

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 604

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/2/19

Short Title: Amend NC Veterinary Practice Act.

(Public)

Sponsors:

Referred to:

April 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE IMPAIRMENT IN VETERINARY PRACTICE, ALLOW
3 VETERINARY FACILITY PERMITTING, AND MAKE TECHNICAL CORRECTIONS.
4 The General Assembly of North Carolina enacts:

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6 **PART I. REGULATE IMPAIRMENT IN VETERINARY PRACTICE**

7 **SECTION 1.(a)** G.S. 90-181 is amended by adding a new subdivision to read:

8 "(12) "Impairment" means an individual's inability to practice veterinary medicine,
9 the inability to assist in the delivery of veterinary services as a registered
10 veterinary technician, or the inability to perform acts, tasks, and functions with
11 reasonable skill and safety, and in a manner not harmful to the public or to
12 animals, by reason of physical or mental illness or condition, or use of alcohol,
13 drugs, chemicals, or any other type of substance or material."

14 **SECTION 1.(b)** G.S. 90-187.8(c) reads as rewritten:

15 "(c) Grounds for disciplinary action shall include but not be limited to the following:

16 ...

17 (3) The impairment of ~~a person~~ an individual holding a license or registration
18 issued by the Board, when the impairment ~~is caused by that person's use of~~
19 ~~alcohol, drugs, or controlled substances, and the impairment interferes with~~
20 ~~that person's individual's~~ ability to practice within the scope of the license or
21 registration with reasonable skill and safety ~~safety~~, and in a manner not
22 harmful to the public or to animals under the ~~person's individual's~~ care.

23"

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25 **PART II. CLARIFY EXEMPTED PRACTICES**

26 **SECTION 2.** G.S. 90-187.10 reads as rewritten:

27 "**§ 90-187.10. Necessity for license; certain practices exempted.**

28 No person shall engage in the practice of veterinary medicine or own all or part interest in a
29 veterinary medical practice in this State or attempt to do so without having first applied for and
30 obtained a license for such purpose from the North Carolina Veterinary Medical Board, or
31 without having first obtained from the Board a certificate of renewal of license for the calendar
32 year in which the person proposes to practice and until the person shall have been first licensed
33 and registered for such practice in the manner provided in this Article and the rules and
34 regulations of the Board.

35 Nothing in this Article shall be construed to prohibit:



- (1) Any person from administering to animals, ~~the title to which is vested in food animals or to animals maintained for the production of food or fiber; administering first aid, not including surgical or invasive procedures, to companion animals in emergency situations; or administering routine disease prevention pharmaceuticals to companion animals; provided that the animals are owned by the person or the person's employer, except when the title is so vested~~ the ownership is asserted for the purpose of circumventing the provisions of this Article;

...."

SECTION 3. G.S. 90-181(5) reads as rewritten:

- "(5) "Person" means any individual, firm, entity, partnership, association, joint venture, cooperative or corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person."

PART III. FACILITY PERMITTING

SECTION 4.(a) G.S. 90-186 is amended by adding two new subdivisions to read:

- "(8) Pursuant to administrative rule, the Board may establish all provisions and requirements for a veterinary facility permit, the issuance of which shall be required for any facility where veterinary medicine is practiced, except for animal shelters registered with the Department of Agriculture and Consumer Services.

- (9) Pursuant to administrative rule, the Board may establish all provisions and requirements for a supervising veterinarian for each veterinary facility maintaining a valid veterinary facility permit."

SECTION 4.(b) The Veterinary Medical Board shall adopt rules to implement subsection (a) of this section.

SECTION 5.(a) G.S. 90-181.1 reads as rewritten:

~~"§ 90-181.1. Practice facility~~ **Facility names and levels of service.**

(a) In order to accurately inform the public of the levels of service offered, a veterinary ~~practice~~ facility shall use in its name one of the descriptive terms defined in subsection (b) of this section. The name of a veterinary ~~practice~~ facility shall, at all times, accurately reflect the level of service being offered to the public. If a veterinary facility or practice offers on-call emergency service, that service must be as that term is defined in subsection (b) of this section.

(b) The following definitions are applicable to this section:

- (1) "Animal health center" or "animal medical center" means a veterinary ~~practice~~ facility in which consultative, clinical, and hospital services are rendered and in which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs.
- (2) "Emergency facility" means a veterinary medical facility whose primary function is the receiving, treatment, and monitoring of emergency patients during its specified hours of operation. At this veterinary ~~practice~~ facility a veterinarian is in attendance at all hours of operation and sufficient staff is available to provide timely and appropriate emergency care. An emergency facility may be an independent veterinary medical after-hours facility, an independent veterinary medical 24-hour facility, or part of a full-service hospital or large teaching institution.
- (3) "Mobile facility" means a veterinary practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making

house or farm calls; provided, the veterinary medical practice shall have a permanent base of operation with a published address and telephone facilities for making appointments or responding to emergency situations.

