

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 651
PROPOSED HOUSE COMMITTEE SUBSTITUTE S651-PCS45597-BR-38

Short Title: Amend Veterinary Practice Act/DACS Budget.

(Public)

Sponsors:

Referred to:

April 7, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE VETERINARY PRACTICE ACT AND
3 TO MAKE VARIOUS CHANGES TO DEPARTMENT OF AGRICULTURE AND
4 CONSUMER SERVICES BUDGET PROVISIONS IN THE 2022 BUDGET.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 11 of Chapter 90 of the General Statutes reads as rewritten:

7 "Article 11.

8 "Veterinarians.

9 ...

10 "§ 90-181. Definitions.

11 When used in this Article these words and phrases shall be defined as follows:

- 12 (1) ~~"Accredited school of veterinary medicine"~~ means any Accredited school of
13 veterinary medicine. – Any veterinary college or division of a university or
14 college that offers the degree of doctor of veterinary medicine or its equivalent
15 and that conforms to the standards required for accreditation by the American
16 Veterinary Medical Association.
- 17 (2) ~~"Animal"~~ means any Animal. – Any animal, mammal other than man and
18 includes birds, fish, and reptiles, wild or domestic, living or dead.
- 19 (2a) ~~"Animal dentistry"~~ means the Animal dentistry. – The treatment, extraction,
20 cleaning, adjustment, or "floating" (filing or smoothing) of an animal's teeth,
21 and treatment of an animal's gums.
- 22 (3) ~~"Board"~~ means the Board. – The North Carolina Veterinary Medical Board.
- 23 (3a) ~~"Cruelty to animals"~~ means to Cruelty to animals. – To willfully overdrive,
24 overload, wound, injure, torture, torment, deprive of necessary sustenance,
25 cruelly beat, needlessly mutilate or kill any animal, or cause or procure any of
26 these acts to be done to an animal; provided, that the words "torture,"
27 "torment," or "cruelty" include every act, omission, or neglect causing or
28 permitting unjustifiable physical pain, suffering, or death.
- 29 (3b) ~~"Impairment"~~ means an Impairment. – An individual's inability to practice
30 veterinary medicine; the inability to assist in the delivery of veterinary
31 services as a registered veterinary technician, or the inability to perform acts,
32 tasks, and functions with reasonable skill and safety; and in a manner not
33 harmful to the public or to animals, by reason of physical or mental illness or
34 condition, or use of alcohol, drugs, chemicals, or any other type of substance
35 or material.



* S 6 5 1 - P C S 4 5 5 9 7 - B R - 3 8 *

- 1 (4) ~~"Limited-Limited veterinary license"~~ license or ~~"limited license"~~ means a
2 limited license. – A license issued by the Board under authority of this Article
3 that specifically, by its terms, restricts the scope or areas of practice of
4 veterinary medicine by the holder of the limited license; provided, that no
5 limited license shall confer or denote an area of specialty of the holder of this
6 limited veterinary license; and provided further, that unless otherwise
7 provided by Board rule, the licensing requirements shall be identical to those
8 specified for a veterinary license.
- 9 (5) ~~"Person" means any Person.~~ – Any individual, firm, entity, partnership,
10 association, joint venture, cooperative or corporation, or any other group or
11 combination acting in concert; and whether or not acting as a principal,
12 trustee, fiduciary, receiver, or as any kind of legal or personal representative,
13 or as the successor in interest, assignee, agent, factor, servant, employee,
14 director, officer, or any other representative of such person.
- 15 (6) ~~"Practice of veterinary medicine" means:~~ Practice of veterinary medicine. –
16 Any of the following:
- 17 a. To diagnose, treat, correct, change, relieve, or prevent animal disease,
18 deformity, defect, injury, or other physical or mental conditions;
19 including the prescription or administration of any drug, medicine,
20 biologic, apparatus, application, anesthetic, or other therapeutic or
21 diagnostic substance or technique on any animal.
- 22 b. To represent, directly or indirectly, publicly or privately, an ability and
23 willingness to do any act described in sub-subdivision a. of this
24 subdivision.
- 25 c. To use any title, words, abbreviation, or letters in a manner or under
26 circumstances which induce the belief that the person using them is
27 qualified to do any act described in sub-subdivision a. of this
28 subdivision.
- 29 (6a) Staff. – Any person performing duties under the direction and supervision of
30 a veterinarian.
- 31 (7) ~~"Veterinarian" shall mean a Veterinarian.~~ – A person who has received a
32 doctor's degree in veterinary medicine from an accredited school of veterinary
33 medicine and who is licensed by the Board to practice veterinary medicine.
- 34 (7a) ~~"Veterinarian-client-patient relationship" means~~
35 ~~that:~~ Veterinarian-client-patient relationship. – Includes all of the following:
- 36 a. The veterinarian has assumed the responsibility for making medical
37 judgments regarding the health of the animal and the need for medical
38 treatment, and the client (owner or other caretaker) has agreed to
39 follow the instruction of the veterinarian.
- 40 b. There is sufficient knowledge of the animal by the veterinarian to
41 initiate at least a general or preliminary diagnosis of the medical
42 condition of the animal. This means that the veterinarian has recently
43 seen and is personally acquainted with the keeping and care of the
44 animal by virtue of an examination of the animal, or by medically
45 appropriate and timely visits to the premises where the animal is kept.
- 46 c. The practicing veterinarian is readily available or provides for
47 follow-up in case of adverse reactions or failure of the regimen of
48 therapy.
- 49 (7b) Veterinary consulting. – When any person, whose expertise the veterinarian
50 believes would benefit the veterinarian's patient, provides advice by any
51 means of communication to a veterinarian at the veterinarian's direction or

