

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

Pursuant to Executive Order No. 1(2010), the chapter expiration date is extended from January 7, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. See: 42 N.J.R. 1133(a).

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Subchapter 3, Forms, was repealed by R.1981 d.371, effective October 8, 1981.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Subchapter 6, Administrative Hearings, was repealed by R.1985 d.622, effective December 2, 1985.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and Subchapter 5, Description of State Board of Veterinary Medical Examiners and Methods of Operation, were repealed, Subchapter 1, Licensure by Examination; Licensure by Waiver of Examination; Biennial License Renewal; Reinstatement, Subchapter 2, Temporary Permits, and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 State
Jurisprudence Examination**

(a) As a prerequisite to taking the New Jersey State Jurisprudence 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 or the Program for the Assessment of Veterinary Education equivalence (PAVE) of the American Association of Veterinary State Boards (AAVSB); 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 either an ECFVG or PAVE 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 Iiii, 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).
Amended by R.2007 d.139, effective May 7, 2007.
See: 38 N.J.R. 3742 (a), 39 N.J.R. 1760(a).

Section was "Eligibility for admission to New Jersey Licensing Examination". In the introductory paragraph of (a), substituted "State Jurisprudence" for "Licensing".

Amended by R.2010 d.164, effective August 2, 2010.
See: 42 N.J.R. 154(a), 42 N.J.R. 1738(b).

In (a)Iiii, inserted "or the Program for the Assessment of Veterinary Education equivalence (PAVE) of the American Association of Veterinary State Boards (AAVSB)"; and in (b), inserted the second occurrence of "either" and inserted "or PAVE".

13:44-1.2 Required documentation; admission to New Jersey State Jurisprudence 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 State Jurisprudence 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 a training program administered by the Education Commission for Foreign Veterinary Graduates (ECFVG) of the American Veterinary Medical Association (AVMA) or the Program for the Assessment of Veterinary Education equivalence (PAVE) of the American Association of Veterinary State Boards (AAVSB), notification that the applicant has satisfactorily completed the program, to be forwarded directly to the Board by the ECFVG or PAVE 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.

Amended by R.2007 d.139, effective May 7, 2007.
See: 38 N.J.R. 3742 (a), 39 N.J.R. 1760(a).

Section was "Required documentation; admission to New Jersey Licensing Examination". In the introductory paragraph of (a), substituted "State Jurisprudence" for "Licensing".

Amended by R.2010 d.164, effective August 2, 2010.
See: 42 N.J.R. 154(a), 42 N.J.R. 1738(b).

Rewrote (a)6.

13:44-1.3 New Jersey State Jurisprudence Examination; passing score; examination review

(a) An applicant shall obtain a grade of 70.0 on the New Jersey State Jurisprudence 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 may invite the candidate to appear before the Board regarding his or her appeal.

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.2007 d.139, effective May 7, 2007.
See: 38 N.J.R. 3742 (a), 39 N.J.R. 1760(a).

Section was "New Jersey Licensing Examination; passing score; examination review". In (a), substituted "State Jurisprudence" for "Licensing"; and in (d), deleted "shall consider the appeal within 30 days of filing and" preceding "may invite", and inserted "regarding his or her appeal".

13:44-1.4 Licensure by endorsement

(a) The Board shall issue a license to 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 (d) below, has been awarded a degree in veterinary medicine from a veterinary college or university accredited by the American Veterinary Medical Association (AVMA);

4. Except as set forth in (b) below, has passed the National Board Examination and Clinical Competency Test, or the North American Veterinary Licensing Examination;

5. 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; and

6. Has passed the New Jersey State Jurisprudence Examination.

(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 applicant who was not awarded a degree in veterinary medicine from a veterinary college or university accredited by the American Veterinary Medical Association and who was initially licensed after January 1, 1973, shall submit evidence that he or she possesses a certificate issued by the Education Commission for Foreign Veterinary Graduates (ECFVG) of the American Veterinary Medical Association (AVMA) or the Program for the Assessment of Veterinary Education equivalence (PAVE) of the American Association of Veterinary State Boards (AAVSB).

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".

Amended by R.2007 d.139, effective May 7, 2007.
See: 38 N.J.R. 3742 (a), 39 N.J.R. 1760(a).

