 29       a. A a relationship in which the veterinarian has assumed the responsibility for  
30       making medical judgments regarding the health of an animal and the need for



- 1                   medical treatment; a patient and the client, who is the owner or other caretaker,  
2                   has agreed to follow the instructions of the veterinarian.
- 3           b. ~~There is sufficient knowledge of the animal by the veterinarian to initiate at least a~~  
4           ~~general or preliminary diagnosis of the medical condition of the animal.~~
- 5           e. ~~The practicing veterinarian is readily available for followup in the case of adverse~~  
6           ~~reactions or failure of the regimen of therapy. This relationship exists only when~~  
7           ~~the veterinarian has recently seen and is personally acquainted with the keeping~~  
8           ~~and care of the animal by virtue of an examination of the animal and by medically~~  
9           ~~appropriate and timely visits to the premises where the animal is kept.~~
- 10   ~~40.27.~~ "Veterinary medicine" includes ~~veterinary surgery, obstetrics, dentistry, chiropractic,~~  
11           ~~acupuncture, and all other branches or specialties of veterinary medicine.~~
- 12       28. "Veterinary premises" means any premises or facility where the practice of veterinary  
13           medicine is performed but may not include the premises of a client, research facility,  
14           military base, or an approved college of veterinary medicine.
- 15       29. "Veterinary technician" means an individual who is licensed to practice veterinary  
16           technology under this chapter.
- 17       30. "Veterinary technology" includes all branches or specialties of veterinary technology.
- 18       31. "Veterinary telemedicine" means the virtual practice of veterinary medicine over the  
19           telecommunications infrastructure.

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

22       **Requirements of a veterinarian-client-patient relationship.**

- 23       1. A veterinarian-client-patient relationship may not be established unless the  
24           veterinarian has sufficient knowledge of the patient to initiate a general or preliminary  
25           diagnosis of the medical condition of the patient. To establish a veterinarian-client-  
26           patient relationship, the veterinarian must be personally acquainted with the keeping  
27           and care of the patient by virtue of a medically appropriate and timely in-person  
28           examination of the patient by the veterinarian, or by a timely in-person visit to the  
29           premises where the patient is managed or resides.
- 30       2. The veterinarian must be reasonably available for patient followup care after a  
31           veterinarian-client-patient relationship is established.

- 1        3. The veterinarian shall provide oversight of patient treatment.
- 2        4. Patient records must be maintained according to rules promulgated by the board.
- 3        5. A veterinarian-client-patient relationship may not be established solely through
- 4        veterinary telemedicine.
- 5        6. A veterinarian seeking consultation ~~must~~shall maintain the veterinarian-client-patient
- 6        relationship.
- 7        7. A veterinarian may terminate a veterinarian-client-patient relationship by notifying the
- 8        client that the veterinarian no longer wishes to serve the patient and client.
- 9        8. The veterinarian shall provide medical records to the client, another veterinarian, or a
- 10       foreign practitioner designated by the client if the veterinarian-client-patient
- 11       relationship has been terminated. The veterinarian ~~must~~shall allow the client a
- 12       reasonable amount of time to arrange care with another veterinarian unless the
- 13       circumstance, patient, or client threatens the safety of the veterinarian or the staff.
- 14       9. A veterinarian who in good faith engages in the practice of veterinary medicine by
- 15       rendering or attempting to render emergency care may not be subject to penalty
- 16       based solely on the inability to establish a veterinarian-client-patient relationship.
- 17       10. The veterinarian-client-patient relationship may extend to all veterinarians within the
- 18       same practice with access to the patient records.

