

**CHAPTER 44**

**STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS**

**Authority**

N.J.S.A. 45:16-3 and 52:14B-5.1.

**Source and Effective Date**

R.2005 d.52, effective January 7, 2005.  
See: 36 N.J.R. 3634(a), 37 N.J.R. 503(a).

**Chapter Expiration Date**

Chapter 44, State Board of Veterinary Medical Examiners, expires on January 7, 2010.

**Chapter Historical Note**

Chapter 44, State Board of Veterinary Medical Examiners, was filed and became effective prior to September 1, 1969.

Subchapter 5, Description of State Board of Veterinary Medical Examiners and Methods of Operation, and Subchapter 6, Administrative Hearings, were adopted as R.1977 d.252, effective July 20, 1977. See: 8 N.J.R. 400(a), 9 N.J.R. 373(b).

Subchapter 3, Forms, was repealed by R.1981 d.371, effective October 8, 1981. See: 13 N.J.R. 371(a), 13 N.J.R. 708(b).

Pursuant to Executive Order No. 66(1978), Subchapter 2, General Rules of Practice, expired on September 14, 1983.

Pursuant to Executive Order No. 66(1978), Subchapter 1, Licensure by Examination, expired on March 9, 1984.

Subchapter 1, Licensure by Examination, was adopted as new rules by R.1984 d.309, effective July 16, 1984. See: 16 N.J.R. 1028(a), 16 N.J.R. 2004(b).

Subchapter 2, General Rules of Practice, was adopted as new rules by R.1984 d.375, effective August 20, 1984. See: 16 N.J.R. 688(a), 16 N.J.R. 2287(a).

Subchapter 6, Administrative Hearings, was repealed by R.1985 d.622, effective December 2, 1985. See: 17 N.J.R. 1739(a), 17 N.J.R. 2909(b).

Pursuant to Executive Order No. 66(1978), Chapter 44, State Board of Veterinary Medical Examiners, was readopted as R.1989 d.459, effective August 7, 1989. See: 21 N.J.R. 1501(a), 21 N.J.R. 2801(c).

Pursuant to Executive Order No. 66(1978), Chapter 44, State Board of Veterinary Medical Examiners, was readopted as R.1994 d.442, effective August 4, 1994, and Subchapter 1, Licensure by Examination, and Subchapter 5, Description of State Board of Veterinary Medical Examiners and Methods of Operation, were repealed, Subchapter 1, Licensure by Examination; Licensure by Waiver of Examination; Biennial License Renewal; Reinstatement, Subchapter 2, Temporary Permits, and Subchapter 3, Facility Registration (Reserved), were adopted as new rules, and Subchapter 2, General Rules of Practice, and Subchapter 4, Fee Schedule, were recodified as Subchapters 4 and 5 respectively by R.1994 d.442, effective September 6, 1994. See: 26 N.J.R. 1951(a), 26 N.J.R. 3737(a).

Pursuant to Executive Order No. 66(1978), Chapter 44, State Board of Veterinary Medical Examiners, was readopted as R.1999 d.268, effective July 19, 1999, and Subchapter 3, Facility Registration (Reserved) was repealed and Subchapter 3, Definitions, was adopted as new rules by R.1999 d.268, effective August 16, 1999. See: 31 N.J.R. 1280(a), 31 N.J.R. 2360(b).

Chapter 44, Rules of the State Board of Veterinary Medical Examiners, was readopted as R.2005 d.52, effective January 7, 2005. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. LICENSURE BY  
EXAMINATION; LICENSURE BY WAIVER  
OF EXAMINATION; BIENNIAL LICENSE  
RENEWAL; REINSTATEMENT**

**13:44-1.1 Eligibility for admission to New Jersey  
Licensing Examination**

(a) As a prerequisite to taking the New Jersey Licensing Examination, an applicant shall submit to the Board:

1. Evidence that the applicant:

i. Has been awarded a degree in veterinary medicine from a veterinary college or university accredited by the American Veterinary Medical Association (AVMA);

ii. Will be awarded a degree in veterinary medicine during the current academic year from a college or university accredited by the American Veterinary Medical Association which the applicant attends; or

iii. Has successfully completed the training program administered by the Education Commission for Foreign Veterinary Graduates (ECFVG) of the AVMA; and

2. Proof that the applicant obtained a passing grade, as determined by the test sponsor, on the National Board Examination and Clinical Competency Test or the North American Veterinary Licensing Examination within 10 years preceding application.

