

## **CHAPTER 43-29 VETERINARIANS**

### **43-29-01. Purpose of the chapter.**

Repealed by S.L. 2007, ch. 376, § 1.

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

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

1. "Accredited 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.
2. "Accredited 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.
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. "Board" means the board of veterinary medical examiners.
5. "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. "Practice of veterinary medicine" means to:
  - a. Diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions. The term includes the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above.
  - b. Represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subdivision a.
  - c. Use any title, word, abbreviation, or letter in a manner or under circumstances that induce the belief the person using the title, word, abbreviation, or letter is qualified to do any act described in subdivision a.
  - d. Apply principles of environmental sanitation, food inspection, environmental pollution control, animal nutrition, zoonotic disease control, and disaster medicine in the promotion and protection of public health.
9. "Veterinarian-client-patient relationship" means:
  - a. A veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical treatment, and the client, who is the owner or other caretaker, has agreed to follow the instructions of the veterinarian.
  - b. There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal.
  - c. The practicing veterinarian is readily available for followup in the case of adverse reactions or failure of the regimen of therapy. This relationship exists only when the veterinarian has recently seen and is personally acquainted with the keeping

and care of the animal by virtue of an examination of the animal and by medically appropriate and timely visits to the premises where the animal is kept.

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

**43-29-02. State board of veterinary medical examiners - Appointments - Qualifications - Terms - Vacancies.**

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 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.
2.
  - a. Each veterinarian on the board must be licensed in this state and must have practiced in this state for at least five years immediately preceding the appointment.
  - b. The veterinary technician on the board must be licensed in this state and must have practiced in this state for at least five years immediately preceding the appointment.
  - c. The individual representing the public:
    - (1) Must be a resident of this state;
    - (2) Must have resided in this state for at least five years immediately preceding the appointment;
    - (3) May not be a veterinarian, a veterinary technician, or the spouse of a veterinarian or a veterinary technician;
    - (4) May not ever have been a veterinarian, a veterinary technician, or the spouse of a veterinarian or a veterinary technician; and
    - (5) May not have any direct financial interest in the provision of veterinary services and may not be engaged in any activity directly related to the veterinary profession.
3.
  - a. The term of office for each member is three years. Terms must be staggered by lot so that no more than two terms expire each year. Each term of office begins on July first.
  - b. Each member of the board shall hold office until a successor is appointed and qualified.
4. If at any time during a member's term, the member ceases to possess any of the qualifications provided in this section or if the member resigns, the member's office is deemed vacant and the governor shall appoint another qualified individual for the remainder of the term.
5. The governor may, after due notice and hearing, remove any member of the board of veterinary examiners for cause.

**43-29-03. Officers of board - Seal - Meetings - Limitations on meetings - Examinations - Rules - Code of ethics - Inspection of facilities - Educational requirements - Reciprocity.**

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. The board shall hold meetings semiannually in the spring and fall of each year for the examination of candidates at a time and place specified by the board. 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 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.
3. 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.

**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, 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.

**43-29-05. 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.

**43-29-05.1. Executive secretary.**

The board may employ an executive secretary and such other persons as it deems advisable 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.

**43-29-06. Graduation from recognized school and certificate or permit from board 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 issued by the board which is in effect, may engage in the practice of veterinary medicine.

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

1. A person desiring 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.

**43-29-07.1. Veterinary technicians - Examinations.**

1. 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.

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

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 must be tested by written examination, supplemented by any oral interview and practical demonstration the board determines necessary. The board may adopt and use the examination prepared by the national board of veterinary medical examiners. After each examination, the board shall notify each examinee of the result of the examination, and the board shall issue a license to each person who passed the examination. The board shall record each new license and issue a certificate of registration to each new licensee. Any person failing an examination may be admitted to any subsequent examination on approval by the board and payment of the application fee.
2. The board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof of graduation from an accredited or approved college of veterinary medicine, or holds a certificate, and who:

