

## Burgos, Alexander N

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**Subject:** FW: [External] RE: Veterinary Medical Board RFC- August 2023  
**Attachments:** 21 NCAC 66.0206 Rev 08072023.docx; 21 NCAC 66.0902 Rev08072023.docx

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**From:** Keith West <keith@ncvmb.org>  
**Sent:** Monday, August 7, 2023 8:33 AM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>; kwest@ncvmb.org; tschadler@ncvmb.org  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Matt Skidmore <MSkidmore@teaguecampbell.com>  
**Subject:** RE: [External] RE: Veterinary Medical Board RFC- August 2023

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Good morning Seth,

Attached are the two rules with the requested corrections. Let me know if there is any further action needed by me.

Thank you for your guidance and assistance through this process.

Best Regards,

*Keith West*

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

21 NCAC 66. 0902 is adopted with changes as published in 37:21 NCR pages 2050-2051 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 ~~[to oversee practice of veterinary medicine]~~.

(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 pursuant to ensure compliance with Rule .0207(b)(16) and .0208 of this chapter if an inspection has not been performed in the last two years. ~~The facility inspection shall be conducted to ensure compliance with statutes and the rules of this Chapter, particularly Rules .0207 and .0208 of this Chapter.~~ 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. ~~Each mobile veterinary facility shall be inspected pursuant to G.S. 90-186(2) whether operating under its own veterinary facility permit or operating under an existing veterinary facility permit.~~ The physical address for a veterinary facility shall be the primary business location.

(g) The owner shall notify the Board within ~~[five]~~ten 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 ~~[one of the following:]~~ 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.

1 ~~(j)~~ In the event of a natural or physical event that [results in the loss of the safe and effective utilization of the facility:  
2 pursuant to] prevents the facility from being able to comply with the rules of this Chapter, particularly Rules .0207  
3 and .0208 of this Chapter, the Board shall be notified within 10 business days by the owner(s) or the supervising  
4 veterinarian.

5 ~~(k)~~(j) In the event that the Board is notified that the owner to whom a facility permit is issued is dissolved voluntarily,  
6 administratively, or by operation of ~~[law,] law~~; suspended by the NC Department of ~~[Revenue,] Revenue~~; or has its  
7 certificate of authority revoked by the NC Secretary of State, the Board shall also suspend the permit issued to the  
8 owner. The suspension shall remain in effect until the suspension has been lifted by NC Department of Revenue, or  
9 the person has been reinstated by the NC Secretary of State, or both.

10 ~~(l)~~(k) The Board may issue a temporary veterinary facility permit to the owners of a veterinary facility for a period of  
11 35 business days to allow the owners to address and resolve violations of the rules of this Chapter, particularly,  
12 Rules .0207 and .0208 of this chapter, discovered during the veterinary facility inspection. However, the Board  
13 shall not issue a temporary veterinary facility permit if the violations present a danger to the health or safety of the public  
14 or animals. Upon request of the owner, the Board may extend a temporary permit for an additional period of no more  
15 than 35 business days, as long as satisfactory progress has been made as determined by the Board. In the event of the  
16 death of an owner, the permit remains valid for 35 business days from the date of the death of the owner, so long as  
17 the facility continues to have an active, supervising veterinarian registered with the Board.

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

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

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

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

28 ~~(p)~~(o) An owner or supervising veterinarian shall provide a copy of medical records maintained pursuant to Rule  
29 .0207 of this Chapter within 10 business days of receipt of a request by a current or former patient's owner. The  
30 veterinary facility may charge the patient's owner the actual cost of reproducing the records as a reasonable fee.

31 ~~(q)~~(p) Owners shall post on ~~[the veterinary facility website home page, the emergency services available at the  
32 veterinary facility when the veterinary facility is open and the veterinary facility name, address, and telephone number  
33 for the provider of after hours emergency services.] any existing veterinary facility website home page:~~

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

1 after-hours emergency provider.

