

ARTICLE 87-01

GENERAL ADMINISTRATION

Chapter
87-01-01 Organization of Board

CHAPTER 87-01-01 ORGANIZATION OF BOARD

Section
87-01-01-01 Organization of Board of Veterinary Medical Examiners

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

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

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

History: Amended effective November 1, 1981; April 1, 1988; November 1, 1991; March 1, 1999; August 1, 2004; January 1, 2014.

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

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

ARTICLE 87-01.1

VETERINARIAN LICENSURE EXAMINATION

Chapter
87-01.1-01 Examination and Waiver

CHAPTER 87-01.1-01 EXAMINATION AND WAIVER

Section
87-01.1-01-01 Examination – Waiver
87-01.1-01-02 Examination Application Fee
87-01.1-01-03 Permit
87-01.1-01-04 Veterinarians From Nonaccredited Institutions

87-01.1-01-01. Examination – Waiver.

1. To qualify for a North Dakota license, each applicant must take and pass a North Dakota examination, and the national board examination and the clinical competency test or the North American veterinary licensing examination. The North Dakota examination is a ~~combination written~~ jurisprudence examination **that may be administered by written or electronic methods. and At the board's discretion, an oral interview may be required.**
2. The board adopts the passing score on the national examination recommended by the ~~national board of veterinary medical examiners~~ **International Council for Veterinary Assessment (ICVA)**. Applicants must request that their examination scores be sent to the board.
3. The North American veterinary licensing examination is required of all applicants for licensure in North Dakota who have been in practice less than five years. For an applicant who has been in practice more than five years, the applicant may petition the board to waive this requirement if the applicant meets the requirements of North Dakota Century Code section 43-29-07.2.
4. The North Dakota examination may not be waived.
5. A senior veterinary student may take the North Dakota examination if the student has taken and passed the North American veterinary licensing examination and submits a letter from the dean of a veterinary college indicating the student's anticipated graduation date.

6. North Dakota candidates may apply for and take the North American veterinary licensing examination according to eligibility criteria, deadlines, and fees specified in the annual agreement between the board and the ~~national board of veterinary medical examiners~~ **International Council for Veterinary Assessment (ICVA)**.
7. Beginning with the fall 2007 administration of the North American veterinary licensing examination, a candidate may not take the examination more than five times, and may not take the examination at a date that is later than five years after a candidate's initial attempt. Each of the final two attempts must be at least one year from the previous attempt.

History: Effective January 1, 1999; amended effective November 1, 2000; June 1, 2002; August 1, 2004; April 1, 2009; January 1, 2014.

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

Law Implemented: NDCC 43-29-07.2

87-01.1-01-02. Examination application fee. An applicant for the North Dakota examination must file with the board a completed application, a copy of the applicant's diploma or other official proof of graduation, and an examination fee of ~~fifty~~ **seventy-five** dollars. The examination fee will not be refunded. All required material and money must be submitted thirty days prior to the examination date.

History: Effective January 1, 1999; amended effective November 1, 2000; December 1, 2004; January 1, 2014.

General Authority: NDCC 43-29-07.2

Law Implemented: NDCC 43-29-07.2

87-01.1-01-03. Temporary Permit. An applicant who has taken and passed the national board examination and clinical competency test or the North American veterinary licensing examination and has not ~~for good cause~~ taken the North Dakota ~~test~~ **examination for good cause**, may obtain a permit to practice in North Dakota until the next examination is given. The fee for the permit is ~~twenty-five~~ **forty** dollars. A permit expires on the date the next **state board** examination is given.

87-01.1-01-03.1. Military spouse licensure. The board shall issue a temporary permit to qualified individuals, as stated in **87-01.1-03-03**, who meet the the definition of military spouse set forth in North Dakota Century Code section **43-51-01**. The permit fee will be waived for military spouses. The permit shall be valid until the next state board examination.

History: Effective January 1, 1999; amended effective November 1, 2000.

