

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1449

Short Title: Veterinary Practice Act/Fees.

(Public)

Sponsors: Representative Blue.

Referred to: Health, if favorable, Finance.

May 10, 2001

A BILL TO BE ENTITLED

1
2 AN ACT REWRITING THE LAWS UNDER THE NORTH CAROLINA
3 VETERINARY PRACTICE ACT AND AUTHORIZING THE NORTH
4 CAROLINA VETERINARY MEDICAL BOARD TO ESTABLISH AND
5 INCREASE CERTAIN FEES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 90-179 and G.S. 90-181 through 90-187.14 are repealed.

8 **SECTION 2.** Article 11 of Chapter 90 of the General Statutes is amended by
9 adding the following new sections to read:

10 "**§ 90-180.1. Declaration of purpose.**

11 The practice of veterinary medicine in the State of North Carolina is declared a
12 professional privilege affecting the public health, safety, and welfare and is subject to
13 regulation and control in the public interest. It is further declared to be a matter of
14 public interest and concern that the practice of veterinary medicine merit and receive the
15 confidence of the public and that only qualified persons be permitted to engage in the
16 practice of veterinary medicine in this State. This Article shall be liberally construed to
17 carry out these objectives and purposes.

18 "**§ 90-180.2. Definitions.**

19 The following definitions shall apply in this Article:

20 (1) Animal. – Any member of the animal kingdom other than humans,
21 whether living or dead.

22 (2) Animal cruelty. – To intentionally overdrive, overload, wound, injure,
23 torture, torment, deprive of necessary sustenance, cruelly beat,
24 needlessly mutilate or kill an animal, or cause any of these acts to be
25 done to an animal. For purposes of this definition, the terms 'torture',
26 'torment', or 'cruelty' shall include every act, omission, or neglect
27 causing or permitting unjustifiable physical pain, suffering, or death.

- 1 (3) Approved program of continuing education. – An educational program
2 offered by a provider of continuing education approved by the Board.
- 3 (4) Approved provider of continuing education. – Any professional
4 association, university or college, corporation, individual, or other
5 entity that has been approved by the Board to provide educational
6 courses that are designed to assure continued competence in the
7 practice of veterinary medicine.
- 8 (5) Approved veterinary medical program. – A school of veterinary
9 medicine that offers a veterinary professional doctoral degree in
10 veterinary medicine or a veterinary medical education program that
11 offers a veterinary technology degree that has been approved by the
12 Board.
- 13 (6) Artificial insemination. – The process of introducing spermatozoa into
14 the female genital tract of an animal.
- 15 (7) Board. – The North Carolina Veterinary Medical Board.
- 16 (8) Client. – A person that has entered into an agreement with a
17 veterinarian for the purposes of obtaining veterinary medical services.
- 18 (9) Dentistry. – The treatment, extraction, cleaning, adjustment, floating,
19 filing, or smoothing of an animal's teeth and treatment of an animal's
20 gums. For purposes of this definition, the term 'cleaning' shall include
21 curettage or scraping of the teeth below the gum line.
- 22 (10) Informed consent. – The client has been informed of the treatment
23 options, risk assessment, and prognosis in a manner reasonably
24 calculated to be understood by the client and the client has consented
25 to the recommended treatment.
- 26 (11) License. – A document that evidences approval by the Board that a
27 person has successfully completed the requirements set forth in G.S.
28 90-180.8 entitling the person to perform the functions and duties of a
29 veterinarian.
- 30 (12) Licensee. – A person licensed under this Article.
- 31 (13) Limited veterinary license. – A license issued by the Board under this
32 Article that specifically, by its terms, restricts the scope or area of
33 practice of veterinary medicine by the licensee. However, no limited
34 license shall confer or denote an area of specialty by the holder of this
35 limited veterinary license.
- 36 (14) Person. – Any individual, firm, partnership, limited liability company,
37 association, joint venture, cooperative, corporation, or any other group
38 or combination acting in concert, whether acting as a principal, trustee,
39 fiduciary, receiver, or as any kind of legal or personal representative or
40 as the successor in interest, assignee, agent, factor, servant, employee,
41 director, officer, or any other representative of the person.
- 42 (15) Supervision. – The review and guidance of the tasks or performance of
43 an individual required by this Article to be supervised, provided the
44 veterinarian shall be knowledgeable of the tasks that are to be

1 performed and shall monitor and evaluate the performance to ensure
2 that all tasks are completed correctly. The term 'supervision' shall
3 include the following:

4 a. Supervising veterinarian. – A veterinarian who assumes
5 responsibility for the professional care given to an animal by a
6 person working under his or her direction.

7 b. Immediate supervision. – The supervising veterinarian is in the
8 immediate area within audible and visual range of the patient
9 and the person treating the patient.

10 c. Direct supervision. – The supervising veterinarian is on the
11 premises where the animal is being treated and is quickly and
12 easily available, and the animal has been examined by a
13 licensed veterinarian at a time as acceptable veterinary medical
14 practice requires consistent with the particular delegated animal
15 health care task.

16 d. Indirect supervision. – The supervising veterinarian need not be
17 on the premises but has given either written or oral instructions
18 for the treatment of the animal, and the animal is examined by a
19 licensed veterinarian at a time as acceptable veterinary medical
20 practice requires consistent with the particular delegated animal
21 health care task.

22 (16) Veterinarian. – A person who has received a veterinary professional
23 doctoral degree from an approved veterinary medical program and is
24 licensed by the Board to practice veterinary medicine.

25 (17) Veterinary facility. – Any place or unit from which the practice of
26 veterinary medicine is conducted. The following terms apply to the
27 description of a veterinary facility:

28 a. 'Animal health center' or 'animal medical center' includes a
29 veterinary facility in which consultative, clinical, and hospital
30 services are rendered and in which a large staff of basic and
31 applied veterinarians performs significant research and
32 conducts professional educational programs.

33 b. 'Emergency' facility includes a veterinary facility whose
34 primary function is the receiving, treatment, and monitoring of
35 emergency patients during its specified hours of operation. At
36 this veterinary facility a veterinarian is in attendance at all hours
37 of operation, and sufficient staff is available to provide timely
38 and appropriate emergency care. An emergency facility may be
39 an independent after-hours veterinary facility, an independent
40 24-hour veterinary facility, or part of a full service hospital or
41 large teaching institution.