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

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

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

1       **43-29-03. Officers of board - Seal - Meetings - Limitations on meetings -**  
2       **~~Examinations~~Duties of board - Rules - ~~Code of ethics~~ - ~~Inspection of facilities~~ -**  
3       **~~Educational requirements~~ - ~~Reciprocity~~Fees.**

- 4           1.    The board shall elect a president and a secretary. ~~The board shall have a seal, and~~  
5               ~~the president and the secretary may administer oaths~~vice president. The board shall  
6               hold meetings semiannually ~~in the spring and fall of each year for the~~  
7               ~~examination~~approval of candidates ~~at a time and place specified by the~~  
8               ~~board~~applicants for licensure. The board may hold any other meeting it determines  
9               necessary at the time and place it designates. No session of the board may exceed  
10              two days. A quorum ~~of the board consists of two members and such quorum is~~  
11              ~~sufficient~~must be present to conduct the business and proceedings of the board,  
12              except that any changes in the rules must be taken at a meeting at which all the  
13              members are present.
- 14           2.    The board may adopt and enforce reasonable rules, and orders that it determines to  
15               be necessary to the performance of its duties and the regulation of the practice of  
16               veterinary medicine; ~~establish standards for professional conduct, inspection of~~  
17               ~~facilities, and educational requirements for renewal and granting of licenses; prescribe~~  
18               ~~forms for application for examination; prepare and supervise examination of applicants~~  
19               ~~for license to practice veterinary medicine; obtain the services of professional~~  
20               ~~examination agencies in lieu of its own preparation of such examinations; and issue~~  
21               ~~and revoke licenses as provided in this chapter. All rules must be submitted to the~~  
22               ~~attorney general in accordance with chapter 28-32.~~ veterinary technology, and  
23               veterinary telemedicine, including to:
- 24               a.    Establish standards for professional conduct and inspection of veterinary  
25               premises;
- 26               b.    Establish requirements for granting of licenses and temporary licenses;
- 27               c.    Establish requirements for renewal of licenses and continuing education;
- 28               d.    Prepare application forms for licensure and renewal;
- 29               e.    Administer the state board examination for qualified applicants;
- 30               f.    Obtain the services of professional examination agencies to administer national  
31               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:

1       **43-29-05. Compensation and expenses of members of board.**

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

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

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

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

15       **43-29-05.1. Executive ~~secretary~~director.**

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

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

22       **SECTION 8. 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~~License required.

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

30       **SECTION 9. AMENDMENT.** Section 43-29-07 of the North Dakota Century Code is  
31 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



1        5. Meets any additional requirements for licensure established by the board by rule.

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

4        **43-29-07.1. Veterinary technicians--Examinations****Requirements for veterinary**  
5 **technician licensure.**

6        ~~1. An~~

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

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

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

17        1. Is a graduate of an approved program of veterinary technology or completed an  
18 equivalency program of veterinary technology as established by the board by rule;

19        2. Passes the veterinary technician national examination;

20        3. Passes the state board examination;

21        4. Has no grounds for license refusal under section 43-29-14; and

22        5. Meets any additional requirements for licensure established by the board by rule.

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

25        **43-29-07.2. Examination--License without examination-- Temporary permit****license.**

26        ~~1. The board shall hold at least two examinations a year. The board shall adopt rules~~  
27 ~~governing preparation, administration, and grading of examinations. Examinations~~  
28 ~~must be designed to test the examinee's knowledge of and proficiency in the subjects~~  
29 ~~and techniques commonly taught in veterinary schools. To pass the examination, the~~  
30 ~~examinee must demonstrate scientific and practical knowledge sufficient to prove~~  
31 ~~competency to practice veterinary medicine in the judgment of the board. An examinee~~

1 must be tested by written examination, supplemented by any oral interview and  
2 practical demonstration the board determines necessary. The board may adopt and  
3 use the examination prepared by the national board of veterinary medical examiners.  
4 After each examination, the board shall notify each examinee of the result of the  
5 examination, and the board shall issue a license to each person who passed the  
6 examination. The board shall record each new license and issue a certificate of  
7 registration to each new licensee. Any person failing an examination may be admitted  
8 to any subsequent examination on approval by the board and payment of the  
9 application fee.