(4) "Office" means a veterinary ~~practice~~-facility where a limited or consultative practice is conducted and which provides no facilities for the housing of patients.

(5) "On-call emergency service" means a veterinary medical service at a ~~practice~~ facility, including a mobile facility, where veterinarians and staff are not on the premises during all hours of operation or where veterinarians leave after a patient is treated. A veterinarian shall be available to be reached by telephone for after-hours emergencies.

(6) "Veterinary clinic" or "animal clinic" means a veterinary ~~practice~~-facility in which the practice conducted is essentially an out-patient practice.

(7) "Veterinary hospital" or "animal hospital" means a veterinary ~~practice~~-facility in which the practice conducted includes the confinement as well as the treatment of patients.

(c) If a veterinary ~~practice~~-facility uses as its name the name of the veterinarian or veterinarians owning or operating the facility, the name of the veterinary ~~practice~~-facility shall also include a descriptive term from those listed in subsection (b) of this section to disclose the level of service being offered.

(d) Those facilities existing and approved by the Board as of December 31, 1993, may continue to use their approved name or designation until there is a partial or total change of ownership of the facility, at which time the name of the veterinary ~~practice~~-facility shall be changed, as necessary, to comply with this section."

SECTION 5.(b) G.S. 90-186 reads as rewritten:

"§ 90-186. Special powers of the Board.

In addition to the powers set forth in G.S. 90-185 above, the Board may:

...

(3) Upon complaint or information received by the Board, prohibit through summary emergency order of the Board, prior to a hearing, the operation of any veterinary ~~practice~~-facility that the Board determines is endangering, or may endanger, the public health or safety or the welfare and safety of animals, and suspend the license of the veterinarian operating the veterinary ~~practice~~ facility, provided that upon the issuance of any summary emergency order, the Board shall initiate, within 10 days, a notice of hearing under the administrative rules issued pursuant to this Article and Chapter 150B of the General Statutes for an administrative hearing on the alleged violation;

...

(6) Set and require fees pursuant to administrative rule. The Board may increase the following fees, provided (i) no fee shall be increased more than fifteen percent (15%) within a calendar year and (ii) the cumulative total increases of any fee shall not exceed one hundred percent (100%) of the fee amounts set in this subdivision:

...

d. Inspection of a veterinary ~~practice~~-facility in the amount of one hundred twenty-five dollars (\$125.00).

...."

SECTION 6.(a) G.S. 90-187.10 reads as rewritten:

"§ 90-187.10. Necessity for license; certain practices exempted.

No ~~person~~-individual shall engage in the practice of veterinary medicine ~~or own all or part interest in a veterinary medical practice in this State or attempt to do so~~ without having first

1 ~~applied for and obtained a license for such purpose from the North Carolina Veterinary Medical~~
 2 ~~Board, or without having first obtained from the Board a certificate of renewal of license for the~~
 3 ~~calendar year in which the person proposes to practice and until the person shall have been first~~
 4 ~~licensed and registered for such practice in the manner provided in this Article and the rules and~~
 5 ~~regulations of the Board.~~ a veterinary license from the Board. No person, as defined in
 6 G.S. 90-181(5), may own a veterinary facility without having a veterinary facility permit from
 7 the Board.

8"

9 **SECTION 6.(b)** G.S. 90-187.11 is repealed.

10 **SECTION 6.(c)** G.S. 90-187.12 reads as rewritten:

11 "**§ 90-187.12. Unauthorized practice; penalty.**

12 ~~If any person shall~~ An individual shall be guilty of a Class 1 misdemeanor if the individual
 13 engages in any of the following activities:

- 14 (1) ~~Practice-Practices or attempt-attempts~~ to practice veterinary medicine in this
 15 State without first having obtained a license or temporary permit from the
 16 Board; or Board.
- 17 (2) ~~Practice-Practices~~ veterinary medicine without the renewal of his-renewing
 18 the individual's license, as provided in G.S. 90-187.5; or G.S. 90-187.5.
- 19 (3) ~~Practice-Practices or attempt-attempts~~ to practice veterinary medicine while
 20 his-the individual's license is revoked, or suspended, or when a certificate of
 21 license has been refused; or refused.
- 22 (4) ~~Violate-Violates~~ any of the provisions of this Article, Article.

23 ~~said person shall be guilty of a Class 1 misdemeanor. Each act of such unlawful practice shall~~
 24 ~~constitute a distinct and separate offense."~~

25 **PART IV. EFFECTIVE DATE**

26 **SECTION 7.** Sections 1, 2, 3, 4, and 7 of this act are effective when they become
 27 law. Sections 5 and 6 of this act are effective 60 days after the date that the rules adopted pursuant
 28 to Section 4 of this act become effective.
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