42 c. 'Mobile' facility includes a veterinary practice conducted from a
43 vehicle or unit with special medical or surgical facilities or from
44 a vehicle suitable for making house or farm calls. However, the

- 1 veterinary practice shall have a permanent base of operation
2 with a published address and telephone facilities for making
3 appointments or responding to emergency situations.
- 4 d. 'Office' includes a veterinary facility where a limited or
5 consultative practice is conducted that provides no facilities for
6 the housing of patients.
- 7 e. 'On-call emergency' service includes a veterinary facility,
8 including a mobile facility, where veterinarians and staff are not
9 on the premises during all hours of operation or where
10 veterinarians leave after a patient is treated. A veterinarian shall
11 be available to be reached by telephone for after-hours
12 emergencies.
- 13 f. 'Veterinary clinic' or 'animal clinic' includes a veterinary facility
14 in which the practice conducted is essentially an out-patient
15 practice.
- 16 g. 'Veterinary hospital' or 'animal hospital' includes a veterinary
17 facility in which the practice conducted includes the
18 confinement as well as the treatment of patients.
- 19 h. 'Consulting' practice includes the delivery of medical services
20 by a veterinarian as a consultant to a veterinarian who has a
21 veterinary-client-patient relationship. The consultant
22 veterinarian's services are acquired generally by the primary
23 veterinarian, although the consultant veterinarian may render
24 services jointly with, and sometimes directly to, the client and
25 the patient.
- 26 (18) Veterinarian-client-patient relationship. – A relationship in which:
- 27 a. The veterinarian has assumed the responsibility for making
28 medical judgments regarding the health of the animal and the
29 need for medical treatment, and the client (owner or other
30 caretaker) has agreed to follow the instruction of the
31 veterinarian.
- 32 b. There is sufficient knowledge of the animal by the veterinarian
33 to initiate at least a general or preliminary diagnosis of the
34 medical condition of the animal. This means that the
35 veterinarian has recently seen and is personally acquainted with
36 the keeping and care of the animal by virtue of an examination
37 of the animal or by medically appropriate and timely visits to
38 the premises where the animal is kept.
- 39 c. The veterinarian is readily available or provides for follow-up
40 in case of adverse reactions or failure of the therapy regimen.
- 41 (19) Veterinary employee. – A natural person working under the
42 supervision of a veterinarian.

- 1 (20) Veterinary faculty certificate. – A certificate issued to a veterinary
2 college faculty member in lieu of a license that would otherwise be
3 required by this Article.
- 4 (21) Veterinary technician. – The phrase includes either of the following:
5 a. A person who has successfully completed a post-high school
6 course in the care and treatment of animals from an approved
7 veterinary medical program and who is registered with the
8 Board.
- 9 b. A person who holds a veterinary professional doctoral degree
10 from an approved veterinary medical program and who is
11 registered with the Board as a veterinary technician.
- 12 (22) Veterinary student. – A person who is pursuing a veterinary
13 professional doctoral degree in an approved veterinary medical
14 program and is either currently enrolled, or, if the time in question is
15 during a school break, was enrolled the semester prior to the break and
16 will be enrolled the semester after the break period.
- 17 (23) Veterinary zoo certificate. – A certificate issued to a veterinarian
18 employed by the North Carolina Zoological Park in lieu of a license
19 that otherwise would be required by this Article.

20 **§ 90-180.3. Practice of veterinary medicine.**

21 A person practices veterinary medicine when the person performs any of the
22 following:

- 23 (1) Directly or indirectly consults, diagnoses, makes prognoses, or
24 recommends treatment of an animal for the prevention, cure, or relief
25 of a wound, fracture, bodily injury, disease, or physical or mental
26 condition.
- 27 (2) Educates or teaches core clinical curriculum courses in an approved
28 veterinary medical program.
- 29 (3) Prescribes, dispenses, or administers a drug, medicine, nutraceutical,
30 biologic, appliance, application, or treatment of whatever nature, for
31 the prevention, cure, or relief of a wound, fracture, bodily injury,
32 physical or mental condition, or disease of an animal except when the
33 action is undertaken by a veterinary technician or other person at the
34 direction of and under the supervision of a licensed veterinarian.
- 35 (4) Performs on an animal a surgical or dental operation.
- 36 (5) Performs on an animal or supervises chiropractic manipulation,
37 acupuncture, or physical therapy.
- 38 (6) Performs on an animal any procedure for the diagnosis or treatment of
39 pregnancy, sterility, or infertility.
- 40 (7) Determines the health, fitness, or soundness of an animal.
- 41 (8) Supervises, where appropriate, certain allowable procedures performed
42 on an animal.

1 (9) Represents himself or herself directly or indirectly, publicly or
2 privately, as engaging or offering to engage in the practice of
3 veterinary medicine.

4 (10) Uses any words, letters, or titles that would imply that the person using
5 them is qualified to engage in the practice of veterinary medicine. The
6 use shall be prima facie evidence of the intention to represent himself
7 or herself as engaged in or offering to engage in the practice of
8 veterinary medicine.

9 **"§ 90-180.4. License required.**

10 (a) Except as otherwise provided in this Article, it shall be unlawful for any
11 person to engage in the practice of veterinary medicine unless duly licensed as a
12 veterinarian under the applicable provisions of this Article.

13 (b) No person shall use the designation 'Veterinarian', 'Licensed Veterinarian', or
14 any other designation indicating licensure status, including abbreviations, or hold
15 himself or herself out as a veterinarian unless duly licensed under this Article.

16 (c) The provision of veterinary medical services to a client or patient in this State
17 through telephonic, electronic, or other means, regardless of the location of the person
18 providing the services, shall constitute the practice of veterinary medicine and shall
19 require licensure by the Board.

20 (d) Nothing in this Article shall be construed to prevent members of other
21 professions from performing functions for which they are duly licensed. However, these
22 other professionals may not hold themselves out or refer to themselves by any title or
23 description stating or implying that they are engaged in the practice of veterinary
24 medicine or that they are licensed to engage in the practice of veterinary medicine.

25 (e) Each violation of this Article or rules adopted by the Board shall constitute a
26 Class 1 misdemeanor.

27 **"§ 90-180.5. Exemptions.**

28 The practice of veterinary medicine shall not apply to the following:

29 (1) Any veterinary medical officer serving in the United States armed
30 forces or in the federal government performing veterinary medical
31 services within the scope of official duties if the veterinary medical
32 services are limited to the period of official service.

33 (2) Any person offering gratuitous service in cases of emergency.

