
NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 44
STATE BOARD OF VETERINARY MEDICAL
EXAMINERS

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. LICENSURE BY EXAMINATION; LICENSURE BY WAIVER OF EXAMINATION; BIENNIAL LICENSE RENEWAL; REINSTATEMENT 3

13:44-1.1 Eligibility to take New Jersey Jurisprudence Orientation 3

13:44-1.2 Required documentation to take the New Jersey Jurisprudence Orientation..... 4

13:44-1.3 (Reserved)..... 4

13:44-1.4 Licensure by reciprocity..... 4

13:44-1.5 (Reserved)..... 6

13:44-1.6 Renewal of license 6

13:44-1.7 License reactivation 7

13:44-1.8 License reinstatement 9

13:44-1.9 Proof of licensure 10

SUBCHAPTER 2. (RESERVED) 10

SUBCHAPTER 3. DEFINITIONS..... 10

13:44-3.1 Definitions..... 10

SUBCHAPTER 4. GENERAL RULES OF PRACTICE..... 12

13:44-4.1 Veterinary prescription items..... 12

13:44-4.2 Municipal rabies clinics and public service..... 13

13:44-4.3 Poultry husbandry; unlicensed practice 14

13:44-4.4 Licensees who service pet shops, pounds, shelters and adoption facilities 14

13:44-4.5 Referral fees..... 14

13:44-4.6 Temporary continuance of facility upon licensee's death..... 15

13:44-4.7 Emergency cases..... 15

13:44-4.8 Advertising..... 15

13:44-4.9 Patient records 18

13:44-4.10 Continuing education 21

13:44-4.11 Emergency service facilities..... 25

13:44-4.12 Notice of address..... 25

13:44-4.13 Consent for veterinary student providing veterinary services 25

SUBCHAPTER 4A. TELEMEDICINE 26

13:44-4A.1 Purpose and scope 26

13:44-4A.2 Definitions 26

13:44-4A.3 Standard of care 28

13:44-4A.4 Licensee-client-patient relationship..... 28

13:44-4A.5 Provision of services through telemedicine or telehealth 29

13:44-4A.6 Prescriptions..... 31

13:44-4A.7 Records..... 31

13:44-4A.8 Prevention of fraud and abuse..... 31

13:44-4A.9 Privacy and notice to patients..... 32

SUBCHAPTER 5. FEE SCHEDULE 33

13:44-5.1 Fee schedule 33

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

13:44-1.1 ELIGIBILITY TO TAKE NEW JERSEY JURISPRUDENCE ORIENTATION

- a) As a prerequisite to taking the New Jersey Jurisprudence Orientation, 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) The Board may refuse licensure to any applicant who has violated any provision of N.J.S.A. 45:1-21.

13:44-1.2 REQUIRED DOCUMENTATION TO TAKE THE NEW JERSEY JURISPRUDENCE ORIENTATION

- a) An applicant for licensure shall submit or arrange to have submitted to the Board 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.

13:44-1.3 (RESERVED)**13:44-1.4 LICENSURE BY RECIPROCITY**

- a) Upon receipt of a completed application, application fee, consent to a criminal history record background check, and requisite fee for such a check, the Board shall issue a license to any

person who documents that he or she holds a valid, current corresponding license in good standing issued by another state, if:

- 1) The Board determines that the state that issued the license has, or had at the time of issuance, education, training, and examination requirements for licensure substantially equivalent to the current Board standards;
 - 2) The applicant has been practicing in the profession of veterinary medicine for a period of at least two years within the five years prior to the date of application; and
 - 3) The requirements of (b) below are satisfied.
- b) Prior to the issuance of the license, the Board shall have received:
- 1) Documentation from any state in which the applicant is, or was ever, licensed that the applicant's license(s) is in good standing;
 - 2) The results of a criminal history record background check of the files of the Criminal Justice Information Services Division in the Federal Bureau of Investigation and the State Bureau of Identification in the Division of State Police do not disclose a conviction for a disqualifying crime; and
 - 3) Designation of an agent in New Jersey for service of process if the applicant is not a New Jersey resident and does not have an office in New Jersey.
- c) For purposes of this section, "good standing" means that:
- 1) No action has been taken against the applicant's license by any licensing board;
 - 2) No action adversely affecting the applicant's privileges to practice veterinary medicine has been taken by any out-of-State institution, organization, or employer;
 - 3) No disciplinary proceeding is pending that could affect the applicant's privileges to practice veterinary medicine;
 - 4) All fines levied by any out-of-State board have been paid; and
 - 5) There is no pending or final action by any criminal authority for violation of any law, rule, or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, New Jersey, or any other state, including, but not limited to: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or

lewdness; or any offense involving any controlled dangerous substance or controlled dangerous substance analog.