- 1 request. Veterinary consulting does not constitute the practice of veterinary
- 2 medicine by that act alone.
- 3 ~~(7b)(7c)~~ "Veterinary license" Veterinary license or "license" means a license. – A
- 4 license to practice veterinary medicine issued by the Board.
- 5 (8) ~~"Veterinary medicine" includes Veterinary medicine. – Includes~~ veterinary
- 6 surgery, obstetrics, dentistry, and all other branches or specialties of veterinary
- 7 medicine.
- 8 (9) ~~"Veterinary Veterinary student intern" means a intern. – A~~ person who is
- 9 enrolled in an accredited veterinary college, has satisfactorily completed the
- 10 ~~third~~ second year of veterinary college education, and is registered with the
- 11 Board as a veterinary student intern.
- 12 (10) ~~"Veterinary student preceptee" means a person who is pursuing a doctorate~~
- 13 ~~degree in an accredited school of veterinary medicine that has a preceptor or~~
- 14 ~~extern program, has completed the academic requirements of that program,~~
- 15 ~~and is registered with the Board as a veterinary student preceptee.~~
- 16 (11) ~~"Veterinary technician" means either~~ Veterinary technician. – Either of the
- 17 following persons:
- 18 a. A person who has successfully completed a post-high school course in
- 19 the care and treatment of animals that conforms to the standards
- 20 required for accreditation by the American Veterinary Medical
- 21 Association and who is registered with the Board as a veterinary
- 22 technician.
- 23 b. A person who holds a degree in veterinary medicine from a college of
- 24 veterinary medicine recognized by the Board for licensure of
- 25 veterinarians and who is registered with the Board as a veterinary
- 26 technician.

27 ...

28 **"§ 90-186. Special powers of the Board.**

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

- 30 ...
- 31 (6) Set and require fees pursuant to administrative rule. The Board may increase
- 32 the following fees, provided (i) no fee shall be increased more than fifteen
- 33 percent (15%) within a calendar year and (ii) the cumulative total increases of
- 34 any fee shall not exceed one hundred percent (100%) of the fee amounts set
- 35 in this subdivision:
- 36 ...
- 37 d. **(Contingent expiration date – See editor's note)** Inspection of a
- 38 veterinary practice facility in the amount of one hundred ~~twenty five~~
- 39 fifty dollars ~~(\$125.00)-(\$150.00).~~
- 40 d. **(Contingent effective date – See editor's note)** Inspection of a
- 41 veterinary ~~facility~~ facility, resulting from a serious inspection violation
- 42 or as a result of the complaint, in the amount of one hundred
- 43 ~~twenty five~~ fifty dollars ~~(\$125.00)-(\$150.00).~~
- 44 ...
- 45 k. ~~Issuance of a veterinary student preceptee registration, in the amount~~
- 46 ~~of twenty five dollars (\$25.00).~~
- 47 ...
- 48 o. Issuance of a veterinary facility permit, in the amount of one hundred
- 49 fifty dollars (\$150.00).

1 The fees set under this subdivision for the renewal of a license, a limited
2 license, a registration, ~~or a certificate~~ a certificate, or a veterinary facility
3 permit apply to each year of the renewal period.

4 ...

5 **"§ 90-187.6. Veterinary technicians and ~~veterinary employees, staff.~~**

6 (a) "Veterinary ~~technicians,~~ technicians" and "veterinary student interns," and
7 ~~"veterinary student preceptees,"~~ before performing any services otherwise prohibited to persons
8 not licensed or registered under this Article, shall be approved by and registered with the Board.
9 The Board shall be responsible for all matters pertaining to the qualifications, registration,
10 discipline, and revocation of registration of these persons, under this Article and rules issued by
11 the Board.

12 (b) The services of a technician, intern, ~~preceptee,~~ or ~~other veterinary employee staff~~ shall
13 be limited to services under the direction and supervision of a ~~veterinarian.~~ ~~This employee shall~~
14 ~~receive no fee or compensation of any kind for services other than any salary or compensation~~
15 ~~paid to the employee by the veterinarian or veterinary facility by which the employee is~~
16 ~~employed.~~ ~~The employee-veterinarian, and the technician, intern, or staff~~ may participate in the
17 operation of a branch office, clinic, or allied establishment only to the extent allowable under and
18 as defined by this Article or by rules issued by the Board.

