

Introduced by

Representatives Lefor, Silbernagel, Trottier

Senators Heckaman, Miller, Wardner

1 A BILL for an Act to amend and reenact sections 43-15.4-01, 43-29-01.1, and 43-29-15 of the  
2 North Dakota Century Code, relating to the veterinarian-client-patient relationship; and to  
3 provide for a legislative management study.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 43-15.4-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **43-15.4-01. Definitions.**

8 As used in this chapter:

- 9 1. "Board" means the state board of pharmacy.
- 10 2. "Compound" means the preparation, mixing, assembling, packaging, or labeling of a  
11 drug or device.
- 12 3. "Controlled substance" means a drug, substance, or immediate precursor in  
13 schedules I through V as set out in chapter 19-03.
- 14 4. "Dispensing" means the delivery of a veterinary prescription drug pursuant to the  
15 lawful order of a licensed veterinarian and the associated recordkeeping that is  
16 relevant to that practice.
- 17 5. "Extra-label use" means the use of an approved drug in a manner that is not in  
18 accordance with the approved label directions.
- 19 6. "Nontraditional livestock" means any wildlife held in a cage, fence, enclosure, or other  
20 manmade means of confinement that limits its movement within definite boundaries or  
21 an animal that is physically altered to limit movement and facilitate capture.
- 22 7. "Veterinary prescription drugs" means drugs that are to be used or prescribed only  
23 within the context of a valid veterinarian-client-patient relationship. Veterinary

1 prescription drugs are those drugs restricted by federal law to use by or on the order of  
2 a licensed veterinarian.

3 8. "Veterinarian-client-patient relationship" means:

4 a. A veterinarian has assumed the responsibility for making medical judgments  
5 regarding the health of an animal and the need for medical treatment, and the  
6 client, who is the owner or other caretaker, has agreed to follow the instructions  
7 of the veterinarian.;

8 b. ~~There is~~The veterinarian, using professional judgment, determines that the  
9 veterinarian has sufficient knowledge of the animal ~~by the veterinarian~~ to initiate  
10 at least a general or preliminary diagnosis of the medical condition of the animal.;

11 and  
12 c. The practicing veterinarian is readily available, physically or electronically, for  
13 followup in the case of adverse reactions or failure of the regimen of therapy. ~~This~~  
14 ~~relationship exists only when the veterinarian has recently seen and is personally~~  
15 ~~acquainted with the keeping and care of the animal by virtue of an examination of~~  
16 ~~the animal and by medically appropriate and timely visits to the premises where~~  
17 ~~the animal is kept.~~

18 9. "Veterinary dispensing technician" means a nonpharmacist registered by the board to  
19 dispense veterinary prescription drugs in a veterinary retail facility.

20 10. "Veterinary retail facility" means an establishment registered by the board employing a  
21 registered veterinary dispensing technician authorized to dispense veterinary  
22 prescription drugs pursuant to bona fide orders of veterinarians.

23 **SECTION 2. AMENDMENT.** Section 43-29-01.1 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **43-29-01.1. Definitions.**

26 As used in this chapter, unless the context otherwise requires:

27 1. "Accredited college of veterinary medicine" means any veterinary college or division of  
28 a university or college which offers the degree of doctor of veterinary medicine or its  
29 equivalent and which conforms to the standards required for accreditation by the  
30 council on education of the American veterinary medical association.

- 1        2. "Accredited program in veterinary technology" means any postsecondary educational  
2            program of two or more academic years that is accredited by the committee on  
3            veterinary technician education and activities of the American veterinary medical  
4            association.
- 5        3. "Animal" means any animal other than a human being. The term includes any  
6            mammal, bird, fish, reptile, or fowl, whether wild or domestic, living or dead.
- 7        4. "Board" means the board of veterinary medical examiners.
- 8        5. "Certificate" means a certificate issued by the educational commission for foreign  
9            veterinary graduates or the educational equivalence program of the American  
10           association of veterinary state boards, indicating the holder has demonstrated  
11           knowledge and skill equivalent to that possessed by a graduate of an accredited  
12           college of veterinary medicine.
- 13       6. "Licensed veterinarian" means a person who is licensed by the board to practice  
14           veterinary medicine.
- 15       7. "Licensed veterinary technician" means a person who has graduated from an  
16           accredited program in veterinary technology or an equivalent program as determined  
17           by the board, and who has passed an examination prescribed by the board.
- 18       8. "Practice of veterinary medicine" means to:
  - 19           a. Diagnose, treat, correct, change, relieve, or prevent animal disease, deformity,  
20              defect, injury, or other physical or mental conditions. The term includes the  
21              prescription or administration of any drug, medicine, biologic, apparatus,  
22              application, anesthetic, or other therapeutic or diagnostic substance or technique,  
23              the use of any manual or mechanical procedure for testing for pregnancy, or for  
24              correcting sterility or infertility, or to render advice or recommendation with regard  
25              to any of the above.
  - 26           b. Represent, directly or indirectly, publicly or privately, an ability and willingness to  
27              do an act described in subdivision a.
  - 28           c. Use any title, word, abbreviation, or letter in a manner or under circumstances  
29              that induce the belief the person using the title, word, abbreviation, or letter is  
30              qualified to do any act described in subdivision a.