- 10 2. The board may issue a license without a written examination to a qualified applicant  
11 who furnishes satisfactory proof of graduation from an accredited or approved college  
12 of veterinary medicine, or holds a certificate, and who:
- 13 a. Has for the five years immediately before filing of the application been a  
14 practicing veterinarian licensed in a state having license requirements at the time  
15 the applicant was first licensed which were substantially equivalent to the  
16 requirements of this chapter;
  - 17 b. Has within the three years immediately before filing the application successfully  
18 completed the examinations provided by the national board of veterinary medical  
19 examiners; or
  - 20 c. Currently holds a license to practice in at least one state, has active diplomat  
21 status in a specialty organization recognized by the American veterinary medical  
22 association, and whose practice is limited to the certified specialty in the state in  
23 which the specialist is licensed without examination.

- 24 3. The board may issue without examination a temporary permitlicense to practice  
25 veterinary medicine in this state to:

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

- 1           b. ~~A nonresident veterinarian validly licensed in another state or a foreign country-~~  
2           ~~who pays the fee established and published by the board if the temporary permit~~  
3           ~~is issued for a period of no more than sixty days and no more than one permit is-~~  
4           ~~issued to a person during each calendar year.~~
- 5           e. ~~A senior veterinary student who practices in the office of and under the direct~~  
6           ~~supervision of a licensed veterinarian. A temporary student permit may not~~  
7           ~~exceed six months from its date of issuance and is granted without payment of a~~  
8           ~~fee.~~
- 9           d. ~~A graduate of a nonaccredited college of veterinary medicine, who has~~  
10          ~~satisfactorily completed the fourth year of clinical study at an accredited or~~  
11          ~~approved college of veterinary medicine, has successfully passed the~~  
12          ~~examination provided by the national board of veterinary medical examiners, and~~  
13          ~~is enrolled in the educational commission for foreign veterinary graduates~~  
14          ~~program. The holder of a temporary permit issued under this subdivision must~~  
15          ~~practice under the supervision of a licensed veterinarian. A temporary permit~~  
16          ~~issued under this subdivision is valid until the holder obtains a certificate or for~~  
17          ~~two years~~ a qualified applicant who has met the requirements established by the  
18          board.

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

21          **43-29-07.3. License~~Veterinarian~~ - License renewal - Continuing education**  
22          **requirements.**

- 23          1. ~~All licenses expire~~A veterinarian license expires annually as of July first but may be  
24          ~~renewed by registration with the board and payment of the registration renewal fee~~  
25          ~~established by the board. On June first of each year, the board shall mail a notice to~~  
26          ~~each licensed veterinarian that the licensee's license will expire as of July first and~~  
27          ~~provide the licensee with a form for registration. The board shall issue a new certificate~~  
28          ~~of registration to a person reregistering under this section. Any person who willfully or~~  
29          ~~by neglect fails to renew a license and who practices veterinary medicine after the~~  
30          ~~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 licensewithin 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:
  - a. ~~Those~~An individual who administer to livestock~~treat~~treats animals, the title to which rests in ~~owned by~~ themselves, or in ~~their~~the individual's regular employer,