(b) An applicant who meets the requirements of (a) above, who has either received a doctoral degree in veterinary medicine from a veterinary college or university accredited by the American Veterinary Medical Association (AVMA) or has completed an ECFVG program, and has completed an application to sit for the next scheduled licensing examination shall be eligible for a temporary permit to be employed as an assistant veterinarian in New Jersey under the responsible supervision of a New Jersey licensed veterinarian at a practice located in the State of New Jersey, pursuant to the provisions of N.J.A.C. 13:44-2.1 and 2.2.

(c) The Board may refuse licensure to any applicant who has violated any provision of N.J.S.A. 45:1-21.

Amended by R.1999 d.268, effective August 16, 1999.

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

In (a), substituted a reference to the New Jersey Licensing Examination for a reference to the New Jersey Practical Examination in the introductory paragraph; rewrote (b); and added (c).

Amended by R.2001 d.379, effective October 15, 2001.

See: 33 N.J.R. 1862(a), 33 N.J.R. 3649(c).

In (a), deleted "be required to" preceding "submit proof" in the introductory paragraph, inserted "Veterinary" preceding "Graduates" in 1iii, and inserted "or the North American Veterinary Licensing Examination" in 2.

Amended by R.2004 d.78, effective February 17, 2004.

See: 35 N.J.R. 3272(a), 36 N.J.R. 961(a).

Rewrote (a).

### 13:44-1.2 Required documentation; admission to New Jersey Licensing Examination

(a) An applicant for licensure shall submit or arrange to have submitted to the Board, at least two months prior to the New Jersey Licensing Examination the following:

1. A completed application form which requests brief educational and experiential background;
2. The application fee set forth in N.J.A.C. 13:44-5.1;
3. Two photographs of passport size and style;

4. National Board Examination and Clinical Competency Test, or the North American Veterinary Licensing Examination, scores through the Veterinary Information Verification Agency;

5. If the applicant is a graduate of an AVMA accredited program, an official transcript of veterinary school credits, to be forwarded directly to the Board by the college or university attended.

i. The transcript shall contain the signatures of college officials and shall be properly stamped;

ii. If the transcript is in a language other than English, the applicant shall submit a verified English translation; and

6. If the applicant has completed an ECFVG Program, notification that the applicant has satisfactorily completed the program, to be forwarded directly to the Board by the ECFVG office.

Amended by R.1999 d.268, effective August 16, 1999.

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

In (a), inserted "to the Board" following "submitted", and substituted a reference to the New Jersey Licensing Examination for a reference to the New Jersey Practical Examination in the introductory paragraph, rewrote 3, and substituted "has completed" for "is a graduate of" following "applicant" in 6.

Amended by R.2001 d.379, effective October 15, 2001.

See: 33 N.J.R. 1862(a), 33 N.J.R. 3649(c).

In (a), substituted "the following" for "all of the following documents" in the introductory paragraph and rewrote 4.

### 13:44-1.3 New Jersey Licensing Examination; passing score; examination review

(a) An applicant shall obtain a grade of 70.0 on the New Jersey Licensing Examination.

(b) Within 14 days of the date of the letter of notification of examination results, an applicant who fails the examination may apply to the Board, in writing, for review of the questions answered incorrectly. The Executive Director will subsequently provide a copy of the questions answered incorrectly, the incorrect answers of the applicant and the correct answers to the applicant at the Board office at a mutually convenient time.

(c) Within 14 days following review of the questions and answers referred to in (b) above, the applicant may file with the Executive Director a written notice of appeal of his or her examination grade. The notice shall explain the basis of the appeal and be accompanied by any documentation, including reference material, which the applicant claims supports the appeal.