- d) For purposes of this section, a "substantially equivalent" examination need not be identical to the current examination requirements of this State, but such examination shall be nationally recognized and of comparable scope and rigor.
- e) The Board shall consider an applicant's experience to compensate for disparity in substantial equivalence in the education and examination requirements under (a) above.
- f) The Board, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.
- g) An applicant shall complete the New Jersey Jurisprudence Orientation.
- h) The Board may grant a license without examination to an applicant seeking reciprocity who holds a corresponding license from another state who does not meet the good standing requirement of (a) above due to a pending action by a licensing board, a pending action by an out-of-State institution, organization, or employer affecting the applicant's privileges to practice, a pending disciplinary proceeding, or a pending criminal charge or arrest for a crime, provided the alleged conduct of the applicant that is the subject of the action, proceeding, charge, or arrest does not demonstrate a serious inability to practice veterinary medicine, adversely affect the public health, safety, or welfare, or result in economic or physical harm to a person, or create a significant threat of such harm.

13:44-1.5 (RESERVED)

13:44-1.6 RENEWAL OF LICENSE

- a) The Board shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. 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 failure to renew provided that the license is renewed within 60 days from the date the notice is sent or within 30 days following the date of license expiration, whichever is later.
- b) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall submit a renewal application to the Board, along with the renewal fee set forth at N.J.A.C. 13:44-5.1, prior to the date of license expiration.

- c) A licensee may renew his or her license by choosing inactive status. A licensee electing to renew as inactive shall not engage in the practice of veterinary medicine, or hold him- or herself out as eligible to engage in the practice of veterinary medicine, in New Jersey until such time as the license is returned to active status.
- d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth at N.J.A.C. 13:44-5.1. During this 30-day period, the license shall be valid and the licensee shall not be deemed as practicing without a license.
- e) A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.
- f) A licensee who continues to engage in the practice of veterinary medicine with a suspended license shall be deemed to be engaging in the unlicensed practice of veterinary medicine and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

13:44-1.7 LICENSE REACTIVATION

- a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:44-1.6(c) may apply to the Board for reactivation of an inactive license. A licensee seeking reactivation of an inactive license shall submit:
 - 1) A renewal application;
 - 2) A certification of employment listing each job held during the period the license was inactive that includes the names, addresses, and telephone numbers of each employer;
 - 3) If the renewal application is sent during the first year of the biennial renewal period, the renewal fee for the biennial period for which reactivation is sought as set forth at N.J.A.C. 13:44-5.1. If the renewal application is sent during the second year of the biennial period, half of the renewal fee for the biennial period for which reactivation is sought as set forth at N.J.A.C. 13:44-5.1; and
 - 4) Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth at N.J.A.C. 13:44-4.10.
- b) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of veterinary medicine and submits proof of having satisfied that state's continuing education requirements, shall be deemed to have satisfied the

requirements of (a)4 above. If the other state does not have any continuing education requirements, the requirements of (a)4 above shall apply.

- c) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reactivation of licensure, to take, and successfully complete, education or training, or to submit to supervision, monitoring, or limitations, as the Board determines necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board may consider the following:
- 1) Length of time license was inactive;
 - 2) Employment history;
 - 3) Professional history;
 - 4) Disciplinary history and any action taken against the applicant's license by any professional or occupational board;
 - 5) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of veterinary medicine or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
 - 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
 - 7) Civil litigation related to the practice of veterinary medicine or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:44-1.8 LICENSE REINSTATEMENT

