

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Veterinary Medical Board

RULE CITATION: 21 NCAC 66.0209 – Practice of Veterinary Medicine

**DEADLINE FOR RECEIPT: August 7, 2015**

***NOTE WELL: This request when viewed on computer extends 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 call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Generally, please resubmit the proposed amended rule formatted in accord with 26 NCAC 02C.0108. Among other things, the rule specifies 10 point font size. 0108(1)(d).*

*In (e), line 15, please insert "organized to practice veterinary medicine" after "company."*

*In (e)(2), line 20, delete "and." For clarity, please consider further subdividing subparagraph (e)(2) into three subparagraphs, as follows:*

- (2) A certificate certified by all organizing members:
  - (A) setting forth the names and addresses of each person who will be employed by the professional limited liability company to practice veterinary medicine;
  - (B) stating that all such persons are duly licensed to practice veterinary medicine in North Carolina; and
  - (C) representing that the company will be conducted in compliance with the North Carolina Limited Liability Company Act (G.S. ~~57C57D~~), this Chapter, Article 11, G.S. 90 and the rules of the Board.

*In (f), it appears that it is the Board that shall return the certificate to the PLLC. If so, please revise to make this clear, perhaps as follows:*

(f) The Board shall return a certification that each of the organizing members is licensed to practice veterinary medicine in North Carolina to the professional limited liability company for filing with the Secretary of State.

*(g), line 30, refers to a renewal form. Pursuant to G.S. 150B-2(8a)d., a form is excluded from the definition of a rule only if the form's "contents or substantive requirements ... are prescribed by rule or statute." If the contents or substantive requirements of the renewal form are not prescribed in another rule or statute, please add a detailed list of the contents or substantive requirements of the renewal form to this rule, perhaps in a new subparagraph. In addition, the rule should also state, with specificity, where the renewal form may be obtained; for instance, website addresses may be referenced in the rule.*

Jason S. Thomas  
Commission Counsel  
Date submitted to agency: July 24, 2015

*In (h), please add a description of the “supplemental reports” the Board may request and the circumstances under which the Board may deem it appropriate to request such reports.*

*(j), lines 43 and 44, refers to a “certificate authorizing transfer of membership” and to a “transfer form,” though these terms appear to refer to the same document. If so, please change “transfer form” to “certificate” in line 44.*

*(N.B. (j) refers to “membership” while other subparagraphs in this rule refer to “managers.” The terms appear to have different meanings. See, e.g. G.S. 57D-3-20(d).)*

*Please add a citation to G.S. 90-187.11 as Authority in your History Note.*

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

Jason S. Thomas  
Commission Counsel  
Date submitted to agency: July 24, 2015

1 Rule 21 NCAC 66.0209 is amended without notice pursuant to G.S. 150B-21.5(a)(3) as follows:  
2

3 **21 NCAC 66 .0209 LIMITED LIABILITY COMPANIES**

4 (a) Veterinary medical services may be provided through a limited liability company that complies with  
5 this Rule, Article 11, G.S. 90, the rules of the Board, and statutes governing limited liability companies,  
6 including G.S. ~~57C-2-01~~57D-2-01.

7 (b) The name of a limited liability company organized to practice veterinary medicine shall not include  
8 any adjectives or other words not in accordance with Article 11, G.S. 90 and the rules of the Board.

9 (c) The corporate name of a professional limited liability company registered under these Rules shall  
10 contain the wording "professional limited liability company," "professional ltd. liability co.,"  
11 "professional limited liability co.," or "professional ltd. liability company," or an abbreviation of one of  
12 the foregoing: "P.L.L.C." or "PLLC."

13 (d) Domestic professional limited liability companies shall be formed and all limited liability companies  
14 shall be operated in accordance with the requirements set out in G.S. ~~57C~~57D.

15 (e) Before filing the articles of organization for a professional limited liability company with the  
16 Secretary of State, the organizing members shall submit the following to the Board:

17 (1) A registration fee as set by Rule .0108 of this Chapter; and

18 (2) A certificate certified by all organizing members, setting forth the names and addresses  
19 of each person who will be employed by the professional limited liability company to  
20 practice veterinary medicine, and stating that all such persons are duly licensed to  
21 practice veterinary medicine in North Carolina, and representing that the company will  
22 be conducted in compliance with the North Carolina Limited Liability Company Act  
23 (G.S. ~~57C~~57D), this Chapter, Article 11, G.S. 90 and the rules of the Board.

24 (f) A certification that each of the organizing members is licensed to practice veterinary medicine in  
25 North Carolina shall be returned to the professional limited liability company for filing with the  
26 Secretary of State.

27 (g) A Certificate of Registration for a professional limited liability company shall be renewed annually.  
28 The Certificate of Registration shall expire on the last day of December following its issuance by the  
29 Board and shall become invalid on that date unless renewed. Upon written application signed by its  
30 manager on a renewal form prescribed by the Board accompanied by the prescribed fee as set by Rule  
31 .0108 of this Chapter, the Board shall renew the Certificate of Registration providing that the  
32 professional limited liability company has complied with Article 11, G.S. 90, the rules of the Board and  
33 applicable General Statutes of North Carolina.

34 (h) The Board may request in writing such supplemental reports as it deems appropriate from any  
35 professional limited liability companies registered with the Board pursuant to G.S. ~~57C~~57D, Article 11,  
36 G.S. 90, and these Rules. The professional limited liability company shall file such reports with the  
37 Board's office within 30 days from the date it receives the request.

38 (i) Professional limited liability companies registered with the Board pursuant to G.S. ~~57C~~57D shall file  
39 a certified copy of all amendments to the articles of organization within 30 days after the effective date  
40 of each amendment. They shall also file a copy of any amendment to the bylaws, certified to be a true  
41 copy by the manager(s) of the professional limited liability company within 30 days after adoption of the  
42 amendment.

43 (j) The Board shall issue a certificate authorizing transfer of membership when membership is  
44 transferred in the professional limited liability company. This transfer form shall be permanently  
45 retained by the company. The membership books of the company shall be kept at the principal office of

1 the company and shall be subject to inspection by authorized agents of the Board. Transfer of  
2 membership shall only be to a person licensed to practice veterinary medicine in this State.

3 (k) All documents required by these Rules to be submitted to the Board by the professional limited  
4 liability company shall be executed by the manager(s) of the professional limited liability company, and  
5 duly acknowledged before a notary public or some other officer qualified to administer oaths.

6

7 *History Note: Authority G.S. ~~57C-2-01~~57D-2-01; 90-181.1; 90-186;*

8 *Eff. May 1, 1996.*

9 *Amended Eff. September 1, 2015.*