

## **CHAPTER 87-05-02 UNPROFESSIONAL CONDUCT**

### **Section**

|             |                               |
|-------------|-------------------------------|
| 87-05-02-01 | Unprofessional Conduct        |
| 87-05-02-02 | Minimum Standards of Practice |
| 87-05-02-03 | Code of Ethics                |

### **87-05-02-01. Unprofessional conduct.**

Unprofessional conduct includes:

1. Failing to meet the minimum standards of practice.
2. Engaging in conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient, in which case, proof of actual injury need not be established.
3. Claiming to have performed or charging for an act or treatment that was, in fact, not performed or given.
4. Promoting, aiding, abetting, or permitting the practice of veterinary medicine or veterinary technology by an unlicensed person.
5. Prescribing or dispensing, delivering, or ordering delivered a controlled substance without first establishing a veterinarian-client-patient relationship as defined in North Dakota Century Code chapter 43-29 and determining treatment with the controlled substance is therapeutically indicated. Use of euthanizing drugs in recognized animal shelters or government animal control facilities is exempt from this requirement.
6. Willful continuation of prescribing a controlled substance to a patient if reasonably on notice that the substance negligently or willfully has been diverted or is being diverted by the client to human use.
7. Performing surgery to conceal genetic or congenital defects, in any species, with knowledge the surgery has been requested to deceive a third party.
8. Promoting, selling, prescribing, or using a product for which the ingredient formula is unknown to the veterinarian or veterinary technician.
9. Failing to report to law enforcement or humane officers inhumane treatment to animals, including staged animal fights or training events for fights, the veterinarian or veterinary technician reasonably believed occurred.
10. Fraudulently issuing or using a certificate of veterinary inspection, test chart, vaccination report, or other official form used in the practice of veterinary medicine to prevent the dissemination of animal disease, transportation of diseased animals, or the sale of inedible products of animal origin for human consumption.
11. Harassing, abusing, or intimidating a client. Taking legal action to collect for services rendered is not considered harassment.
12. Engaging in conduct that willingly and knowingly leads to the spread of contagious disease from one animal to another.
13. Advertising, stating, or implying the veterinarian or veterinary technician is a certified or recognized specialist in any given field unless:

- a. The veterinarian is a diplomate of a specialty board recognized by the American veterinary medical association; or
  - b. The veterinary technician has achieved certification from a North American veterinary technician association-approved academy.
14. Failure to provide referral to a specialist if medically indicated or requested by the client.

**History:** Effective August 1, 2004; amended effective January 1, 2014; April 1, 2022; April 1, 2026.

**General Authority:** NDCC 43-29-03

**Law Implemented:** NDCC 43-29-14

#### **87-05-02-02. Minimum standards of practice.**

Minimum standards of practice include:

1. The delivery of veterinary care must be provided in a competent and humane manner consistent with prevailing standards of practice for the species of animal and the professed area of expertise of the veterinarian or veterinary technician.
2. Medical records and radiographs are the physical property of the practice or the proprietor of the practice that prepared them. Records must be maintained for a minimum of three years after the last visit. Radiographs must be maintained for a minimum of three years.
3. Medical records, or an accurate summary of them, must be released to the client or the board in the case of a board investigation within a reasonable time of a request. A reasonable charge for copying or preparation of a summary may be made, except in the case of a board investigation, in which case no charges are authorized.
4. Contents of medical records must be kept private and not be released to third parties unless authorized by the client or required by law. Medical records may be released without consent of the client under the following circumstances:
  - a. For statistical and scientific research, if the information is abstracted in a way as to protect the identity of the patient and client;
  - b. To verify a rabies vaccination of an animal;
  - c. To investigate a threat to human or animal health;
  - d. For the protection of individual animal, human, or public health or welfare; or
  - e. If requested by another veterinarian for the purpose of continuity of care.

**History:** Effective August 1, 2004; amended effective April 1, 2022; April 1, 2026.

**General Authority:** NDCC 43-29-03

**Law Implemented:** NDCC 43-29-14

#### **87-05-02-03. Code of ethics.**

1. The board shall reference the 2024 principles of veterinary medical ethics from the American veterinary medical association as the standard code of ethics for the practice of veterinary medicine.
2. The board shall reference the 2025 national association of veterinary technicians in America code of ethics policy as the standard code of ethics for the practice of veterinary technology.

**History:** Effective April 1, 2026.

**General Authority:** NDCC 43-29-03, 43-29-14

**Law Implemented:** NDCC 43-29-14