

Burgos, Alexander N

Subject: FW: [External] RE: Vet Board Rules-September 2024

From: Keith West <kwest@ncvmb.org>

Sent: Thursday, September 5, 2024 12:46 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

Subject: RE: [External] RE: Vet Board Rules-September 2024

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Thanks Mr. Wiggs. I will send as requested shortly.

Best Regards,

Keith West

Keith West

Executive Director

Legislative Liaison

North Carolina Veterinary Medical Board

(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

Burgos, Alexander N

Subject: FW: [External] RE: Vet Board Rules-September 2024

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Thursday, September 5, 2024 10:50 AM

To: Keith West <kwest@ncvmb.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>

Subject: RE: [External] RE: Vet Board Rules-September 2024

Mr. West,

I intend to recommend to the RRC that all the final revised rules be approved at the September 25th meeting. Please submit all revised rules via email to oah.rules@oah.nc.gov no later than 5pm on September 19, 2024. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email.

Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: Vet Board Rules-September 2024
Attachments: 21 NCAC 66 .0904 Discipline Veterinary Facility Permits.docx; 21 NCAC 66 .0206 Minimum Standards for Continuing Education.docx; 21 NCAC 66 .0902 Veterinary Facility Permit.docx; 21 NCAC 66 .0903 Supervising Veterinarian.docx

From: Keith West <kwest@ncvmb.org>
Sent: Wednesday, September 4, 2024 4:31 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>
Subject: RE: [External] RE: Vet Board Rules-September 2024

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mr. Wiggs,

Attached are the requested revisions. Yes, it is the intent to have rules effective October 1, 2024 as indicated in .0902, .0903, and .0904.

Please let me know if any further changes are needed.

Best Regards,

Keith West

Keith West
Executive Director
Legislative Liaison
North Carolina Veterinary Medical Board
(P)919-854-5601

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21 NCAC 66 .0206 is amended as published with changes in 38:24 NCR page 1653-1654 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) A veterinarian shall earn 20 continuing education credit hours for the calendar year license renewal period. A maximum of ~~five~~ ten hours may be obtained pursuant to courses described in Item (3) of this Rule.
- (2) A registered veterinary technician shall earn 12 continuing education credit hours for the two-calendar year registration renewal period. A maximum of ~~four~~ six 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 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 by approved continuing education credit providers.
- (5) A live interactive presentation shall:
 - (a) include instant or synchronous two-way ~~communication~~; 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.
- (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 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.
- (7) If the Board finds that the circumstance that was the basis for non-compliance with the continuing education requirement justified the non-compliance, the Board may exempt that individual from completing the unearned portion of the continuing education for that renewal period.
- (8) Continuing education credits hours may be earned from courses, programs, or materials presented or approved by the following providers:

- (a) the American Veterinary Medical Association (AVMA);
(b) the American Animal Hospital Association (AAHA);
(c) the North Carolina Veterinary Medical Association (NCVMA);
(d) the United States Department of Agriculture-Animal and Plant Health Inspection Service;
(e) the American Association of Veterinary State Boards' (AAVSB) Registry of Approved Continuing Education (RACE); and
(f) academies, schools, or colleges of veterinary medicine.

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

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

History Note: Authority G.S. 90-185(6); 90-186(1); 93B-15;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. June 17, 2024; February 1, 2018; June 1, 2003; May 1, 1996; May 1, 1989; January 1, 1987;

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

Amend Eff. January 1, 2025.

21 NCAC 66 .0902 is amended as published with changes in 38:24 NCR page 1655 as follows:

21 NCAC 66 .0902 VETERINARY FACILITY PERMITS

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

(b) As a condition of any veterinary facility permit issued by the Board, the owner shall designate a supervising veterinarian.