34 (3) Any veterinarian who is licensed in another state or country who is
35 acting as a consultant in North Carolina, provided he or she is
36 supervised by a veterinarian licensed by the Board who shall, at or
37 prior to the first instance of consulting, notify the Board, in writing,
38 that he or she is supervising the consulting veterinarian, give the Board
39 the name, address, and licensure status of the consulting veterinarian,
40 and also verify to the Board that the supervising veterinarian assumes
41 responsibility for the professional acts of the consulting veterinarian.
42 However, the consultation by the veterinarian in North Carolina shall
43 not exceed 10 days or parts thereof for each year, and all infectious or

1 contagious diseases shall be reported to the proper authorities
2 according to State law.

3 (4) Any veterinary student enrolled and in good standing in an approved
4 veterinary medical program who engages in the practice of veterinary
5 medicine under the supervision of a licensed veterinarian while
6 completing a requirement for the curriculum of the program.

7 (5) Any person who is a regular student or instructor in a legally chartered
8 college or university while performing those duties and actions
9 assigned as his or her responsibility in teaching or research.

10 (6) Any person or his or her employee who is administering to animals,
11 the title to which is vested in himself or herself, except when the title is
12 so vested for the purpose of circumventing the provisions of this
13 Article.

14 (7) Any person who is dehorning or castrating male food animals.

15 (8) Any person who is providing for or assisting in the practice of artificial
16 insemination of animals.

17 (9) Any physician licensed to practice medicine in this State or his or her
18 assistant while engaged in medical research.

19 (10) Any certified rabies vaccinator appointed, certified, and acting
20 pursuant to G.S. 130A-186.

21 (11) Any person employed by the North Carolina Department of
22 Agriculture and Consumer Services as a livestock inspector or by the
23 United States Department of Agriculture as an animal health
24 technician while performing regular duties assigned during the course
25 and scope of that person's employment.

26 (12) An animal shelter employee who performs euthanasia in the course
27 and scope of the person's employment.

28 **§ 90-180.6. North Carolina Veterinary Medical Board.**

29 (a) Composition. – The Board shall consist of eight members, at least one of
30 whom shall be a representative of the public, six of whom shall be veterinarians who
31 possess the qualifications specified in subsection (c) of this section, and one of whom
32 shall be a veterinary technician. At all times, at least fifty percent (50%) of the
33 veterinarian members of the Board shall be actively engaged in the practice of
34 veterinary medicine in this State.

35 The Governor shall appoint five members to the Board. Four of these members shall
36 be veterinarians. Each veterinarian appointed by the Governor shall reside in a different
37 Congressional district. The Governor shall appoint one public member not licensed by
38 the Board. The Lieutenant Governor shall appoint to the Board two members, one of
39 whom shall be a veterinarian and one of whom shall be a veterinary technician.

40 The Commissioner of Agriculture shall appoint to the Board the State Veterinarian
41 or another veterinarian from the staff of a North Carolina department or institution. This
42 member shall have been a legal resident of this State and licensed to practice veterinary
43 medicine by the Board for not less than five years preceding appointment.

1 **(b) Terms.** – Members of the Board shall be appointed for terms of five years,
2 except that members of the Board who are appointed to fill vacancies which occur prior
3 to the expiration of a former member's full term shall serve the unexpired portion of the
4 term. The terms of the members of the Board shall be staggered, so that the terms of no
5 more than three members shall expire in any year. Each member shall serve until a
6 qualified successor is appointed. No member of the Board shall serve more than two
7 consecutive terms. The completion of the unexpired portion of a full term shall not
8 constitute a full term for purposes of this subsection.

9 **(c) Qualifications.** – Board members shall at all times maintain eligibility to
10 serve on the Board by avoiding relationships that would interfere with the Board's
11 mission of public protection. Board members shall be especially cognizant of issues of
12 conflict of interest. Each veterinarian and veterinary technician member of the Board
13 shall at all times as a Board member be currently licensed by and in good standing with
14 the Board for not less than five years preceding appointment. The public member of the
15 Board shall be a resident of this State, shall have attained 21 years of age, and shall not
16 be, nor shall ever have been, a veterinarian or the spouse of a veterinarian, a person who
17 has ever had any material financial interest in the provision of veterinary services, or a
18 person who has engaged in any activity directly related to the practice of veterinary
19 medicine.

20 **(d) Vacancies.** – Any vacancy that occurs in the membership of the Board for any
21 reason, including expiration of term, removal, resignation, death, disability, or
22 disqualification, shall be filled in the manner prescribed by subsection (a) of this
23 section.

24 **(e) Removal.** – A Board member may be removed for good cause shown and for
25 any of the following:

- 26 **(1)** The misuse of office by a member of the Board to obtain financial or
27 material gain personally or for another through the office.
- 28 **(2)** The transfer of his or her legal residence to another state.
- 29 **(3)** The revocation of his or her license to practice veterinary medicine for
30 any reason under this Article.

31 **(f) Compensation.** – In addition to reimbursement for travel and other expenses
32 as is normally allowed to State employees, each member of the Board, for each day or
33 substantial portion thereof that the member is engaged in the work of the Board, may
34 receive a per diem allowance, as determined by the Board in accordance with G.S. 93B-
35 5. None of the expenses of the Board or the other members shall be paid by the State.

36 **(g) Organization.** – The Board shall elect from its members a president, vice-
37 president, secretary-treasurer, and any other officers as it deems necessary to carry out
38 the provisions of this Article. The president shall preside at all meetings of the Board,
39 be responsible for the performance of all of the duties and functions of the Board, and
40 perform those duties customarily associated with the position and any other duties
41 assigned from time to time by the Board. Officers elected by the Board shall serve terms
42 of one year commencing upon their election and ending upon election of their
43 successors. Officers shall not have a limitation on the number of terms the officers may
44 serve. The Board shall employ an executive director who shall be responsible for the

1 performance of the administrative functions of the Board and any other duties as the
2 Board may direct.

3 (h) Meetings. – The Board shall meet at least four times each year at a time and
4 place fixed by the Board. Other meetings may be called by the president of the Board by
5 giving notice as may be required by rule. Notice of all meetings of the Board shall be
6 given in the manner required by statute or in rules adopted by the Board. A majority of
7 the members of the Board shall constitute a quorum for the conduct of a Board meeting,
8 and, except where a greater number is required by this Article or by any rule of the
9 Board, all action of the Board shall be by a majority of a quorum. All Board meetings
10 and hearings shall be open to the public. The Board may, in its discretion, meet in
11 closed session to prepare, approve, administer, or grade examinations, deliberate the
12 qualification of an applicant for licensure, or investigate and deliberate a complaint
13 against a licensee or registrant of the Board or act as otherwise allowed by G.S. 143-
14 318.9, et seq.