19 (c) ~~An employee-Staff~~ under the supervision of a veterinarian may perform such duties
20 as are required in the physical care of animals and in carrying out medical orders as prescribed
21 by the veterinarian, requiring an understanding of animal science but not requiring the
22 professional services as set forth in G.S. 90-181(6)a. In addition, a veterinary technician may
23 assist veterinarians in diagnosis, laboratory analysis, anesthesia, and surgical procedures. Neither
24 the ~~employee-staff~~ nor the veterinary technician may perform any act producing an irreversible
25 change in the animal. ~~An employee-Staff~~ other than a veterinary ~~technician,~~ technician or intern,
26 ~~or preceptee,~~ may, under the direct supervision of a veterinarian, perform duties including
27 collection of specimen; testing for intestinal parasites; collecting blood; testing for heartworms
28 and conducting other laboratory tests; taking radiographs; and cleaning and polishing teeth,
29 provided that the ~~employee-staff~~ has had sufficient on-the-job training by a veterinarian to
30 perform these specified duties in a competent manner. It shall be the responsibility of the
31 veterinarian supervising the ~~employee-staff~~ to ascertain that the ~~employee-staff~~ performs these
32 specified duties assigned to the ~~employee-staff~~ in a competent manner. These specified duties
33 shall be performed under the direct supervision of the veterinarian in charge of administering
34 care to the patient.

35 (d) Veterinary student interns, in addition to all of the services permitted to veterinary
36 technicians, may, under the direct personal supervision of a veterinarian, perform surgery and
37 administer therapeutic or prophylactic drugs.

38 (e) ~~Veterinary student preceptees, in addition to all of the services permitted to veterinary~~
39 ~~technicians and veterinary student interns, may, upon the direction of the employing veterinarian,~~
40 ~~make ambulatory calls and hospital and clinic diagnoses, prescriptions and treatments.~~

41 (f) Any person registered as a veterinary ~~technician,~~ technician or veterinary student
42 intern, ~~or veterinary student preceptee,~~ who shall practice veterinary medicine except as provided
43 herein, shall be guilty of a Class 1 misdemeanor, and shall also be subject to revocation of
44 registration. Any ~~nonregistered veterinary employee-employed staff~~ under subsection (c) who
45 practices veterinary medicine except as provided under that subsection shall be guilty of a Class
46 1 misdemeanor.

47 (g) Any veterinarian directing or permitting a veterinary technician, intern, ~~preceptee~~ or
48 ~~other employee-staff~~ to perform a task or procedure not specifically allowed under this Article
49 and the rules of the Board shall be guilty of a Class 1 misdemeanor.

50 ...

51 **"§ 90-187.8. Discipline of licensees.**

1 (a) Upon complaint or information, and within the Board's discretion, the Board may
2 revoke or suspend a license issued under this Article, may otherwise discipline a person licensed
3 under this Article, or may deny a license required by this Article in accordance with the
4 provisions of this Article, Board rules, and Chapter 150B of the General Statutes. As used in this
5 section, the word "license" includes a license, a limited license, a veterinary faculty certificate, a
6 zoo veterinary certificate, and a registration of a veterinary ~~technician~~, technician and a veterinary
7 student ~~intern~~, and a veterinary student ~~preceptee~~.intern.

8"

9 **SECTION 2.(a)** If House Bill 103, 2021 Regular Session, becomes law, then Part
10 XL of that act is amended by adding a new section to read:

11 **"DACs REPAIRS AND RENOVATIONS**

12 **"SECTION 40.12.** Notwithstanding G.S. 143C-8-13 or any provision of law to the contrary,
13 repairs and renovations funds intended for allocation by the Office of State Budget and
14 Management to the Department of Agriculture and Consumer Services for the 2022-2023 fiscal
15 year may include up to three million dollars (\$3,000,000) for the purpose of renovating the
16 restaurant facility at the Piedmont Triad Farmers Market by replacing the roof, mechanical
17 systems, windows, and doors; renovating the building envelope; and making site drainage
18 improvements."

19 **SECTION 2.(b)** This section becomes effective July 1, 2022.

20 **SECTION 3.(a)** If House Bill 103, 2021 Regular Session, becomes law, then Section
21 10.1 of that act reads as rewritten:

22 **"SECTION 10.1.** Of the funds appropriated in this act to the Department of Agriculture and
23 Consumer Services, the sum of five hundred thousand dollars (\$500,000) in recurring funds shall
24 be used to provide overtime compensation to employees of the North Carolina Forest Service
25 ~~who are exempt from the Fair Labor Standards Act and are involved in fighting forest fires for~~
26 overtime earned while conducting fire suppression duties, as defined in G.S. 106-955, or while
27 on-call, as defined in G.S. 106-956. Notwithstanding G.S. 143C-6-4 and G.S. 143C-6-9, these
28 funds may be used only for the purposes described in this section and may not be repurposed by
29 the Department. Any funds remaining after the overtime compensation is provided in accordance
30 with this section shall revert to the General Fund at the end of each fiscal year."

31 **SECTION 3.(b)** This section becomes effective July 1, 2022.

32 **SECTION 4.** Except as otherwise provided, this act becomes effective October 1,
33 2022.