Section was "Licensure by waiver of examination". In the introductory paragraph of (a), substituted "issue a license to" for "waive the new Jersey Practical Examination for"; added new (a)3; recodified former (a)3 and (a)4 as (a)4 and (a)5; in (a)4, deleted "and" from the end; in (a)5, substituted "; and" for a period at the end; added (a)6; and rewrote (c).

Amended by R.2010 d.164, effective August 2, 2010.
See: 42 N.J.R. 154(a), 42 N.J.R. 1738(b).

In (c), inserted "(ECFVG) of the American Veterinary Medical Association (AVMA) or the Program for the Assessment of Veterinary Education equivalence (PAVE) of the American Association of Veterinary State Boards (AAVSB)".

13:44-1.5 Required documentation; application for licensure by endorsement

(a) An applicant for licensure by endorsement 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 including state licenses issued to practice in a particular setting, such as racing commissions; and

3. 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.

Amended by R.2007 d.139, effective May 7, 2007.
See: 38 N.J.R. 3742 (a), 39 N.J.R. 1760(a).

Section was "Required documentation; application for licensure by waiver of examination". In the introductory paragraph of (a), substituted "endorsement" for "waiver of the New Jersey Practical Examination"; in (a)2, substituted "including state licenses issued to practice in a particular setting, such as racing commissions; and" for "; and other pertinent information the Board may require"; deleted (a)3; and recodified (a)4 as new (a)3.

13:44-1.6 Renewal of license

(a) Licenses shall be renewed biennially on a form provided by the Board. Each applicant for renewal shall attest that the continuing education requirements of N.J.A.C. 13:44-4.10 have been completed during the prior biennial period.

(b) The Board shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalty or fines shall apply to the holder for any unlicensed practice during the period following the licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.

(c) The licensee shall, prior to the date of expiration of the license, submit to the Board:

1. The renewal application; and
2. The renewal fee pursuant to N.J.A.C. 13:44-5.1.

(d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:44-5.1. A licensee who fails to renew the license within 30 days after the expiration date of the license shall be suspended without a hearing.

(e) A person who continues to practice or hold himself or herself out as a licensed veterinarian after being suspended shall be deemed to have committed unlicensed practice pursuant to N.J.S.A. 45:16-9, even if no notice of suspension has been provided to the person.

(f) A person seeking reinstatement within five years following the suspension of a license shall submit the following to the Board:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:44-5.1;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:44-5.1;

4. A certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:44-4.10 for each biennial period the license is suspended; and

5. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(g) A person seeking reinstatement after more than five years following the suspension of a license shall successfully pass the examinations required for initial licensure as set forth in N.J.A.C. 13:44-1.1 and shall submit:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:44-5.1;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:44-5.1; and
4. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(h) Renewal applications for all licensees shall provide the applicant with the option of either active or inactive renewal. Applicants electing to renew as inactive shall not practice or hold themselves out to the public as licensed veterinarians.

(i) A licensee who has elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee;
2. Submission of evidence of completion of the continuing education credits that are required per biennial period for each biennial period that the applicant is on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period the licensee was on inactive status which includes the name, address, and telephone number of each employer.

(j) A licensee who has been on inactive status for more than five years who wishes to return to the practice of veterinary medicine shall meet the requirements of (g) above and successfully complete the New Jersey State Jurisprudence Examination.

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.
Repeal and New Rule, R.2007 d.139, effective May 7, 2007.
See: 38 N.J.R. 3742 (a), 39 N.J.R. 1760(a).
Section was "Biennial registration renewal".

13:44-1.7 (Reserved)

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.

Repealed by R.2007 d.139, effective May 7, 2007.
See: 38 N.J.R. 3742(a), 39 N.J.R. 1760(a).
Section was "Reinstatement".

13:44-1.8 (Reserved)

New Rule. R.1999 d.268, effective August 16, 1999.
See: 31 N.J.R. 1280(a), 31 N.J.R. 2360(b).
Repealed by R.2007 d.139, effective May 7, 2007.
See: 38 N.J.R. 3742(a), 39 N.J.R. 1760(a).
Section was "Non-active registration".

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 Unlicensed qualified veterinary graduate; permit required

A licensee shall not engage the services of an unlicensed qualified veterinary graduate for the purpose of being trained or to practice veterinary medicine, dentistry or surgery unless the unlicensed qualified veterinary graduate 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.

Amended by R.2007 d.139, effective May 7, 2007.