15 **"§ 90-180.7. Powers and duties.**

16 The Board shall have the power and duty to:

- 17 (1) Administer this Article.
- 18 (2) Adopt, amend, or repeal rules as may be necessary to carry out the
19 provisions of this Article.
- 20 (3) License by examination, by transfer, or by temporary or provisional
21 recognition or renew licenses of persons who are qualified to engage in
22 the practice of veterinary medicine under the provisions of this Article.
- 23 (4) Register and regulate the training, qualifications, and discipline of
24 veterinary technicians and the renewal of these registrations.
- 25 (5) Issue and establish criteria for faculty certificates and veterinary zoo
26 certificates and their renewal.
- 27 (6) Register facilities where veterinary medical services are provided
28 under this Article.
- 29 (7) Establish and enforce standards or criteria of programs or other
30 mechanisms to ensure the continuing competence of veterinarians and
31 veterinary technicians.
- 32 (8) Establish and enforce compliance with professional standards and
33 rules of conduct for veterinarians engaged in the practice of veterinary
34 medicine.
- 35 (9) Establish criteria for examination of applicants for licensure as a
36 veterinarian or registration as a veterinary technician.
- 37 (10) Establish criteria for approved providers of continuing education.
- 38 (11) Establish criteria for approved programs of continuing education.
- 39 (12) Establish criteria for approved veterinary medical programs.
- 40 (13) Enforce those provisions of the Article relating to the conduct or
41 competence of veterinarians and veterinary technicians practicing in
42 this State and the suspension, revocation, or restriction of licensees or
43 registrants to engage in the practice of veterinary medicine.

- 1 (14) Upon complaint or information received by the Board and prior to a
2 hearing by the Board, suspend the license of a veterinarian, registration
3 of a veterinary technician, or the registration of a veterinary facility
4 that the Board determines is endangering or may endanger the public
5 health, safety, or welfare, or the health and safety of animals.
6 However, upon issuance of any summary emergency order, the Board
7 shall issue within 15 days of the order a notice of hearing, pursuant to
8 this Article, rules adopted by the Board, and Chapter 150B of the
9 General Statutes, for a hearing on the alleged violation.
- 10 (15) For purposes of enforcement of the provisions of this Article and rules
11 adopted by the Board, including the assessment and collection of civil
12 monetary penalties, costs, and attorneys' fees, maintain jurisdictions'
13 over individuals, regardless of their licensure or registration status,
14 whether active, inactive, expired, lapsed, surrendered, or disciplined,
15 relative to acts, omissions, complaints, and investigations that occurred
16 during the licensure or registration period. Jurisdiction of the Board
17 shall also extend to individuals who are not licensed to practice
18 veterinary medicine.
- 19 (16) Collect professional demographic data.
- 20 (17) Establish minimum standards of practice and codes of conduct relative
21 to the practice of veterinary medicine.
- 22 (18) Investigate or inspect any person or facility at all reasonable hours for
23 the purpose of determining if any provisions of the laws governing the
24 practice of veterinary medicine are being violated.
- 25 (19) Establish criteria for requirements of inactive status of licensure and
26 registration.
- 27 (20) Establish requirements and any other reasonable standards for names
28 and levels of service used to identify veterinary facilities and
29 veterinary medical practices.
- 30 (21) Establish criteria for the inspection and registration of veterinary
31 facilities.
- 32 (22) Establish and collect fees for the following:
- 33 a. Issuance or renewal of a certificate of registration for a
34 professional corporation in an amount not to exceed one
35 hundred fifty dollars (\$150.00).
- 36 b. Administering a North Carolina license examination in an
37 amount not to exceed two hundred dollars (\$200.00).
- 38 c. Securing and administering national examinations in amounts
39 directly related to the costs to the Board.
- 40 d. Inspection of a veterinary facility in an amount not to exceed
41 two hundred dollars (\$200.00).
- 42 e. Issuance or renewal of a license, limited license, veterinary
43 faculty certificate, or veterinary zoo certificate in an amount not
44 to exceed one hundred fifty dollars (\$150.00).

- 1 f. Issuance or renewal of a registration of a facility where
2 veterinary medical services are delivered in an amount not to
3 exceed two hundred dollars (\$200.00).
- 4 g. Reinstatement of any expired license or certificate or
5 registration in an amount not to exceed one hundred dollars
6 (\$100.00).
- 7 h. Issuance or renewal of a veterinary technician registration in an
8 amount not to exceed fifty dollars (\$50.00).
- 9 i. Late fee for renewal of a license, registration, or certificate in an
10 amount not to exceed fifty dollars (\$50.00).
- 11 j. Issuance of a temporary license in an amount not to exceed one
12 hundred fifty dollars (\$150.00).
- 13 k. Providing copies, upon request, of public records in an amount
14 determined by the Board that is reasonably related to the costs
15 of providing these copies.

16 The fees set under this subdivision apply to each renewal period.

- 17 (23) Pursuant to administrative rule, assess and recover costs reasonably
18 incurred by the Board in the investigation, prosecution, hearing, or
19 other administrative action of the Board in final decisions or orders
20 where those persons or entities from whom assessment or recovery is
21 sought are found to have violated the provisions of this Article or rules
22 adopted by the Board. All costs recovered are the property of the
23 Board.
- 24 (24) Join any professional organizations and associations organized
25 exclusively to promote the improvement of the standards of the
26 practice of veterinary medicine for the protection of the health and
27 welfare of the public or whose activities assist and facilitate the work
28 of the Board.
- 29 (25) Any investigation, inquiry, or hearing which the Board is empowered
30 to hold or undertake in accordance with applicable law may be held or
31 undertaken by or before any member of the Board, and the finding or
32 order of the member shall be deemed to be the order of the Board
33 when approved and confirmed as described in G.S. 90-180.5(h).
- 34 (26) Subpoena persons and documents for purposes of depositions or
35 testimony, or both, in the same manner as prescribed in civil cases in
36 the courts of this State. Any member of the Board or administrative
37 law judge shall have power to administer oaths to witnesses at any
38 hearing that the Board is authorized to conduct and any other oaths
39 authorized in any act administered by the Board.
- 40 (27) Enforce an order for payment in the superior court in the county where
41 an administrative hearing is held, where an order for recovery of costs
42 is made, and timely payment is not made as directed in the Board's
43 decision. This right of enforcement shall be in addition to any other
44 rights the Board may have as to any person directed to pay costs.