2

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

4 Eff. November 2, 2023

## **Burgos, Alexander N**

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**Subject:** FW: [External] RE: Veterinary Medical Board RFC- August 2023

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**From:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Sent:** Thursday, August 3, 2023 10:42 AM

**To:** kwest@ncvmb.org; tschadler@ncvmb.org

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Matt Skidmore <MSkidmore@teaguecampbell.com>

**Subject:** RE: [External] RE: Veterinary Medical Board RFC- August 2023

Thank you Keith,

I will look these over and get back to you by Friday if I have any questions.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: Veterinary Medical Board RFC- August 2023  
**Attachments:** 21 NCAC 66.0902 Rev07312023.docx; 21 NCAC 66.0904 07312023.docx; 21 NCAC 66.0903 Rev 07312023.docx; 21 NCAC 66.0108 Rev 07312023.docx; 21 NCAC 66.0206 Rev 07312023.docx

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**From:** Keith West <keith@ncvmb.org>  
**Sent:** Wednesday, August 2, 2023 5:25 AM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>; tschadler@ncvmb.org  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Matt Skidmore <MSkidmore@teaguecampbell.com>  
**Subject:** [External] RE: Veterinary Medical Board RFC- August 2023

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Seth,

Good morning and thank you for taking the time to speak with me yesterday. Attached are revised rules with recommended changes.

The Board wishes that the effective date for the proposed rules for .0108, .0901, and .0905 be same as the effective date for .0902, .0903, and .0904 which will be subject to legislative review.

If you have any questions or concerns please do not hesitate to contact me.

Best Regards,

*Keith West*

Keith West  
Deputy Director  
Legislative Liaison  
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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~~

1 ~~(j)~~ In the event of a natural or physical event that [results in the loss of the safe and effective utilization of the facility:  
2 pursuant to] prevents the facility from being able to comply with the rules of this Chapter, particularly Rules .0207  
3 and .0208 of this Chapter, the Board shall be notified within 10 business days by the owner(s) or the supervising  
4 veterinarian.

5 ~~(k)~~(j) In the event that the Board is notified that the owner to whom a facility permit is issued is dissolved voluntarily,  
6 administratively, or by operation of ~~[law,]~~ law; suspended by the NC Department of ~~[Revenue,]~~ Revenue; or has its  
7 certificate of authority revoked by the NC Secretary of State, the Board shall also suspend the permit issued to the  
8 owner. The suspension shall remain in effect until the suspension has been lifted by NC Department of Revenue, or  
9 the person has been reinstated by the NC Secretary of State, or both.

10 ~~(l)~~(k) The Board may issue a temporary veterinary facility permit to the owners of a veterinary facility for a period of  
11 35 business days to allow the owners to address and resolve violations of the rules of this Chapter, particularly,  
12 Rules .0207 and .0208 of this chapter, discovered during the veterinary facility inspection. However, the Board  
13 shall not issue a temporary veterinary facility permit if the violations present a danger to the health or safety of the public  
14 or animals. Upon request of the owner, the Board may extend a temporary permit for an additional period of no more  
15 than 35 business days, as long as satisfactory progress has been made as determined by the Board. In the event of the  
16 death of an owner, the permit remains valid for 35 business days from the date of the death of the owner, so long as  
17 the facility continues to have an active, supervising veterinarian registered with the Board.

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

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

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

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

28 ~~(p)~~(o) An owner or supervising veterinarian shall provide a copy of medical records maintained pursuant to Rule  
29 .0207 of this Chapter within 10 business days of receipt of a request by a current or former patient's owner. The  
30 veterinary facility may charge the patient's owner the actual cost of reproducing the records as a reasonable fee.

31 ~~(q)~~(p) Owners shall post on ~~[the veterinary facility website home page, the emergency services available at the  
32 veterinary facility when the veterinary facility is open and the veterinary facility name, address, and telephone number  
33 for the provider of after hours emergency services.]~~ any existing veterinary facility website home page:

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

1 after-hours emergency provider.

2

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

4 Eff. November 2, 2023

1 21 NCAC 66. 0903 is adopted with changes as published in 37:21 NCR pages 2051-2052 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~~ with ~~Board Rules~~ 21 NCAC 66 .0207 and 21 NCAC  
5 66 .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  
8 period not to exceed 25 business days.

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

18 (e) The owners of a veterinary facility may designate more than one supervising veterinarian for a veterinary facility,  
19 in which case the onsite physical presence of each of the supervising veterinarians at the veterinary facility shall be  
20 counted toward satisfaction of the onsite physical presence requirement of Board Rule 0.0903(d).

21  
22 History Note: Authority G.S. 90-185(6); 90-186(9);

23 Eff. November 2, 2023