- a. Has for the five years immediately before filing of the application been a practicing veterinarian licensed in a state having license requirements at the time the applicant was first licensed which were substantially equivalent to the requirements of this chapter;
  - b. Has within the three years immediately before filing the application successfully completed the examinations provided by the national board of veterinary medical examiners; or
  - c. Currently holds a license to practice in at least one state, has active diplomat status in a specialty organization recognized by the American veterinary medical association, and whose practice is limited to the certified specialty in the state in which the specialist is licensed without examination.
3. The board may issue without examination a temporary permit to practice veterinary medicine in this state to:
- a. A qualified applicant for license pending examination, if the temporary permit expires the day after the notice of results of the first examination given after the permit is issued. A temporary permit may not be issued to an applicant who previously has failed the examination in this or any other state or a foreign country.
  - b. A nonresident veterinarian validly licensed in another state or a foreign country who pays the fee established and published by the board if the temporary permit is issued for a period of no more than sixty days and no more than one permit is issued to a person during each calendar year.
  - c. A senior veterinary student who practices in the office of and under the direct supervision of a licensed veterinarian. A temporary student permit may not exceed six months from its date of issuance and is granted without payment of a fee.
  - d. A graduate of a nonaccredited college of veterinary medicine, who has satisfactorily completed the fourth year of clinical study at an accredited or approved college of veterinary medicine, has successfully passed the examination provided by the national board of veterinary medical examiners, and is enrolled in the educational commission for foreign veterinary graduates program. The holder of a temporary permit issued under this subdivision must practice under the supervision of a licensed veterinarian. A temporary permit issued under this subdivision is valid until the holder obtains a certificate or for two years.

**43-29-07.3. License renewal - Continuing education requirements.**

1. All licenses expire annually as of July first but may be renewed by registration with the board and payment of the registration renewal fee established by the board. On June first of each year, the board shall mail a notice to each licensed veterinarian that the licensee's license will expire as of July first and provide the licensee with a form for registration. The board shall issue a new certificate of registration to a person reregistering under this section. Any person who willfully or by neglect fails to renew a license and who practices veterinary medicine after the expiration of the license is practicing in violation of this chapter.
2. Any qualified person may renew an expired license within two years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After two years have elapsed since the date of expiration, a license may not be renewed, but the holder may make application 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. 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 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.

**43-29-08. Certificate of qualification issued to applicants passing examination - Conclusiveness of certificate - Re-examination.**

Repealed by S.L. 1997, ch. 376, § 12.

**43-29-08.1. Veterinary technician - Renewal of license.**

1. A license issued to a veterinary technician under this chapter expires on December thirty-first.
2. A veterinary technician shall submit renewal fees and current mailing address before December thirty-first on an application form provided and mailed to the licenseeholder by the board.
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.
4. Failure to submit the appropriate 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 renewal fee.

**43-29-09. Limited specialty license - Graduate veterinary technicians.**

1. The board may issue a limited specialty license for the practice of that specialty in this state to a veterinarian, licensed in another state, who has passed a nationally recognized specialty board examination and who otherwise meets the qualifications to practice in this state. All limited specialty licenses regardless of when issued expire on June thirtieth of each year and may be renewed in the discretion of the board. All veterinarians holding a limited specialty license are subject to this chapter during the term of the license. Fees for a limited specialty license are the same as for a regular license.
2. The board may adopt rules for the training, certification, and limits of activity for veterinary assistants and shall adopt rules for the licensing, training, certification, and limits of activity for veterinary technicians being trained and employed under the direct supervision and responsibility of a licensed veterinarian. All veterinary technicians must be registered with and subject to requirements established by the board.

**43-29-10. Display of license and certificate.**

A person may not practice veterinary medicine in the state of North Dakota without possessing and displaying prominently in the person's principal office a license and a current and valid certificate of renewal issued pursuant to the provisions of this chapter.

**43-29-11. Fees deposited with state treasurer - Separate fund - Vouchers.**

All moneys and fees collected or received by the board under the provisions of this chapter must be deposited with the state treasurer to be held for all legitimate expenses of the board. The state treasurer shall keep such moneys in a separate fund continued from year to year and shall disburse the same only on warrants drawn against such fund by the president or the executive secretary of the board.

**43-29-12. Veterinary medicine defined.**

Repealed by S.L. 1997, ch. 376, § 12.