- 1 (28) Appoint from its own membership one or more members to act as
2 representatives of the Board at any meeting inside or outside the State
3 where the representation is deemed desirable.
- 4 (29) Purchase or rent necessary office space, equipment, and supplies and
5 purchase liability or other insurance to cover the activities of the
6 Board, its operations, or its employees. In the acquisition of office
7 space, the Board shall have the power to acquire, hold, rent, encumber,
8 alienate, and otherwise deal with real property in the same manner as a
9 private person or corporation, subject only to approval of the Governor
10 and the Council of State as to the acquisition, rental, encumbering,
11 leasing, and sale of the property. The collateral pledged by the Board
12 for an encumbrance is limited to the assets, income, and revenues of
13 the Board.
- 14 (30) Permit a veterinarian to obtain treatments, services, therapies, or other
15 therapeutic techniques for animals from persons who are not
16 veterinarians so long as the veterinarian determines these services
17 should be part of the appropriate treatment plan for the animal, and the
18 veterinarian has assumed the responsibility and provided the
19 appropriate supervision of the person providing the additional animal
20 health service or treatment.
- 21 (31) Establish a program of care, counseling, or treatment for veterinarians
22 and veterinary technicians impaired by alcohol or drugs. The program
23 of care, counseling, or treatment shall include a written schedule of
24 organized treatment, care, counseling, activities, or education
25 satisfactory to the Board designed for the purpose of restoring an
26 impaired person to a condition whereby the impaired person can
27 provide veterinary services with reasonable skill and safety.
- 28 (32) Records, papers, and other documents containing information collected
29 or compiled by the Board, or its members or employees, as a result of
30 investigations, inquiries, or interviews conducted in connection with a
31 licensing or disciplinary matter, shall not be considered public records
32 within the meaning of Chapter 132 of the General Statutes. However,
33 notice or statement of charges against any licensee, or any notice to
34 licensee of a hearing in any proceeding, shall be a public record within
35 the meaning of Chapter 132 of the General Statutes, notwithstanding
36 that it may contain information collected and compiled as a result of an
37 investigation, inquiry, or interview, except that if any record, paper, or
38 other document containing information collected or compiled by the
39 Board is received and admitted into evidence in any hearing before the
40 Board, it shall then be a public record within the meaning of Chapter
41 132 of the General Statutes.
- 42 (33) Employ or engage the professional services of persons in addition to
43 the executive director as it deems necessary to carry out the provisions
44 of this Article.

"§ 90-180.8. Qualifications for licensure by examination.

To obtain a license to engage in the practice of veterinary medicine, an applicant for licensure by examination shall satisfy all of the following criteria:

- (1) Submit a written application in the form determined by the Board.
- (2) Possess good moral character.
- (3) Graduate and receive a veterinary professional doctoral degree from an approved veterinary medical program.
- (4) Successfully complete an examination approved by the Board to determine the applicant's minimum competency to practice veterinary medicine in this State if the successful completion has occurred within the five years preceding application.
- (5) Pay all applicable fees specified by the Board relative to the licensure process. The fees shall accompany the completed application.
- (6) Receive a passing score on the written North Carolina licensure examination.

"§ 90-180.9. Examinations.

(a) Any examination for licensure required under this Article shall be given by the Board at least two times during each year. The Board shall approve the content and subject matter of each examination and the place, time, and date of administration of the examination.

(b) The executive director shall give public notice of the time and place for each examination at least 30 days prior to the date of the examination.

(c) The examination shall be prepared to measure the competence of the applicant to engage in the practice of veterinary medicine. The Board may employ, cooperate, and contract with any organization or consultant in the preparation, administration, and grading of an examination. However, the Board shall retain the sole discretion and responsibility for determining which applicants have successfully passed an examination.

"§ 90-180.10. Applicants from nonapproved programs.

(a) The Board may set forth a procedure for applicants who have graduated from a veterinary medical program or a veterinary medical school that is not an approved veterinary medical program to petition the Board for an equivalency determination. At a minimum, the criteria shall include:

- (1) A certified transcript from the veterinary medical program or veterinary medical school.
- (2) Proof of successful completion of an equivalency examination or assessment mechanism designed to evaluate educational equivalence, including clinical competencies.
- (3) Proof of successful completion of a communication ability examination designed to assess communication skills, including a command of the English language.
- (4) Any other reasonable assessment mechanism designed to ensure an applicant possesses the educational background necessary to practice

1 veterinary medicine to protect the public health and safety and the
2 health and welfare of animals.

3 (b) Successful completion of the criteria under subsection (a) of this section and
4 any other criteria established by the Board shall establish educational equivalence as
5 one of the criteria for licensure set forth in this Article. Applicants for licensure under
6 this section shall satisfy all other statutory criteria for licensure prior to the issuance of a
7 license.

8 **"§ 90-180.11. Veterinary technicians.**

9 (a) A veterinary technician may provide medical services at the direction of and
10 under the appropriate level of supervision of a veterinarian commensurate with the
11 technician's training and experience. A veterinary technician may perform the duties
12 that are required in the physical care of animals and in carrying out medical orders as
13 prescribed by a veterinarian.

14 (b) A veterinary technician may perform the following tasks if the supervising
15 veterinarian makes a daily physical examination of the patient being treated:

- 16 (1) Induction and monitoring of anesthesia.
- 17 (2) Dental extraction not requiring sectioning of a tooth or the resection of
18 bone.
- 19 (3) Surgical assistance to a veterinarian.
- 20 (4) Euthanasia.
- 21 (5) Blood or blood component collection, preparation, and administration.
- 22 (6) Application of splints and slings.
- 23 (7) Dental procedures including the removal of calculus, plaque, and
24 stains, the smoothing, filing, and polishing of teeth, or the floatation or
25 trimming of equine teeth.
- 26 (8) Administration and application of treatments, drugs, and medications.
- 27 (9) Intravenous catheterizations.
- 28 (10) Initiation of parenteral fluid administration.
- 29 (11) Radiography.
- 30 (12) Collection of biological samples for diagnostic testing by nonsurgical
31 methods except where in conflict with governmental regulations.
- 32 (13) Laboratory testing.
- 33 (14) Supervision of the handling of biohazardous waste materials.
- 34 (15) Application of tourniquets or bandages.
- 35 (16) Resuscitative procedures.

