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SENATE BILL DRS45265-NB-37

Short Title: Amend NC Veterinary Practice Act.

(Public)

Sponsors: Senator Rabon (Primary Sponsor).

Referred to:

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. 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~~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~~individual's care.

23"

24 **SECTION 1.(c)** This section is effective when it becomes law.

25
26 **PART II. FACILITY PERMITTING**

27 **SECTION 2.** G.S. 90-181(5) reads as rewritten:

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

34 **SECTION 3.(a)** G.S. 90-181.1 reads as rewritten:

35 "~~§ 90-181.1. Practice facility~~Facility names and levels of service.



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

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

- 7 (1) "Animal health center" or "animal medical center" means a veterinary ~~practice~~
8 facility in which consultative, clinical, and hospital services are rendered and
9 in which a large staff of basic and applied veterinary scientists perform
10 significant research and conduct advanced professional educational programs.
- 11 (2) "Emergency facility" means a veterinary medical facility whose primary
12 function is the receiving, treatment, and monitoring of emergency patients
13 during its specified hours of operation. At this veterinary ~~practice~~-facility a
14 veterinarian is in attendance at all hours of operation and sufficient staff is
15 available to provide timely and appropriate emergency care. An emergency
16 facility may be an independent veterinary medical after-hours facility, an
17 independent veterinary medical 24-hour facility, or part of a full-service
18 hospital or large teaching institution.
- 19 (3) "Mobile facility" means a veterinary practice conducted from a vehicle with
20 special medical or surgical facilities or from a vehicle suitable only for making
21 house or farm calls; provided, the veterinary medical practice shall have a
22 permanent base of operation with a published address and telephone facilities
23 for making appointments or responding to emergency situations.
- 24 (4) "Office" means a veterinary ~~practice~~-facility where a limited or consultative
25 practice is conducted and which provides no facilities for the housing of
26 patients.
- 27 (5) "On-call emergency service" means a veterinary medical service at a ~~practice~~
28 facility, including a mobile facility, where veterinarians and staff are not on
29 the premises during all hours of operation or where veterinarians leave after a
30 patient is treated. A veterinarian shall be available to be reached by telephone
31 for after-hours emergencies.
- 32 (6) "Veterinary clinic" or "animal clinic" means a veterinary ~~practice~~-facility in
33 which the practice conducted is essentially an out-patient practice.
- 34 (7) "Veterinary hospital" or "animal hospital" means a veterinary ~~practice~~-facility
35 in which the practice conducted includes the confinement as well as the
36 treatment of patients.

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

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

45 **SECTION 3.(b)** G.S. 90-186 reads as rewritten:

46 **"§ 90-186. Special powers of the Board.**

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

48 ...

- 49 (3) Upon complaint or information received by the Board, prohibit through
50 summary emergency order of the Board, prior to a hearing, the operation of
51 any veterinary ~~practice~~-facility that the Board determines is endangering, or

1 may endanger, the public health or safety or the welfare and safety of animals,
 2 and suspend the license of the veterinarian operating the veterinary practice
 3 facility, provided that upon the issuance of any summary emergency order,
 4 the Board shall initiate, within 10 days, a notice of hearing under the
 5 administrative rules issued pursuant to this Article and Chapter 150B of the
 6 General Statutes for an administrative hearing on the alleged violation;

7 ...

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

13 ...

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

16"

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

18 "(8) Pursuant to administrative rule, the Board may establish all provisions and
 19 requirements for a veterinary facility permit, the issuance of which shall be
 20 required for any facility where veterinary medicine is practiced, except for
 21 those facilities exempted by law.

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

25 **SECTION 4.(b)** G.S. 90-187.10 reads as rewritten:

26 **"§ 90-187.10. Necessity for license; certain practices exempted.**

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

36"

37 **SECTION 4.(c)** G.S. 187.11 is repealed.

38 **SECTION 4.(d)** G.S. 187.12 reads as rewritten:

39 **"§ 90-187.12. Unauthorized practice; penalty.**

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

42 (1) ~~Practice-Practices or attempt-attempts~~ to practice veterinary medicine in this
 43 State without first having obtained a license or temporary permit from the
 44 ~~Board; or Board.~~

45 (2) ~~Practice-Practices~~ veterinary medicine without ~~the renewal of his-renewing~~
 46 ~~the individual's~~ license, as provided in ~~G.S. 90-187.5; or G.S. 90-187.5.~~

47 (3) ~~Practice-Practices or attempt-attempts~~ to practice veterinary medicine while
 48 ~~his-the individual's~~ license is revoked, or suspended, or when a certificate of
 49 license has been ~~refused; or refused.~~

50 (4) ~~Violate-Violates~~ any of the provisions of this ~~Article; Article.~~

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

3 **SECTION 5.** Except where otherwise provided, this act becomes effective October
4 1, 2019, and applies to all permits and licenses granted or renewed on or after that date.