

**NEW JERSEY REGISTER
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RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

Adopted Repeal and New Rule: N.J.A.C. 13:44-1.6

Adopted New Rule: N.J.A.C. 13:44-4.10

Adopted Repeals: N.J.A.C. 13:44-1.7 and 1.8

Adopted Amendments: N.J.A.C. 13:44-1.1 through 1.5, 2.1, 2.2 and 4.4

New Jersey Licensing Examination; Passing Score; Examination Review; Licensure by Waiver of Examination; Required Documentation; Application for Licensure by Waiver of Examination; Renewal of License; Non-licensed Veterinarians; Permit Required; Eligibility for Temporary Permit; Licensees who Service Pet Shops, Pounds, Shelters and Adoption Facilities; Continuing Education

Proposed: September 18, 2006 at 38 N.J.R. 3742(a).

Adopted: December 20, 2006 by the State Board of Veterinary Medical Examiners, Mark Logan, VMD, President.

Filed: April 5, 2007 as R.2007 d.139, with technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:16-3.

Effective Date: May 7, 2007.

Expiration Date: January 7, 2010.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted new rules, amendments and repeals.

Full text of the adopted amendments and new rules follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

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.-2. (No change.)

(b)-(c) (No change.)

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.-6. (No change.)

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)-(c) (No change.)

(d) The Board may invite the candidate to appear before the Board regarding his or her appeal.

13:44-1.4 Licensure by endorsement

(a) The Board shall issue a license to an applicant who:

1.-2. (No change.)

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 (*[AVMK]* *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) (No change.)

(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.

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. (No change.)

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. (No change in text.)

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.

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.

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. (No change.)

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)-(c) (No change.)

(d) A temporary permit issued to an unlicensed qualified veterinary graduate shall not be transferable to any other person.

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.-2. (No change.)

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.

13:44-4.10 Continuing education

(a) Beginning with the 2009 biennial *[certification]* *license* renewal, and for every biennial *[certification]* *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.