36 (c) Nothing in this section shall be construed to permit a veterinary technician to
37 do the following:

- 38 (1) Make any diagnosis or prognosis.
- 39 (2) Prescribe any treatments, drugs, medications, or appliances.
- 40 (3) Perform surgery.

41 **"§ 90-180.12. Veterinary employees.**

42 A veterinary employee may perform medical services that are required to carry out
43 the medical orders of a supervising veterinarian under the appropriate level of
44 supervision commensurate with the employee's level of training and experience. It is the

1 responsibility of the supervising veterinarian to ensure that the veterinary employee has
2 sufficient knowledge and training to perform the specified duties in a competent
3 manner. However, a veterinary employee shall not do any of the following:

- 4 (1) Make any diagnosis or prognosis.
- 5 (2) Prescribe any treatments, drugs, medications, or appliances.
- 6 (3) Perform surgery.

7 **"§ 90-180.13. Veterinary students.**

8 Veterinary students may provide services under the general supervision of a
9 supervising veterinarian commensurate with their level of training. This may include
10 performing surgery under immediate supervision. It shall be the responsibility of the
11 supervising veterinarian to ascertain that the student performs the specified duties in a
12 competent manner.

13 **"§ 90-180.14. Temporary license.**

14 The Board may issue a temporary license to practice veterinary medicine under the
15 supervision of a licensed veterinarian to a person who does not meet all of the statutory
16 criteria for licensure under this Article. The temporary license shall be issued under
17 procedures determined by the Board. However, no temporary license shall be granted
18 for a period exceeding six months from the date of issuance. A temporary license may
19 contain restrictions relating to time, place, or supervision that the Board deems
20 appropriate and may be summarily revoked by a majority vote of the Board without a
21 hearing.

22 **"§ 90-180.15. Reciprocity.**

23 A veterinarian currently licensed to practice veterinary medicine in another state
24 may obtain a license to practice as a veterinarian in this State if the applicant satisfies all
25 of the following criteria:

- 26 (1) Submits a written application in the form prescribed by the Board.
- 27 (2) Possesses good moral character.
- 28 (3) Possesses, at the time of initial licensure as a veterinarian in his or her
29 home state, all of the qualifications necessary to have been eligible for
30 licensure at that time in this State.
- 31 (4) Has been actively engaged in the practice of veterinary medicine for at
32 least 3,000 hours during the three years prior to application.
- 33 (5) Presents to the Board proof of initial licensure by examination from his
34 or her home state and proof that the license is in good standing.
- 35 (6) Presents to the Board proof that any other veterinary medical license
36 granted to the applicant by any other state has not been suspended,
37 revoked, or otherwise restricted for reasons other than renewal or
38 failure to obtain the required continuing education credits in any state
39 where the applicant is currently licensed but not engaged in the
40 practice of veterinary medicine. However, the Board may, in its
41 discretion, assess the magnitude of any disciplinary action and
42 determine the eligibility of the applicant for licensure in this State.
- 43 (7) Successfully completes the State examination.
- 44 (8) Pays the required fees.

1 **"§ 90-180.16. Continuing education.**

2 The Board shall establish requirements for continuing education in veterinary
3 medicine, including the determination of acceptable program content. The Board shall
4 adopt rules necessary to carry out the stated objectives and purposes of continuing
5 education and to enforce the provisions of this section and ensure the continuing
6 competence of veterinarians.

7 **"§ 90-180.17. Licensure and registration renewal.**

8 (a) Licensees and registrants shall be required to renew their licenses and
9 registrations at the time and in the manner established by the Board.

10 (b) As a requirement for licensure and registration renewal, each licensee and
11 registrant shall provide evidence satisfactory to the Board of completion of continuing
12 education hours, in accordance with rules adopted by the Board from an approved
13 program of continuing education during the renewal period.

14 (c) Veterinary facilities where veterinary medical services are delivered shall be
15 required to renew their registrations at the time and in the manner established by the
16 Board.

17 (d) A veterinarian who allows a license to expire or lapse due to nonrenewal for
18 failure to submit the required continuing education hours or pay the applicable renewal
19 fees shall be treated as having an expired license and shall be ineligible to practice. An
20 expired license may be reinstated, at the discretion of the Board, as follows:

21 (1) Reinstatement petitions submitted within 120 days of the expiration
22 date may be reinstated upon substantiation by the applicant of all
23 renewal requirements set forth within this Article, along with the
24 payment of any applicable fees, including a late fee to be determined
25 by the Board.

26 (2) Reinstatement petitions submitted after 120 days after the expiration
27 date but within two years of the expiration date may be reinstated upon
28 substantiation by the applicant of all renewal requirements set forth
29 within this Article, including completion of all continuing education
30 credits required to have been completed during the inactive status
31 period, along with a renewal fee to be determined by the Board.

32 (3) Reinstatement petitions submitted two years or more after the
33 expiration date may be reinstated upon substantiation by the applicant
34 of all eligibility requirements for licensure pursuant to G.S. 90-180.8,
35 G.S. 90-180.15, and rules adopted by the Board.

36 (4) The Board may consider extenuating circumstances of petitioners who
37 can demonstrate hardship, so long as the Board maintains its public
38 protection mission in considering the petitions.

39 **"§ 90-180.18. Inactive license.**

40 (a) A licensed veterinarian who is in good standing with the Board and who has
41 ceased the practice of veterinary medicine may apply for inactive status. The Board, in
42 its discretion, may place the licensed veterinarian on an inactive list, and thereafter the
43 inactive veterinarian shall not practice medicine, nor be required to pay the annual
44 license renewal fee or required to earn continuing education credits.

1 **(b)** Any inactive veterinarian who desires to be reinstated or to resume the
2 practice of veterinary medicine may be reinstated within the discretion of the Board
3 upon written application and the determination that the inactive veterinarian has paid the
4 required license renewal fee for the current year in which the application is filed and
5 that the veterinarian earned the required continuing education credits in the year
6 preceding reinstatement.

7 **"§ 90-180.19. Disciplinary authority.**

8 **(a)** Upon complaint or information, and in the Board's discretion, the Board may
9 revoke or suspend a license issued under this Article, otherwise discipline a person
10 licensed under this Article, or deny a license required by this Article in accordance with
11 the provisions of this Article, rules adopted by the Board, and Chapter 150B of the
12 General Statutes. For purposes of this section, the word license applies to any license,
13 temporary license, or registration issued by the Board.