(c) The Board shall issue a veterinary facility permit to an owner after the owner submits an application, pays the veterinary facility permit fee, and passes a facility inspection. The Board shall inspect the veterinary facility to ensure compliance with Rules .0207 and .0208 of this Chapter if an inspection has not been performed in the last two years. It is the responsibility of the owners to ensure that the veterinary facility meets the minimum veterinary facility standards in Rules .0207 and .0208 of this Chapter.

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

- (1) the owner's name, physical address, mailing address, email address, and telephone number;
- (2) proposed or existing name of the facility, as set forth in G.S. 90-181.1, physical address, mailing address, email address, and telephone number; and
- (3) designation of a supervising veterinarian of the facility subject to the provisions of Rules .0903 of this Section.

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

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

(g) The owner shall notify the Board within 10 business days of any changes in contact information.

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

(i) In the event of an owner's inability to maintain the facility's compliance with Chapter 90 of the General Statutes and the rules of this Chapter, the Board shall be notified within 10 business days by an owner, or if the owner is unable to do so as a result of physical inability, the supervising veterinarian, or a member of the veterinary facility's staff.

(j) In the event that the Board is notified that the owner to whom a facility permit is issued is dissolved voluntarily, administratively, or by operation of law; suspended by the NC Department of Revenue; or has its certificate of authority revoked by the NC Secretary of State, the Board shall also suspend the permit issued to the owner. The

suspension shall remain in effect until the suspension has been lifted by NC Department of Revenue, or the person has been reinstated by the NC Secretary of State, or both.

(k) The Board may issue a temporary veterinary facility permit to the owners of a veterinary facility for a period of 35 business days to allow the owners to address and resolve violations of the rules of this Chapter, particularly, Rules .0207 and .0208 of this Chapter, discovered during the veterinary facility inspection. However, the Board shall not issue a temporary veterinary facility permit if the violations present a danger to the health or safety of the public or animals. Upon request of the owner, the Board may extend a temporary permit for an additional period of no more than 35 business days, as long as satisfactory progress has been made as determined by the Board. In the event of the death of an owner, the permit remains valid for ~~35~~ 50 business days from the date of the death of the owner, so long as the facility continues to have an active, supervising veterinarian registered with the Board.

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

- (1) those exempted by licensure under G.S. 90-187.10;
- (2) a veterinary facility owned and operated by the State of North Carolina, a political subdivision thereof, or the federal government, so long as the facility does not offer or provide veterinary services to the public; or
- (3) a temporary veterinary facility established as a result of an emergency declared by the Governor of North Carolina.

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

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

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

(p) Owners shall post on any existing veterinary facility website home page:

- (1) The facility's name, address, and telephone ~~number, number;~~
- (2) The facility's regular business ~~hours, hours;~~
- (3) Availability of after-hours emergency care at the ~~facility; facility;~~ and
- (4) If after-hours emergency care is not available, the name, address, and telephone number of an after-hours emergency provider.

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

Eff. June 17, 2024.

Amended Eff. October 1, 2024.

21 NCAC 66 .0903 is amended as published with changes in 38:24 NCR page 1655-1656 as follows:

21 NCAC 66 .0903 SUPERVISING VETERINARIAN

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

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

(c) The owners may designate an interim supervising veterinarian to serve for a period not to exceed ~~25~~ 50 business days.

(d) A veterinarian may be a supervising veterinarian at more than one veterinary facility. At each veterinary facility that is open for 159 hours or less per month, the supervising veterinarian shall be physically onsite 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 supervising veterinarian shall be physically onsite at each veterinary facility for a minimum of 40 hours per month. Electronic or handwritten documentation stating the dates and times that the supervising veterinarian was present at the veterinary facility shall be maintained by the supervising veterinarian at each individual facility and made available by the owner, supervising veterinarian, or the staff at each facility at the time of inspection or investigation by the Board.

(e) The owners of a veterinary facility may designate more than one supervising veterinarian for a veterinary facility, in which case the onsite physical presence of each of the supervising veterinarians at the veterinary facility shall be counted toward satisfaction of the onsite physical presence requirement of Paragraph (d) of this Rule.