(d) The Board shall consider the appeal within 30 days of filing and may invite the candidate to appear before the Board.

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.

**13:44-1.4 Licensure by waiver of examination**

(a) The Board shall waive the New Jersey Practical Examination for an applicant who:

1. Has held, for a minimum of five years immediately preceding application, a valid unsuspended and unrevoked license to practice veterinary medicine issued after examination by the District of Columbia or another state or territory which has education and examination requirements substantially equivalent to those required for licensure in New Jersey;
2. Has had active clinical experience of a type acceptable to the Board for three of the five years immediately preceding application;
3. Except as set forth in (b) below, has passed the National Board Examination and Clinical Competency Test, or the North American Veterinary Licensing Examination; and
4. Presents no basis for concern as to competency or fitness for licensure and otherwise qualifies for licensure pursuant to N.J.S.A. 45:16-6.

(b) The National Board Examination requirement shall not apply to anyone who was licensed in another jurisdiction prior to June 1970 (the date the NBE first was administered). The CCT shall not apply to anyone who was licensed in another jurisdiction prior to 1982 (the date the test was first required by the Board.)

(c) An individual who qualifies under this section for licensure by waiver of the New Jersey Practical Examination shall be required to successfully complete the New Jersey Jurisprudence Examination.

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

In (a)3, inserted ", or the North American Veterinary Licensing Examination".

**13:44-1.5 Required documentation; application for licensure by waiver of examination**

(a) An applicant for licensure by waiver of the New Jersey Practical Examination shall submit or arrange to have submitted all of the following documents:

1. All of the documents required pursuant to N.J.A.C. 13:44-1.2;
2. A certification from every state in which the applicant is or has been licensed verifying that the applicant holds or held a valid, unsuspended and unrevoked license to practice, and other pertinent information the Board may require;
3. A statement of good standing from any other entity that authorizes the applicant's practice of veterinary medicine; for example, the Racing Commission. The applicant shall notify the Board in the event that his or her

privilege to practice veterinary medicine was ever suspended or revoked by an authority.

4. Three notarized certifications of experience regarding the applicant, submitted directly by veterinarians actively licensed and practicing in the same jurisdiction(s) for which the experience is being certified. Each certification shall:

- i. Be on professional letterhead stationery;
- ii. State the exact dates of the period being certified;
- iii. Indicate the type of experience acquired, for example, bovine, exotic, equine or small animal;
- iv. Certify to the applicant's moral character; and
- v. Provide a critical evaluation of the applicant's ability to practice with a professional recommendation for licensure.

**13:44-1.6 Biennial registration renewal**

(a) Licensees shall procure a certificate of registration for every biennial period in which they practice. At least 30 days prior to the registration deadline, the Board shall send to each licensee a renewal application to be filled out by the licensee. Upon receipt of the completed registration application and the renewal fee, a certificate of registration for that biennial period shall be sent to the licensee.

(b) A licensee shall be assessed a late renewal fee as set forth in N.J.A.C. 13:44-5.1 if he or she fails to pay the biennial renewal fee by the registration deadline up to 60 days after the renewal is due. The late renewal fee shall be paid in addition to the biennial renewal fee.

(c) The Board shall suspend the license of any individual who has failed to pay the biennial renewal fee for more than 60 days. After the 61st day of the licensee's delinquency, the Board shall send the licensee a notice of the suspension. The suspension begins upon the licensee's receipt of the notice of suspension. A person whose license has been suspended shall be reinstated at any time upon the payment of all past-due biennial renewal fees in addition to the reinstatement fee as set forth in N.J.A.C. 13:44-5.1. Any person whose license has been suspended shall, during the period of suspension, be regarded as an unlicensed person. If such a person engages in the practice of veterinary medicine, surgery or dentistry during such period, he or she shall be liable to penalties pursuant to the provisions of N.J.S.A. 45:1-14 et seq.