- a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:44-1.6(e) may apply to the Board for reinstatement. A licensee applying for reinstatement shall submit:
- 1) A reinstatement application;
 - 2) A certification of employment listing each job held during the period of suspended license that includes the names, addresses, and telephone numbers of each employer;
 - 3) The renewal fee set forth at N.J.A.C. 13:44-5.1 for the biennial period for which reinstatement is sought;
 - 4) The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
 - 5) The reinstatement fee set forth at N.J.A.C. 13:44-5.1; and
 - 6) Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth at N.J.A.C. 13:44-4.10.
- b) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of veterinary medicine and submits proof of having satisfied that state's continuing education requirements, shall be deemed to have satisfied the requirements of (a)6 above. If the other state does not have any continuing education requirements, the requirements of (a)6 above apply.
- c) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reinstatement of licensure, to take, and successfully complete, education or training, or to submit to supervision, monitoring, or limitations, as the Board determines necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board may consider the following:
- 1) Length of time license was suspended;

- 2) Employment history;
- 3) Professional history;
- 4) Disciplinary history and any action taken against the applicant's license by any professional or occupational board;
- 5) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of veterinary medicine or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
- 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
- 7) Civil litigation related to the practice of veterinary medicine or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

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.

SUBCHAPTER 2. (RESERVED)

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, animal 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.

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 existing 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.

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, flock, or any other aggregation of animals 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.

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.

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.

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.

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.

13:44-4.7 EMERGENCY CASES

Veterinarians shall provide emergency care.

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 that 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 national specialty board certification in the claimed area exists and the licensee does not possess such certification. Where national specialty 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).

13:44-4.9 PATIENT RECORDS

- a) A licensee shall maintain a separate patient record for each animal, herd, flock, or any other aggregation of animals. 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, which shall appear on every page of the record;
 - 2) 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;
 - 3) The name, address and telephone number of the owner of the animal;
 - 4) Sufficient information to clearly identify the animal, herd or flock (for example, animal name or tattoo, breed or predominant breed species);
 - 5) A history of the presenting problem;
 - 6) All pertinent symptoms and signs observed;
 - 7) Tests ordered or performed and the results thereof;
 - 8) Conclusions and/or diagnosis;
 - 9) The treatment or treatment plan prescribed, including a specific notation of any medications or modalities prescribed;

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

13:44-4.10 CONTINUING EDUCATION

- a) Upon biennial license renewal, 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. Of these 20 credit hours:
 - 1) At least 17 shall be in surgery, medicine, or dentistry;
 - 2) No more than four shall be in courses related solely to business management; and
 - 3) Commencing with the biennial renewal period beginning on June 30, 2019, one shall be in topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion.
- 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.
- k) A licensee may obtain up to two continuing education credit hours per biennial period by providing veterinary care without charge:
- 1) To an animal owned by a person eligible for:

- i) The New Jersey Supplemental Nutrition Assistance Program authorized by the Food, Conservation and Energy Act of 2008, Pub.L. 110-246 (7 U.S.C. §§ 2011 et seq.);
 - ii) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.;
 - iii) The program for aid to families with dependent children, pursuant to P.L.1959, c.86 (C.44:10-1 et seq.);
 - iv) The program for general public assistance, pursuant to the provisions of the "General Public Assistance Law," P.L. 1947, c.156 (C.44:8-107 et seq.);
 - v) The program of medical assistance pursuant to P.L.1968, c. 413 (C.30:4D-1 et seq.);
 - vi) The program of "Pharmaceutical Assistance to the Aged and Disabled," established pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.);
 - vii) The rental assistance program authorized pursuant to section 8 of the United States Housing Act of 1937 as added by the Housing and Community Development Act of 1974, Pub.L.93-383 (42 U.S.C. § 1437(f));
 - viii) The "Lifeline Credit Program" established pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.); or
 - ix) The "Tenants' Lifeline Assistance Program" established pursuant to P.L.1981, c.210 (C.48:2-29.30 et seq.);
- 2) To a feral or stray cat with no known owner in a shelter or pound licensed by the Department of Health and Senior Services provided that the shelter or pound attests to the licensee that the cat being treated is feral or stray with no known owner; or
 - 3) To a cat in a municipally approved managed cat colony provided the municipality, nonprofit group, or organization managing the colony attests to the licensee that the cat being treated is feral or stray with no known owner.
- l) A licensee will obtain one continuing education credit hour for every two hours spent providing volunteer veterinary services pursuant to (k) above.
 - m) Continuing education credit hours obtained pursuant to (k) above shall not count towards any of the 17 credit hours of continuing education in surgery, medicine or dentistry required by (b) above.

- n) The Board may deny a licensee an opportunity to obtain any or all continuing education credit hours pursuant to (k) above if the Board determines that:
- 1) The licensee must complete continuing education credit hours in order to maintain or restore professional competence pursuant to (i) above; or
 - 2) All licensees must complete continuing education credit hours in order to address developments in science or technology.