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

Eff. June 17, 2024.

Amended Eff. October 1, 2024

21 NCAC 66 .0904 is amended as published with changes in 38:24 NCR page 1656 as follows:

21 NCAC 66 .0904 DISCIPLINE VETERINARY FACILITY PERMITS

(a) The Board shall investigate any complaint within its jurisdiction. The investigation and any resulting hearings shall be conducted pursuant to Sections .0600 and .0700 of the Chapter. Following an investigation and the owner's opportunity to be heard, the Board may:

- (1) revoke or suspend a veterinary facility permit issued under this Chapter;
- (2) discipline the owner of a facility permitted under this Chapter in accordance with the disciplinary measures set forth in Sections .0600 and .0700 of this Chapter;
- (3) deny a veterinary facility permit required by G.S. 90-186(8) and the rules of this Chapter based on violations of Board Rules ~~including~~ including, but not limited to, Rules .0207 and .0208 of this Chapter.

For the purpose of this Rule, references to licensee or registrant in the provisions of Sections .0600 and .0700 of this Chapter are treated as references to owner and permittee. References to license are treated as references to facility permit.

(b) The Board may suspend, revoke, or deny issuance of a veterinary facility permit, without hearing, ~~if~~ for any of the following reasons:

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

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

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

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

Eff. June 17, 2024.

Amended Eff. October 1, 2024.

Burgos, Alexander N

Subject: FW: [External] RE: Vet Board Rules-September 2024

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, September 4, 2024 3:05 PM
To: Keith West <kwest@ncvmb.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>
Subject: RE: [External] RE: Vet Board Rules-September 2024

Mr. West,

I have notified the Codifier and staff of your request to withdraw the rules you listed below for the September RRC meeting.

Please see my requests below for the remaining rules:

.0206

- In the History Note, line 32, please insert a semicolon and space after “2018”.
- In line 35, the new effective date is listed as “Pursuant to G.S. 150B-21.3A”. That statute describes the Periodic Review process, and this amendment is not being done through that process. “Amended Eff. January 1, 2025” should stand alone on the last line.

.0902

- In the History Note, the “Amended Eff.” is October 1, 2024. Is that your intent? I’m asking since January 1, 2025, was what we discussed on the phone.

.0903

- In line 20, “Paragraph (d) of this Rule” is proper and what was used during publication. Please make that change.
- In the History Note, the “Amended Eff.” is October 1, 2024. Is that your intent? I’m asking since January 1, 2025, was what we discussed on the phone.

.0904

- In line 11, add a comma after “including” and after “to”.
- You did not address this request in your response: *In (b), (1)-(3), are all of these subsections requirements for the Board to take action without a hearing? Or is only one required to be found for the Board to act?* Please amend the language to make clear whether all requirements must be met, or just one of them, for the Board to take action.
- In the History Note, the “Amended Eff.” is October 1, 2024. Is that your intent? I’m asking since January 1, 2025, was what we discussed on the phone.

Please reply to this email with the requested changes at your earliest convenience.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: Vet Board Rules-September 2024
Attachments: 21 NCAC 66 .0206 Minimum Standards for Continuing Education.docx; 21 NCAC 66 .0902 Veterinary Facility Permit.docx; 21 NCAC 66 .0903 Supervising Veterinarian.docx; 21 NCAC 66 .0904 Discipline Veterinary Facility Permits.docx

From: Keith West <kwest@ncvmb.org>
Sent: Monday, September 2, 2024 1:01 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; 'Matt Skidmore' <Matt@skidmorelawgroup.com>
Subject: [External] RE: Vet Board Rules-September 2024

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Mr. Wiggs,

The North Carolina Veterinary Medical Board would like to withdraw our request for amendments for the following rules because the only item in these rules the Board wanted to amend was the effective date.