(d) In addition to information about the registrant, the Board shall require each licensee to provide the following information on a separate sheet attached to the application or renewal application form:

1. The name, address and telephone number of each veterinary facility in which the registrant will practice 500 or more hours per year;

2. The type of practice;
3. The legal organization of the practice and that entity's name, address and telephone number, if different from the facility address and telephone number; and
4. The name of the principals for that entity.

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.

### 13:44-1.7 Reinstatement

(a) A licensee whose license has been suspended for failure to renew his or her registration shall be reinstated at any time provided that the licensee presents no basis for concern as to competency or fitness for licensure, otherwise qualifies for licensure pursuant to N.J.S.A. 45:1-14 et seq., and submits the following to the Board:

1. An application for a biennial registration certificate;
2. The current and any past due biennial registration fees; and
3. The reinstatement fee as set forth in N.J.A.C. 13:44-5.1.

(b) The Board may require that any applicant for registration who has not practiced veterinary medicine for five years be reexamined and may require the applicant to complete continuing education requirements. The Board shall determine the number of continuing education credits required based upon the length of time the applicant for registration has not practiced veterinary medicine and any deficiencies in the applicant's experience which the absence from practice has caused.

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.

### 13:44-1.8 Non-active registration

Licensees who do not reside or practice in the State of New Jersey may register with the Board as a non-active licensee. A licensee who wishes to register as non-active shall apply to the Board in writing and establish that he or she does not reside or practice in this State. A licensee registered as non-active shall not practice veterinary medicine in this State, and shall remain registered with the Board. A non-active licensee may commence practice upon payment of the renewal fee as set forth in N.J.A.C. 13:44-5.1 subject to the dictates of N.J.A.C. 13:44-1.7(b). A non-active license shall not be considered late or suspended for failure to pay the biennial renewal fee.

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

### 13:44-1.9 Proof of licensure

Wherever a licensee is engaged in the practice of veterinary medicine, surgery or dentistry, he or she shall have available for inspection proof of his or her licensure.

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

## SUBCHAPTER 2. TEMPORARY PERMITS

### 13:44-2.1 Non-licensed veterinarians; permit required

A licensee shall not engage the services of a non-licensed veterinarian for the purpose of being trained or to practice veterinary medicine, dentistry or surgery unless the non-licensed veterinarian first obtains a temporary permit issued by the Board pursuant to N.J.A.C. 13:44-2.2.

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

Substituted a reference to non-licensed veterinarians for a reference to licensees, and added N.J.A.C. reference at the end.  
Amended by R.2005 d.52, effective February 7, 2005.  
See: 36 N.J.R. 3634(a), 37 N.J.R. 503(a).

Amended N.J.A.C. reference.

### 13:44-2.2 Eligibility for temporary permit

(a) The Board shall issue a temporary permit to a non-licensed veterinarian provided that:

1. The candidate for licensure has received a passing grade, as determined by the test sponsor, on the National Board Examination and the Clinical Competency Test, or the North American Veterinary Licensing Examination;

2. The candidate will be employed at a practice located in New Jersey as an assistant veterinarian under the responsible supervision of a New Jersey licensed veterinarian; and

3. Neither the licensed veterinarian nor the candidate for licensure presents a basis for concern as to fitness or competency and both otherwise qualify for continuing licensure or initial licensure, respectively, pursuant to N.J.S.A. 45:1-21 and N.J.S.A. 45:16-1.1.

(b) A person practicing under a temporary permit who fails the New Jersey Licensing Examination shall file an application for a new temporary permit within two weeks of the date the examination results are issued.

(c) An individual who fails the New Jersey Licensing Examination four times shall not continue to work under a temporary permit. Such individual may, however, retake the licensing examination until he or she passes the examination.

(d) A temporary permit issued to a non-licensed veterinarian shall not be transferable to any other person.

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.  
Amended by R.2001 d.379, effective October 15, 2001.

See: 33 N.J.R. 1862(a), 33 N.J.R. 3649(c).  
In (a)1, inserted ", or the North American Veterinary Licensing Examination".

## 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.

Petition for Rulemaking.

Sec: 34 N.J.R. 1557(b), 4226(b).