14 **(b)** Grounds for disciplinary action shall include any of the following:

- 15 **(1)** Unprofessional conduct as defined in rules adopted by the Board.
- 16 **(2)** Incompetence, gross negligence, or other malpractice in the practice of
17 veterinary medicine.
- 18 **(3)** Performing services outside of the scope of practice authorized by this
19 Article.
- 20 **(4)** Conduct in violation of any of the provisions of this Article or rules
21 adopted by the Board, including the failure to cooperate with the
22 Board in the inspection or investigative process within a reasonable
23 time period.
- 24 **(5)** Incapacity or impairment, for whatever reason, that prevents a licensee
25 from engaging in the practice of veterinary medicine with reasonable
26 skill, competence, and safety to the public.
- 27 **(6)** Conviction of a felony.
- 28 **(7)** Any act involving moral turpitude or immorality.
- 29 **(8)** Violations of the laws, rules, and regulations of this State, any other
30 state, or the federal government pertaining to any aspect of the practice
31 of veterinary medicine.
- 32 **(9)** Failure to report, as required by the laws and regulations of the State,
33 or making false report of, any contagious or infectious disease.
- 34 **(10)** Fraud or dishonesty in the application or reporting of any test for
35 disease in animals.
- 36 **(11)** Fraud, dishonesty, or gross negligence in the inspection of foodstuffs
37 or the issuance of health or inspection certificates.
- 38 **(12)** Conduct constituting cruelty or abuse of animals or conviction of a
39 criminal offense of cruelty to animals.
- 40 **(13)** Misrepresentation of a fact by an applicant or licensee:
 - 41 **a.** In securing or attempting to secure the issuance or renewal of a
42 license.
 - 43 **b.** In statements regarding the veterinarian's skills or using any
44 false, fraudulent, or deceptive statement connected with the

- 1 practice of veterinary medicine, including false or misleading
2 advertising.
- 3 (14) Fraud by a licensee in connection with the practice of veterinary
4 medicine.
- 5 (15) Acts or behavior constituting fraud, dishonesty, or misrepresentation in
6 dealings with the Board or in the veterinarian-client-patient
7 relationship.
- 8 (16) Engaging or aiding or abetting any person in the practice of veterinary
9 medicine without a license or falsely using the title of veterinarian or a
10 derivative thereof.
- 11 (17) Failing to conform to accepted minimum standards of practice.
- 12 (18) Failing to maintain a veterinary facility at the minimum standards for
13 facilities.
- 14 (19) Failure to comply with regulations of the United States Food and Drug
15 Administration regarding biologics, controlled substances, drugs, or
16 medicines.
- 17 (20) Selling, dispensing, prescribing, or allowing a person to sell, dispense,
18 or prescribe biologics, controlled substances, drugs, or medicines
19 without a veterinarian-client-patient relationship.
- 20 (21) The illegal use, dispensing, prescription, sale, or handling of controlled
21 substances or other drugs and medicines.
- 22 (22) Conviction of a federal or state criminal offense involving the illegal
23 use, prescription, sale, or handling of controlled substances, other
24 drugs, or medicines.
- 25 (23) Revocation of a license to practice veterinary medicine by another
26 state, territory, or district of the United States if the grounds for
27 revocation in the other jurisdiction could result in revocation of the
28 practitioner's license in this State.
- 29 (24) Failing to pay the costs assessed in a disciplinary matter or failing to
30 comply with a term or provision of an order or final decision of the
31 Board.
- 32 (25) Engaging in conduct that violates the security of any examination
33 materials, including any of the following:
- 34 a. Removing from the examination room any examination
35 materials without authorization.
- 36 b. The unauthorized reproduction by any means of any portion of
37 the actual examination.
- 38 c. Aiding by any means the unauthorized reproduction of any
39 portion of the actual examination.
- 40 d. Paying or using professional or paid examination-takers for the
41 purpose of reconstructing any portion of the examination.
- 42 e. Obtaining examination questions or other examination material,
43 except by specific authorization, either before, during, or after
44 an examination.

1 f. Using or purporting to use any examination questions or
2 materials that were improperly removed or taken from any
3 examination.

4 g. Selling, distributing, buying, receiving, or having unauthorized
5 possession of any portion of a future, current, or previously
6 administered examination.

7 (26) Communicating with any other examinee during the administration of
8 an examination, including any of the following:

9 a. Copying answers from another examinee or permitting an
10 examinee's answers to be copied by another examinee.

11 b. Having in an examinee's possession, during the administration
12 of the examination, any books, equipment, notes, written or
13 printed materials, or data of any kind, other than the
14 examination materials distributed, or otherwise authorized to be
15 in one's possession during the examination.

16 c. Impersonating an examinee or having an impersonator take the
17 examination on the examinee's behalf.

18 (27) The revocation, suspension, surrender, or other disciplinary sanction of
19 a veterinary license or of other adverse action related to a veterinary or
20 related license in another jurisdiction or country including the failure
21 to report the adverse action to the Board.

22 (c) Subject to an order duly entered by the Board, any person whose license to
23 practice veterinary medicine in this State has been suspended or restricted pursuant to
24 this Article, whether voluntarily or by action of the Board, shall have the right, at
25 reasonable intervals, to petition the Board for reinstatement of the license. The petition
26 shall be made in writing and in the form prescribed by the Board. Upon investigation
27 and hearing, the Board may, in its discretion, grant or deny the petition, or it may
28 modify its original finding to reflect any circumstances that have changed sufficiently to
29 warrant the modifications. The Board may require the person to pass an examination,
30 complete Board-imposed continuing education requirements, or any other sanctions
31 deemed appropriate by the Board for reentry into the practice of veterinary medicine.

32 (d) The Board may issue a cease and desist order to stop any person not licensed
33 to practice veterinary medicine under this Article from engaging in practice or violating
34 or threatening to violate a statute, rule, or order which the Board has issued or is
35 empowered to enforce. The cease and desist order shall state the reason for its issuance
36 and give notice of the person's right to request a hearing under applicable procedures as
37 set forth in Chapter 150B of the General Statutes. Nothing in this subsection shall be
38 construed as barring criminal prosecutions for violations of this Article.

39 (e) Any veterinarian whose license to practice veterinary medicine is revoked,
40 suspended, or not renewed shall return the license to the offices of the Board within 10
41 days after notice of the action.

42 **"§ 90-180.20. Civil penalties.**

43 (a) In addition to taking any of the actions permitted under G.S. 90-180.19, the
44 Board may impose and collect from a licensee a civil monetary penalty not to exceed

1 five thousand dollars (\$5,000) for each violation of this Article or rules adopted by the
2 Board.

