

SUBCHAPTER 3. DEFINITIONS

13:44-3.1 Definitions

As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise.

“Address of record” means an address designated by a licensee which is part of the public record and which may be disclosed upon request. “Address of record” may be a licensee’s home, business or mailing address, but shall not be a post office box.

“Animal or veterinary facility” means any fixed or mobile establishment, veterinary hospital, animal hospital or premises wherein or whereon the practice of veterinary medicine or any part thereof is conducted.

“Person” means any individual, firm, partnership, association, joint venture, cooperative, corporation incorporated under Title 14A of the New Jersey Statutes, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of any person.

“Practice of veterinary medicine, surgery and dentistry” means to directly or indirectly diagnose, prognose, treat, correct, change, relieve or prevent animal disease, deformity, defect, injury, wound or other physical or mental condition; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic or other therapeutic or diagnostic substance or technique on any animal including, but not limited to, acupuncture, surgical or dental operations, animal chiropractic, theriogenology, alternative or complementary veterinary medicine, surgery, including cosmetic surgery, any manual, mechanical, biological or chemical procedure for testing for the presence of any disease or pregnancy or for correcting sterility or infertility, including embryo transfer, or to render service or recommendations with regard to any of the above and all other branches of veterinary medicine, surgery and dentistry.

“Qualified veterinary graduate” means a graduate of a veterinary college or university approved by the Board, a graduate of a veterinary college or university which is not approved by the Board, but who has received a certificate from an accrediting or qualifying body recognized by the Board for the purpose of licensure examination, or a veterinarian who has qualified under the provision of the American Veterinary Medical Association’s Education Commission for the Foreign Veterinary Graduate.

“Responsible supervision” means that the supervising licensed veterinarian has assumed full responsibility for the actions or omissions of the persons being supervised.

SUBCHAPTER 4. GENERAL RULES OF PRACTICE

13:44-4.1 Veterinary prescription items

(a) No licensed veterinarian shall dispense any prescription item unless the container in which such medication is dispensed bears a label containing the following information:

1. The name or species of the patient or identification of the herd or flock;
2. The name of the drug or devices;
3. The strength per unit;
4. The number of units dispensed;
5. Directions for use;
6. Precautionary statements including withdrawal time, where applicable;
7. The date dispensed; and
8. The name and license number of the licensee and the name of the facility dispensing the medication.

(b) A licensed veterinarian may prescribe, sell, dispense, or distribute any prescription item, providing there is a bona fide veterinarian-client-patient relationship, and the prescription item is properly recorded in the medical record. For purposes of this section, a prescription is properly recorded when it contains the type of medication, the strength per unit, the number of units dispensed, the directions for use and the date dispensed.

1. For purposes of this section, a “veterinarian-client-patient relationship” means:

- i. The veterinarian has undertaken to make medical judgments regarding the health of an animal or animals, herd or flock being treated and the need for medical treatment;
- ii. The client has retained the services of the veterinarian;
- iii. The veterinarian has sufficient knowledge of the animal or animals, herd or flock to initiate at least a general or preliminary diagnosis of the medical condition of the animal or animals, herd or flock;
- iv. The veterinarian is available for follow-up treatment; and
- v. The veterinarian maintains records on the animal or animals, herd or flock in accordance with N.J.A.C. 13:44-4.9.

(c) A licensed veterinarian may dispense prescription items to a person without a bona fide veterinarian-client-patient relationship on the basis of a prescription issued by another licensed veterinarian subject to the provisions of (a) and (b) above and (d) below.

(d) A licensed veterinarian shall not prescribe, sell, dispense, or distribute any prescription item in an indiscriminate manner, or without good cause, or where the licensee reasonably knows or should know that the item or items prescribed, sold, dispensed or distributed are to be used for unauthorized or illicit consumption or distribution. A licensee shall not issue a prescription for, or dispense, an item where the licensee knows or has reason to know that an item or items previously prescribed or dispensed were used by the recipient for unauthorized or illicit consumption or distribution.

(e) A licensed veterinarian, in the course of professional practice and an exiting veterinarian-client-patient relationship, shall, upon request, provide a written prescription to a client who does not wish to purchase a prescription item directly from the licensed veterinarian.

(f) A licensed veterinarian may issue a prescription by oral, written, or electronic communication to the dispenser. The licensed veterinarian shall properly record the prescription in the patient's medical record.

Amended by R.1981 d.451, effective November 16, 1981.
See: 13 N.J.R. 519(b), 13 N.J.R. 847(a).

Added new (a) and recodified prior section as (c).
Amended by R.1988 d.395, effective August 15, 1988.
See: 20 N.J.R. 1171(b), 20 N.J.R. 2069(a).

Added new (b) and recodified old (b)-(c) as (c)-(d).
Amended by R.1994 d.442, effective September 6, 1994.
See: 26 N.J.R. 1951(a), 26 N.J.R. 3737(a).
Amended by R.1999 d.268, effective August 16, 1999.
See: 31 N.J.R. 1280(a), 31 N.J.R. 2360(b).

Rewrote the section.