13:44-4.11 EMERGENCY SERVICE FACILITIES

- a) Any veterinary facility denominated as an emergency service facility and advertising that it provides emergency service shall have at least one licensed veterinarian and one supporting staff member on the premises during the hours the facility is open for service.
- b) Advertisements for emergency service facilities shall include a statement of the days of the week and the hours the facility is open and that a New Jersey licensed veterinarian and supporting staff member are on the premises during these times.
- c) A certificate of registration or duplicate certificate for the location must be obtained by all licensed employees of an emergency service facility, except that a veterinarian who assists at the facility on an occasional emergency relief basis shall not be required to obtain a registration.
- d) Emergency service facilities shall keep a daily log recording the names of licensees and supporting staff regularly or occasionally employed by the facility, with the dates and the hours each has worked for the facility.
- e) This rule shall not apply to a veterinary facility not denominated as an emergency care facility which advertises an after-hours telephone number to be called when the facility is closed.

13:44-4.12 NOTICE OF ADDRESS

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

13:44-4.13 CONSENT FOR VETERINARY STUDENT PROVIDING VETERINARY SERVICES

- a) A licensee providing direct supervision to a veterinary student who is providing veterinary services pursuant to N.J.S.A. 45:16-9 shall:

- 1) Provide the Board with written notification that he or she will be providing direct supervision to the veterinary student;
- 2) Maintain written documentation from an instructor at the student's accredited veterinary school identifying the duties or actions assigned to the student; and
- 3) Provide the owner of an animal receiving services from the student with written notification identifying the licensed veterinarian providing the student with direct supervision and notifying the animal's owner that the veterinary student is not a licensed veterinarian. The licensed veterinarian shall maintain a copy of this notification, signed by the animal's owner, in his or her patient records.

SUBCHAPTER 4A. TELEMEDICINE

13:44-4A.1 PURPOSE AND SCOPE

- a) The purpose of this subchapter is to implement the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.), which authorizes healthcare providers to engage in telemedicine and telehealth.
- b) This subchapter shall apply to all persons who are licensed by the Board as veterinarians.
- c) Pursuant to N.J.S.A. 45:1-62, a veterinarian must hold a license issued by the Board if he or she:
 - 1) Is located in New Jersey and provides health care services to any patient located in or out of New Jersey by means of telemedicine or telehealth; or
 - 2) Is located outside of New Jersey and provides health care services to any patient located in New Jersey by means of telemedicine or telehealth.
- d) Pursuant to N.J.S.A. 45:16-8.1, a veterinarian located in another state who consults on a case with a licensee in New Jersey through the use of information and communications technologies will not be required to obtain licensure in New Jersey in order to provide such consultation.

13:44-4A.2 DEFINITIONS

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Asynchronous store-and-forward" means the acquisition and transmission of images, diagnostics, data, and medical information either to or from an originating site or to or from the licensee at a distant site, which allows for the patient to be evaluated without being physically present.

"Board" means the Board of Veterinary Medical Examiners.

"Client" means a patient's owner, owner's agent, or other person responsible for the patient.

"Cross-coverage service" means a licensee who engages in a remote medical evaluation of a patient, without in-person contact, at the request of another licensee who has established a proper licensee-client-patient relationship with the patient.

"Distant site" means a site at which a licensee is located while providing health care services by means of telemedicine or telehealth.

"Licensee" means an individual licensed by the Board as a veterinarian.

"On-call" means a licensee is available, where necessary, to physically attend to the urgent and follow-up needs of a patient for whom the licensee has temporarily assumed responsibility, as designated by the patient's primary care licensee or other health care provider of record.

"Originating site" means a site at which a patient is located at the time that health care services are provided to the patient by means of telemedicine or telehealth.

"Patient" means the animal or group of animals receiving veterinary services from a licensee.

"Telehealth" means the use of information and communications technologies, including telephones, remote patient monitoring devices, or other electronic means, to support clinical health care, provider consultation, patient and professional health-related education, public health, health administration, and other services in accordance with the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.).

