

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0108

DEADLINE FOR RECEIPT: August 11, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Veterinary Facility Permits are not listed in the item about late fees for renewals, G.S. 186(6)l.. Where does the board get authority to charge a late renewal fee for a Veterinary Facility Permit (p. 1, line 34)?

Veterinary Facility Permits are not listed in the item about reinstatement fees., G.S. 186(6)h.. Where does the board get authority to charge a reinstatement fee for a Veterinary Facility Permit (p. 1, line 35)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: July 28, 2023

1 21 NCAC 66 .0108 is amended as published in 37:21 NCR page 2050 as follows:

2 **21 NCAC 66 .0108 FEES**

3 The following fees established by the Board shall be paid in advance to the ~~Executive Director of the Board:~~

- 4 (1) Veterinary License
- 5 (a) Issuance or Renewal \$170.00
- 6 (b) North Carolina License Examination \$250.00
- 7 (c) Late Renewal Fee \$50.00
- 8 (d) Reinstatement \$100.00
- 9 (2) Veterinary Technician Registration
- 10 (a) Issuance or Renewal \$50.00
- 11 (b) North Carolina Veterinary Technician Examination \$50.00
- 12 (c) Late Renewal Fee \$50.00
- 13 (d) Reinstatement \$100.00
- 14 (3) Professional Corporation Certificate of Registration
- 15 (a) Issuance or Renewal \$160.00
- 16 (b) Late Renewal Fee \$50.00
- 17 (c) Reinstatement \$100.00
- 18 (4) Limited Veterinary License
- 19 (a) Issuance or Renewal \$170.00
- 20 (b) Late Renewal Fee \$50.00
- 21 (c) Reinstatement \$100.00
- 22 (5) Veterinary Faculty Certificate
- 23 (a) Issuance or Renewal \$170.00
- 24 (b) Late Renewal Fee \$50.00
- 25 (c) Reinstatement \$100.00
- 26 (6) Zoo Veterinary Certificate
- 27 (a) Issuance or Renewal \$170.00
- 28 (b) Late Renewal Fee \$50.00
- 29 (c) Reinstatement \$100.00
- 30 (7) Temporary Permit: Issuance \$150.00
- 31 (8) Veterinary Student Intern Registration: Issuance \$25.00
- 32 (9) ~~Veterinary Student Preceptee Registration: Issuance \$25.00~~ Veterinary Facility Permit
- 33 (a) Issuance or Renewal \$150.00
- 34 (b) Late Renewal Fee \$50.00
- 35 (c) Reinstatement \$100.00
- 36 ~~(10) Veterinary Practice Facility Inspection \$125.00~~

~~(11)~~ (10)

Copies of Board publications, rosters, or other materials available for distribution from the Board shall be free or at a minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information.

History Note: Authority 90-185(6); 90-186(6); 90-187(b); 90-187.5; 132-6.2;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. October 1, 2017; January 1, 2016; January 1, 2015; May 1, 1996; May 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

Amended Eff. November 2, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0206

DEADLINE FOR RECEIPT: August 11, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

“Approved by approved continuing education credit providers” awkwardly repeats “approved.” (p.1, line 15 and line 18). Consider rewriting.

What are the requirements for a continuing education provider to approve a course under items (3) and (4)? Under what circumstances can the provider reject a course?

If this is consistent with the agency’s intent, consider ~~“approved provided by approved continuing education credit providers.”~~ on lines 15 and 18.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel

Date submitted to agency: July 28, 2023

21 NCAC 66 .0206 is amended with changes as published in 37:21 NCR pages 2047-2049 as follows:

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. The standards shall be a condition precedent to the renewal of a license, certificate, or registration respectively. The standards are as follows:

~~(1) Continuing education credit hours shall relate to veterinary medicine.~~

~~(2) (1)~~ A veterinarian shall earn ~~20~~ **15** continuing education credit hours for the calendar year license renewal period. A maximum of five hours may be obtained pursuant to courses described in Item (3) of this rule.

~~(3) (2)~~ A registered veterinary technician shall earn 12 continuing education credit hours for the two-calendar year registration renewal period. A maximum of four hours may be obtained pursuant to course described in Item (3) of this rule.

