

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 353
SENATE BILL 170

1 AN ACT TO AMEND ARTICLE 11 OF CHAPTER 90 OF THE GENERAL STATUTES
2 RELATING TO VETERINARIANS.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** G.S. 90-179 is hereby amended by rewriting the Section to read as
7 follows:

8 **"G.S. 90-179. North Carolina Veterinary Medical Association, Incorporated.** The
9 Association of Veterinary Surgeons and Physicians calling themselves the North Carolina
10 Veterinary Medical Association is declared to be a body politic and corporate under the name
11 and style of the North Carolina Veterinary Medical Association."

12 **Sec. 2.** Article 11 of Chapter 90 of the General Statutes is hereby amended by
13 adding a new Section immediately following G.S. 90-179, and immediately preceding
14 G.S. 90-180, to be numbered G.S. 90-179.1, and to read as follows:

15 **"G.S. 90-179.1. Definitions.** When used in this Chapter, unless the context otherwise requires:

16 "(a) 'Board' means the veterinary medical board of the State of North Carolina;

17 "(b) 'Veterinary' means a graduate of a school of veterinary medicine accredited by the
18 American Veterinary Medical Association;

19 "(c) 'Applicant' means an applicant for a license to practice veterinary medicine;

20 "(d) 'License' means a certificate of license to practice veterinary medicine in North
21 Carolina, issued pursuant to the provisions of G.S. 90-183 of the General Statutes of North
22 Carolina;

23 "(e) 'Temporary Permit' means a temporary permit to practice veterinary medicine,
24 issued pursuant to G.S. 90-183 of the General Statutes of North Carolina;

25 "(f) 'Animal' means any mammal other than man;

26 "(g) The 'practice of veterinary medicine' means the practice of any person who:

27 "(1) Diagnoses, prognoses, treats, administers to, prescribes for, operates on,
28 manipulates, or applies any apparatus or appliance for any disease, pain,
29 deformity, defect, injury, wound, or physical condition of any animal or for
30 the prevention of or to test for the presence of any disease of any animal, or
31 who holds himself out as being able or legally authorized to act in such
32 manner;

33 "(2) Practices dentistry or surgery on any animal;

34 "(3) Represents himself as engaged in the practice of veterinary medicine as
35 defined in paragraphs (1) and (2) of this Section;

36 "(4) Uses any words, letters or titles in such connection and under such
37 circumstances as to induce the belief that the person using them is engaged
38 in or is legally qualified for the practice of veterinary medicine.

39 **Sec. 3.** G.S. 90-180 is hereby amended by rewriting the Section to read as follows:

40 **"G.S. 90-180. North Carolina Veterinary Medical Board; Appointment, Membership,
41 Organization.** In order to properly regulate the practice of veterinary medicine and surgery,
42 there shall be a board to be known as the North Carolina Veterinary Medical Board which shall
43 consist of five members appointed by the Governor. When and as the terms of the present

1 members expire, the Governor shall annually appoint one member of such Board, who shall
2 hold his office for five years, and until his successor is appointed and qualified. Every person
3 so appointed shall, within 30 days after notice of appointment appear before the Clerk of the
4 Superior Court of the county in which he resides and take oath to faithfully discharge the duties
5 of his office.

6 "Each member shall have been a legal resident of this State and licensed to practice
7 veterinary medicine in this State for not less than five years prior to his appointment.

8 "No person who has been appointed a member of the Board shall continue on said Board if
9 during the term of his appointment he shall (1) transfer his legal residence to another state; or
10 (2) be or become the owner of, or be employed by, any wholesale or jobbing house dealing in
11 supplies, equipment, or instruments used or useful in the practice of veterinary medicine; or (3)
12 have his license to practice veterinary medicine rescinded for cause in accordance with the
13 provisions of Chapter 150 of the General Statutes."

14 **Sec. 4.** G.S. 90-182 is hereby amended to read as follows:

15 "**G.S. 90-182. Compensation of the Board.** Each member of the Board may for personal
16 expenses receive up to twenty-five dollars (\$25.00) for each day, or portion thereof, he is
17 actually engaged in the discharge of his duties. None of the expenses of the Board or of the
18 members shall be paid by the State."

