

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 66 – VETERINARY MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Veterinary Medical Board intends to amend the rules cited as 21 NCAC 66 .0206 and .0311.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncvmb.org

Proposed Effective Date: June 1, 2017

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Written request to the office of the North Carolina Veterinary Medical Board mailed to NCVMB, 1611 Jones Franklin Road, Suite 106, Raleigh, NC 27606.

Reason for Proposed Action:

21 NCAC 66 .0206 – Add the American Association of Veterinary State Boards to the list of continuing education providers. To increase the number of continuing education hours allowed by computer. Allow veterinarians or technicians in the armed forces an extension to comply with continuing education requirements.

21 NCAC 66 .0311 – Allow a limited veterinary license to a person employed by the North Carolina Department of Agriculture and Consumer Services in a position with the North Carolina Veterinary Diagnostic Laboratory System.

Comments may be submitted to: Thomas M. Mickey, 1611 Jones Franklin Road, Suite 106, Raleigh, NC 27606; phone (919) 854-5601; fax (919) 854-5606

Comment period ends: April 17, 2017

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
Local funds affected
Substantial economic impact (≥\$1,000,000)
Approved by OSBM
No fiscal note required by G.S. 150B-21.4

SECTION .0200 - PRACTICE OF VETERINARY MEDICINE

21 NCAC 66 .0206 MINIMUM STANDARDS FOR CONTINUING EDUCATION

Each person holding a veterinary license, limited license, a faculty certificate, or a zoo veterinary certificate (collectively referred to herein as "veterinarian") or a veterinary technician registration issued by the Board shall comply with the standards in this Rule, Rule, which The standards shall be a condition precedent to the renewal of a license certificate or registration, respectively. Except as otherwise qualified, the criteria with respect to continuing veterinary medical education of a person holding a certificate of registration as a veterinary technician shall be the same as that for a licensed veterinarian. The standards are as follows:

- (1) Continuing education credit hours shall relate to veterinary medicine.
(2) A Veterinarians veterinarian shall earn 20 continuing education credit hours each calendar. for the calendar year license renewal period.
(3) A Veterinary veterinary technicians technician registered with the Board shall earn 12 credit hours every for the two calendar years. year registration renewal period.
(4) A Veterinarians veterinarian or veterinary technician may request and be granted an extension of time, not to exceed six months, to satisfy the continuing education requirement if the veterinarian or veterinary technician provides evidence of an incapacitating illness or evidence of other circumstance which constituted constitutes a severe and verifiable hardship such that to comply with the continuing education requirement would have been is or was impossible or unreasonably burdensome. If the incapacitating illness or circumstance is likely to result in loss of life of the veterinarian the Board shall exempt the veterinarian from the unearned portion of the continuing education

~~requirement for that renewal period. If the evidence shows that the incapacitating illness or other circumstance is or was so severe that it is or was impractical or impossible, or unreasonably burdensome to comply with the continuing education requirement, the Board shall exempt the veterinarian or veterinary technician from any unearned portion of the continuing education requirement for that renewal period.~~

- ~~(4)~~(5) Credit hours may be earned as follows: one hour credit for each hour of attendance at in-depth ~~seminars~~ courses such as ~~seminars sponsored~~ those provided by the American Veterinary Medical Association (AVMA), the American Animal Hospital Association (AAHA), the North Carolina Veterinary Medical Association (NCVMA), the American Association of Veterinary State Boards (AAVSB) Registry of Approved Continuing Education (RACE) and academies and schools or colleges of veterinary medicine. ~~Only one hour credit may be acquired for attendance at a local sectional association meeting.~~ The Board shall consider additional course offerings for approval for continuing education credit, provided that the Board is furnished sufficient information to establish that the course content and quality is substantially comparable to the course offerings ~~by those seminars sponsored~~ provided by the organizations or institutions listed in this Subparagraph. Approval for continuing education credit for courses other than those specified herein shall be obtained prior to attendance at a course; however, the Board may waive the requirement of approval prior to attendance at the course if circumstances beyond the veterinarian's or ~~registrant's~~ veterinary technician's control prevented obtaining the prior approval. ~~Only three five hours credit per year renewal period may be acquired~~ obtained from review of an audio or video cassette or computer based training, independent self-study courses that include such methods of content delivery as videos, DVDs, CDs, prerecorded webinars, audio conferences, and non-interactive on-line presentations or courses; provided, there is no limitation on the number of continuing education credit hours that may be obtained from live interactive on-line presentations or courses. An interactive on-line presentation or course must:
- (a) Include instant or asynchronous two way communication.
 - (b) Provide timely access to both technical personnel and professional faculty as well as interactivity among participants for the exchange of question and answers via instant messaging or a moderated teleconference.
 - (c) Document the level of participation.
- ~~(5)~~(6) Each veterinarian and veterinary technician shall keep a record ~~of~~ for the three most recent renewal periods of the content of courses submitted to the Board for continuing education credit hours ~~hours~~ earned. Each year he or she shall certify on a form provided by the Board the number of credit hours earned. The Board shall mail the form to each veterinarian at the time of annual renewal.
- (6) ~~During the calendar year in which a veterinarian graduates from veterinary college or during the calendar year in which a veterinary technician graduates from veterinary technician school, a veterinarian or veterinary technician, respectively, shall not be required to earn continuing education credits for that portion of the calendar year remaining from the date when the license or registration was issued to the end of the calendar year.~~
- (7) A veterinarian licensed in the year of graduation from a veterinary medical college is not required to earn continuing education credit hours to be eligible for license renewal for the next renewal period.
- (8) A veterinary technician registered in the year of graduation from a veterinary medical technology program is not required to earn continuing education credit hours to be eligible for registration renewal for the next renewal period.
- (9) A veterinarian or veterinary technician serving in the armed forces of the United States and to whom an extension of time to file a tax return is granted pursuant to G.S. 105-249.2 is granted the same extension of time to comply with the continuing education requirement of this rule.