See: 38 N.J.R. 3742 (a), 39 N.J.R. 1760(a).

Section was "Non-licensed veterinarians; permit required". Substituted "an unlicensed qualified veterinary graduate" for "a non-licensed veterinarian" and "unlicensed qualified veterinary graduate" for "non-licensed veterinarian".

13:44-2.2 Eligibility for temporary permit

(a) The Board shall issue a temporary permit to an unlicensed qualified veterinary graduate 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 unlicensed qualified veterinary graduate under the responsible supervision of a New Jersey licensed veterinarian; and

3. Neither the licensed veterinarian nor the unlicensed qualified veterinary graduate 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 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 an unlicensed qualified veterinary graduate 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".

Amended by R.2007 d.139, effective May 7, 2007.

See: 38 N.J.R. 3742 (a), 39 N.J.R. 1760(a).

In the introductory paragraph of (a) and in (d), substituted "an unlicensed qualified veterinary graduate" for "a non-licensed veterinarian"; in (a)2, substituted "an unlicensed qualified veterinary graduate" for "an assistant veterinarian"; and in (a)3, substituted "unlicensed qualified veterinary graduate" for "candidate for licensure".

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.
See: 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(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, pounds, shelters and adoption facilities

(a) A licensee who provides services to a public, for-profit or non-profit pet shop, pound, shelter or adoption facility, shall sign and print his or her name and New Jersey license number on each animal's health certificate, adoption form or "Fit for Purchase" form, and on any other document which may be given to the consumer at the time of purchase or adoption 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, adoption form 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. If the licensee supplies vaccines or other medications for which a prescription is necessary, ensure that the vaccines or other medication is administered properly; and

4. Comply with the requirements of N.J.A.C. 13:44-4.9 for every animal examined and/or treated.

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.

Amended by R.2007 d.139, effective May 7, 2007.

See: 38 N.J.R. 3742 (a), 39 N.J.R. 1760(a).

Section was "Licensees who service pet shops". In (a), inserted "public, for-profit or non-profit", "pound, shelter or adoption facility", "adoption form" and "or adoption"; in the introductory paragraph of (b), inserted "adoption form"; and rewrote (b)3 and (b)4.

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) The two-year period of conveyance or liquidation referred to in (a) above may be extended by the Board for good cause following a written request to the Board.

(c) The unlicensed owner shall provide the State Board of Veterinary Examiners with written notice of the substitute licensee's name within three months of the owner's death. This period of time may be extended upon written petition to the Board.

(d) The substitute licensee shall advise the Board in writing that he or she is willing to assume the responsibilities of a licensee for the facility.

(e) If for any reason the substitute licensee's services are terminated, both the owner and the licensee shall inform the Board in writing and a new licensee shall be engaged pursuant to (c) and (d) above.

Repealed by R.1984 d.375, effective August 20, 1984.
See: 16 N.J.R. 688(a), 16 N.J.R. 2287(a).
Section was "Special occasion greetings."
New Rule, R.1990 d.279, effective June 4, 1990.
See: 22 N.J.R. 326(b), 22 N.J.R. 1739(a).
Recodified from N.J.A.C. 13:44-4.5 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. 13:44-4.6, Branch offices, repealed.

13:44-4.7 Emergency cases

Veterinarians shall provide emergency care.

Amended by R.1977 d.252, effective July 20, 1977.
See: 8 N.J.R. 400(a), 9 N.J.R. 373(b).
Amended by R.1979 d.275, effective July 18, 1979.
See: 11 N.J.R. 20(b), 11 N.J.R. 401(c).
Amended by R.1999 d.268, effective August 16, 1999.
See: 31 N.J.R. 1280(a), 31 N.J.R. 2360(b).

Case Notes

Disciplinary proceedings against veterinarian. In re Matter of Kerlin, 151 N.J. Super. 179, 376 A.2d 939 (App.Div.1977).

13:44-4.8 Advertising

(a) The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates alternatives.

"Advertisement" means the attempt directly or indirectly by publication, dissemination, endorsement or circulation or in any other way to induce directly or indirectly any person to enter into an express or implied agreement to accept veterinary services or treatments related thereto.

"Electronic media" means radio, television, telephone, facsimile machine and computer.

"Licensee" means a person possessing a plenary license to practice veterinary medicine, surgery and dentistry.

"Printed media" means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers and other similar written materials or comparable publications, the contents of which is disseminated by means of the printed word.