19 **Sec. 5.** G.S. 90-183 is hereby amended by striking out from lines eight and nine
20 thereof the words "United States Bureau of Animal Industry and the United States Army" and
21 substituting therefor the words "American Veterinary Medical Association".

22 **Sec. 6.** Article 11 of Chapter 90 of the General Statutes is hereby amended by
23 adding a new Section immediately following G.S. 90-183.1 and immediately preceding
24 G.S. 90-184 and to read as follows:

25 "**G.S. 90-183.2. Annual Registration with Board.** Every person heretofore or hereafter
26 licensed to practice veterinary medicine by said Board shall during the month of January, 1962,
27 and during the month of January in every year thereafter, register with the Secretary-Treasurer
28 of said Board his name and office and residence address and such other information as the
29 Board may deem necessary and shall pay a registration fee fixed by the Board not in excess of
30 five dollars (\$5.00). In the event a veterinarian fails to register as herein provided within 30
31 days after notification by certified mail to his last known home address, he shall pay an
32 additional amount of ten dollars (\$10.00) to the Board. Should a veterinarian fail to register and
33 pay the fees imposed, the license of such veterinarian may be suspended by the Board. Upon
34 payment of all fees which may be due, the license of any such veterinarian shall be reinstated."

35 **Sec. 7.** G.S. 90-184 is hereby amended by rewriting the Section to read as follows:

36 "**G.S. 90-184. Rescission of License.** The Board may refuse to issue a license or a temporary
37 permit to any applicant, may issue a reprimand, or suspend or revoke the license or the
38 temporary permit of any person licensed to practice veterinary medicine who:

39 "(a) In the conduct of his practice does not conform to the rules prescribed by the Board
40 for proper sanitary and hygienic methods to be used in the care and treatment of animals;

41 "(b) Is found guilty of fraud in completing the examination conducted by the Board;

42 "(c) Is found to be addicted to the alcohol or drug habit to such a degree as to render him
43 unfit to practice veterinary medicine;

44 "(d) Employs directly or indirectly a solicitor for the purpose of obtaining patients;

45 "(e) Advertises in a manner which is false or misleading or has for its purpose an intent
46 to deceive or defraud;

47 "(f) Has professional association with or lends his name to any unlicensed person for the
48 purpose of, or in such manner as to encourage or permit practice of veterinary medicine directly
49 or indirectly by persons other than those licensed under this Act;

50 "(g) Divides fees or charges or has any arrangement to share fees or charges with any
51 other person, except on the basis of services performed;

- 1 "(h) Is convicted of any felony or crime involving moral turpitude;
2 "(i) Is convicted of sale of narcotics or other dangerous drugs in violation of law;
3 "(j) Swears falsely in any affidavit required to be made by him in the course of his
4 practice of veterinary medicine;
5 "(k) Fails to report promptly to the proper official any dangerous, infectious, or
6 contagious disease;
7 "(l) Fails to report promptly the results of tests when required to do so by law or
8 regulation;
9 "(m) Fraudulently issues or uses any health certificate, inspection certificate, vaccination
10 certificate, test chart, or other blank form used in the practice of veterinary medicine, relating to
11 the dissemination of animal disease, transportation of diseased animals, or the sale of inedible
12 products of animal origin for human consumption;
13 "(n) Willfully makes any misrepresentation in the inspection of food stuffs;
14 "(o) Fraudulently applies or reports any intradermal, cutaneous, subcutaneous,
15 seriological, or chemical test.

16 "Before the Board may revoke or suspend a license, or otherwise discipline the holder of a
17 license, written charges shall be filed with the Board by the Secretary and a hearing shall be
18 had thereon as provided by Chapter 150 of the General Statutes of North Carolina."

19 **Sec. 8.** Article 11 of Chapter 90 of the General Statutes is hereby amended by
20 adding new Sections immediately following G.S. 90-184 and immediately preceding
21 G.S. 90-185 to be numbered G.S. 90-184.1, 90-184.2, 90-184.3 and 90-184.4, respectively, and
22 to read as follows:

23 "**G.S. 90-184.1. Relicensed.** Any person whose license or temporary permit is suspended or
24 revoked may, at the discretion of the Board, be relicensed to practice at any time without an
25 examination, on application made to the Board. Such application for reinstatement shall be in
26 writing, in a form prescribed by the Board, signed by the applicant, and shall be delivered to the
27 Secretary of the Board.

