

**CHAPTER 43-??**  
**VETERINARY TECHNICIANS**

**43-??-01. Definitions.**

As used in this chapter and Chapter 43-29, unless the context otherwise requires:

1. "Approved program of veterinary technology" means any postsecondary educational program which offers a degree in veterinary technology or its equivalent and has been approved by the board.
2. "Practice of veterinary technology" means:
  - a. Provision of professional medical care, monitoring, or treatment on the basis of written or oral instructions from a veterinarian;
  - b. Representation of oneself directly or indirectly, as engaging in the practice of veterinary technology; or
  - c. Use of any title, word, abbreviation, or letter in a manner or under circumstances that induce the belief that the individual using them is authorized to practice veterinary technology under this chapter. Such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary technology.
  - d. Nothing in this section shall be construed to permit a veterinary technician to do the following:
    1. surgery, except when acting as a surgical assistant to a veterinarian;
    2. diagnose;
    3. prognose; and
    4. prescribe.
3. "Veterinary technician" means an individual who is duly licensed to practice veterinary technology under the provisions of this chapter.
4. "Veterinary technology" includes all branches or specialties of veterinary technology.

**43-??-02. Rules - Code of ethics - Educational requirements**

4. 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 technology; establish standards for professional conduct, inspection of veterinary premises, and requirements for renewal and granting of licenses; prepare application forms for licensure; obtain the services of professional examination agencies to administer national examinations; and issue, suspend, revoke, or place on probationary status licenses as provided in this chapter. All rules must be submitted to the attorney general in accordance with chapter 28-32. The board may provide interpretive guidance on this chapter.

**43-??-03. 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 technology and the name and location of the school, college, or university which granted the applicant a degree or diploma. Such books and records are prima facie evidence of the matters recorded therein.

**43-??-04. Veterinary technicians**

1. The board shall adopt rules for the licensing of veterinary technicians. All veterinary technicians are subject to the rules and other requirements established by the board.

#### **43-??-05. License renewal - Continuing education requirements.**

1. All veterinary technician licenses expire annually on December thirty-first.
2. Licenses may be renewed by submitting a renewal application, a renewal fee established by the board, and proof of completion of the continuing education requirements established by the board by December thirty-first. Any individual who willfully or by neglect fails to renew a license and who practices veterinary technology after the expiration of the license is practicing in violation of this chapter.
3. Any licensee may renew an expired license within five years of the date of its expiration by making written 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 make application for a new license.
4. The board may by rule waive the payment of the renewal fee of a licensee during the period when the licensee 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.
5. The board may adopt rules establishing requirements for the continuing education of licensees. 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 has failed to meet the applicable continuing education requirements.

#### **43-??-06. Practices excepted from chapter.**

The following persons may not be considered to be engaging in the practice of veterinary technology in this state:

1. Those who treat animals, which are owned by themselves, or their regular employer, except when the ownership of the animal was transferred or otherwise manipulated to avoid the requirements of this chapter.
2. Anyone 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.
3. Any 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.
4. Any employee of the United States or this state while in the performance of duties as employees.
5. Any employee of a veterinarian performing duties under the direction and supervision of the veterinarian responsible for the employee's performance.
6. Any member of the faculty of an approved program of veterinary technology performing regular functions or an individual lecturing or giving instructions or demonstrations at an approved program of veterinary technology or in connection with a continuing education course or seminar.
7. Any individual who is a graduate of a foreign program of veterinary technology and is in the process of completing steps to eligibility for licensure in this state, and is performing duties or actions assigned by an instructor in an approved program of veterinary technology.
8. Any individual who performs gratuitous services under life-threatening situations.
9. Nothing in this section is intended to protect individuals from animal cruelty laws in this state.

#### **43-??-07. Refusal, suspension, and revocation of license and registration - Reinstatement and relicense.**

1. The state board of veterinary medical examiners may refuse to issue a license, or may suspend or revoke a 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 use or abuse of alcohol, or other habit-forming drugs or chemical which impairs the ability of the licensee to practice veterinary technology.
  - d. Immoral, unprofessional, or dishonorable conduct manifestly disqualifying the licensee from practicing veterinary technology.
  - e. Incompetence, gross negligence, or other malpractice in the practice of veterinary technology.
  - f. Employment of unlicensed individuals to perform work that under this chapter can lawfully be done only by individuals licensed to practice veterinary technology.
  - g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests.
  - h. Violation of the rules adopted by the board.
  - i. Conviction of an offense determined by the board to have a direct bearing upon an individual's ability to serve the public as a veterinary technician, or when the board determines, following conviction of any offense, that an individual is not sufficiently rehabilitated under section 12.1-33-02.1.
  - j. Willful or repeated violations of this chapter or any rule adopted by the board.
  - l. Cruelty to animals as defined in chapter 36-21.2.
  - m. Revocation of a license to practice veterinary technology by another state on grounds other than nonpayment of a renewal fee.
2. 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, meets the existing requirements for licensure, and will comply with the rules regarding the practice of veterinary technology.

**43-??-08. Unlawful practice of veterinary technology - Penalty - Civil remedy.**

Any individual who:

- 1. Practices veterinary technology in this state without compliance with the provisions of this chapter;
- 2. Willfully and falsely claims or pretends to have or hold a license issued by the state board of veterinary medical examiners; or
- 3. 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 an approved program of veterinary technology;

is guilty of a class B misdemeanor. 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 state board of veterinary medical examiners.

**43-??-09. Teleadvice and teletriage**

- 1. Teleadvice and teletriage may be performed by a veterinary technician without direction from a veterinarian to provide emergency, potentially life-saving instructions.