13:44-4.2 Municipal rabies clinics and public service

Veterinarians shall not be required to establish a veterinarian-client-patient relationship, nor maintain patient, herd or flock records as required by N.J.A.C. 13:44-4.9 in the course of practice, when participating in municipal rabies clinics sponsored by the State of New Jersey, or when performing emergency services on behalf of any municipal, county, State or Federal agencies.

New Rule, R.1999 d.268, effective August 16, 1999.
See: 31 N.J.R. 1280(a), 31 N.J.R. 2360(b).

Former N.J.A.C. 13:44-4.2, Poultry husbandry procedures, recodified to N.J.A.C. 13:44-4.3.

Amended by R.2001 d.379, effective October 15, 2001.
See: 33 N.J.R. 1862(a), 33 N.J.R. 3649(c).

Deleted "valid" following "establish a" and inserted "municipal, county," following "on behalf of any".

13:44-4.3 Poultry husbandry; unlicensed practice

(a) Poultry husbandry procedures such as de-beaking, toe clipping, sex determination, caponizing, clipping of wings, culling and blood testing may be recommended or performed by agents of Cook College of Rutgers, The State University, and other members of the poultry industry if they do not represent themselves to be veterinarians or use any title or degree pertaining to the practice of veterinary medicine and do not diagnose disease and prescribe treatment.

(b) Only licensees may perform husbandry procedures for caged or exotic birds.

New Rule, R.1994 d.442, effective September 6, 1994.

See: 26 N.J.R. 1951(a), 26 N.J.R. 3737(a).

Recodified from N.J.A.C. 13:44-4.2 and amended by R.1999 d.268, effective August 16, 1999.

See: 31 N.J.R. 1280(a), 31 N.J.R. 2360(b).

Rewrote the section. Former N.J.A.C. 13:44-4.3, Licensees who service pet shops, recodified to N.J.A.C. 13:44-4.4.

13:44-4.4 Licensees who service pet shops

(a) A licensee who provides services to a pet shop shall sign and print his or her name and New Jersey license number on each animal's health certificate or "Fit for Purchase" form, and on any other document which may be given to the consumer at the time of purchase that attests to findings made, care rendered or care prescribed for that animal by a licensed veterinarian.

(b) A licensee who signs an animal health certificate or "Fit for Purchase" form, or any other documents as set forth in (a) above, shall:

1. Personally examine the pet before prescribing or administering any medication;

2. Comply with N.J.A.C. 13:44-4.1 regarding prescriptions;

3. Not supply vaccine or other medications for which a prescription is necessary to pet shops to be administered by anyone other than the owner(s) of the pet shop or a licensee of the New Jersey Board of Veterinary Medical Examiners. In the event a pet shop is owned and operated as a partnership or a corporation, the entity shall designate an individual to receive and to administer the vaccine and medications; and

4. Maintain in his or her office accurate medical records listing all medications furnished to pet shops and the individual(s) to whom medications and vaccines, or prescriptions therefore, were delivered. Such records shall include, but not be limited to, the name and address of the recipient pet shop, date supplied, type of medication and strength per unit, number of units supplied, and directions given for use.

New Rule, R.1994 d.442, effective September 6, 1994.

See: 26 N.J.R. 1951(a), 26 N.J.R. 3737(a).

Recodified from N.J.A.C. 13:44-4.3 and amended by R.1999 d.268, effective August 16, 1999.

See: 31 N.J.R. 1280(a), 31 N.J.R. 2360(b).

In (b)3, substituted "shall" for "may" following "entity" in the last sentence. Former N.J.A.C. 13:44-4.4, Referral fees, recodified to N.J.A.C. 13:44-4.5.

13:44-4.5 Referral fees

It shall be professional misconduct for a licensee to pay, offer to pay, or to receive from any person any fee or other form of compensation for the referral of a patient. The prohibition in this section shall not prohibit the division of fees among licensees engaged in bona fide employment, partnership or corporate relationship for the delivery of professional services.

Repealed by R.1979 d.98, effective March 9, 1979.

See: 10 N.J.R. 555(a), 11 N.J.R. 202(d).

Section was "Notices of Recurrent Services."

New Rule R.1986 d.414, effective October 6, 1986.

See: 18 N.J.R. 1515(b), 18 N.J.R. 2048(a).

Repeal and New Rule, R.1992 d.478, effective December 7, 1992.

See: 24 N.J.R. 3017(a), 24 N.J.R. 4409(b).

Section was "Referral fees".

Recodified from N.J.A.C. 13:44-4.4 by R.1999 d.268, effective August 16, 1999.

See: 31 N.J.R. 1280(a), 31 N.J.R. 2360(b).

Former N.J.A.C. 13:44-4.5, Temporary continuance of facility upon licensee's death, recodified to N.J.A.C. 13:44-4.6.

13:44-4.6 Temporary continuance of facility upon licensee's death

(a) Upon the death of the licensed proprietor of an individually owned veterinary facility, an unlicensed spouse or the executor or administrator of the licensee's estate may continue to own, maintain and operate the facility for a period of two years in order to convey or liquidate the practice, provided that the services of a New Jersey licensed veterinarian shall be engaged to conduct, manage and be responsible for the practice of veterinary medicine.