21 NCAC 66 .0108
21 NCAC 66 .0901
21 NCAC 66 .0905

Attached are the requested corrections for:

21 NCAC 66 .0206
21 NCAC 66 .0902
21 NCAC 66 .0903
21 NCAC 66 .0904 – Only one is required for the Board to take action.

Please let me know if any further changes are needed.

Best Regards,

Keith West

Keith West
Executive Director
Legislative Liaison
North Carolina Veterinary Medical Board
(P)919-854-5601

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Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;;and”
 - Right: “~~day,~~ day; and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

Generally, for all these rules, why does the N.C. Register show words underlined (indicating the underlined words were added to the rules) that already exist within the original versions of these rules in the N.C. Administrative Code?

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

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0108

DEADLINE FOR RECEIPT: Friday, September 13, 2024.

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:

In line 1, replace “adopted” with “amended”.

*In your History Note, line 7, move “June 17, 2024” to the end of line 6 with a semicolon.
In line 8, delete “Amended Eff. changed from June 17, 2024” and move “January 1, 2025” up to line 7.*

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

Travis Wiggs
Commission Counsel
Date submitted to agency: August 29, 2024

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

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0206

DEADLINE FOR RECEIPT: Friday, September 13, 2024.

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:

In line 1, replace “adopted” with “amended”.

In line 20, replace the colon with a semicolon at the end of (a).

In your History Note, line 35, move “June 17, 2024; February 1, 2018” to the beginning of line 32 after “Amended Eff.”. In line 36, delete “Amended Eff. changed from June 17, 2024” and move “January 1, 2025.” up to line 35.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: August 29, 2024

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

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0901

DEADLINE FOR RECEIPT: Friday, September 13, 2024.

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:

In line 1, replace “adopted” with “amended”.

In line 6, the N.C. Register uses the word “Section” instead of “Subchapter”. Which is intended?

In your History Note, line 16, delete “Eff. Date changed from June 17, 2024” and add “Amended Eff.” before “January 1, 2025”.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: August 29, 2024

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

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0902

DEADLINE FOR RECEIPT: Friday, September 13, 2024.

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:

In line 1, replace “adopted” with “amended”.

On pg. 2, on lines 25-26, replace the comma and period with semicolons. In line 27, replace the colon with a semicolon.

In your History Note, line 33, delete “Eff. Date changed from June 17, 2024” and add “Amended Eff.” before “January 1, 2025”.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: August 29, 2024

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

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0903

DEADLINE FOR RECEIPT: Friday, September 13, 2024.

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

In line 1, replace “adopted” with “amended”.

In line 20, the N.C. Register uses the phrase “Board Rule .903(d)” instead of “Paragraph (d) of this Rule”. Which is intended?

In your History Note, line 24, delete “Eff. change from June 17, 2024” and add “Amended Eff.” before “January 1, 2025”.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: August 29, 2024

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

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0904

DEADLINE FOR RECEIPT: Friday, September 13, 2024.

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

In line 1, replace “adopted” with “amended”.

In (b), (1)-(3), are all of these subsections requirements for the Board to take action without a hearing? Or is only one required to be found for the Board to act?

In your History Note, line 31, delete “Eff. changed from June 17, 2024” and add “Amended Eff.” before “January 1, 2025”.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: August 29, 2024

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

AGENCY: Veterinary Medical Board

RULE CITATION: 21 NCAC 66 .0905

DEADLINE FOR RECEIPT: Friday, September 13, 2024.

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

In line 1, replace “adopted” with “amended”.

In your History Note, line 24, delete “Eff. changed from June 17, 2024” and add “Amended Eff.” before “January 1, 2025”.