(3) One continuing education hour may be earned for each hour of independent self-study courses, prerecorded webinars, audio conferences, and non-interactive on-line presentations approved by approved continuing education credit providers.

(4) One continuing education credit hour may be earned for each hour of in-person attendance or live interactive attendance at courses presented or approved by approved continuing education credit providers.

(5) A live interactive presentation shall:

(a) include instant or synchronous two-way communication:

(b) provide access to both technical personnel and professional faculty, as well as interactivity among participants for the exchange of questions and answers via instant messaging or a moderated teleconference, and

(c) document the level of participation by keeping a record of the participant’s activity in asking or answering questions during the presentation and the score of any examination administered at the end or the presentation.

~~(4)(6)~~ A veterinarian or registered 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 registered veterinary technician provides evidence of a ~~debilitating injury or illness or circumstance~~ that prevents the veterinarian or registered veterinary technician from being able to obtain continuing education. The Board shall consider any evidence submitted of a circumstance preventing the veterinarian or registered veterinary technician from being able to obtain continuing education on a case-by-case basis. ~~If the veterinarian or veterinary technician submits evidence of failure to complete continuing education due to debilitating injury or illness or hardship, the Board shall consider the evidence submitted on a case by case basis. If the board finds that the debilitating injury or illness or hardship was the basis for non-compliance with the continuing education requirement,~~

1 ~~the Board shall exempt that individual from completing the unearned portion of the continuing~~
2 ~~education for that renewal period.~~

3 (7) If the Board finds that the circumstance that was the basis for non-compliance with the continuing
4 education requirement justified the non-compliance, the Board may exempt that individual from
5 completing the unearned portion of the continuing education for that renewal period.

6 ~~(5)~~(8) Continuing education credits hours may be earned from courses, programs, or materials presented or
7 approved by the following providers:

8 (a) the American Veterinary Medical Association (AVMA);

9 (b) the American Animal Hospital Association (AAHA);

10 (c) the North Carolina Veterinary Medical Association (NCVMA);

11 (d) the United States Department of Agriculture-Animal and Plant Health Inspection Service;

12 ~~(d)~~ (e) the American Association of Veterinary State Boards' (AAVSB) Registry of
13 Approved Continuing Education (RACE); and

14 ~~(e)~~ (f) academies, schools, or colleges of veterinary medicine.

15 These providers are designated herein as "approved continuing education credit providers." The
16 Board shall consider additional courses, presentations, or materials eligible for approval for
17 continuing education credit hours, provided that the individual seeking the credit furnishes the Board
18 with information to establish that the content of the course, presentation, or material are ~~of an~~
19 education level reflective of the audience (veterinarians or veterinary technicians); sufficiently
20 educational for veterinarians or registered veterinary technicians. Board approval for continuing
21 education credits for such additional courses, presentations, or materials shall be obtained prior to
22 attendance or participation; however, the Board shall waive the requirement of prior approval if
23 illness, injury, or natural disaster prevented the individual from obtaining the prior approval.

24 ~~(6)~~ ~~Subject to the limitations in this Rule, continuing education credit hours may be earned by:~~

25 ~~(a) attendance at in person courses or presentations;~~

26 ~~(b) completion of independent self study courses;~~

27 ~~(c) non interactive on line presentations, courses, or materials; or~~

28 ~~(d) completion of live interactive on line presentations or courses.~~

29 ~~(7)~~ ~~One continuing education credit hour, up to 100% of the CE requirement for renewal, may be earned~~
30 ~~for each hour of in person attendance at courses presented or approved by approved continuing~~
31 ~~education credit providers. Up to 25% of the CE requirement for renewal may be obtained from~~
32 ~~independent self study courses, videos, DVDs, CDs, prerecorded webinars, audio conferences, and~~
33 ~~non interactive on line presentations approved by approved continuing education credit providers.~~
34 ~~Up to 50% of the CE requirement for renewal may be obtained from live interactive on line~~
35 ~~presentations or courses approved by approved continuing education credit providers. However,~~
36 ~~the number of credit hours earned from live interactive on line presentations or courses shall be~~
37 ~~reduced by the number of credit hours earned from independent self study courses or materials and~~