General Authority: NDCC 43-29-07.2

Law Implemented: NDCC 43-29-07.2

87-01.1-01-04. Veterinarians from nonaccredited institutions.

1. For a graduate of a nonaccredited veterinary college to qualify to write the North Dakota examination, the graduate must have a certificate issued by the educational commission for foreign veterinary graduates or the educational equivalence program of the American association of veterinary state boards.
2. All credentials from foreign institutions must be translated into English over the signature and seal of the consul of the country in which such documents may have been issued and said consul must certify that said institution is recognized and approved by the authorities as a veterinary college in the country where it is located.
3. Candidates from nonaccredited colleges must be enrolled in the educational commission for foreign veterinary graduates program or the education equivalence program of the American association of veterinary state boards in order to be approved to take the North American veterinary licensing examination.

History: Effective January 1, 1999; amended effective November 1, 2000; June 1, 2002.

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

Law Implemented: NDCC 43-29-07.2

ARTICLE 87-02

VETERINARIAN LICENSURE

Chapter	
87-02-01	Continuing Education Requirements

CHAPTER 87-02-01 CONTINUING EDUCATION REQUIREMENTS

Section	
87-02-01-01	License Renewal
87-02-01-02	Educational Program Attendance Required
87-02-01-03	Educational Program Requirement Waiver
87-02-01-04	Educational Program Requirements
87-02-01-05	Notice of Failure to Comply

87-02-01-01. License renewal.

1. Annual license renewal ~~forms~~ **notice** will be provided to all licensed veterinarians on or before June first and completed license renewal ~~forms~~ must be received by June thirtieth.

2. The annual license renewal fee for veterinarians is ~~seventy-five~~ **ninety** dollars and **must be received by June thirtieth each year.**
3. Renewals not received by the due date will be assessed a late fee of fifty percent of the license fee.
4. **A license may be renewed for two years after it expires by payment of all past-due renewal registration fees and late fees and completion of continuing education requirements. If more than two years have passed since expiration, a new application for licensure must be made.**

History: Amended effective January 1, 1999; December 1, 2004; April 1, 2009; January 1, 2014.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-07.3

87-02-01-02. Educational program attendance required. Each licenseholder, except as otherwise provided, shall be required to receive twenty-four hours of veterinary continuing education, approved by the board, in the twenty-four months preceding each even-year renewal date. Veterinary continuing education is defined as an educational program which will enhance the licenseholder's professional ability to serve the public and which has the prior approval of the board.

History: Amended effective November 1, 1991; January 1, 1999.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03, 43-29-07.3

87-02-01-03. Educational program requirement waiver. The board ~~shall have the authority to~~ **may** waive the continuing education requirements for an individual, **upon the individual's request**, for any of the following reasons:

1. Impaired health.
2. For ~~persons~~ **individuals** who have reached the age of sixty-five and are no longer actively engaged in practice and have so indicated on their license renewal form. The license of such a ~~person~~ **individual** will be placed on inactive status and the ~~veterinarian~~ **individual subsequently** may not practice veterinary medicine in North Dakota until ~~all required~~ **the individual becomes current as to** continuing education ~~is obtained~~ **requirements.**
3. For other ~~good and sufficient~~ **legitimate** reasons as presented and verified to the board at one of its regular meetings.

History: Amended effective November 1, 1991; January 1, 1999; April 1, 2009.