"Telemedicine" means the delivery of a health care service using electronic communications, information technology, or other electronic or technological means to bridge the gap between a health care licensee who is located at a distant site and a patient who is located at an originating site, either with or without the assistance of an intervening licensee, and in accordance with the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et

seq.). "Telemedicine" does not include the use, in isolation, of audio-only telephone conversation, electronic mail, instant messaging, phone text, or facsimile transmission.

13:44-4A.3 STANDARD OF CARE

- a) Prior to providing services through telemedicine or telehealth, a licensee shall determine whether providing those services through telemedicine or telehealth would be consistent with the standard of care applicable for those services when provided in-person.
- b) If a licensee determines, either before or during the provision of services, that services cannot be provided through telemedicine or telehealth in a manner that is consistent with in-person standards of care, the licensee shall not provide services through telemedicine or telehealth.
- c) A licensee who determines that services cannot be provided through telemedicine or telehealth pursuant to (b) above shall advise the client to obtain services in-person for the patient.
- d) A licensee who provides a diagnosis, treatment, or consultation recommendation, including discussions regarding the risk and benefits of a patient's treatment options, through telemedicine or telehealth shall be held to the same standard of care or practice standards as are applicable to in-person settings.

13:44-4A.4 LICENSEE-CLIENT-PATIENT RELATIONSHIP

- a) Prior to providing services through telemedicine or telehealth, a licensee shall establish a licensee-client-patient relationship by:
 - 1) Identifying the patient and the client with, at a minimum, the client's name, date of birth, phone number, and address. A licensee may also use a client's assigned identification number, Social Security number, photo, health insurance policy number, or other identifier associated directly with the client; and
 - 2) Disclosing and validating the licensee's identity, license, title, and, if applicable, specialty and board certifications.
- b) Prior to an initial contact with a patient for the purpose of providing services to the patient using telemedicine or telehealth, a licensee shall:
 - 1) Review the patient's history and any available records;

- 2) Determine whether he or she will be able to provide the same standard of care using telemedicine or telehealth as would be provided if the services were provided in-person. The licensee shall make this determination prior to each unique patient encounter; and
 - 3) Provide the client the opportunity to sign a consent form that authorizes the licensee to release records of the encounter to the patient's primary care provider or other health care provider identified by the client.
- c) Notwithstanding (a) and (b) above, service may be provided through telemedicine or telehealth without a proper licensee-client-patient relationship if:
- 1) The provision of services is for informal consultations with another healthcare provider performed by a licensee outside the context of a contractual relationship, or on an irregular or infrequent basis, without the expectation or exchange of direct or indirect compensation;
 - 2) The provision of services is during episodic consultations by a medical specialist located in another jurisdiction who provides consultation services, upon request, to a licensee in this State;
 - 3) A licensee furnishes medical assistance in response to an emergency or disaster, provided that there is no charge for the medical assistance; or
 - 4) A substitute licensee, who is acting on behalf of an absent licensee in the same specialty, provides health care services on an on-call or cross-coverage basis, provided that the absent licensee has designated the substitute licensee as an on-call licensee or cross-coverage service provider.

13:44-4A.5 PROVISION OF SERVICES THROUGH TELEMEDICINE OR TELEHEALTH

- a) As long as a licensee has satisfied the requirements of N.J.A.C. 13:44-4A.4, a licensee may provide health care services to a patient through the use of telemedicine and may engage in telehealth to support and facilitate the provision of health care services to patients.
- b) Prior to providing services through telemedicine or telehealth, a licensee shall determine the patient's originating site and record this information in the patient's record.
- c) A licensee providing healthcare services through telemedicine shall use interactive, real-time, two-way communication technologies, which shall include, except as provided in (e)

below, a video component that allows a licensee to see a patient and client and the patient and client to see the licensee during the provision of services.

- d) A licensee providing services through telemedicine or telehealth may use asynchronous store-and-forward technology to allow for the electronic transmission of:
 - 1) Images;
 - 2) Diagnostics;
 - 3) Data; and
 - 4) Medical information.
- e) If, after accessing and reviewing the patient's records, a licensee determines that he or she is able to meet the standard of care for such services if they were being provided in-person without using the video component described in (c) above, the licensee may use interactive, real-time, two-way audio in combination with asynchronous store-and-forward technology, without a video component.
- f) During the provision of services through telemedicine or telehealth, and after the provision of services, a licensee, or another designated licensee, shall provide his or her name, professional credentials, and contact information to the client. Such contact information shall enable the client to contact the licensee for at least 72 hours following the provision of services, or for a longer period if warranted by the patient's circumstances and accepted standards of care.
- g) Prior to providing services through telemedicine or telehealth, a licensee shall review any patient history or records provided by a client as follows:
 - 1) For an initial encounter with a patient, history and records shall be reviewed prior to the provision of services through telemedicine or telehealth; and
 - 2) For any subsequent interactions with a patient, history and records shall be reviewed either prior to the provision of services through telemedicine or telehealth or contemporaneously with the encounter with the patient.
- h) After the provision of services through telemedicine or telehealth, a licensee shall provide the client, upon request, with the patient's records created due to the services provided.