3 (b) Before imposing and assessing a civil penalty and fixing the amount thereof,
4 the Board shall, as a part of its deliberations, take into consideration the following
5 factors:

6 (1) The degree and extent of harm to the public health or to the health of
7 the animal under the licensee's care.

8 (2) The duration and gravity of the violation.

9 (3) Whether the violation was committed willfully or intentionally or
10 reflects a continuing pattern.

11 (4) Whether the violation involved elements of fraud or deception either to
12 the client or to the Board, or both.

13 (5) The prior disciplinary record with the Board of the licensee.

14 (6) Whether and the extent to which the licensee profited by the violation.

15 (c) The Board may, in a disciplinary proceeding, charge costs, including
16 reasonable attorneys' fees, to the licensee or registrant against whom the proceedings
17 were brought.

18 **"§ 90-180.21. Summary suspension.**

19 Upon complaint or information received by the Board and prior to a hearing by the
20 Board, the Board may, through summary emergency order of the Board, suspend the
21 license of a veterinarian or the registration of a veterinary technician or veterinary
22 facility that the Board determines is endangering, or may endanger, the public health,
23 safety, or welfare or the health and safety of animals. However, upon issuance of any
24 summary emergency order, the Board shall issue, within 15 days after suspending the
25 license or registration, a notice of hearing in accordance with this Article, rules adopted
26 by the Board, and Chapter 150B of the General Statutes for hearing on the alleged
27 violation.

28 **"§ 90-180.22. Injunctions.**

29 The Board may appear in its own name in the superior courts in an action for
30 injunctive relief to prevent violation of this Article, and the superior courts shall have
31 power to grant the injunctions regardless of whether criminal prosecution has been or
32 may be instituted as a result of the violations. Actions under this section shall be
33 commenced in the superior court district or set of districts, as defined in G.S. 7A-41.1,
34 in which the respondent resides or has his or her principal place of business or where the
35 alleged acts occurred.

36 **"§ 90-180.23. Confidential communications; exceptions.**

37 (a) No veterinarian shall disclose any information acquired from persons
38 consulting the veterinarian in a professional capacity, except that which may be
39 voluntarily disclosed under the following circumstances:

40 (1) In the course of formally reporting, conferring, or consulting with
41 colleagues or consultants who share professional responsibility, in
42 which instance all recipients of the information are similarly bound to
43 regard the communications privilege.

44 (2) With the consent of the client or the client's agent.

- 1 (3) In the case of death or disability of the client, with the consent of a
2 personal representative or other authorized person.
- 3 (4) When a communication reveals the commission of, or intended
4 commission of, a crime or harmful act or animal abuse and the
5 disclosure is judged necessary by the veterinarian to protect any person
6 or animal from a clear, imminent risk of serious mental or physical
7 harm or injury, or to prevent a serious threat to the public safety.
- 8 (5) When the person waives the privilege of bringing any public charges
9 against the licensee or registrant before this Board or otherwise.
- 10 (6) When, in the veterinarian's professional judgment, there is reasonable
11 cause to suspect that a person or animal has been or is being abused.
- 12 (7) When the person is a minor under the laws of this State, and the
13 information acquired by the veterinarian provides a reason to suspect
14 or indicates that the minor was the victim or the subject of a crime, the
15 veterinarian may be required to testify in any judicial proceedings in
16 which the commission of that crime is the subject of inquiry, and
17 when, after an in camera review of the information that the
18 veterinarian acquired, the court determines that the interests of the
19 minor in having the information held privileged are outweighed by the
20 requirements of justice, the need to protect the public safety, or the
21 need to protect the minor.

22 (b) Any person having access to records or anyone who participates in providing
23 veterinary medical services or who is supervised by a veterinarian is similarly bound to
24 regard all information and communications as confidential in accordance with this
25 section.

26 **"§ 90-180.24. Ownership of records.**

27 All documentation that comprises a medical record, including written notations,
28 computerized or digital data, radiographs, and laboratory reports, are the property of the
29 veterinary practice. The owner of the patient or group of animals and the future owners
30 of the patient or animals are entitled to copies of the patient's or animals' medical
31 records.

32 **"§ 90-180.25. Treatment without owner consent.**

33 (a) A veterinarian may provide veterinary medical services to save the life of or
34 stabilize an animal when the veterinarian does not have a veterinarian-client-patient
35 relationship, and the ownership of the animal is not determined. The veterinary medical
36 services may be administered by the veterinarian or under the veterinarian's supervision.
37 If time and the health of the animal permit, the veterinarian shall make reasonable
38 inquiries as to the owner of the animal prior to the delivery of the services. If, in the
39 opinion of the veterinarian, the injuries sustained are serious, the veterinarian may, in
40 his or her discretion, determine whether the animal shall be euthanized.

41 (b) The veterinarian shall take reasonable steps to identify the owner of the
42 animal within 72 hours of the onset of treatment. If the veterinarian is unable to locate
43 the owner within that time, the animal will be deemed abandoned under the provisions

1 of this Article. A veterinarian who renders services under this section shall not be held
2 liable in any civil or criminal action for providing these services.

3 **"§ 90-180.26. Abandonment of animals.**

4 (a) Any animal placed in the custody of a veterinarian for treatment, boarding, or
5 other care that is unclaimed by its owner or his or her agent for a period of more than 10
6 days after written notice by registered or certified mail, return receipt requested, to the
7 owner or his or her agent at the last known address, shall be deemed to be abandoned
8 and may be turned over to a humane society or animal control facility or disposed of as
9 the custodian may deem proper.

10 (b) The giving of notice to the owner, or agent of the owner, of the abandoned
11 animal by the veterinarian, as provided in subsection (a) of this section, shall relieve the
12 veterinarian and any custodian to whom the animal may be given of any liability for
13 disposal.

14 (c) Abandonment under this section shall not affect the financial responsibility of
15 the owner or his or her agent to the veterinarian for the services rendered to the animal.
16 For purposes of this section, abandonment means to forsake entirely or to neglect or
17 refuse to provide or perform the legal obligations for care and support of an animal by
18 its owner or his or her agent. Abandonment shall constitute the relinquishment of all
19 rights and claims by the owner to the animal."

20 **SECTION 3.** Severability. If any provision of this act or the application of
21 this act to any person or circumstance is held invalid by a court of competent
22 jurisdiction, the invalidity shall not affect other provisions or applications of the act
23 which can be given effect without the invalid provision or application, and to this end
24 the provisions of this act are declared to be severable.

25 **SECTION 4.** This act is effective when it becomes law.