- 1                   except ~~when their~~<sup>if</sup> ownership of the animal was transferred or otherwise  
2                   manipulated to avoid the requirements of this chapter, ~~or those who perform~~  
3                   ~~gratuitous services.~~
- 4           2.   **b.**   ~~Anyone~~An individual who conducts experiments in scientific research in the  
5                   development of methods, techniques, or treatment, directly or indirectly  
6                   applicable to the problems of medicine, and who in connection with these  
7                   activities uses animals.
- 8           3.   **c.**   ~~Anyone who is a regular~~A student enrolled in an ~~accredited or approved~~ college  
9                   of veterinary medicine performing duties or actions assigned by an instructor or  
10                  working under the direct supervision of a licensed veterinarian ~~during a school-~~  
11                  ~~vacation period.~~
- 12           4.   **d.**   ~~Anyone licensed in another state or nation when~~An individual engaged in this  
13                  state in consultation with veterinarians legally practicing herein.
- 14           5.   **e.**   ~~A senior student who is in an approved school of veterinary medicine and who~~  
15                  ~~obtains from the board a student permit to practice in the office and under the~~  
16                  ~~direct supervision of any veterinarian practicing within this state.~~
- 17           6.   ~~Any~~An employee of the United States or this state while in the performance of duties  
18                  as ~~employees~~an employee.
- 19           7.   **f.**   ~~Any~~A merchant or manufacturer selling nonprescription medicine, feed, an  
20                  appliance, or any other product ~~used~~for use as labeled in the prevention or  
21                  treatment of animal diseases.
- 22           8.   **g.**   ~~Any veterinary technician or other~~An employee of a licensed veterinarian  
23                  performing duties under the direction ~~and~~or supervision of the veterinarian  
24                  responsible for the ~~technician's or other~~ employee's performance, except the  
25                  following duties:
- 26                   (1)   Performing surgery;  
27                   (2)   Diagnosing;  
28                   (3)   Prognosing; or  
29                   (4)   Prescribing.
- 30           9.   **h.**   ~~Any member of the faculty of an accredited college of veterinary medicine~~  
31                  ~~performing regular functions or a person~~An individual lecturing or giving



1 instructions or demonstrations within the individual's area of professional  
2 expertise ~~at an accredited college of veterinary medicine or in connection with a~~  
3 continuing education course or seminar.

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

6 11. j. ~~Any~~ An individual who is not a graduate of a foreign ~~an approved~~ college of  
7 veterinary medicine ~~who, and is in the process of obtaining a certificate and is~~  
8 enrolled in an equivalency program of veterinary medicine as approved by the  
9 board, performing duties or actions assigned by the graduate's instructors ~~an~~  
10 instructor in an ~~accredited~~ approved college of veterinary medicine.

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

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

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

22 ~~n. An individual who engages in any of these acts if the individual is not diagnosing,~~  
23 ~~prescribing, or treating a condition that has not been previously diagnosed by a~~  
24 ~~veterinarian who has referred the animal for treatment:~~

25 ~~(1) Grooming;~~

26 ~~(2) Training or conditioning;~~

27 ~~(3) Horseshoeing or farrier work;~~

28 ~~(4) Massage therapy or acupressure;~~

29 ~~(5) Microchip implantation; or~~

30 ~~(6) An accepted livestock management practice.~~

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 ~~when~~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~~An The determination that an individual is determined to be 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



- 1 reasonably sanitary methods in the practice of veterinary medicine or veterinary  
2 technology.
- 3 i. Violation of the rules adopted by the board.
- 4 j. Conviction of an offense determined by the board to have a direct bearing upon a  
5 ~~person's~~the ability of an individual to serve the public as a veterinarian or  
6 veterinary technician, or when the board determines, following conviction of any  
7 offense, that ~~a person~~an individual is not sufficiently rehabilitated under section  
8 12.1-33-02.1.
- 9 k. Willful or repeated violations of this chapter or any rule adopted by the board.
- 10 l. Failure to report, as required by law, or making false report of, any contagious or  
11 infectious disease.
- 12 m. Cruelty to animals as defined under chapter 36-21.2.
- 13 n. Revocation of a license to practice veterinary medicine or veterinary technology  
14 by another ~~state~~jurisdiction on grounds other than nonpayment of a  
15 ~~registration~~renewal fee.
- 16 o. The use, prescription, or dispensing of any veterinary prescription drug, or the  
17 prescription or extra-label use of any over-the-counter drug, in the absence of a  
18 valid veterinarian-client-patient relationship, except as provided by section  
19 43-29-19.
- 20 2. ~~Any person~~An individual whose license has been revoked may apply to the board for  
21 reinstatement and relicensure one year after the date of revocation. The board may  
22 reissue a license if the board is satisfied the applicant is qualified to practice veterinary  
23 medicine or veterinary technology, meets the existing requirements for licensure, and  
24 will comply with the rules regarding the practice of veterinary medicine or veterinary  
25 technology.