1 ~~non interactive on line presentations or courses. A live interactive on line presentation or course~~
2 ~~shall:~~

3 ~~(a) include instant or asynchronous two way communication;~~

4 ~~(b) provide access to both technical personnel and professional faculty, as well as interactivity~~
5 ~~among participants for the exchange of questions and answers via instant messaging or a~~
6 ~~moderated teleconference; and~~

7 ~~(c) document the level of participation by keeping a record of the participant's activity in~~
8 ~~asking or answering questions during the presentation and the score of any examination~~
9 ~~administered at the end of the presentation.~~

10 ~~(8)~~ (9) Each veterinarian and registered veterinary technician shall keep a record file containing for the
11 three most recent renewal periods of the content of courses submitted to the Board for
12 continuing education credit hours.

13 ~~(9)~~ (10) A veterinarian licensed in the year of graduation from a veterinary medical college is not
14 required to earn continuing education credit hours to be eligible for license renewal for the
15 next renewal period.

16 ~~(10)~~(11) A veterinary technician registered in the year of graduation from a veterinary medical
17 technology program is not required to earn continuing education credit hours to be eligible for
18 registration renewal for the next renewal period.

19 ~~(11)~~ (12) A veterinarian or veterinary technician serving in the armed forces of the United States and to
20 whom an extension of time to file a tax return is granted pursuant to G.S. § 105-249.2 is granted
21 the same extension of time to comply with the continuing education requirement of this Rule.
22

23 *History Note: Authority G.S. 90-185(6); 90-186(1); 93B-15;*
24 *Eff. February 1, 1976;*
25 *Readopted Eff. September 30, 1977;*
26 *Amended Eff. June 1, 2003; May 1, 1996; May 1, 1989; January 1, 1987;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
28 *2018;*
29 *Amended Eff. February 1, 2018.*
30 *Amended Eff. September 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0901

DEADLINE FOR RECEIPT: August 11, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Item 2 defines facility to include “mobile units” but rule .902 also refers to “mobile veterinary facilities”. Is there a difference?

If there isn't a difference, use consistent terminology. If there is a difference, there likely needs to be a separate definition for “mobile veterinary facility”.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel

Date submitted to agency: July 28, 2023

1 21 NCAC 66 .0901 is adopted as published in 37:21 NCR page 2050 as follows:

2 **SECTION .0900 – VETERINARY FACILITY PERMITS**

3
4 **21 NCAC 66. 0901 DEFINITIONS**

5 In addition to the terms set forth in G.S. 90-181, the following definitions apply to this Subchapter:

6 (1) “Owner” means the person whose business provides services that constitute the practice of
7 veterinary medicine as defined by G.S. 90-181(6).

8 (2) “Facility” means any physical location, including mobile units, in which the practice of veterinary
9 medicine occurs.

10 (3) “Veterinary Facility Permit” means a document authorizing an owner to operate a facility which
11 engages in the practice of veterinary medicine.

12
13 History Note: Authority G.S. 90-185(6); 90-186(8);

14 Eff. November 2, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0902

DEADLINE FOR RECEIPT: August 11, 2023

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Regarding subparagraph c, line 11 makes the inspection pursuant to .0207(b)(16). The inspection in .0207(b)(16) relates to inspections under "this Rule," meaning .0207. So how would an inspection conducted under .0207(b)(16) reach other rules or statutes?

Consider deleting the third sentence (lines 11 through 13), which introduces a potential ambiguity about what rules and statutes are being enforced.

Is "mobile veterinary facility" (line 26) defined somewhere?

Regarding line 27, what determines whether a "mobile veterinary facility" is required to get its own permit as opposed to operating under an existing permit?

Regarding lines 26 through 28, if a mobile veterinary facility were operating under its own permit, what address would they be using?

On line 29 use the numeral for 10, "~~ten~~ 10"

Isn't paragraph j already required by paragraph i? That is, if "a natural or physical event" prevents compliance with the rules, wouldn't that be reported under both paragraphs?

In paragraph k, p. 2 lines 4 and 5, the list in the first sentence contains a sub-list so semi-colons are needed for clarity. Consider "operation of [law,] law," and "Department of [Revenue,] Revenue."