"Range of fees" means the upper and lower limit on the fees charged for professional service.

"Routine professional service" shall refer to a service which a licensee, professional association or institution which provides veterinary care ordinarily performs.

(b) A licensed veterinarian who is engaged in the practice of veterinary medicine, dentistry or surgery in the State of New Jersey, may provide information to the public by advertising which is not false, fraudulent, misleading or deceptive through the use of the print or electronic media.

(c) A licensee who engages in the use of advertising which contains the following, shall be deemed to be engaged in professional misconduct:

1. Any claim that services performed or material used are professionally superior to those ordinarily performed or used unless the claim can be substantiated.

2. Any statement that emergency service is provided or any statement or implication that a facility is open and operating to provide emergency services during non-regular business hours unless the veterinary facility advertised meets the requirements of N.J.A.C. 13:44-4.11.

3. Any statement or claim or implication arising therefrom that licensee is a specialist where Board certification in the claimed area exists and the licensee does not possess such certification. Where Board certification in an area of claimed expertise does not exist, the use of the term "specialist" or its substantial equivalent shall not be utilized provided, however, that nothing herein shall prohibit truthful and non-deceptive statements concerning a licensee's experience or training in a particular area of veterinary practice.

4. The use of any misrepresentation.

5. Any statement which guarantees that a veterinary cure will result from the professional service offered, provided however that nothing herein shall prohibit an offer or statement guaranteeing a return of professional fees received or a repeat treatment in the event an owner is dissatisfied with services rendered.

(d) The Board may require a licensee to substantiate the truthfulness of any objective material claim or representation set forth in an advertisement. Failure of a licensee to provide factual substantiation to support that representation or claim shall be deemed professional misconduct subject to disciplinary action pursuant to N.J.S.A. 45:1-21(e).

(e) Advertising of fees shall be limited to a fixed or stated range of fees for a specifically described routine professional veterinary service.

1. A licensee who advertises fees shall disclose all the relevant variables and considerations which are ordinarily included in such a service so that the fee will not be misunderstood. In the absence of such a disclosure, the stated fees shall be presumed to include everything ordinarily required for such a service.

2. Offers of discounts or fee reductions shall indicate the fixed or stated range of fees against which said discount is to be made. Where an "across the board" discount is offered, such as "10% of all fees," the advertisement shall, at the least, include a list of the regular fees of common, representative services along with a statement that a complete list of veterinary services and the regular fees therefor is available for examination at the veterinarian's office.

3. The effective period during which a fee or discount shall remain in effect shall be set forth in the face of the advertisement. In the absence of such a disclosure and solely for the purpose of enforcement, the effective period shall be deemed to be 30 days.

(f) Advertising which contains the name, address or telephone number of a professional service facility shall also contain the name of at least one licensee who is responsible for the provision of the advertised services.

(g) A licensee shall be presumed to have approved and shall be personally responsible for the form and contents of an advertisement which contains the licensee's name, office address, or telephone number.

(h) A licensee who employs or allows another to employ for his benefit an intermediary source or other agent in the course of advertising shall be personally responsible for the form and contents of said advertisement.

(i) All licensees shall list his or her degree after his or her name or use the word "Veterinarian" if the title Doctor is used before his or her name.

(j) Copies of all printed and electronic advertisements shall be retained by the licensee and made available for review by the Board or its designee upon request for a period of three years. All advertisements in the licensee's possession shall indicate the accurate date and place of publication.

(k) An advertisement may contain either lay or expert testimonial, provided that such testimonial is based upon personal knowledge or experience obtained from a licensee-client relationship with the licensee or direct personal knowledge of the subject matter of the testimonial. A lay person's testimonial shall not attest to any technical matter beyond the testimonial giver's competence to comment upon. An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion. A licensee shall be able to

substantiate any objective, verifiable statement of fact appearing in a testimonial. Failure to abide by the requirements of this section may be deemed professional misconduct pursuant to the provision of N.J.S.A. 45:1-21(e).

Amended by R.1978 d.382, effective October 26, 1978.

See: 10 N.J.R. 204(b), 10 N.J.R. 558(a).

Amended by R.1984 d.375, effective August 20, 1984.

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

Section substantially amended.

Amended by R.1986 d.264, effective July 7, 1986.

See: 18 N.J.R. 399(a), 18 N.J.R. 1400(a).

