

REQUEST FOR TECHNICAL CHANGE

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0311

DEADLINE FOR RECEIPT: Tuesday, May 9, 2017

NOTE: 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:

On line 1, please change the Introductory Statement to read: "21 NCAC 66 .0311 is amended with changes as published in 31:16 NCR, pp. 1724-1726, as follows:

Please insert page numbers in the bottom center of the Rule [See Rule 26 NCAC 02C .0108(1)(h)]

On line 6 and 26, I recommend replacing "Title 21 Chapter 66, NCAC" with "Title 21 NCAC 66" (as you did on Page 2, line 27) or even just stating "this Chapter" all three places.

In (c)(1), line 11, delete one of the "are" in the sentence, since you are currently stating "...whether those licenses are are active..."

In (c)(3), line 15, replace "which" with "that"

For (c)(5), I take it you are relying upon G.S. 90-187.8 for authority? If so, please add it to your History Note.

At the end of (d)(1)(A), line 26, do you need the "and"? I don't think so. And given the structure of (d)(1)(A) through (H), I recommend using a period, not a semicolon, to end the sentence.

In (d)(1)(B)(ii), line 32, replace "in which" with "where"

Also on line 32, since you've already stated what "AVMA" means on line 29, why not just state "...or its equivalent that is not accredited by the AVMA, that qualifies..."

In (d)(1)(C), line 34, replace "which application form shall include" with "which shall request" or end the sentence after "Board" and then start a new sentence, "The form shall request..."

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2017

I take it that the requirements of (d)(1)(C)(i) through (iv) shall be required of the applicant? You may want to state that on line 35 "... the following information from the applicant:"
I recommend ending (d)(1)(C)(iv), page 2, line 5 with a period to be consistent with the rest of the rule.

In (d)(1)(E), line 9, and (d)(1)(F), line 12, I recommend you insert a comma after "territory"

Also on line 9, replace "in which" with "where"

In (d)(2), isn't this already addressed by Paragraph (b) on Page 1? Do you need to repeat it here?

In (d)(3), do you mean that the licensee shall seek to the renew the license annually? The language as written right now can be interpreted that the Board shall renew the license annually, and given the language of the Rule, it doesn't appear that is the intent. Also, consider moving this to before (d)(5), since both address the end of the license.

In (d)(4)(B), line 33, do you mean "shall" instead of "may"? If not, under what circumstances will the Board not renew the license temporarily?

In (d)(4)(C), line 36, I recommend inserting a comma after "place" and ending the sentence "supervision of the licensee."

In the History Note, please put the citations in numerical order.

Also in the History Note, please move the amended effective date to line 13.

Assuming you insert the citation I recommended, the History Note will look like this:

*History Note: Authority G.S. 90-185(1); 90-185(6); 90-181(4); 90-181(4); 90-185(1); 90-185(6); 90-187.8;
Eff. May 1, 1996;
Amended Eff. June 1, 2017.*

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 25, 2017

1 **Rule 21 NCAC 66 .0311 is proposed for amendment as follows:**

2
3 **RULE 21 NCAC 66 .0311 LIMITED VETERINARY LICENSE**

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

5 (b) Unless otherwise provided in G.S. Chapter 90, Article 11 or in a Board rule, the provisions of G.S. Chapter 90, Article 11
6 and Title 21 Chapter 66, NCAC are applicable to limited veterinary licenses.

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

10 (1) whether the applicant is licensed to practice veterinary medicine in other states of the United States, or
11 other countries or jurisdictions, ~~and~~ whether those licenses are ~~in good standing~~ are active, and whether
12 there are any investigations or pending complaints against the licenses at the time of the consideration of
13 the application; ~~and~~

14 (2) the length of time the applicant has been licensed in good standing to practice veterinary medicine; ~~and~~

15 (3) the reasons which the applicant offers for requesting a limited veterinary license; ~~and~~

16 (4) whether facts available to the Board indicate the applicant's application has merit; and

17 (5) ~~any other criteria bearing directly upon~~ information affecting the applicant's capability and need for a
18 limited veterinary ~~license.~~ license, determined on a case-by-case basis, including the applicant's record of
19 any criminal charges and convictions.