In paragraph l, p. 2 line 8, what would determine whether the Board would issue or refuse to issue a temporary veterinary facility permit?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel

Date submitted to agency: July 28, 2023

1 21 NCAC 66. 0902 is proposed for adoption as follows:

2 **21 NCAC 66 .0902 VETERINARY FACILITY PERMITS**

3 (a) Any person who owns a business which operates a facility providing services that constitute the “practice of
4 veterinary medicine” on a full, part-time, or temporary basis shall have a veterinary facility permit issued by the Board
5 prior to offering or delivering any veterinary medical services to the public. Veterinary or Veterinary Technician
6 teaching programs offering services to the public shall have a veterinary facility permit.

7 (b) As a condition of any veterinary facility permit issued by the Board, the owner shall designate a supervising
8 veterinarian to oversee practice of veterinary medicine.

9 (c) The Board shall issue a veterinary facility permit to an owner after the owner submits an application, pays the
10 veterinary facility permit fee, and passes a facility inspection. The Board shall inspect the veterinary facility
11 pursuant to Rule .0207(b)(16) of this chapter if an inspection has not been performed in the last two years. The
12 facility inspection shall be conducted to ensure compliance with statutes and the rules of this Chapter, particularly
13 Rules .0207 and .0208 of this Chapter. It is the responsibility of the owners to ensure that the veterinary facility meets
14 the minimum veterinary facility standards in Rules .0207 and .0208 of this Chapter.

15 (d) The application for a veterinary facility permit shall be on a form prescribed by the Board and available on the
16 Board’s website. The application shall contain:

17 (1) the owner’s name, physical address, mailing address, email address, and telephone number;

18 (2) proposed or existing name of the facility, as set forth in G.S. 90-181.1, physical address, mailing
19 address, email address, and telephone number; and

20 (3) designation of a supervising veterinarian of the facility subject to the provisions of Rules .0903 of
21 this section.

22 (e) Each veterinary facility permit shall be renewed yearly. The veterinary facility must have passed an inspection pursuant
23 to Rule .0207(b)(16) of this Chapter within the 24 months prior to renewal.

24 (f) Each veterinary facility that is identified by a separate physical address or that is located at the same physical address
25 as another veterinary facility but has different owners or supervising veterinarians shall be a separate veterinary facility
26 requiring a separate veterinary facility permit.

27 (g) The owner shall notify the Board within five business days of any changes in contact information.

28 (h) The owner shall notify the Board in writing of a planned change in the ownership or in the supervising
29 veterinarian of the veterinary facility at least 20 business days prior to the planned change.

30 (i) In the event of an owner’s inability to maintain the facility’s compliance with Chapter 90 of the General Statutes
31 and the rules of this Chapter, the Board shall be notified within 10 business days by one of the following: an owner,
32 the supervising veterinarian, or a member of the veterinary facility’s staff.

33 (j) In the event of a natural or physical event that results in the loss of the safe and effective utilization of the facility,
34 pursuant to the rules of this Chapter, particularly Rules .0207 and .0208 of this Chapter, the Board shall be notified
35 within 10 business days by the owner(s) or the supervising veterinarian.

36 (k) In the event that the Board is notified that the owner to whom a facility permit is issued is dissolved voluntarily,
37 administratively, or by operation of law, suspended by the NC Department of Revenue, or has its certificate of

1 authority revoked by the NC Secretary of State, the Board shall also suspend the permit issued to the owner. The
2 suspension shall remain in effect until the suspension has been lifted by NC Department of Revenue, or the person
3 has been reinstated by the NC Secretary of State, or both.

4 (l) The Board may issue a temporary veterinary facility permit to the owners of a veterinary facility for a period of 35
5 business days to allow the owners to address and resolve violations of the rules of this Chapter, particularly,
6 Rules .0207 and .0208 of this chapter, discovered during the veterinary facility inspection. However, the Board
7 shall not issue a temporary veterinary facility permit if the violations present a danger to the health or safety of the public
8 or animals. Upon request of the owner, the Board may extend a temporary permit for an additional period of no more
9 than 35 business days. In the event of the death of an owner, the permit remains valid for 35 business days from the
10 date of the death of the owner, so long as the facility continues to have an active, supervising veterinarian registered
11 with the Board.

