

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1106  
HOUSE BILL 166

AN ACT TO REWRITE ARTICLE 11 OF CHAPTER 90 OF THE GENERAL STATUTES  
RELATING TO VETERINARIANS.

The General Assembly of North Carolina enacts:

**Section 1.** Article 11 of Chapter 90 is hereby rewritten to read as follows:

"ARTICLE 11.

"VETERINARIANS.

"§ 90-179. **Purpose of act.** — In order to promote the public health, safety, and welfare by safeguarding the people of this State against unqualified or incompetent practitioners of veterinary medicine, it is hereby declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this Article.

"§ 90-180. **Title.** — This Article shall be known as the North Carolina Veterinary Practice Act.

"§ 90-181. **Definitions.** — When used in this Article these words and phrases shall be defined as follows:

- (1) 'Accredited School of Veterinary Medicine' means any veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that conforms to the standards required for accreditation by the American Veterinary Medical Association.
- (2) 'Animal' means any animal, mammal other than man and includes birds, fish, and reptiles, wild or domestic, living or dead.
- (3) 'Board' means the North Carolina Veterinary Medical Board.
- (4) 'Licensed veterinarian' means a person who is validly and currently licensed to practice veterinary medicine in this State.
- (5) 'Person' means any individual, firm, 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 other 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.
- (6) 'Practice of veterinary medicine' means:
  - a. to diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique on any animal.
  - b. to represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subdivision a.
  - c. to use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subdivision a.

- (7) 'Veterinarian', 'Doctor of Veterinary Medicine', 'D. V. M.' or equivalent title shall mean a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or who now has a valid North Carolina license to practice veterinary medicine.
- (8) 'Veterinary medicine' includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.
- (9) 'Veterinary Student Intern' means a person who is enrolled in an accredited veterinary college and who has satisfactorily completed his third year of veterinary college education.
- (10) 'Veterinary Student Preceptee' means a person who is pursuing a doctorate degree in an accredited school of veterinary medicine which has a preceptor or extern program and who has completed the academic requirements of such program.
- (11) 'Veterinary Technician' or 'Animal Technician' shall mean a person who has successfully completed a post-high school course in the care and treatment of animals which conforms to the standards required for accreditation by the American Veterinary Medical Association

**"§ 90-182. North Carolina Veterinary Medical Board; appointment, membership, organization.** — In order to properly regulate the practice of veterinary medicine and surgery, there shall be a board to be known as the North Carolina Veterinary Medical Board which shall consist of five members appointed by the Governor. When and as the terms of the present members expire, the Governor shall annually appoint one member of such Board, who shall hold his office for five years, and until his successor is appointed and qualified. In addition to the five members appointed by the Governor, the Commissioner of Agriculture shall biennially appoint as an additional Board member, the State Veterinarian or a North Carolina licensed veterinarian from the staff of a North Carolina Department or Institution, who shall hold his office for two years, and until his successor is appointed and qualified. Every person so appointed shall, within 30 days after notice of appointment appear before the clerk of the superior court of the county in which he resides and take oath to faithfully discharge the duties of his office.

Each member shall have been a legal resident of this State and licensed to practice veterinary medicine in this State for not less than five years prior to his appointment.

No person who has been appointed a member of the Board shall continue on said Board if during the term of his appointment he shall:

- (1) transfer his legal residence to another state; or
- (2) be or become the owner of or be employed by any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine; or
- (3) have his license to practice veterinary medicine rescinded for cause in accordance with the provisions of Chapter 150 of the General Statutes.

**"§ 90-183. Meeting of Board.** — The Board shall meet at least once each year at the time and place fixed by the Board. Other meetings may be called by the president of the Board by giving notice as may be required by rule. A majority of the Board shall constitute a quorum. Meetings shall be open and public except that the Board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualification of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

At its annual meeting the Board shall organize by electing a president, a secretary-treasurer, and such other officers as may be prescribed by rule. Officers of the Board shall serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairman of Board meetings.

"§ 90-184. **Compensation of the Board.** — In addition to such reimbursement for travel and other expenses as is normally allowed to State employees, each member of the Board, for each day or substantial portion thereof he is engaged in the work of the Board may receive a per diem allowance, as determined by the Board, not to exceed thirty-five dollars (\$35.00) per day. None of the expenses the Board or of the members shall be paid by the State.