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

Law Implemented: NDCC 43-29-07.3

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

- ~~1. Eight hours of in-house training including veterinary medical tapes, films, computer-based programs, and self-assessment tests relevant to the practice of veterinary medicine.~~
- ~~2.~~ 1. Programs sponsored by local, state, regional, or national veterinary associations.
- ~~3.~~ 2. **Seminars** and other continuing educational programs or training approved by the North Dakota veterinary medical examining board. ~~The other programs~~ **seminars** or training may be approved only if they relate to the practice of veterinary medicine, as defined by subsection 8 of North Dakota Century Code section 43-29-01.1, and consist of evidence-based scientific material.
- ~~4. The board accepts~~ 3. Programs approved by the registry of approved continuing education of the American association of veterinary state boards.
- ~~5.~~ 4. Wet labs or instructions, or both, taken at a college or university, the subject material of which must pertain to veterinary medicine.
- ~~6. Up to eight hours of veterinary continuing education may relate to practice management. Programs designed to enhance the veterinarian's ability to earn money, invest money, or relating to personal financial planning are not acceptable for meeting the continuing education requirement.~~
- ~~7.~~ 5. Programs presented by pharmaceutical companies and other commercial groups may be approved, as long as they consist of objective presentations of scientific information and are not designed principally to sell products to the veterinarian or the animal owner.
- ~~8.~~ 6. **A maximum of** eight hours of participation in a clinical setting at another veterinary practice and completion of the written report required by the board's veterinary exchange program.
- ~~9.~~ 7. **A maximum of eight hours of veterinary continuing education may relate to practice management. Programs designed to enhance the veterinarian's ability to earn money or invest money, or that relate to personal financial planning do not meet continuing education requirements.**

~~10-~~ **8. A maximum of twelve hours of approved veterinary continuing education may be obtained through professional written journals or technology-based methods relevant to the practice of veterinary medicine.**

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

History: Amended effective November 1, 1991; January 1, 1999; April 1, 2009; January 1, 2014.

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

Law Implemented: NDCC 43-29-07.3

87-02-01-05. Notice of failure to comply. If a licenseholder fails to receive the amount of ~~complete the~~ continuing education necessary **requirements**, a written notice ~~must~~ **shall** be sent to the licenseholder. **At the discretion of the board**, and a six-month grace period ~~will~~ **may** be allowed to make up the requirements. ~~If, after six months, the requirements have not been met, the license will be revoked, suspended, or placed on probationary status.~~

History: Amended effective November 1, 1991; January 1, 1999.

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

Law Implemented: NDCC 43-29-07.3

87-02-01-06. A licenseholder is required to affirmatively report any initiated disciplinary action from any other regulatory body to the board within 30 days of that other regulatory body's initiation of the disciplinary action.

History:

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

87-02-01-07. A licenseholder must report any personal name change to the board within 30 days. Proper documentation must be provided upon request.

History:

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

ARTICLE 87-03

VETERINARY TECHNICIAN LICENSURE

Chapter
87-03-01

Procedures for Licensure of Veterinary Technicians

CHAPTER 87-03-01
PROCEDURES FOR LICENSURE OF VETERINARY TECHNICIANS

Section

87-03-01-01	Definition of a Veterinary Technician
87-03-01-02	Requirements for Licensure as a Veterinary Technician
87-03-01-03	Prerequisites for Taking the National Examination
87-03-01-04	Application for Licensure – Fees – License Renewal
87-03-01-05	Educational Program Attendance Required

87-03-01-01. Definition of a veterinary technician. As used in this chapter, “veterinary technician” has the same meaning as “licensed veterinary technician” as defined in North Dakota Century Code section 43-29-01.1.

History: Effective October 1, 1981; amended effective November 1, 1991; January 1, 1999.

General Authority: NDCC 43-29-09

Law Implemented: NDCC 43-29-07.1, 43-29-09

87-03-01-02. Requirements for licensure as a veterinary technician. Licensure as a veterinary technician requires a ~~recommendation from a licensed veterinarian and~~ a passing score on the veterinary technician national examination. **At the board’s discretion, an oral interview may be required.**

History: Effective October 1, 1981; amended effective November 1, 1991; January 1, 1999; April 1, 2009.

General Authority: NDCC 43-29-09

Law Implemented: NDCC 43-29-07.1

87-03-01-03. Prerequisites for taking the national examination. The minimum prerequisite for taking the veterinary technician national examination is graduation from an accredited program in veterinary technology **or equivalent program**. Candidates who are students in good standing at an accredited program in veterinary technology may be approved by the board to take the national examination for the first time no earlier than six months prior to their expected graduation date.