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

Travis Wiggs
Commission Counsel
Date submitted to agency: August 29, 2024

21 NCAC 66 .0206 is amended as published with changes in 38:24 NCR page 1653-1654 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) A veterinarian shall earn 20 continuing education credit hours for the calendar year license renewal period. A maximum of ~~five~~ ten hours may be obtained pursuant to courses described in Item (3) of this Rule.
- (2) A registered veterinary technician shall earn 12 continuing education credit hours for the two-calendar year registration renewal period. A maximum of ~~four~~ six 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 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 by approved continuing education credit providers.
- (5) A live interactive presentation shall:
 - (a) include instant or synchronous two-way ~~communication~~; 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.
- (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 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.
- (7) If the Board finds that the circumstance that was the basis for non-compliance with the continuing education requirement justified the non-compliance, the Board may exempt that individual from completing the unearned portion of the continuing education for that renewal period.
- (8) Continuing education credits hours may be earned from courses, programs, or materials presented or approved by the following providers:

- (a) the American Veterinary Medical Association (AVMA);
(b) the American Animal Hospital Association (AAHA);
(c) the North Carolina Veterinary Medical Association (NCVMA);
(d) the United States Department of Agriculture-Animal and Plant Health Inspection Service;
(e) the American Association of Veterinary State Boards' (AAVSB) Registry of Approved Continuing Education (RACE); and
(f) academies, schools, or colleges of veterinary medicine.

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

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

History Note: Authority G.S. 90-185(6); 90-186(1); 93B-15;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. June 17, 2024; February 1, 2018; June 1, 2003; May 1, 1996; May 1, 1989; January 1, 1987;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; January 1, 2025.

21 NCAC 66 .0902 is amended as published with changes in 38:24 NCR page 1655 as follows:

21 NCAC 66 .0902 VETERINARY FACILITY PERMITS

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

(b) As a condition of any veterinary facility permit issued by the Board, the owner shall designate a supervising veterinarian.

(c) The Board shall issue a veterinary facility permit to an owner after the owner submits an application, pays the veterinary facility permit fee, and passes a facility inspection. The Board shall inspect the veterinary facility to ensure compliance with Rules .0207 and .0208 of this Chapter if an inspection has not been performed in the last two years. It is the responsibility of the owners to ensure that the veterinary facility meets the minimum veterinary facility standards in Rules .0207 and .0208 of this Chapter.

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

- (1) the owner's name, physical address, mailing address, email address, and telephone number;
- (2) proposed or existing name of the facility, as set forth in G.S. 90-181.1, physical address, mailing address, email address, and telephone number; and
- (3) designation of a supervising veterinarian of the facility subject to the provisions of Rules .0903 of this Section.

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

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

(g) The owner shall notify the Board within 10 business days of any changes in contact information.

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

(i) In the event of an owner's inability to maintain the facility's compliance with Chapter 90 of the General Statutes and the rules of this Chapter, the Board shall be notified within 10 business days by an owner, or if the owner is unable to do so as a result of physical inability, the supervising veterinarian, or a member of the veterinary facility's staff.

(j) In the event that the Board is notified that the owner to whom a facility permit is issued is dissolved voluntarily, administratively, or by operation of law; suspended by the NC Department of Revenue; or has its certificate of authority revoked by the NC Secretary of State, the Board shall also suspend the permit issued to the owner. The

suspension shall remain in effect until the suspension has been lifted by NC Department of Revenue, or the person has been reinstated by the NC Secretary of State, or both.

(k) The Board may issue a temporary veterinary facility permit to the owners of a veterinary facility for a period of 35 business days to allow the owners to address and resolve violations of the rules of this Chapter, particularly, Rules .0207 and .0208 of this Chapter, discovered during the veterinary facility inspection. However, the Board shall not issue a temporary veterinary facility permit if the violations present a danger to the health or safety of the public or animals. Upon request of the owner, the Board may extend a temporary permit for an additional period of no more than 35 business days, as long as satisfactory progress has been made as determined by the Board. In the event of the death of an owner, the permit remains valid for ~~35~~ 50 business days from the date of the death of the owner, so long as the facility continues to have an active, supervising veterinarian registered with the Board.