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

28 **43-29-15. Complaints - Investigations.**

- 29 1. ~~Any person~~An individual may file a written complaint with the board setting forth the  
30 specific charges upon which the complaint is made. Upon receiving a complaint, the  
31 board shall notify the veterinarian or veterinary technician of the complaint and request

1 a written response from the veterinarian or veterinary technician. The board may adopt  
2 rules establishing a peer review committee for the purpose of investigating complaints  
3 and providing recommendations to the board. A veterinarian or veterinary technician  
4 who is the subject of an investigation by the board shall cooperate fully with the  
5 investigation. Cooperation includes responding fully and promptly to any reasonable  
6 question raised by or on behalf of the board relating to the subject of the investigation  
7 and providing copies of records when reasonably requested by the board. Failure to  
8 cooperate in the investigative process may be grounds for disciplinary action against  
9 the veterinarian or veterinary technician.

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

- 23 a. Subpoena and examine witnesses, records, medical records, copy, photograph,  
24 or take samples;  
25 b. Require the veterinarian or veterinary technician to give statements under oath;  
26 c. Require the veterinarian or veterinary technician to submit to a physical  
27 examination, chemical dependency evaluation, or psychological examination by a  
28 physician or other qualified evaluation professional selected by the board if there  
29 is reasonable cause to believe the veterinarian or veterinary technician is  
30 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.

~~(1) Failure to satisfactorily undergo an examination or enroll in a treatment and monitoring program must be reported to the board by the treating professional.~~

~~(2) The veterinarian or veterinary technician shall consent to the approved evaluation, examination, or the progress of the treatment or monitoring program, at such intervals the board deems necessary.~~

~~(3) The treating professional may release examination information, or treatment and monitoring program information, to the board so the board may evaluate the results of the examination or the progress and effectiveness of the treatment or monitoring program.~~

~~(4) Absent a release on file from the veterinarian or veterinary technician, all records released to the board are confidential and are not public records.~~

~~(5) The veterinarian or veterinary technician must be responsible for all expenses related to evaluation and treatment.~~

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.



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

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

4       **Self-reporting and self-referral.**

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

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

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

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

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

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

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

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

30      6.   A veterinarian or veterinary technician who has completed a treatment or monitoring  
31      program and is in full compliance with all parts of the treatment or monitoring plan and

1            aftercare, may answer in the negative to a question on an application to the board for  
2            licensure or licensure renewal regarding current impairment by the condition for which  
3            the veterinarian or veterinary technician completed treatment. However, any  
4            recurrence of the impairment or the existence of other potential impairments that are  
5            not currently known to the program must be reported on the application.

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

- 10           a. Disclosure is reasonably necessary for the accomplishment of the purposes of  
11           intervention, rehabilitation, referral assistance, or supportive services;  
12           b. Disclosure is required by law in a legal or administrative hearing or requested by  
13           the board for a formal disciplinary action;  
14           c. Disclosure is necessary regarding a veterinarian's or veterinary technician's  
15           noncompliance with the program;  
16           d. A staff member is handling records for administrative purposes as provided under  
17           this section; and  
18           e. A person is participating in treatment or program monitoring, evaluations, or  
19           followup.

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

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

26           **Immunity from liability.**

27           The following individuals ~~must be~~<sup>are</sup> immune from liability in any civil or criminal proceeding  
28 brought against the individual for any action occurring while the individual was acting in good  
29 faith within the scope of the individual's respective capacity:

- 30           1. A member of the board;  
31           2. A member of a peer review committee;

1       3. A witness testifying in a proceeding or hearing authorized under this chapter or  
2       administrative proceeding held under chapter 28-32;

3       4. A treating professional;

4       5. An individual who files a complaint pursuant to this Act; and

5       6. An individual reporting an impaired veterinarian or impaired veterinary technician as  
6       defined by [section 43-29-01.1](#).