History: Effective October 1, 1981; amended effective April 1, 1986; November 1, 1991; April 1, 2009.

General Authority: NDCC 43-9-09

Law Implemented: NDCC 43-29-07.1

87-03-01-04. Application for licensure – Fees – License renewal.

1. Any person desiring licensure as a veterinary technician shall make written application for licensure to the executive secretary on forms provided for that purpose and shall pay in advance to the North Dakota board of veterinary medical examiners a fee of ~~twenty-five~~ **thirty** dollars plus, if applicable, the cost of the veterinary technician national examination. Fees are not returned, except by action of the board.
2. ~~If the license is granted, the technician shall pay a fifteen dollar annual renewal registration fee by December thirty first. The renewal registration fee shall be paid by all licensed technicians. The license will expire if the renewal registration fee is not paid.~~ **Annual license renewal notice will be provided to all licensed veterinary technicians on or before December first, either by regular mail or email, and completed license renewal forms must be received** by December thirty-first.
3. **The annual license renewal fee for veterinary technicians is twenty dollars and must be received by December thirty-first of each year.**
4. Renewals not received by the due date will be assessed a late fee of fifty percent of the ~~registration~~ **license** fee.
5. A license may be renewed for two years after it expires by payment of all past-due renewal registration fees and late fees **and completion of continuing education requirements.** ~~After two years after expiration~~ **If more than two years have passed since expiration,** a new application for licensure must be made.

History: Effective October 1, 1981; amended effective November 1, 1991; January 1, 1999; August 1, 2004; April 1, 2009.

General Authority: NDCC 43-29-03, 43-29-09

Law Implemented: NDCC 43-29-07.1, 43-29-08.1

87-03-01-05. Educational program attendance required. Each ~~veterinary technician~~ **licenseholder**, except as otherwise provided, shall **be required to** receive eight hours of veterinary technician continuing education, approved by the board, in the twenty-four months preceding each even-year renewal date. Veterinary technician continuing education is defined as an educational program that will enhance the licenseholder's professional ability to serve the public and which has the prior approval of the board. ~~No more than two hours may be from in-house training. If a licenseholder fails to receive the amount of continuing education necessary, a written notice must be sent and a six month grace period will be allowed to make up the requirement. If, after six months, the requirements have not been met, the license will expire.~~

History: Effective January 1, 1999; amended effective August 1, 2004.

General Authority: NDCC 43-29-03, 43-29-07.3, 43-29-09

Law Implemented: NDCC 43-29-07.3, 43-29-08.1

87-03-01-06. Educational program requirement waiver. The board may waive the continuing education requirements for an individual, upon the individual's request, for any of the following reasons:

- 1. Impaired health.**
- 2. For individuals who have reached the age of sixty-five and are no longer actively engaged in practice and have so indicated on their license renewal form. The license of such individual will be placed on inactive status and the individual subsequently may not practice in North Dakota until the individual becomes current as to continuing education requirements.**
- 3. For other legitimate reasons as presented and verified to the board at one of its regular meetings.**

History:

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

Law Implemented: NDCC 43-29-07.3

87-03-01-07. Educational program requirements. Veterinary technician continuing education may consist of the following:

- 1. Programs sponsored by local, state, regional, or national veterinary or veterinary technician associations.**
- 2. Seminars or training approved by the North Dakota veterinary medical examining board. The seminars or training may be approved only if they relate to the practice of veterinary medicine, as defined by subsection 8 of North Dakota Century Code section 43-29-01.1, and consist of evidence-based scientific material.**
- 3. Programs approved by the registry of approved continuing education of the American Association of Veterinary State Boards.**
- 4. Wet labs or instructions, or both, taken at a college or university, the subject material of which must pertain to veterinary medicine.**
- 5. Programs presented by pharmaceutical companies and other commercial groups may be approved, as long as they consist of objective presentations of scientific information and are not designed principally to sell products to the veterinarian or the animal owner.**
- 6. A maximum of two hours of participation in a clinical setting at another veterinary practice and completion of the written report required by the board's veterinary exchange program.**

7. A maximum of two hours of veterinary technician continuing education may relate to practice management. Programs designed to enhance the veterinary technician's ability to earn money or invest money, or that relate to personal financial planning do not meet the continuing education requirements.
8. A maximum of four hours of approved veterinary technician continuing education may be obtained through professional written journals or technology-based methods relevant to the practice of veterinary medicine.