1           d. Apply principles of environmental sanitation, food inspection, environmental  
2           pollution control, animal nutrition, zoonotic disease control, and disaster medicine  
3           in the promotion and protection of public health.

4           9. "Veterinarian-client-patient relationship" means:

5           a. A veterinarian has assumed the responsibility for making medical judgments  
6           regarding the health of an animal and the need for medical treatment, and the  
7           client, who is the owner or other caretaker, has agreed to follow the instructions  
8           of the veterinarian.;

9           b. ~~There is~~ The veterinarian, using professional judgment, determines that the  
10          veterinarian has sufficient knowledge of the animal ~~by the veterinarian~~ to initiate  
11          at least a general or preliminary diagnosis of the medical condition of the animal.;

12          and  
13          c. The practicing veterinarian is readily available, physically or electronically, for  
14          followup in the case of adverse reactions or failure of the regimen of therapy. ~~This~~  
15          ~~relationship exists only when the veterinarian has recently seen and is personally~~  
16          ~~acquainted with the keeping and care of the animal by virtue of an examination of~~  
17          ~~the animal and by medically appropriate and timely visits to the premises where~~  
18          ~~the animal is kept.~~

19          10. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, chiropractic,  
20          acupuncture, and all other branches or specialties of veterinary medicine.

21          **SECTION 3. AMENDMENT.** Section 43-29-15 of the North Dakota Century Code is  
22          amended and reenacted as follows:

23          **43-29-15. Complaints - Investigations.**

24          1. Any person may file a written complaint with the board setting forth the specific  
25          charges upon which the complaint is made. Upon receiving a complaint, the board  
26          shall notify the veterinarian of the complaint and request a written response from the  
27          veterinarian. The board may adopt rules establishing a peer review committee for the  
28          purpose of investigating complaints and providing recommendations to the board. A  
29          veterinarian who is the subject of an investigation by the board shall cooperate fully  
30          with the investigation. Cooperation includes responding fully and promptly to any  
31          reasonable question raised by or on behalf of the board relating to the subject of the

1 investigation and providing copies of records when reasonably requested by the  
2 board.

3 2. a. To pursue the investigation, the board may subpoena and examine witnesses  
4 and records, including medical records, copy, photograph, or take samples. The  
5 board may require the veterinarian to give statements under oath, to submit to a  
6 physical or psychological examination, or both, by a physician or other qualified  
7 evaluation professional selected by the board if it appears to be in the best  
8 interest of the public that this evaluation be secured.

9 b. After review of the complaint, the veterinarian's response, and information  
10 obtained in the investigation, the board shall determine if there is a reasonable  
11 basis to believe the allegations are true and that the allegations constitute a  
12 violation of this chapter or the rules of the board.

13 (1) If the board determines there is a reasonable basis to believe the  
14 allegations are true and the allegations constitute a violation of this chapter  
15 or the rules of the board, the board shall take appropriate action.

16 (2) If a reasonable basis is not found by the board, the board shall notify the  
17 complaining party and the veterinarian in writing.

18 (3) If the board determines that the complaint was frivolous, the board shall  
19 award costs and attorney's fees to the veterinarian against whom the  
20 complaint was filed. For purposes of this paragraph, "frivolous" means that  
21 the complaint was based on a complete absence of facts or law and that a  
22 reasonable person could not have believed that a judgment would be  
23 entered against the veterinarian.

24 **SECTION 4. STATE BOARD OF VETERINARY MEDICAL EXAMINERS - LEGISLATIVE**  
25 **MANAGEMENT STUDY.** The legislative management shall consider studying those provisions  
26 of the North Dakota Century Code that relate to the state board of veterinary medical  
27 examiners, including the board's powers and duties, for the purpose of recommending changes  
28 to laws that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and  
29 direction. The legislative management shall report its findings and recommendations, together  
30 with any legislation required to implement the recommendations, to the sixty-fifth legislative  
31 assembly.