12 (m) The following are exempt from the requirement for a veterinary facility permit:

13 (1) those exempted by licensure under G.S. 90-187.10;

14 (2) a veterinary facility owned and operated by the State of North Carolina, a political subdivision
15 thereof, or the federal government, so long as the facility does not offer or provide veterinary
16 services to the public; or

17 (3) a temporary veterinary facility established as a result of an emergency declared by the Governor of
18 North Carolina.

19 (n) A person operating without a veterinary facility permit is subject to the provisions of G.S. 90-187.13.

20 (o) The veterinary facility permit shall be displayed by the owners at the facility at a location viewable by the public.
21 Veterinary facility permits for mobile facilities shall be available upon request.

22 (p) An owner or supervising veterinarian shall provide a copy of medical records maintained pursuant to Rule .0207
23 of this Chapter within 10 business days of receipt of a request by a current or former patient's owner. The veterinary
24 facility may charge the patient's owner the actual cost of reproducing the records as a reasonable fee.

25 (q) Owners shall post on the veterinary facility website home page, the emergency services available at the veterinary
26 facility when the veterinary facility is open and the veterinary facility name, address, and telephone number for the
27 provider of after-hours emergency services.

28
29 History Note: Authority G.S. 90-185; 90-186(2); 90-186(8); 90-186(9);

30 Eff. November 2, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0903

DEADLINE FOR RECEIPT: August 11, 2023

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 4, “of non-compliance ~~of~~ with”.

On lines 4 and 5, it is unnecessarily duplicative to say “Board Rules”, provide a full rule citation, and say “of this chapter.” Consider “[Board Rules] 21 NCAC 66 .0207 and 21 NCAC 66 .0208 ~~of this chapter~~ at”.

Regarding paragraph (c), lines 7 and 8, I don’t understand why a separate rule is necessary regarding interim supervising veterinarians. Does an interim supervising veterinarian have different duties or requirements than a supervising veterinarian? Is there a minimum term for non-interim supervising veterinarians?

As written, the second and third sentences are potentially ambiguous. Consider rewriting: “At each veterinary facility that is open for 159 hours or less per month, [The] the supervising veterinarian shall be physically onsite [at each veterinary facility that is open for 159 hours or less per month,] for a minimum of 25 percent of the total time a veterinary facility is open. At each veterinary facility that is open for 160 hours or more per month, [The] the supervising veterinarian shall be physically onsite at each veterinary facility [that is open for 160 hours or more per month,] for a minimum of 40 hours per month.”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: July 28, 2023

1 21 NCAC 66. 0903 is proposed for adoption as follows:

2 **21 NCAC 66 .0903 SUPERVISING VETERINARIAN**

3 (a) The owners of a veterinary facility shall designate a supervising veterinarian who shall be responsible for
4 informing the owners as to the instances of non-compliance of Board Rules 21 NCAC 66 .0207 and 21 NCAC 66
5 .0208 of this chapter at the veterinary facility.

6 (b) The supervising veterinarian shall be currently licensed by and in good standing with the Board.

7 (c) The owners may designate an interim supervising veterinarian to serve as the supervising veterinarian for a period
8 not to exceed 25 business days.

9 (d) A veterinarian may be a supervising veterinarian at more than one veterinary facility. The
10 supervising veterinarian shall be physically onsite at each veterinary facility that is open for 159 hours or less per
11 month, for a minimum of 25 percent of the total time a veterinary facility is open. The supervising veterinarian shall
12 be physically onsite at each veterinary facility that is open for 160 hours or more per month, for a minimum of 40
13 hours per month. Electronic or handwritten documentation stating the dates and times that the supervising veterinarian
14 was present at the veterinary facility shall be maintained by the supervising veterinarian at each individual facility and
15 made available by the owner, supervising veterinarian, or the staff at each facility at the time of inspection or
16 investigation by the Board.

17
18 *History Note: Authority G.S. 90-185(6); 90-186(9);*

19 *Eff. November 2, 2023*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0904

DEADLINE FOR RECEIPT: August 11, 2023

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In reviewing this Rule, the staff recommends the following changes be made:

On lines 6, 7, and 9, you use “article” when referring to a part of the rules, but I think you mean either “chapter” or “section.” The statutes are broken into articles, but the administrative code is not.