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

History:

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

Law Implemented: NDCC 43-29-07.3

87-03-01-08. Notice of failure to comply. If a licenseholder fails to complete the continuing education requirements, a written notice shall be sent to the licenseholder. At the discretion of the board, a six-month grace period may be allowed to make up the requirements.

History:

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

Law Implemented: NDCC 43-29-07.3

87-03-01-09. A licenseholder is required to affirmatively report any initiated disciplinary action from any other regulatory body to the board within 30 days of that other regulatory body's initiation of the disciplinary action.

History:

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

87-03-01-10 A licenseholder must report any personal name change to the board within 30 days. Proper documentation must be provided upon request.

History:

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

**ARTICLE 87-04
VETERINARY PRESCRIPTIVE PRACTICES**

Chapter

87-04-01 Prescriptions and Records

87-04-02 Patient Records

**CHAPTER 87-04-01
PRESCRIPTIONS AND RECORDS**

Section

87-04-01-01 Veterinary Prescription Drugs

87-04-01-02 Prescription Drugs – Records – Labeling – Dispensing

87-04-01-03 Basic Information of Records, Prescriptions, and Labels

87-04-01-04 Storage of Prescription Drugs

87-04-01-01. Veterinary prescription drugs. Veterinary prescription drugs are to be used or prescribed only within the context of a valid veterinarian-client-patient relationship. Veterinary prescription drugs are those drugs restricted by federal law to use by or on the order of a licensed veterinarian.

History: Effective January 1, 1999.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

87-04-01-02. Prescription drugs – Records – Labeling – Dispensing.

1. Adequate treatment records must be maintained by the veterinarian for at least three years, for all animals treated, to show that the drugs were supplied to clients with whom a valid veterinarian-client-patient relationship has existed. Such records must include the information set forth in section 87-04-01-03.
2. All veterinary prescription drugs must be properly labeled when dispensed. A complete label must include the information set forth in section 87-04-01-03. If that information is included in a manufacturer's drug label, it is unnecessary to repeat it in the veterinarian's label. If there is inadequate space on the label for complete instructions, the veterinarian must provide additional information to accompany the drug dispensed or prescribed. ~~The veterinarian's additional instructions must be kept in the owner's drug storage area.~~

3. When veterinary prescription drugs are dispensed to companion animal owners, such drugs must be placed in child-resistant containers, **unless otherwise requested by the client.**
4. After a valid veterinarian-client-patient relationship has been established, a veterinarian shall make available, upon request, and may assess a reasonable cost for, a prescription for a drug that has been determined by the veterinarian to be appropriate for the patient.
5. **Nonpharmacologic and non-opioid treatment shall be given consideration prior to dispensing an opioid or other controlled substance.**

History: Effective January 1, 1999; amended effective April 1, 2009; July 1, 2016.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

87-04-01-03. Basic information of records, prescriptions, and labels.

1. Records of prescription drugs must contain the:
 - a. Name, address, and telephone number of veterinarian.
 - b. Name, address, and telephone number of client.
 - c. Identification of animals or herds treated.
 - d. Date of treatment, prescribing, or dispensing of drug.
 - e. Name and quantity of the drug to be prescribed or dispensed.
 - f. Dosage and duration directions for use.
 - g. Number of refills authorized.
 - h. Cautionary statements, as needed.
2. Prescriptions must contain the:
 - a. Name, address, and telephone number of veterinarian.
 - b. Name, address, and telephone number of client.
 - c. Identification of animals or herds treated.
 - d. Date of treatment, prescribing, or dispensing of drug.
 - e. Name and quantity of the drug to be prescribed or dispensed.
 - f. Dosage and duration directions for use.
 - g. Number of refills authorized.
 - h. Cautionary statements, as needed.
 - i. Signature or equivalent.
3. Prescription labels must contain the:
 - a. Name, address, and telephone number of veterinarian.
 - b. Name of client.
 - c. Identification of animals or herds treated.
 - d. Date of treatment, prescribing, or dispensing of drug.
 - e. Name and quantity of the drug to be prescribed or dispensed.