#### **43-29-12.1. Veterinary technician services - Emergency services - Prohibited services.**

1. A veterinary technician may perform the following services under the direction, supervision, and control of a licensed veterinarian, provided the licensed veterinarian performs a daily physical examination of the animal being treated:
  - a. Venipuncture, including insertion of an indwelling catheter when required.
  - b. Catheterizing the urinary bladder.
  - c. Injection, including hypodermic injection and parenteral fluids, except when in conflict with a government regulation.
  - d. Immunization immediately after examination by a licensed veterinarian, except when in conflict with a government regulation.
  - e. Inducing, maintaining, and monitoring anesthesia under the direct supervision of the licensed veterinarian.
  - f. Exposing and developing radiographic film.
  - g. Collecting and administering whole blood or plasma to an animal.
  - h. Assisting in surgery as directed by the licensed veterinarian.
  - i. Taking electrocardiogram and electroencephalogram tracings.
  - j. Performing routine laboratory procedures, including hematology, serology, microbiology, cytology, chemistry, urinalysis, fecal analysis, and skin scrapings.
  - k. Administering colonic irrigations and wound dressings.
  - l. Operating ultrasonic and polishing instruments for dental prophylaxis.
  - m. Preparing animals for surgery, including clipping, scrubbing, and disinfecting an operative site.
  - n. Preparing medicants for dispensing to clients on the direct or written order of the licensed veterinarian.
  - o. Maintaining surgery, x-ray, and laboratory logs and pharmacy records.
2. Under emergency conditions, a veterinary technician may perform the following treatments:
  - a. Applying tourniquets and pressure bandages to control hemorrhage.
  - b. Administering pharmacological agents and parenteral fluids only after direct communication with a licensed veterinarian, if the veterinarian is present or en route to the location of the distressed animal.
  - c. Performing resuscitative oxygen procedures.
  - d. Applying temporary splints or bandages to prevent further injury to bones or soft tissues.
  - e. Applying appropriate wound dressings and external supportive treatment in severe burn cases.
  - f. Providing external supportive treatment in heat prostration cases.
3. A veterinary technician may not perform the following services unless the veterinary technician is acting as a surgical assistant to a licensed veterinarian under this chapter:
  - a. Making a diagnosis.
  - b. Prescribing a treatment.
  - c. Performing surgery.

#### **43-29-13. Practices excepted from chapter.**

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

1. Those who administer to livestock, the title to which rests in themselves, or in their regular employer, except when the ownership of the animal was transferred to avoid the requirements of this chapter, or those who perform gratuitous services.
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. Anyone who is a regular student in an accredited or approved college of veterinary medicine performing duties or actions assigned by an instructor or working under the direct supervision of a licensed veterinarian during a school vacation period.

4. Anyone licensed in another state or nation when engaged in this state in consultation with veterinarians legally practicing herein.
5. A senior student who is in an approved school of veterinary medicine and who obtains from the board a student permit to practice in the office and under the direct supervision of any veterinarian practicing within this state.
6. Any employee of the United States or this state while in the performance of duties as employees.
7. Any merchant or manufacturer selling medicine, feed, an appliance, or any other product used in the prevention or treatment of animal diseases.
8. Any veterinary technician or other employee of a licensed veterinarian performing duties under the direction and supervision of the veterinarian responsible for the technician's or other employee's performance.
9. Any member of the faculty of an accredited college of veterinary medicine performing regular functions or a person lecturing or giving instructions or demonstrations at an accredited college of veterinary medicine or in connection with a continuing education course or seminar.
10. Any person selling or applying any pesticide, insecticide, or herbicide.
11. Any graduate of a foreign college of veterinary medicine who is in the process of obtaining a certificate and is performing duties or actions assigned by the graduate's instructors in an accredited college of veterinary medicine.
12. Any person performing a direct embryo transfer procedure on a recipient cow. Except as provided in this subsection, a person 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.

**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, 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.
  - 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.



#### **43-29-16.1. Abandonment of animals by owner.**

1. Any animal placed in the custody of a licensed doctor of veterinary medicine for treatment, boarding, or other care, which is abandoned by its owner or its owner's agent for a period of more than ten days after a written notice, by registered or certified letter, return receipt requested, is given to the owner or its owner's agent 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 of notice to the owner, or the agent of the owner, of such animal by the doctor of veterinary medicine, as provided in subsection 1, shall relieve the doctor of veterinary medicine and any custodian to whom such animal may be given of any further liability for disposal; it is further provided that such procedure by the licensed doctor of veterinary medicine 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; such abandonment constitutes the relinquishment of all rights and claim by the owner of such animal.

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

Any person who:

1. Practices veterinary medicine, surgery, or dentistry in this state without compliance with the provisions of this chapter;
2. Willfully and falsely claims or pretends to have or hold a certificate of registration 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 a course in veterinary science in a school, college, or university recognized by the board;

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 any person, upon application and unanimous vote of all members of the state board of veterinary medical examiners.

#### **43-29-18. Effect of invalidity of part of this chapter.**

Repealed by S.L. 1983, ch. 82, § 154.

#### **43-29-19. Veterinary prescription drugs.**

1. Except as provided under subsection 2, a veterinary prescription drug must be dispensed, used, or prescribed within the context of a veterinarian-client-patient relationship.
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 who has established a veterinarian-client-patient relationship;
  - b. The prescribing veterinarian 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.