

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 767
HOUSE BILL 300

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

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-182 is rewritten to read as follows:

"§ 90-182. North Carolina Veterinary Medical Board; appointment, membership, organization. — (a) In order to properly regulate the practice of veterinary medicine and surgery, there is established a board to be known as the North Carolina Veterinary Medical Board which shall consist of seven members.

Four members shall be appointed by the Governor. Three of these members shall have been legal residents of and licensed to practice veterinary medicine in this State for not less than five years preceding their appointment. The other member shall not be licensed or registered under the Article and shall represent the interest of the public at large.

The Lieutenant Governor and the Speaker of the House shall each appoint to the board one member who shall have been a resident of and licensed to practice veterinary medicine in this State for not less than five years preceding his appointment.

In addition to the six members appointed as provided above, the Commissioner of Agriculture shall biennially appoint to the board the State Veterinarian or licensed veterinarian from a staff of a North Carolina department or institution. This member shall have been a legal resident of and licensed to practice veterinary medicine in North Carolina for not less than five years preceding his appointment.

Every member shall, within 30 days after notice of appointment, appear before any person authorized to administer the oath of office and take an oath to faithfully discharge the duties of his office.

(b) No person who has been appointed to the board shall continue his membership on the board if during the term of his appointment he shall:

- (1) transfer his legal residence to another state; or
- (2) own 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- (3) have his license to practice veterinary medicine rescinded for any of the causes listed in G.S. 90-187.8.

(c) All members serving on the board on June 30, 1981, shall complete their respective terms. The Governor shall appoint the public member not later than July 1, 1981. No member appointed to the board by the Governor, Lieutenant Governor or Speaker of the House of Representatives on or after July 1, 1981, shall serve more than two complete consecutive five-year terms, except that each member shall serve until his successor is appointed and qualifies.

(d) The appointing authority may remove his appointee for the reasons specified in subsection (b) or for any good cause shown and may appoint members to fill unexpired terms."

Sec. 2. G.S. 90-184 is amended on line 6 by deleting the brackets surrounding the word "of" as it appears between the words "expenses" and "the".

Sec. 3. G.S. 90-185(2) is amended on line 3 by deleting the brackets surrounding the letter "A" as it appears at the end of that line.

G.S. 90-185 is further amended in subsection (4) by rewriting line 2 to read as follows:

"special — necessary to effectuate the provisions of this Article and to".

G.S. 90-185 is further amended in subsection (6) on line 2 by deleting the word "provision" and substituting therefor the word "provisions".

Sec. 4. G.S. 90-186(3) is amended on line 8 by deleting the period following the word "registration" and substituting therefor a comma and the following language immediately thereafter:

"provided that any suspension or revocation of a special registration issued under this section shall be conducted under the provisions of Chapter 150A of the General Statutes."

Sec. 5. G.S. 90-187(b) is amended on line 1 by deleting the words and punctuation, "18 years of age or more,".

Sec. 6. G.S. 90-187(d) is amended on line 4 by deleting the word "may" and substituting therefor the word "shall".

Sec. 7. G.S. 90-187.3 is rewritten to read as follows:

"§ 90-187.3. Applicants licensed in other states. — (a) The board shall issue a license without written examination to applicants already licensed in another state provided the applicant presents evidence satisfactory to the board that:

- (1) the applicant is currently an active, competent practitioner in good standing; and
- (2) the applicant has practiced at least three of the five years immediately preceding his application; and
- (3) the applicant currently holds a valid license in another state; and
- (4) there is no disciplinary proceeding or unresolved complaint pending against the applicant at the time a license is to be issued by this State; and
- (5) the licensure requirements in the other state are substantially equivalent to those required by this State.

(b) The board may at its discretion issue a license without written examination to applicants who meet the requirements of G.S. 90-187(c).

(c) The board may at its discretion orally or practically examine any person qualifying for licensure under this section."

Sec. 8. G.S. 90-187.6 is amended on line 1 by changing the title of the section to "Veterinary assistants".

Sec. 9. G.S. 90-187.6 is further amended by rewriting line 1 of subsection (b) to read as follows:

"(b) The services of a technician, intern, preceptor, or other veterinary employee shall be limited to services";

and by rewriting the last sentence of subsection (b) to read as follows:

"by this Article and by rules of the board."

Sec. 10. G.S. 90-187.6 is further amended by rewriting subsection (c) to read as follows:

"(c) An employee 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(6)a. In addition, a registered technician may assist licensed veterinarians in diagnosis, laboratory analysis, anesthesia, and surgical procedures. Neither the employee nor the technician may perform any act producing an irreversible change in the animal."

Sec. 11. G.S. 90-187.6 is further amended by adding a new sentence at the end of line 42 to read as follows:

"Any nonregistered veterinary employee employed under subsection (c) who practices veterinary medicine except as provided under that subsection shall be guilty of a misdemeanor and subject to the penalties prescribed in G.S. 90-187.12."

G.S. 90-187.6 is further amended on line 43 by deleting the word "or" as it appears at the end of that line and by substituting a comma therefor, and on line 44 by inserting between the word "preceptee" and "to" the words "or other employee".

Sec. 12. G.S. 90-187.8 is amended on line 3 by deleting the brackets surrounding the letter "A" as it appears between the number "150" and word "of".

G.S. 90-187.8 is further amended in subsection (4) by deleting the word "is" as it appears at the end of line 1 and substituting therefor the word and punctuation "deceptive." and by deleting lines 2 and 3 in their entirety.

G.S. 90-187.8 is further amended in subsection (10) by adding a comma at the end of line 1.

Sec. 13. G.S. 187.8(13) is rewritten to read as follows:

"(13) Revocation of a license to practice veterinary medicine by another state, territory or district of the United States only if the grounds for revocation in the other jurisdiction would also result in revocation of the practitioner's license in this State."

Sec. 14. Article 11 of Chapter 90 of the General Statutes is amended by adding a new section to the end therefor to read as follows:

§ 90-187.13. Injunctions. — The board may appear in its own name in the superior courts in an action for injunctive relief to prevent violation of this Article and the superior courts shall have power to grant such injunctions regardless of whether criminal prosecution has been or may be instituted as a result of such violations. Actions under this section shall be commenced in the judicial district in which the respondent resides or has his principal place of business or in which the alleged acts occurred."

Sec. 15. G.S. 143-34.12 is amended by deleting line 9 thereof which reads as follows:

"Chapter 90, Article 11, entitled 'Veterinarians'."

Sec. 16. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1981.