- f. Dosage and duration directions for use.
- g. Cautionary statements, as needed.
- h. Expiration date.

History: Effective January 1, 1999.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

87-04-01-04. Storage of prescription drugs. Veterinary prescription drugs must be stored separately from over-the-counter drugs. Drugs must be stored under conditions recommended by the manufacturer.

The DEA registrant under which the drugs were purchased is responsible for the effective security of the drug stock. Opioids and other controlled substances must be stored in a securely locked cabinet of substantial construction as per DEA requirements.

History: Effective January 1, 1999.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

CHAPTER 87-04-02 PATIENT RECORDS

Section

87-04-02-01 Companion Animal Records

87-04-02-02 ~~Food Animal and Nontraditional~~ Livestock Records

87-04-02-01. Companion animal records. Patient records must contain the following information in **electronic or written** legible form:

1. Client name, address, and phone numbers.
2. Patient name, breed, description, sex, and age.
3. Results of any patient physical examinations, diagnostic and treatment plans, and results of diagnostic and treatment procedures.
4. Any medications used, including route of administration and dosage.
5. Evidence of the client's consent for all surgical procedures **and euthanasias**. Although it is preferred that a signed consent form be obtained from each client, such is not required as long as the records reflect oral consent was received.

6. Identity of veterinarian or authorized representative making entry of record.

History: Effective January 1, 1999.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

87-04-02-02. ~~Food animal and nontraditional~~ Livestock records. Patient records must contain the following information in **electronic or written** legible form:

1. Client name, address, and phone numbers.
2. Identification of animals or herds treated.
3. Any medications used, including route of administration and dosage.
4. Evidence of client's consent for all surgical procedures **and euthanasias**. Although it is preferred that a signed consent form be obtained from each client, such is not required as long as the records reflect oral consent was received.
5. **Identity of veterinarian or authorized representative making entry of record.**

History: Effective January 1, 1999.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

ARTICLE 87-05

VETERINARIAN DISCIPLINARY PROCEEDINGS

Chapter

87-05-01 Complaints and Peer Review

87-05-02 Unprofessional Conduct

CHAPTER 87-05-01

COMPLAINTS AND PEER REVIEW

Section

87-05-01-01 Complaint

87-05-01-02 Peer Review Committee

87-05-01-01. Complaint. A person 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 of the complaint and request the veterinarian provide a

written response to the complaint within twenty days of receipt of the board's letter. The veterinarian's response will be made available to the complainant.

After receiving the response, the board will review the complaint and response and determine whether, on its face, the complaint warrants further action by the board. If the board determines the complaint does not warrant further action, the complaint is dismissed and the complainant and the veterinarian will be notified in writing of the board action. If the board determines the complaint warrants additional investigation, the board will determine whether the complaint should be referred to a peer review committee for investigation or whether the investigation should be conducted by other means. If the board determines sufficient information exists to warrant initiating formal disciplinary action, a formal complaint will be filed pursuant to North Dakota Century Code chapter 28-32.

The board may initiate its own investigation and file an administrative complaint upon receiving information that indicates a violation of the practice act or board rules has occurred.

History: Effective January 1, 1999.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-15

87-05-01-02. Peer review committee.