Authority G.S. 90-185(6); 90-186(1).

SECTION .0300 - EXAMINATION AND LICENSING PROCEDURES

21 NCAC 66 .0311 LIMITED VETERINARY LICENSE

(a) A "limited veterinary license" or "limited license" is a license as defined in G.S. 90-181(4).

(b) Unless otherwise provided in G.S. 90, Article 11 or in a Board rule, the provisions of G.S. 90, Article 11 and this Chapter are applicable to limited veterinary licenses.

~~(b)~~(c) The terms and restrictions of the scope or areas of practice of veterinary medicine of the holder of the limited veterinary license shall be determined by the Board upon consideration of all criteria deemed relevant by the Board ~~in its discretion~~ to effectuate the purposes of the limited license, ~~including~~ including; but not limited to:

- (1) whether the applicant is licensed to practice veterinary medicine in other states of the United States, or other countries or jurisdictions, ~~and~~ whether those licenses are ~~in good standing~~ are active, and whether there are any investigations or pending complaints against the licenses at the time of the consideration of the application; ~~and~~
- (2) the length of time the applicant has been licensed in good standing to practice veterinary medicine; ~~and~~
- (3) the reasons which the applicant offers for requesting a limited veterinary license; ~~and~~
- (4) whether facts available to the Board indicate the applicant's application has merit; and
- (5) ~~any other criteria bearing directly upon~~ information affecting the applicant's capability and need for a limited veterinary ~~license. license, determined on a case-by-case basis, including the applicant's record of any criminal charges and convictions.~~

(d) Upon written application, the Board may issue a limited veterinary license to a person employed by the North Carolina Department of Agriculture and Consumer Services (NCDA&CS) in a position with the North Carolina Veterinary Diagnostic Laboratory System (NCVDLS), provided the applicant meets the criteria for issuance of this limited veterinary license. The following provisions are applicable to this limited veterinary license:

- (1) The criteria for eligibility for this limited veterinary license are:
 - (A) The applicant is not eligible for a license as a veterinarian under G.S. 90, Article 11 and this Chapter; and
 - (B) The applicant:
 - (i) is a graduate of a veterinary medical education program at an institution accredited by the American Veterinary Medical Association (AVMA); or
 - (ii) is a graduate of a veterinary medical education program at an institution of higher education or its equivalent, not accredited by the American Veterinary Medical Association (AVMA), that qualifies a graduate to practice veterinary medicine in the country in which the institution of higher education is located.
 - (C) The applicant completes an application form from the Board, which application form shall include the following:
 - (i) full legal name;
 - (ii) mailing address;
 - (iii) telephone number;
 - (iv) email address;
 - (iv) social security number;
 - (iv) date of birth; and
 - (iv) veterinary college information and year of graduation;
 - (D) The applicant has achieved a passing score on the written North Carolina examination administered by the Board.
 - (E) There is no disciplinary proceeding or unresolved complaint pending against the applicant in any State, territory or district of the United States, or in a foreign country in which the applicant is or has been licensed or permitted to practice veterinary medicine.
 - (F) That any disciplinary actions taken against the applicant or his or her license by any State, territory or district of the United States, or by a Board or agency with jurisdiction in a foreign country where the applicant is licensed to practice veterinary medicine will not affect the applicant's ability and competency to practice veterinary medicine within the limitations and restrictions of the employment position with NCVDLS.
 - (G) The applicant submits with the application the fee for a limited veterinary license set forth in Rule .0108 of this Chapter.
 - (H) The applicant provides to the Board with the application a written statement from the Director of Laboratories of the NCVDLS that:
 - (i) describes the duties of the applicant's prospective employment position with NCVDLS that require this limited veterinary license; and
 - (ii) advises the Board that the applicant has been offered and has agreed to accept the described employment position with NCVDLS contingent upon the applicant receiving a limited veterinary license from the Board.
- (2) This limited veterinary license is subject to the fees for issuance, renewal, and reinstatement of a limited license, the continuing education requirements, and the disciplinary provisions of G.S. 90, Article 11 and this Chapter.
- (3) This limited veterinary license shall be renewed annually each calendar year.
- (4) The Board may issue a temporary permit for this limited veterinary license as follows:
 - (A) The applicant meets the criteria for eligibility for this limited veterinary license except for not achieving a passing score on the written North Carolina examination.
 - (B) The temporary permit shall expire 60 days after it is issued by the Board, but upon written request from the applicant, the Board may renew the temporary permit for 120 days in order for the applicant to achieve a passing score on the written North Carolina examination.
 - (C) The temporary permit shall contain restrictions as to time, place and supervision.
 - (D) The holder of a temporary permit for this limited veterinary license shall be supervised by a veterinarian licensed by the Board who is employed by the NCDA&CS in the NCVDLS.
- (5) This limited veterinary license shall be restricted in scope to the duties of the license holder's employment position with NCDA&CS and NCVDLS and shall automatically expire when the license holder's employment with NCDA&CS and NCVDLS ends.
- (6) The following sections of G.S. 90, Article 11, and of this Chapter are not applicable to the licensing requirements for this limited veterinary license: G.S. 90-187(c); G.S. 90-187.3; G.S. 90-187.4; Rules .0301(a),(b),(c),(e) and (f); .0305; .0306; and .0309.

Authority G.S. 90-185(1); 90-185(6); 90-181(4).