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

24 (1) The criteria for eligibility for this limited veterinary license are:

25 (A) The applicant is not eligible for a license as a veterinarian under G.S. Chapter 90, Article 11 and
26 Title 21, Chapter 66, NCAC; and

27 (B) The applicant:

28 (i) is a graduate of a veterinary medical education program at an institution accredited by
29 the American Veterinary Medical Association (AVMA); or

30 (ii) is a graduate of a veterinary medical education program at an institution of higher
31 education or its equivalent, not accredited by the American Veterinary Medical Association
32 (AVMA), that qualifies a graduate to practice veterinary medicine in the country in which the
33 institution of higher education is located.

34 (C) The applicant completes an application form from the Board, which application form shall include
35 the following:

36 (i) full legal name;

37 (ii) mailing address;

- 1 (iii) telephone number;
2 (iv) email address;
3 (iv) social security number;
4 (iv) date of birth; and
5 (iv) veterinary college information and year of graduation;
6 (D) The applicant has achieved a passing score on the written North Carolina examination
7 administered by the Board.
8 (E) There is no disciplinary proceeding or unresolved complaint pending against the applicant in any
9 State, territory or district of the United States, or in a foreign country in which the applicant is or
10 has been licensed or permitted to practice veterinary medicine.
11 (F) That any disciplinary actions taken against the applicant or his or her license by any State,
12 territory or district of the United States, or by a Board or agency with jurisdiction in a foreign
13 country where the applicant is licensed to practice veterinary medicine will not affect the
14 applicant's ability and competency to practice veterinary medicine within the limitations and
15 restrictions of the employment position with NCVDLS.
16 (G) The applicant submits with the application the fee for a limited veterinary license set forth in 21
17 NCAC 66.0108.
18 (H) The applicant provides to the Board with the application a written statement from the Director of
19 Laboratories of the NCVDLS that:
20 (i) describes the duties of the applicant's prospective employment position with
21 NCVDLS that require this limited veterinary license; and
22 (ii) advises the Board that the applicant has been offered and has agreed to accept the
23 described employment position with NCVDLS contingent upon the applicant receiving a
24 limited veterinary license from the Board.
25 (2) This limited veterinary license is subject to the fees for issuance, renewal, and reinstatement of a limited
26 license, the continuing education requirements, and the disciplinary provisions of G.S. Chapter 90, Article
27 11 and Title 21 NCAC 66.
28 (3) This limited veterinary license shall be renewed annually each calendar year.
29 (4) The Board may issue a temporary permit for this limited veterinary license as follows:
30 (A) The applicant meets the criteria for eligibility for this limited veterinary license except for not
31 achieving a passing score on the written North Carolina examination.
32 (B) The temporary permit shall expire sixty (60) days after it is issued by the Board, but upon written
33 request from the applicant, the Board may renew the temporary permit for one hundred twenty
34 (120) days in order for the applicant to achieve a passing score on the written North Carolina
35 examination.
36 (C) The temporary permit shall contain restrictions as to time, place and supervision.

1 (D) The holder of a temporary permit for this limited veterinary license shall be supervised by a
2 veterinarian licensed by the Board who is employed by the NCDA&CS in the NCVDLS.

3 (5) This limited veterinary license shall be restricted in scope to the duties of the license holder's employment
4 position with NCDA&CS and NCVDLS and shall automatically expire when the license holder's
5 employment with NCDA&CS and NCVDLS ends.

6 (6) The following sections of G.S. Chapter 90, Article 11, and of Title 21, Chapter 66, NCAC are not
7 applicable to the licensing requirements for this limited veterinary license: G.S. §90-187(c); §90-187.3;
8 §90-187.4; 21 NCAC 66.0301(a),(b),(c),(e) and (f); 21 NCAC 66.0305; 21 NCAC 66.0306; and 21 NCAC
9 66.0309.

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11 *History Note:* *Authority G.S. 90-185(1); 90-185(6); 90-181(4);*
12 *Eff. June 1, 2017, May 1, 1996.*