1. The board, after reviewing the complaint and response to the complaint, may appoint a peer review committee for the purpose of investigating the complaint and rendering a recommendation to the board. The board may seek input from the North Dakota veterinary medical association on potential members of the peer review committee.
2. The peer review committee must be appointed by the board and consist of three licensed veterinarians. Board members may not serve as peer review committee members. If, after reviewing the complaint and response, the committee believes additional expertise is needed to render a recommendation, the board may appoint an additional member to the peer review committee who has the training, experience, and expertise necessary to assist in making a recommendation.
3. At the time the peer review committee members are appointed and prior to the review process, the board shall notify the complainant and respondent as to the identity of the members of the peer review committee. The complainant and respondent may submit a documented request that the board excuse a committee member for due cause. The board may excuse the committee member and appoint another committee member to replace the excused member.

4. The peer review committee shall investigate the complaint to determine whether a reasonable basis exists to believe the respondent violated the laws or rules regulating the practice of veterinary medicine. The peer review committee is an agent of the board and has the same investigatory powers that the board has. The board's legal counsel may provide advice and assistance to the peer review committee.
5. After completing its investigation, the peer review committee shall make a recommendation to the board. The peer review committee shall recommend whether a reasonable basis exists to believe the respondent violated any laws or rules regulating the practice of veterinary medicine and whether disciplinary action should be commenced. If the committee recommends disciplinary action be commenced, the committee shall identify the factual basis of the recommendation and the law or regulation allegedly violated. A copy of the peer review committee's recommendation must be provided to the complainant and respondent.
6. After receiving the peer review committee's recommendation, the board shall review the recommendation and determine whether to dismiss the complaint, conduct additional investigation, or initiate formal disciplinary action.

History: Effective January 1, 1999.

General Authority: NDCC 43-29-15

Law Implemented: NDCC 43-29-15

CHAPTER 87-05-02

UNPROFESSIONAL CONDUCT

Section

87-05-02-01	Unprofessional Conduct
87-05-02-02	Minimum Standards of Practice

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

1. Failing to meet the minimum standards of practice.
2. Engaging in conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, in which case, proof of actual injury need not be established.
3. Claiming to have performed or charging for an act or treatment that was, in fact, not performed or given.

4. Promoting, aiding, abetting, or permitting the practice of veterinary medicine by an unlicensed person.
5. Prescribing or dispensing, delivering, or ordering delivered a controlled substance without first having established a veterinarian-client-patient relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot and determining that treatment with the controlled substance is therapeutically indicated. Use of euthanizing drugs in recognized animals shelters or government animal control facilities is exempt from the requirement.
 - a. **Willful continuation of prescribing a controlled substance to a patient when reasonably on notice that the substance negligently or willfully has been diverted or is being diverted by the client to human use.**
6. Performing surgery to conceal genetic or congenital defects, in any species, with the knowledge that the surgery has been requested to deceive a third party.
7. Promoting, selling, prescribing, or using a product for which the ingredient formula is unknown to the veterinarian.
8. Failing to report to law enforcement or humane officers inhumane treatment to animals, including staged animal fights or training events for fights, the veterinarian reasonably believed occurred.
9. Fraudulently issuing or using a certificate of veterinary inspection, test chart, vaccination report, or other official form used in the practice of veterinary medicine to prevent the dissemination of animal disease, transportation of diseased animals, or the sale of inedible products of animal origin for human consumption.
10. Willfully harassing, abusing, or intimidating a client or animal owner ~~either physically or verbally~~. Taking legal action to collect for services rendered cannot be considered harassment.
11. Engaging in conduct which willingly and knowingly leads to the spread of contagious disease from one herd or animal to another.
12. Advertising, stating, or implying that the veterinarian is a certified or recognized specialist in any given field unless the veterinarian is a diplomate of a specialty board recognized by the American veterinary medical association.
13. **Failure to provide referral to a specialist when medically indicated and requested by the client.**

History: Effective August 1, 2004; amended effective January 1, 2014.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-14

87-05-02-02. Minimum standards of practice. Minimum standards of practice include:

