

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 animal shelters or government animal control facilities is exempt from this requirement.
6. 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.
7. 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.
8. Promoting, selling, prescribing, or using a product for which the ingredient formula is unknown to the veterinarian.
9. 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.
10. 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.
11. Willfully harassing, abusing, or intimidating a client or animal owner. Taking legal action to collect for services rendered cannot be considered harassment.
12. Engaging in conduct which willingly and knowingly leads to the spread of contagious disease from one herd or animal to another.

13. 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.
14. 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; April 1, 2022.

General Authority: NDCC 43-29-03

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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. Medical records may be released without consent of the client under the following circumstances:
 - a. For statistical and scientific research, if the information is abstracted in a way as to protect the identity of the patient and client;
 - b. To verify a rabies vaccination of an animal;
 - c. To investigate a threat to human or animal health;
 - d. For the protection of individual animal, human, or public health or welfare; or
 - e. If requested by another veterinarian for the purpose of continuity of care.

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