"§ 90-185. **General powers of the Board.** — The Board shall have the power to:

- (1) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the State.
- (2) Issue, renew, deny, suspend, or revoke licenses and temporary permits to practice veterinary medicine in the State or otherwise discipline licensed veterinarians consistent with the provisions of Chapter 150 of the General Statutes and of this Article and the rules and regulations adopted thereunder.
- (3) Conduct investigations for the purpose of discovering violations of this Article or grounds for disciplining licensed veterinarians.
- (4) Employ full-time or part-time personnel — professional, clerical, or special — necessary to effectuate the provision of this Article and purchase or rent necessary office space, equipment and supplies.
- (5) Appoint from its own membership one or more members to act as representatives of the Board at any meeting within or without the State where such representation is deemed desirable.
- (6) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of this Article, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

The powers enumerated above are granted for the purpose of enabling the Board effectively to supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

"§ 90-186. **Special powers of the Board.** — In addition to the powers set forth in G.S. 90-185 above, the Board shall have the power:

- (1) To fix minimum standards for continuing veterinary medical education, which standards shall be a condition precedent to the renewal of a license under this Article;
- (2) To inspect any hospitals, clinics, mobile units or other places utilized by any practicing veterinarian, either by a member of the Board or its authorized representatives, which inspection shall be for the purpose of reporting such inspection to the Board on a form prescribed by the Board or seeking disciplinary action in cases of violations of practice or reasonable health or sanitary regulations duly established and published by the Board or other duly constituted State authorities having jurisdiction in such matters.
- (3) To provide special registration for 'Animal Technicians', 'Veterinary Student Interns' and 'Veterinary Student Preceptees' as defined in G.S. 90-181, and to adopt regulations concerning the training, registration and service limits of such assistants while employed by and acting under the supervision and responsibility of licensed veterinarians and to have exclusive jurisdiction in determining eligibility, and qualification requirements and in granting or refusing to grant, or to suspend or revoke registration. The Board shall have power to require a registration fee not to exceed five dollars (\$5.00) for original registration and not to exceed five dollars (\$5.00) for renewal.

"§ 90-187. **Application for license; qualifications.** — (a) Any person desiring a license to practice veterinary medicine in this State shall make written application to the Board.

(b) The application shall show that the applicant is 18 years of age or more, a graduate of an accredited veterinary school, a person of good moral character, and such other information and proof as the Board may require by rule. The application shall be accompanied by a fee in the amount established and published by the Board.

(c) Graduates of nonaccredited colleges of Veterinary Medicine outside the United States and Canada shall furnish satisfactory proof of graduation from such a college; of successful completion of a year of acceptable veterinary medical experience in a United States or Canadian college, clinic, or private practice recognized for this purpose by the Board; of having successfully passed an examination by the United States National Board of Veterinary Medical Examiners; and of comprehension of and ability to communicate in the English language.

(d) If the Board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under G.S. 90-187.3, the Board may forthwith grant him a license.

**"§ 90-187.1. Examinations.** — The Board shall hold at least one examination during each year and may hold such additional examinations as may appear necessary. The secretary-treasurer shall give public notice of the time and place for each examination at least 90 days in advance of the date set for the examination. A person desiring to take an examination shall make application at least 30 days before the date of the examination.

After each examination the secretary-treasurer shall notify each examinee of the result of his examination, and the Board shall issue licenses to the persons successfully completing the examination. The secretary-treasurer shall record the new licenses and issue a certificate of registration to the new licensees.

**"§ 90-187.2. Status of persons previously licensed.** — Any person holding a valid license to practice veterinary medicine in this State on the date this Article becomes effective shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as he complies with the provisions of this Article, and Board rules adopted pursuant thereto.

**"§ 90-187.3. License without examination.** — (a) At its discretion, the Board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof that he is a graduate of an accredited veterinary school and who:

- (1) Is a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements, at the time the applicant was first licensed, substantially equivalent to the requirements of this Article; or
- (2) Is qualified under the provisions of G.S. 90-187(c).

(b) At its discretion, the Board may orally or practically examine any person qualifying for licensing under this section.