Substantially amended.

Administrative Correction to (i).

See: 21 N.J.R. 3020(a).

Amended by R.1992 d.478, effective December 7, 1992.

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

Revised (a)3 and 5; revised (d); added new (k).

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.

Case Notes

Att'y. Gen. F.O.1977, No. 20.

13:44-4.9 Patient records

(a) A licensee shall maintain a separate patient record for each animal, herd or flock. All patient records shall accurately reflect the treatment or services rendered. Such records shall include at least the following information:

1. The name of the facility and identification of the treating licensee. If the patient is treated by anyone other than the licensee, the licensee shall ensure that the identity of the individual providing the service is indicated in the patient record and that the provider initials and dates each entry he or she makes on the patient record;

2. The name, address and telephone number of the owner of the animal;

3. Sufficient information to clearly identify the animal, herd or flock (for example, animal name or tattoo, breed or predominant breed species);

4. A history of the presenting problem;

5. All pertinent symptoms and signs observed;

6. Tests ordered or performed and the results thereof;

7. Conclusions and/or diagnosis;

8. The treatment or treatment plan prescribed, including a specific notation of any medications or modalities prescribed;

9. Such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response;

10. The name, initials or other identifying information to indicate the identity of the licensee or agent making the entry in the patient record and the date on which the entry is made; and

11. Copies of any consent forms signed by the owner or the owner's representative.

(b) A licensed veterinarian shall keep records confidential, unless:

1. The licensed veterinarian is required by law to release the records;
2. The Board requests the records;
3. The client, at the time services were rendered by the licensed veterinarian, authorizes the licensed veterinarian to release the records; or
4. It becomes necessary to release information in the records in order to protect the health of a person, the animal that is the subject of the records or another animal.

(c) A licensee may require that a record request be in writing and may charge a fee for the reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. If the record requested is less than 10 pages, the licensee may charge up to \$10.00 to cover postage and the costs associated with retrieval of the record.

(d) A licensee shall only release diagnostic imaging, such as a radiograph, pursuant to (b) above. A licensee who obtains a copy of diagnostic imaging may charge a fee that covers the cost of obtaining the copy. A licensee who releases diagnostic imaging shall keep, as part of his or her records:

1. A copy or original of the diagnostic imaging;
2. A release form signed by the individual to whom an original diagnostic imaging is released, indicating that he or she has taken the diagnostic imaging and will return the diagnostic imaging to the licensee; or
3. A certified radiologist's report on the diagnostic imaging.

(e) 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 (h) or (i) 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.

(f) 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 10 business days of a written request by the owner or duly authorized representative. A licensee may charge a fee pursuant to (c) above for providing copies of records.

(g) When a patient's life or health is in danger, a licensee shall release information pertinent to the critical care of the

patient to the patient's owner, a representative designated by the owner or a veterinarian designated by the owner, immediately upon receiving a request for the information.

(h) 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.

(i) Whenever a veterinary practice is to be closed due to the retirement or death of the veterinarian in charge, or the practice will be closed for more than six consecutive months, the licensee or the executor or administrator of the licensee's estate shall:

1. Establish a procedure by which patients may obtain treatment records or agree to the transfer of those records to another licensee who is assuming the responsibilities of that practice;
2. If the practice will not be attended by another licensee, publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's practice, at least once each month for the first three months after the cessation;
3. Notify the Board, in writing, of the impending closure and the established procedure for the retrieval of records;
4. Make reasonable efforts to directly notify the owner of any patient treated during the six months preceding the cessation of the practice to provide information concerning the established procedure for retrieval of records;
5. Conspicuously post a notice on the premises of the procedure for the retrieval of records for at least one month prior to the cessation of the practice; and
6. Arrange for the storage of any records that have not been retrieved by patient owners for one year from the date the practice closes.

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. Amended by R.2008 d.140, effective June 2, 2008.

See: 39 N.J.R. 5054(a), 40 N.J.R. 3320(a).

In (a)10, inserted "and the date on which the entry is made"; added new (b) through (d); recodified former (b) and (c) as (e) and (f); in (e), substituted "(h) or (i)" for "(c)"; rewrote (f); added new (g); and recodified former (d) and (e) as (h) and (i).

Amended by R.2010 d.163, effective August 2, 2010.

See: 41 N.J.R. 3026(a), 42 N.J.R. 1739(a).

