

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 604  
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/2/19  
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PROPOSED HOUSE COMMITTEE SUBSTITUTE S604-PCS35304-BC-58

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:

5  
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 ...."

24  
25 **PART II. CLARIFY EXEMPTED PRACTICES**

26 **SECTION 2.(a)** 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.



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1 Nothing in this Article shall be construed to prohibit:

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

10 ...."

11 **SECTION 2.(b)** Article 11 of Chapter 90 of the General Statutes is amended by  
12 adding a new section to read:

13 **"§ 90-187.16. Practice of veterinary medicine allowed at registered animal shelters.**

14 Notwithstanding any rule adopted by the Board prescribing minimum facility and practice  
15 standards for any location where veterinary medicine is practiced, a licensed veterinarian may  
16 practice veterinary medicine, including surgery and invasive procedures, at an animal shelter  
17 registered with the Department of Agriculture and Consumer Services, consistent with any rules  
18 adopted by the Department of Agriculture and Consumer Services concerning animal shelters."

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

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

26  
27 **PART III. FACILITY PERMITTING**

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

- 29 "(8) Pursuant to administrative rule, the Board may establish all provisions and  
30 requirements for a veterinary facility permit, the issuance of which shall be  
31 required for any facility where veterinary medicine is practiced, except for  
32 animal shelters registered with the Department of Agriculture and Consumer  
33 Services.  
34 (9) Pursuant to administrative rule, the Board may establish all provisions and  
35 requirements for a supervising veterinarian for each veterinary facility  
36 maintaining a valid veterinary facility permit.  
37 (10) Pursuant to administrative rule, the Board may establish all provisions and  
38 requirements for the regulation of the practice of veterinary medicine through  
39 methods or modes of veterinary telehealth and its subcategories, including  
40 telemedicine, teleconsulting, and telemonitoring. The Board may also  
41 establish all provisions and requirements as to when and where veterinary  
42 telehealth or any of its subcategories may occur, who may provide veterinary  
43 care via telehealth or any of its subcategories, and the requirements for the  
44 veterinarian-client-patient relationship as it pertains to the methods or modes  
45 of veterinary telehealth and its subcategories."

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

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

49 **"§ 90-181.1. ~~Practice facility~~ Facility names and levels of service.**

50 (a) In order to accurately inform the public of the levels of service offered, a veterinary  
51 ~~practice~~ facility shall use in its name one of the descriptive terms defined in subsection (b) of this

1 section. The name of a veterinary ~~practice~~-facility shall, at all times, accurately reflect the level  
2 of service being offered to the public. If a veterinary facility or practice offers on-call emergency  
3 service, that service must be as that term is defined in subsection (b) of this section.

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

5 (1) "Animal health center" or "animal medical center" means a veterinary ~~practice~~  
6 facility in which consultative, clinical, and hospital services are rendered and  
7 in which a large staff of basic and applied veterinary scientists perform  
8 significant research and conduct advanced professional educational programs.

9 (2) "Emergency facility" means a veterinary medical facility whose primary  
10 function is the receiving, treatment, and monitoring of emergency patients  
11 during its specified hours of operation. At this veterinary ~~practice~~-facility a  
12 veterinarian is in attendance at all hours of operation and sufficient staff is  
13 available to provide timely and appropriate emergency care. An emergency  
14 facility may be an independent veterinary medical after-hours facility, an  
15 independent veterinary medical 24-hour facility, or part of a full-service  
16 hospital or large teaching institution.

17 (3) "Mobile facility" means a veterinary practice conducted from a vehicle with  
18 special medical or surgical facilities or from a vehicle suitable only for making  
19 house or farm calls; provided, the veterinary medical practice shall have a  
20 permanent base of operation with a published address and telephone facilities  
21 for making appointments or responding to emergency situations.

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

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

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

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

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

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

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

44 **"§ 90-186. Special powers of the Board.**

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

46 ...

47 (3) Upon complaint or information received by the Board, prohibit through  
48 summary emergency order of the Board, prior to a hearing, the operation of  
49 any veterinary ~~practice~~-facility that the Board determines is endangering, or  
50 may endanger, the public health or safety or the welfare and safety of animals,  
51 and suspend the license of the veterinarian operating the veterinary ~~practice~~

1 facility, provided that upon the issuance of any summary emergency order,  
 2 the Board shall initiate, within 10 days, a notice of hearing under the  
 3 administrative rules issued pursuant to this Article and Chapter 150B of the  
 4 General Statutes for an administrative hearing on the alleged violation;

5 ...  
 6 (6) Set and require fees pursuant to administrative rule. The Board may increase  
 7 the following fees, provided (i) no fee shall be increased more than fifteen  
 8 percent (15%) within a calendar year and (ii) the cumulative total increases of  
 9 any fee shall not exceed one hundred percent (100%) of the fee amounts set  
 10 in this subdivision:

11 ...  
 12 d. Inspection of a veterinary ~~practice~~ facility in the amount of one  
 13 hundred twenty-five dollars (\$125.00).

14 ...."

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

16 "**§ 90-187.10. Necessity for license; certain practices exempted.**

17 No ~~person~~ individual shall engage in the practice of veterinary medicine ~~or own all or part~~  
 18 ~~interest in a veterinary medical practice in this State or attempt to do so without having first~~  
 19 ~~applied for and obtained a license for such purpose from the North Carolina Veterinary Medical~~  
 20 ~~Board, or without having first obtained from the Board a certificate of renewal of license for the~~  
 21 ~~calendar year in which the person proposes to practice and until the person shall have been first~~  
 22 ~~licensed and registered for such practice in the manner provided in this Article and the rules and~~  
 23 ~~regulations of the Board.~~ a veterinary license from the Board. No person, as defined in  
 24 G.S. 90-181(5), may own a veterinary facility without having a veterinary facility permit from  
 25 the Board.

26 ...."

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

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

29 "**§ 90-187.12. Unauthorized practice; penalty.**

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

- 32 (1) ~~Practice~~ Practices ~~or attempt~~ attempts to practice veterinary medicine in this  
 33 State without first having obtained a license or temporary permit from the  
 34 ~~Board;~~ or Board.  
 35 (2) ~~Practice~~ Practices veterinary medicine without ~~the renewal of his~~ renewing  
 36 the individual's license, as provided in ~~G.S. 90-187.5;~~ or G.S. 90-187.5.  
 37 (3) ~~Practice~~ Practices ~~or attempt~~ attempts to practice veterinary medicine while  
 38 ~~his~~ the individual's license is revoked, or suspended, or when a certificate of  
 39 license has been ~~refused;~~ or refused.  
 40 (4) ~~Violate~~ Violates any of the provisions of this ~~Article;~~ Article.

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

#### 43 **PART IV. EFFECTIVE DATE**

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