1. The delivery of veterinary care must be provided in a competent and humane manner consistent with prevailing standards of practice for the species of animal and the professed area of expertise of the veterinarian. For a veterinarian to exercise properly the rights granted by the veterinary license, a veterinarian-client-patient relationship must exist.
2. Medical records and radiographs are the physical property of the hospital or the proprietor of the practice that prepared them. Records must be maintained for a minimum of three years after the last visit. Radiographs must be maintained for a minimum of three years.
3. Medical records, or an accurate summary of them, must be released to the animal owner or the owner's authorized agent, including the board, within a reasonable time of a request. A reasonable charge for copying or preparation of a summary may be made, except in the case of a board investigation, in which case no charges are authorized.
4. Contents of medical records must be kept private and not released to third parties unless authorized by the client or required by law.
 - a. **Medical records may be released without consent of the client under the following circumstances:**
 - i. **For statistical and scientific research, if the information is abstracted in a way as to protect the identity of the patient and client**
 - ii. **To verify a rabies vaccination of an animal**
 - iii. **To investigate a threat to human or animal health**
 - iv. **For the protection of individual animal, human or public health or welfare**
 - v. **If requested by another veterinarian for the purpose of continuity of care**
5. ~~A licensed veterinarian shall treat animals entrusted to the veterinarian by a client consistent with prevailing professional standards of humane treatment and care.~~

History: Effective August 1, 2004.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-14

ARTICLE 87-06

Practice of Veterinary Medicine

Chapter	
87-06-01	Telemedicine
87-06-02	Veterinarian Client Patient Relationship
87-06-03	Specialties of Veterinary Medicine

CHAPTER 87-06-01 TELEMEDICINE

Section	
87-06-01-01	Definitions
87-06-01-02	Telemedicine Guidelines
87-06-01-03	Emergency Services

87-06-01-01. When used in these guidelines, the following terms are defined as follows:

- 1.** Informed consent means the veterinarian has informed the client or authorized representative, in a manner understood by the client or representative, of the diagnostic and treatment options, risk assessment, and prognosis, and the client has consented to the recommended treatment.
- 2.** Telehealth is the overarching term that encompasses all uses of technology geared to remotely deliver health information or education. Telehealth is not a specific service, but a collection of tools which allow veterinarians to enhance care and education delivery.
- 3.** Telemedicine is the remote delivery of healthcare services, such as health assessments or consultations, over the telecommunications infrastructure. It allows veterinarians to evaluate, diagnose and treat patients without the need for an in-person visit.
- 4.** Telerriage means emergency animal care, including animal poison control services, for immediate, potentially life-threatening animal health situations. A diagnosis is not rendered and a VCPR is not required.

87-06-01-02. Telemedicine may be utilized under the following guidelines:

- 1.** A licensed veterinarian must have an established VCPR.
- 2.** The veterinarian must employ sound professional judgment to determine whether using telemedicine is medically appropriate.
- 3.** The veterinarian must obtain informed consent from the client and conduct all necessary patient evaluations consistent with currently acceptable standards of care.
- 4.** The veterinarian must maintain appropriate medical records.

5. A provider of telemedicine services must ensure that the client is aware of the veterinarian's identity, location, license number and licensure status.

87-06-01-03. Emergency Services. Teletriage may be performed by a veterinarian or veterinary technician without establishing a VCPR or obtaining informed consent in order to provide emergency, potentially life-saving telemedicine services.

History:

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

CHAPTER 87-06-02 Veterinarian Client Patient Relationship

Section

87-06-02-01 Veterinarian Client Patient Relationship

87-06-02-01. Veterinarian Client Patient Relationship. The establishment of a VCPR as defined in 43-29-01.1.9 may extend to all veterinarians within the same practice with access to the patient medical records.

History:

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03

CHAPTER 87-06-03 Veterinary Medicine

Section

87-06-03-01 Veterinary Medicine

87-06-03-01. Veterinary medicine includes telemedicine, laser therapy, chemotherapy and rehabilitation services.

History:

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-03