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

- (1) those exempted by licensure under G.S. 90-187.10;
- (2) a veterinary facility owned and operated by the State of North Carolina, a political subdivision thereof, or the federal government, so long as the facility does not offer or provide veterinary services to the public; or
- (3) a temporary veterinary facility established as a result of an emergency declared by the Governor of North Carolina.

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

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

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

(p) Owners shall post on any existing veterinary facility website home page:

- (1) The facility's name, address, and telephone ~~number, number;~~
- (2) The facility's regular business ~~hours, hours;~~
- (3) Availability of after-hours emergency care at the ~~facility; facility;~~ and
- (4) If after-hours emergency care is not available, the name, address, and telephone number of an after-hours emergency provider.

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

Eff. June 17, 2024.

Amended Eff. October 1, 2024.

21 NCAC 66 .0903 is amended as published with changes in 38:24 NCR page 1655-1656 as follows:

21 NCAC 66 .0903 SUPERVISING VETERINARIAN

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

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

(c) The owners may designate an interim supervising veterinarian to serve for a period not to exceed ~~25~~ 50 business days.

(d) A veterinarian may be a supervising veterinarian at more than one veterinary facility. At each veterinary facility that is open for 159 hours or less per month, the supervising veterinarian shall be physically onsite 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 supervising veterinarian shall be physically onsite at each veterinary facility for a minimum of 40 hours per month. Electronic or handwritten documentation stating the dates and times that the supervising veterinarian was present at the veterinary facility shall be maintained by the supervising veterinarian at each individual facility and made available by the owner, supervising veterinarian, or the staff at each facility at the time of inspection or investigation by the Board.

(e) The owners of a veterinary facility may designate more than one supervising veterinarian for a veterinary facility, in which case the onsite physical presence of each of the supervising veterinarians at the veterinary facility shall be counted toward satisfaction of the onsite physical presence requirement of ~~Paragraph (d) of this Rule~~ Board Rule 903(d).

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

Eff. June 17, 2024.

Amended Eff. October 1, 2024

21 NCAC 66 .0904 is amended as published with changes in 38:24 NCR page 1656 as follows:

21 NCAC 66 .0904 DISCIPLINE VETERINARY FACILITY PERMITS

(a) The Board shall investigate any complaint within its jurisdiction. The investigation and any resulting hearings shall be conducted pursuant to Sections .0600 and .0700 of the Chapter. Following an investigation and the owner's opportunity to be heard, the Board may:

- (1) revoke or suspend a veterinary facility permit issued under this Chapter;
- (2) discipline the owner of a facility permitted under this Chapter in accordance with the disciplinary measures set forth in Sections .0600 and .0700 of this Chapter;
- (3) deny a veterinary facility permit required by G.S. 90-186(8) and the rules of this Chapter based on violations of Board Rules including but not limited to Rules .0207 and .0208 of this Chapter.

For the purpose of this Rule, references to licensee or registrant in the provisions of Sections .0600 and .0700 of this Chapter are treated as references to owner and permittee. References to license are treated as references to facility permit.

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

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

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

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

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

Eff. June 17, 2024.

Amended Eff. October 1, 2024.

Burgos, Alexander N

From: Keith West <kwest@ncvmb.org>
Sent: Thursday, August 29, 2024 11:34 AM
To: Wiggs, Travis C
Cc: Burgos, Alexander N
Subject: [External] RE: Vet Board Rules-September 2024

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mr. Wiggs,

Thank you. I will try and get these back to you as soon as possible.

Best Regards,

Keith West

Keith West
Executive Director
Legislative Liaison
North Carolina Veterinary Medical Board
(P)919-854-5601

Email correspondence to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, August 29, 2024 11:28 AM
To: Keith West <kwest@ncvmb.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Vet Board Rules-September 2024

Good morning,

I'm the attorney who reviewed the rules submitted by the Veterinary Medical Board for the September 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Wednesday, September 25, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rules and forms to me via email, no later than 5 p.m. on September 13, 2024. Let me know if you have any questions.

Thank you.

Travis C. Wiggs
Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.