**"§ 90-187.4. Temporary permit.** — (a) The Board in its discretion may issue without examination a temporary permit to practice veterinary medicine in this State:

- (1) To a qualified applicant for license pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued; or to an applicant lacking full qualification requirements but who, in the opinion of the Board, is competent to practice under the supervision of a licensed veterinarian.
- (2) To a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country, provided that such temporary permit shall be issued for a period of no more than 60 days.
- (3) Such temporary permits as provided in (1) and (2) above may contain such restrictions as to time, place, or supervision, as the Board may deem appropriate. The State Veterinarian shall be notified as to the issuance of all temporary permits.

(b) A temporary permit may be summarily revoked by majority vote of the Board without a hearing.

**"§ 90-187.5. License renewal.** — All licenses shall expire annually on December 31 of each year but may be renewed by application to the Board and payment of the renewal fee established and published by the Board. The secretary-treasurer shall issue a new certificate of registration to all persons registering under this Article. Failure to apply for renewal within 30 days after expiration shall result in automatic revocation of license and any person who shall practice veterinary medicine after such revocation shall be practicing in violation of this Article. Provided, that any person may renew an expired license at any time within two years upon application and the payment of the prescribed renewal fee and an additional amount not in excess of ten dollars (\$10.00) per year for late renewals, provided that the applicant is otherwise eligible for renewal.

**"§ 90-187.6. Special registration of veterinary assistants.** — (a) 'Animal Technicians', 'Veterinary Student Interns', and 'Veterinary Student Preceptees' as defined in G.S. 90-181, before performing any services otherwise prohibited to persons not licensed or registered under this Article, shall be approved by and annually registered with the Board in accordance with G.S. 90-186(3) of this Article. The Board shall be responsible for all matters pertaining to the qualifications, registration, and revocation of registration of such persons, under rules duly adopted and published by the Board.

(b) The services of a technician, intern or preceptee shall be limited to services under the direction and supervision of a licensed veterinarian. He shall receive no fee or compensation of any kind for his services other than such salary or compensation as may be paid to him by the veterinarian, hospital or clinic by which he is employed. He may participate in the operation of a branch office, clinic, or allied establishment only to the extent allowable under and as defined in subsection (a) above.

(c) A registered technician, as an assistant to and under the supervision of a licensed veterinarian, may perform such duties as are required in the physical care of animals and in carrying out medical orders as prescribed by the licensed veterinarian, requiring an understanding of animal science but not requiring the professional services as set forth in G.S. 90-181(7) hereof. He may not perform any act producing an irreversible change in the animal, but may assist the veterinarian in:

- (1) Obtaining and recording information about cases.
- (2) Preparation of patients, instruments, equipment and medicants for surgery.
- (3) Collection of specimens and performance of certain laboratory procedures.
- (4) Application of wound dressings.
- (5) Assisting the veterinarian in diagnostic, medical, and surgical procedures.

(d) Registered interns, in addition to all of the services permitted to registered technicians, may, under the direct personal supervision of a licensed veterinarian, perform surgery and administer therapeutic or prophylactic drugs.

(e) Registered preceptees, in addition to all of the services permitted to registered technicians and registered interns, may, upon the direction of the employing veterinarian, make ambulatory calls and hospital and clinic diagnoses, prescriptions and treatments.

(f) Any person registered as an animal or veterinary technician, veterinary student intern or veterinary student preceptee, who shall practice veterinary medicine except as provided herein, shall be guilty of a misdemeanor, subject to the penalties set forth in this Article and shall also be subject to revocation of registration.

(g) Any veterinarian directing or permitting a registered technician, intern or preceptee to perform a task or procedure not specifically allowed under this Article and the rules of the Board shall be guilty of a misdemeanor and subject to the penalties set forth in this Article or General Statutes, or both.

**"§ 90-187.7. Abandonment of animals; notice to owner; relief from liability for disposal; 'abandoned defined.** — (a) Any animal placed in the custody of a licensed veterinarian for treatment, boarding or other care, which shall be unclaimed by its owner or his agent for a period of more than 10 days after written notice by registered or certified mail, return receipt requested, to the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society, or dog pound or disposed of as such custodian may deem proper.

(b) The giving of notice to the owner, or the agent of the owner, of such animal by the licensed veterinarian, as provided in subsection (a) of this section, shall relieve the licensed veterinarian and any custodian to whom such animal may be given of any further liability for disposal.

(c) For the purpose of this Article the term 'abandoned' shall mean to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his agent. Such abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal.