28 "Any person whose license or temporary permit to practice veterinary medicine is
29 suspended or revoked shall be deemed an unlicensed person.

30 "**G.S. 90-184.2. Enforcement.** The Board shall enforce the provisions of this Article and for
31 that purpose shall make investigations relative thereto. If the Board has knowledge or notice of
32 a violation of this Article, it shall investigate and, upon probable cause appearing, shall direct
33 the Secretary to file a complaint and institute the prosecution of the offender.

34 "**G.S. 90-184.3. Prior Licensee.** Wherever the practice of veterinary medicine is continued in
35 the name of a prior licensee, said name may not be used for more than two years after the death
36 or cessation of active participation by such licensee.

37 "**G.S. 90-184.4. Partnerships.** Whenever the practice of veterinary medicine is carried on by a
38 partnership, all partners must be either licensed or the holders of temporary permits."

39 **Sec. 9.** G.S. 90-186 is hereby amended by rewriting the Section to read as follows:

40 "**G.S. 90-186. Necessity for License; Certain Practices Exempted.** No person shall engage
41 in the practice of veterinary medicine in this State or attempt to do so without having first
42 applied for and obtained a license for such purpose from the North Carolina Veterinary Medical
43 Board, or without having first obtained from said Board a certificate of renewal of license for
44 the calendar year in which such person proposes to practice and until he shall have been first
45 licensed and registered for such practice in the manner provided in this Article and the rules
46 and regulations of the said Board.

47 "Nothing in this Article shall be construed to prohibit:

48 "(a) Any person from administering to animals, the title to which is vested in himself,
49 except when said title is so vested for the purpose of circumventing the provisions of this
50 Article;

1 "(b) Any person who is a regular student or instructor in a legally chartered college from
2 the performance of those duties and actions assigned as his responsibility in teaching or
3 research;

4 "(c) Any veterinarian who is a member of the armed forces of the United States or who
5 is an employee of the United States Department of Agriculture, the United States Public Health
6 Service or other Federal agency, or the State of North Carolina, or political subdivision thereof,
7 from performing official duties while so commissioned or employed;

8 "(d) Any person from such practices as permitted under the provisions of G.S. 90-185,
9 House Bill 659, Chapter 17, Public Laws 1937, or House Bill 358, Chapter 5, Public Laws
10 1941;

11 "(e) Any person from dehorning animals or castrating male food animals;

12 "(f) Any person from providing for or assisting in the practice of artificial insemination;

13 "(g) Any physician licensed to practice medicine in this State, or his assistant, while
14 engaged in medical research;

15 "(h) Any rabies inspector duly appointed and acting within the provisions of
16 G.S. 106-365 and G.S. 106-366."

17 **Sec. 10.** G.S. 90-187 is hereby amended by rewriting this Section to read as
18 follows:

19 **"G.S. 90-187. Unauthorized Practice; Penalty.** If any person shall practice or attempt to
20 practice veterinary medicine in this State without first having passed the examination and
21 obtained a license or temporary permit from the North Carolina Veterinary Medical Board; or if
22 he shall practice veterinary medicine without the renewal of his license, as provided in
23 G.S. 90-183.1; or shall practice or attempt to practice veterinary medicine while his license is
24 revoked, or suspended, or when a certificate of license has been refused; or shall violate any of
25 the provisions of this Article, said person shall be guilty of a misdemeanor and, upon
26 conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more
27 than one hundred dollars (\$100.00), or imprisonment at the discretion of the court, or both fined
28 and imprisoned; and each act of such unlawful practice shall constitute a distinct and separate
29 offense."

30 **Sec. 11.** All laws and clauses of laws in conflict with the provisions of this Act are
31 hereby repealed.

32 **Sec. 12.** This Act shall be in full force and effect from and after its ratification.

33 In the General Assembly read three times and ratified, this the 4th day of May,
34 1961.