

North Dakota Board of Veterinary Medical Examiners

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Complaint Form

SFN: 53830

One of the functions of the North Dakota Board of Veterinary Medical Examiners is responding to complaints against veterinarians licensed to practice in North Dakota. The Veterinary Medical Practice Act (Chapter 43-29 of the North Dakota Century Code) specifies grounds for discipline and the complaint procedure. For your information, copies of the pertinent sections of the Act are enclosed; the full text of the practice act is available from our office, through the state's web site (www.ndbvme.org), in most public libraries, and in most law offices.

In order to process a complaint, certain basic information is necessary. Please complete this form to the best of your ability. Send the completed form to the address above.

Part 1. Your information

Your name _____

Your address _____

Your telephone number _____

Part 2. Your animal's information (species, breed, age, gender, name, etc., as applicable)

Part 3. Veterinarian information

Veterinarian's name _____

Veterinarian's address _____

Part 4. The complaint

Be as specific as possible (dates, locations, times, participants, actions). Use additional sheets of paper, as necessary. Try to focus on the important points, in chronological order. Supporting documentation (lab results, photographs, etc.) can be included if you think they are relevant to the complaint. If the complaint proceeds to a formal investigation, you may be asked to support your claims with additional evidence and/or witnesses. Remember that if your complaint appears to have merit, a copy will be forwarded to the veterinarian for reply.

Part 5. Your Signature _____ **Date** _____

____ By my signature, I authorize the release to the North Dakota Board of Veterinary Medical Examiners of any and all medical records necessary for evaluation of this complaint.

**North Dakota Veterinary Medical Practice Act
Chapter 43-29, North Dakota Century Code**

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, or may suspend or revoke a license and certificate of registration, upon any of the following grounds:

- a. Fraud or deception in procuring the license.
- 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.
- d. Immoral, unprofessional, or dishonorable conduct manifestly disqualifying the licensee from practicing veterinary medicine.
- e. Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.
- f. Employment of unlicensed persons to perform work that under this chapter can lawfully be done only by persons licensed to practice veterinary medicine.
- g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests, inspecting foodstuffs, or in issuing health certificates.
- 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.
- 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 ability to serve the public as a veterinarian, or when the board determines, following conviction of any offense, that a person 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.
- n. Revocation of a license to practice veterinary medicine by another state on grounds other than nonpayment of a registration fee.
- o. The use, prescription, or sale of any veterinary prescription drug, or the prescription or an extra-label use of any over-the-counter drug in the absence of a valid veterinarian-client-patient relationship.

43-29-15. Complaints - Investigations.

1. Any 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 a written response from the veterinarian. The board may adopt rules establishing a peer review committee for the purpose of investigating complaints and providing recommendations to the board. A veterinarian 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.

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.