- i) A licensee shall provide, upon a client's written request, the patient's information to the patient's primary care provider.
- j) A licensee engaging in telemedicine or telehealth shall refer a patient for follow-up care when necessary.

13:44-4A.6 PRESCRIPTIONS

- a) A licensee providing services through telemedicine or telehealth may issue a prescription to a patient, as long as the issuance of such a prescription is consistent with the standard of care or practice standards applicable to the in-person setting.
- b) A licensee shall not issue a prescription based solely on responses provided in an online questionnaire, unless the licensee has established a proper licensee-client-patient relationship pursuant to N.J.A.C. 13:44-4A.4.
- c) Notwithstanding (a) above, a licensee shall not issue a prescription for a Schedule II controlled dangerous substance unless the licensee has had an initial in-person examination of the patient and a subsequent in-person visit with the patient at least every three months for the duration of the time the patient is prescribed the Schedule II controlled dangerous substance.

13:44-4A.7 RECORDS

A licensee who provides services through telemedicine or telehealth shall maintain a record of the care provided to a patient. Such records shall comply with the requirements of N.J.A.C. 13:44-4A.9, and all other applicable State and Federal statutes, rules, and regulations for recordkeeping, confidentiality, and disclosure of a patient's record.

13:44-4A.8 PREVENTION OF FRAUD AND ABUSE

- a) In order to establish that a licensee has made a good faith effort to prevent fraud and abuse when providing services through telemedicine or telehealth, a licensee must establish written protocols that address:

- 1) Authentication and authorization of users;
- 2) Authentication of the patient and client during the initial intake pursuant to N.J.A.C. 13:44-4A.4(a)1;
- 3) Authentication of the origin of information;
- 4) The prevention of unauthorized access to the system or information;
- 5) System security, including the integrity of information that is collected, program integrity, and system integrity;
- 6) Maintenance of documentation about system and information usage;
- 7) Information storage, maintenance, and transmission; and
- 8) Synchronization and verification of patient profile data.

13:44-4A.9 PRIVACY AND NOTICE TO PATIENTS

- a) Licensees who provide services through telemedicine or telehealth, or their authorized representatives, shall, prior to providing services, give clients notice regarding telemedicine and telehealth, including the risks and benefits of being treated through telemedicine or telehealth and how to receive follow-up care or assistance in the event of an adverse reaction to the treatment or in the event of an inability to communicate as a result of a technological or equipment failure. A licensee shall obtain a signed and dated statement indicating that the client received this notice.
- b) When telemedicine or telehealth is unable to provide all pertinent clinical information that a licensee exercising ordinary skill and care would deem reasonably necessary to provide care to a patient, the licensee shall inform the client of this prior to the conclusion of the provision of care through telemedicine or telehealth and shall advise the client regarding the need for the patient to obtain an additional in-person medical evaluation reasonably able to meet the patient's needs.

**SUBCHAPTER 5.
FEE SCHEDULE**

13:44-5.1 FEE SCHEDULE

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

- 1) Application fee \$ 150.00
- 2) Initial license fee
 - i) During the first year of a biennial renewal period \$250.00
 - ii) During the second year of a biennial renewal period \$125.00
- 3) Biennial renewal fee \$250.00
- 4) Non-active registration fee \$150.00
- 5) Transfer fee non-active to active
 - i) During the first year of a biennial renewal period \$100.00
 - ii) During the second year of a biennial renewal period \$ 50.00
- 6) Late renewal fee (up to 60 days after renewal is due) \$100.00
- 7) Reinstatement fee (61 or more days after renewal is due) \$250.00
- 8) Certificate of registration duplicate \$ 80.00
- 9) Verification of licensure \$ 25.00
- 10) Duplicate wall license \$ 50.00