

(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Repealed by R.1984 d.375, effective August 20, 1984.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 Former N.J.A.C. 13:44-4.6, Branch offices, repealed.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

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

(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 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