## 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(b).  
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.

(b) All records and radiographs on patients shall be retained for a period of five years from the date of the patient's last visit except as provided in (c) below. Where the records reflect the decease of the patient, all written records and radiographs shall be retained for a period of three years from the last date of entry.

(c) Copies of a licensee's record or a summary report of such record and copies of all pertinent objective data and papers pertaining to a given patient, along with a key to any codes, abbreviations and non-English words appearing on such record, data or papers, shall be furnished to the patient's owner, a designated representative or a designated veterinarian within 30 days of a written request by the owner or duly authorized representative or within such lesser time as may be necessary for the care of the patient. A reasonable charge to cover the licensee's costs in preparing or obtaining such copies may be made.

(d) Where services are rendered on an emergency basis by a veterinary facility and the patient is referred to the owner's regular veterinarian for continued treatment, the veterinarian rendering such emergency treatment shall release the medical records and radiographs to the owner or the regular veterinarian; provided, however, that the emergency treatment facility shall obtain a written receipt if originals are released, showing the disposition of the records and shall keep the receipt for a period of two years.

(e) Whenever a veterinary practice is to be closed due to the retirement or death of the veterinarian in charge, the following shall apply:

1. The retiring licensee or the executor or administrator of the licensee's estate shall immediately notify the Board, in writing, of the impending closure.

2. If the medical records are not to be transferred to another veterinary practice, the retiring licensee or the executor or administrator of the licensee's estate shall, prior to disposing of any records and within a reasonable period of time, publicize notice of closing of the veterinary practice. The notice of closing shall be published in a daily newspaper with circulation in the county in which the veterinary practice is located, on two occasions, 15 days apart. The notice shall advise the public of the licensee's retirement or death; shall indicate that the medical records will be available to the client for a period of 60 days subsequent to the second publication; and shall include the name, address and telephone number of the person to contact to obtain the medical records.

3. If the medical records are to be transferred to another veterinary practice, the retiring licensee or the executor or administrator of the licensee's estate may transfer the medical records provided that he or she shall, prior to the transfer, publish notice of closing of the veterinary practice. Such notice shall be published in a daily newspaper with circulation in the county in which the veterinary practice is located, on two occasions, 15

days apart. The notice shall advise the public of the licensee's retirement or death and indicate the name, address and telephone number of the veterinary practice to which the records will be transferred.

As amended, R.1978 d.435, eff. December 14, 1978.

See: 10 N.J.R. 403(a), 11 N.J.R. 77(a).

As amended, R.1981 d.450, eff. November 16, 1981.

See: 13 N.J.R. 520(a), 13 N.J.R. 847(b).

As amended, R.1984 d.375, eff. August 20, 1984.

See: 16 N.J.R. 688(a), 16 N.J.R. 2287(a).

Section substantially amended.

Amended by R.1991 d.11, effective January 7, 1991.

See: 22 N.J.R. 1868(a), 23 N.J.R. 117(b).

New (d) added; provisions for handling of patients' records in the event of retirement or death of the veterinarian in charge.

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).

In (b), substituted a reference to records for a reference to written records; in (c), substituted a reference to designated representatives for a reference to duly authorized representatives; in (d), substituted "shall release the" for "may release the original" following "treatment", deleted "/or" following "records and", and inserted "if originals are released," following "receipt"; and in (e), substituted a reference to clients for a reference to consumers in 2, and rewrote the first sentence and substituted "will be" for "have been" following "records" in the last sentence in 3.

#### 13:44-4.10 (Reserved)

Recodified to N.J.A.C. 3:44-4.11 by R.1999 d.268, effective August 16, 1999.

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

#### 13:44-4.11 Emergency service facilities

(a) Any veterinary facility denominated as an emergency service facility and advertising that it provides emergency service shall have at least one licensed veterinarian and one supporting staff member on the premises during the hours the facility is open for service.

(b) Advertisements for emergency service facilities shall include a statement of the days of the week and the hours the facility is open and that a New Jersey licensed veterinarian and supporting staff member are on the premises during these times.

(c) A certificate of registration or duplicate certificate for the location must be obtained by all licensed employees of an emergency service facility, except that a veterinarian who assists at the facility on an occasional emergency relief basis shall not be required to obtain a registration.