In the introductory paragraph of (i), inserted "or the practice will be closed for more than six consecutive months," and substituted "licensee or the executor or administrator of the licensee's estate shall" for "following shall apply"; rewrote (i)1 through (i)3; and added (i)4 through (i)6.

13:44-4.10 Continuing education

(a) Beginning with the 2009 biennial license renewal, and for every biennial license renewal thereafter, a licensee shall attest that he or she has completed courses of continuing education of the types and number of credits specified in (b) or (c) below. Falsification of any information submitted on the renewal application may require an appearance before the Board and may result in penalties and/or suspension or revocation of the licensee pursuant to N.J.S.A. 45:1-21 through 45:1-25.

(b) Each applicant for biennial license renewal shall complete 20 credit hours of continuing education in the preceding biennial license period.

(c) An applicant who is licensed in the second year of a biennial renewal period shall be required to complete 10 credit hours of continuing education in the preceding biennial license period.

(d) A licensee may obtain continuing education credit from the following sources with the following credit hours:

1. Successful completion of continuing education courses or programs approved by either the New Jersey Veterinary Medical Association (NJVMA), NJVMA constituent associations or the American Association of Veterinary State Boards - Registry of Approved Continuing Education (RACE): one credit hour for each hour of attendance;

2. Attendance at a seminar sponsored by the American Veterinary Medical Association (AVMA) or by an organization recognized by the AVMA: one credit hour for each hour of the seminar;

3. Successful completion of a continuing education course sponsored by a veterinary school approved by the Council on Education of the AVMA: one credit hour for each hour of the course;

4. Successful completion of a course related to the practice of veterinary medicine given by a college or university: one credit hour for each credit;

5. Completion of a self assessment test from a peer reviewed journal issued by veterinary school approved by the Council on Education of the AVMA which distributes a certificate of completion: one credit hour for each test, up to five credit hours per biennial period;

6. Completion of a Veterinary Information Network (VIN) course: one credit hour for each course credit;

7. Writing an article in a peer reviewed professional journal: three credit hours per article, up to three credit hours per biennial period;

8. Teaching a new continuing education course or program that is approved pursuant to (d)1 above. "New" means that the licensee has never taught or developed curriculum for that course or program in any educational setting: one credit hour for each hour taught up to 10 credit hours per biennial period; and

9. Presenting a new seminar or lecture to professional peers, provided the seminar or lecture is at least one hour long. "New" means that the licensee has never presented the seminar or lecture before: one credit hour for each hour of presentation up to five credit hours per biennial period.

(e) The Board shall perform audits on randomly selected licensees to determine compliance with continuing education requirements.

(f) A licensee shall maintain the following documentation for a period of four years after completion of the credits and shall submit such documentation to the Board upon request:

1. For attendance at programs, courses or seminars: a certificate of completion from the sponsor;

2. For completion of a self assessment test: a certificate of completion from the veterinary school;

3. For completion of a Veterinary Information Network (VIN) course: a certificate issued by VIN;

4. For an article: a copy of the article;

5. For teaching a course or program: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from the sponsor confirming that the licensee developed or taught the course or program; and

6. For presenting a seminar: documentation including the location, date and duration of the lecture or seminar.

(g) The Board may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service.

1. A licensee seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The licensee shall provide the Board with such supplemental materials as will support the request for waiver.

2. A waiver of continuing education requirements granted pursuant to this subsection shall only be effective for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver persist(s) into the next biennial period, a licensee shall apply to the Board for approval of such waiver for the new biennial period.

(h) The Board may review a licensee's continuing education records at any time in order to confirm that the licensee is complying with the requirements of this section.

(i) The Board may direct or order a licensee to complete continuing education credit hours:

1. As part of a disciplinary or remedial measure in addition to the required 20 hours of continuing education credit; or

2. To correct a deficiency in the licensee's continuing education requirements.

(j) Any continuing education credit hours completed by the licensee in compliance with an order or directive from the Board as set forth in (i)1 above shall not be used to satisfy the minimum continuing education requirements as set forth in this section.

Recodified to N.J.A.C. 13:44-4.11 by R.1999 d.268, effective August 16, 1999.

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

New Rule, R.2007 d.139, effective May 7, 2007.

See: 38 N.J.R. 3742 (a), 39 N.J.R. 1760(a).

Section was "Reserved".

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