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

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

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

17       **43-29-16.1. Abandonment of animals by owner**~~client~~ - **Disposal of remains.**

18       1. Any animal placed in the custody of a ~~licensed doctor of veterinary~~  
19       ~~medicine~~veterinarian for treatment, boarding, or other care, which is abandoned by its  
20       ~~owner or its owner's agent~~the client for a period of more than ten days after a written  
21       notice, by registered or certified letter, return receipt requested, is ~~given~~mailed to the  
22       ~~owner or its owner's agent~~client at the last-known address, may be turned over to the  
23       custody of the nearest humane society or ~~dog~~ pound in the area or disposed of as  
24       such custodian may deem proper.

25       2. The ~~giving~~service of notice to the owner, ~~or the agent of the owner~~client, of such  
26       animal by the ~~doctor of veterinary medicine~~veterinarian, as provided in subsection 1,  
27       shall relieve the ~~doctor of veterinary medicine~~veterinarian and any custodian to whom  
28       such animal may be given of any further liability for disposal; ~~it is further provided that~~  
29       ~~such.~~ Such procedure by the ~~licensed doctor of veterinary medicine~~veterinarian does  
30       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

1            veterinarian, or by a timely in-person visit to the premises where the patient is  
2            managed or resides before the provision of veterinary telemedicine services.

3            ~~a. The veterinarian has established a veterinarian-client-patient relationship before~~  
4            ~~the provision of veterinary telemedicine services;~~

5            ~~b. The veterinarian employs sound professional judgement to determine whether~~  
6            ~~the use of veterinary telemedicine is medically appropriate;~~

7            ~~c. The veterinarian obtains appropriate consent from the client;~~

8            ~~d. The veterinarian conducts all necessary patient evaluations consistent with~~  
9            ~~currently acceptable standards of care;~~

10           ~~e. The veterinarian maintains patient records according to rules promulgated by the~~  
11           ~~board; and~~

12           ~~f. The veterinarian ensures the client is aware of the veterinarian's identity, location,~~  
13           ~~license number, and licensure status.~~

14           2. The provision of teleadvice or teletriage by a veterinarian does not require the prior  
15           establishment of a veterinarian-client-patient relationship.

16           3. A veterinary technician may perform teleadvice and teletriage without instructions from  
17           a veterinarian.

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

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

21           **Source of data.**

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

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

28           **Location of the practice of veterinary medicine.**

29           The provision of veterinary services to a patient in this state which fall within the standard of  
30 practice of veterinary medicine regardless of the means by which the services are provided or



1 the physical location of the person providing those services, constitutes the practice of  
2 veterinary medicine in this state and is subject to regulation by the board.

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

5 **Indirect practice without a license for foreign practitioners.**

6 A foreign practitioner may provide veterinary services in this state which fall within the  
7 scope of practice designated by the foreign practitioner's license and by this chapter without  
8 obtaining a license from the board if the services are provided through telehealth and are a  
9 continuation of ~~a previously established~~ an existing veterinarian-client-patient relationship as  
10 ~~defined~~ established under this chapter.

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

13 **Recognized animal services - Exceptions.**

- 14 1. The provision of a recognized animal service does not constitute the practice of  
15 veterinary medicine if provided by an individual who is not a veterinarian or veterinary  
16 technician and not otherwise excepted from the practice of veterinary medicine under  
17 section 43-29-13.
- 18 2. For purposes of this section, "recognized animal service" means:
- 19 a. Grooming;
- 20 b. Training or conditioning;
- 21 c. Horseshoeing or farrier work;
- 22 d. Massage therapy or acupressure;
- 23 e. Microchip implantation; and
- 24 f. An accepted livestock management practice.
- 25 3. This section does not permit an individual who is not a veterinarian to diagnose,  
26 prescribe, or perform surgical procedures, other than surgical procedures considered  
27 to be an accepted livestock management practice.
- 28 4. The exceptions provided under this section do not extend to any other animal  
29 services.

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