**"§ 90-187.8. Discipline of licensees.** — Upon complaint, and within the Board's discretion, the Board may revoke, or suspend the license of, or otherwise discipline, any licensed veterinarian under the provisions of Chapter 150 of the General Statutes of North Carolina. Grounds for disciplinary action shall include but not be limited to the following:

- (1) The employment of fraud, misrepresentation, or deception in obtaining a license.
- (2) An adjudication of insanity or incompetency.
- (3) Chronic inebriety or habitual use of drugs.
- (4) The use of advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional under regulations adopted by the Board.
- (5) Conviction of a felony or other public offense involving moral turpitude.
- (6) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.
- (7) Having professional association with or knowingly employing any person practicing veterinary medicine unlawfully.
- (8) Fraud or dishonesty in the application or reporting of any test for disease in animals.
- (9) Failure to keep veterinary premises and equipment in a clean and sanitary condition.
- (10) Failure to report, as required by the laws and regulations of the State or making false report of, any contagious or infectious disease.
- (11) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates.
- (12) Conviction of cruelty to animals.
- (13) Revocation of a license to practice veterinary medicine by another state, territory, or district of the United States on grounds other than nonpayment of registration fee.
- (14) Unprofessional conduct as defined in regulations adopted by the Board.

**"§ 90-187.9. Reinstatement.** — Any person whose license is suspended or revoked may, at the discretion of the Board, be relicensed or reinstated at any time without an examination by majority vote of the Board on written application made to the Board showing cause justifying relicensing or reinstatement.

**"§ 90-187.10. Necessity for license; certain practices exempted.** — No person shall engage in the practice of veterinary medicine in this State or attempt to do so without having first applied for and obtained a license for such purpose from the North Carolina Veterinary Medical Board, or without having first obtained from said Board a certificate of renewal of license for

the calendar year in which such person proposes to practice and until he shall have been first licensed and registered for such practice in the manner provided in this Article and the rules and regulations of the said Board.

Nothing in this Article shall be construed to prohibit:

(a) Any person or his employee from administering to animals, the title to which is vested in himself, except when said title is so vested for the purpose of circumventing the provisions of this Article;

(b) Any person who is a regular student or instructor in a legally chartered college from the performance of those duties and actions assigned as his responsibility in teaching or research;

(c) Any veterinarian who is a member of the armed forces of the United States or who is an employee of the United States Department of Agriculture, the United States Public Health Service or other federal agency, or the State of North Carolina, or political subdivision thereof, from performing official duties while so commissioned or employed;

(d) Any person from such practices as permitted under the provisions of G.S. 90-185, House Bill 659, Chapter 17, Public Laws 1937, or House Bill 358, Chapter 5, Private Laws 1941;

(e) Any person from dehorning animals or castrating male animals;

(f) Any person from providing for or assisting in the practice of artificial insemination;

(g) Any physician licensed to practice medicine in this State, or his assistant, while engaged in medical research;

(h) Any rabies inspector duly appointed and acting within the provisions of G.S. 106-365 and G.S. 106-366;

(i) Any veterinarian licensed to practice in another state from examining livestock or acting as a Consultant in North Carolina, provided he does not work in the state for more than 10 days in any calendar year and all infectious or contagious diseases diagnosed are reported to the State Veterinarian within 48 hours.

**"§ 90-187.11. Partnership practice; corporate practice.** — Whenever the practice of veterinary medicine is carried on by a partnership, all partners must be either licensed or the holders of temporary permits.

It shall be unlawful for any corporation to practice or offer to practice veterinary medicine as defined in this Article, except as provided for in Chapter 55B of the General Statutes of North Carolina.

**"§ 90-187.12. Unauthorized practice; penalty.** — If any person shall

- (1) practice or attempt to practice veterinary medicine in this State without first having obtained a license or temporary permit from the Board; or
- (2) practice veterinary medicine without the renewal of his license, as provided in G.S. 90-187.5; or
- (3) practice or attempt to practice veterinary medicine while his license is revoked, or suspended, or when a certificate of license has been refused; or
- (4) violate any of the provisions of this Article, said person shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or imprisonment at the discretion of the court, or both fined and imprisoned. Each act of such unlawful practice shall constitute a distinct and separate offense."

**Sec. 2.** Severability. If any part of this act is held invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part shall remain in effect.

**Sec. 3.** This act shall be in full force and effect from and after July 1, 1974.

In the General Assembly read three times and ratified, this the 3rd day of April, 1974.