On line 3, what is meant by “information”? I’m not sure what you mean when you say “The Board shall investigate any . . . information.”

As written, it is unclear whether the provisions of Sections .0600 and .0700 apply only to the right to be heard, or the investigation process as a whole. I suspect you mean for it to apply to the entire investigation process. If so, consider “The Board shall investigate any complaint or information within its jurisdiction. The investigation and any resulting hearings shall be conducted pursuant to Sections .0600 and .0700 of this chapter. Following an investigation and the owner’s opportunity to be heard [pursuant to the provisions of Sections .0600 and .0700 of this chapter], the Board may.”

If it is not the Board’s intent to apply Sections .0600 and .0700 to the entire process, how will the investigation under this rule work?

On lines 9 and 10, the reference to G.S. 90 Article 11 is somewhat unclear. Consider pinpointing just the relevant statute: “required by [this Article in accordance with the provisions of] G.S. 90-186(8) [90 Article 11]”.

On line 12, add “For the purposes of this rule, references [References]”.

On lines 14 and 17, there is a grammatical clash between “if” and “per”. Consider on line 17: “[Per] The Board obtains a summary”.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: July 28, 2023

1 21 NCAC 66. 0904 is proposed for adoption as follows:

2 **21 NCAC 66 .0904 DISCIPLINE VETERINARY FACILITY PERMITS**

3 (a) The Board shall investigate any complaint or information within its jurisdiction. Following an investigation and
4 the owner's opportunity to be heard pursuant to the provisions of Sections .0600 and .0700 of this chapter, the Board
5 may:

- 6 (1) revoke or suspend a veterinary facility permit issued under this Article;
7 (2) discipline the owner of a facility permitted under this Article in accordance with the disciplinary
8 measures set forth in Sections .0600 and .0700 of this Chapter;
9 (3) deny a veterinary facility permit required by this Article in accordance with the provisions of G.S.
10 90 Article 11 and the rules of this Chapter based on violations of Board Rules including but not
11 limited to .0207 and .0208 of this Chapter.

12 References to licensee or registrant in the provisions of sections .0600 and .0700 of this chapter are treated as
13 references to owner and permittee. References to license are treated as references to facility permit.

14 (b) The Board may suspend, revoke, or deny issuance of a veterinary facility permit, without hearing, if:

- 15 (1) A veterinary facility has not had a supervising veterinarian or an interim supervising veterinarian
16 serving in that capacity for more than five business days.
17 (2) Per summary emergency order pursuant to the provisions of G.S. 90-186(3).
18 (3) The owners of the veterinary facility have failed to notify the Board after 10 business days of a
19 change in ownership of the facility or change in the supervising veterinarian.

20 (c) An owner shall cease to operate a veterinary facility as of the date the Board notifies the owner of the revocation
21 of his or her veterinary facility permit. Within 24 hours of receiving notification of revocation, an owner shall display
22 the following information at the facility and through any existing medium of communication with the public, such as
23 social media, a telephone answering system, or facility website:

- 24 (1) information that the veterinary facility is closed;
25 (2) the means by which clients may obtain their animal's medical records; and
26 (3) notice of the Board's revocation of the facility permit.

27
28 *History Note: Authority G.S. 90-185(6); 90-186(8); 90-186(9);*

29 *Eff. November 2, 2023*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0905

DEADLINE FOR RECEIPT: August 11, 2023

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In reviewing this Rule, the staff recommends the following changes be made:

No comments.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 21 NCAC 66. 0905 is proposed for adoption as follows:

2 **21 NCAC 66 .0905 REINSTATEMENT AFTER REVOCATION OF FACILITY PERMIT**

3 Any person whose facility permit been suspended or revoked pursuant to the provisions of rule .0904 of this Section
4 may apply for reinstatement subject to any terms and conditions contained in the final agency decision issued by the
5 Board upon revoking or suspending the person's facility permit. The Board may conduct an inspection prior to
6 reinstatement to determine if the terms and conditions stated in the final agency decision have been addressed.

7

8 History Note: Authority G.S. 90-185(6); 90-186(8); 90-186(9);

9 Eff. November 2, 2023