(d) Emergency service facilities shall keep a daily log recording the names of licensees and supporting staff regularly or occasionally employed by the facility, with the dates and the hours each has worked for the facility.

(e) This rule shall not apply to a veterinary facility not denominated as an emergency care facility which advertises an after hours telephone number to be called when the facility is closed.

New Rule R.1985 d.622, effective December 2, 1985.  
 See: 17 N.J.R. 1739(a), 17 N.J.R. 2909(b).  
 Recodified from N.J.A.C. 13:44-4.10 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. 13:44-4.11, Notification of address changes, recodified to N.J.A.C. 13:44-4.12.

**13:44-4.12 Notice of address**

Every practitioner of veterinary medicine licensed in this State shall submit to the Board in writing notice of change in his or her address of record within 30 days of such change.

New Rule R.1985 d.622, effective December 2, 1985.  
 See: 17 N.J.R. 1739(a), 17 N.J.R. 2909(b).  
 Recodified from N.J.A.C. 13:44-4.11 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.

**SUBCHAPTER 5. FEE SCHEDULE**

**13:44-5.1 Fee schedule**

(a) The following fee shall be charged by the Board:

- 1. Application fee ..... \$ 75.00
- 2. Initial license fee:
  - i. During the first year of a biennial renewal period ..... \$250.00
  - ii. During the second year of a biennial renewal period ..... \$125.00
- 3. Licensing examination ..... \$250.00
- 4. Temporary permit ..... \$100.00
- 5. Biennial renewal fee ..... \$250.00
- 6. Non-active registration fee ..... \$150.00
- 7. Transfer fee non-active to active:

- i. During the first year of a biennial renewal period ..... \$100.00
- ii. During the second year of a biennial renewal period ..... \$ 50.00
- Late renewal fee (up to 60 days after renewal is due) ..... \$100.00
- 8. Reinstatement fee (61 or more days after renewal is due) ..... \$250.00
- 9. Certificate of registration duplicate ..... \$ 80.00
- 10. Verification of licensure ..... \$ 25.00
- 11. Duplicate wall certificate ..... \$ 50.00

Amended by R.1982 d.502, eff. January 17, 1983.  
 See: 14 N.J.R. 1281(a), 15 N.J.R. 94(b).  
 Changed types and amounts of fees.  
 Amended by R.1983 d.252, effective June 20, 1983.  
 See: 15 N.J.R. 612(a), 15 N.J.R. 1035(d).  
 Active registration fee increased from \$30.00 to \$120.00. Non-active registration fee increased from \$20.00 to \$50.00.  
 Amended by R.1985 d.364, effective July 15, 1985.  
 See: 17 N.J.R. 383(a), 17 N.J.R. 1773(b).  
 Non-active registration fee increased from \$50.00 to \$100.00. Training certificate added.  
 Amended by R.1990 d.151, effective March 5, 1990.  
 See: 22 N.J.R. 18(b), 22 N.J.R. 831(a).  
 Repealed reexamination fee and late registration fee.  
 Amended by R.1991 d.321, effective July 1, 1991.  
 See: 23 N.J.R. 1066(a), 23 N.J.R. 2023(a).  
 Deleted (a)1; added new (a)1, 2.  
 Redesignated existing (a)2 through 8 as (a)3 through 9; changed fees in (a)6 through 9. Added (a)10. Redesignated (a)9 as 11 with fee change and added "plus initial license fee". Redesignated (a)10 as 12 and added "Duplicate license"; deleted "Branch office". Redesignated (a)11 as 13 and added "Verification of licensure"; deleted "Certification". Deleted (a)12.  
 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.1995 d.299, effective June 5, 1995.  
 See: 27 N.J.R. 1137(a), 27 N.J.R. 2240(a).  
 Increased some of the fees charged.  
 Amended by R.1999 d.268, effective August 16, 1999.  
 See: 31 N.J.R. 1280(a), 31 N.J.R. 2360(b).  
 Rewrote (a).