

Act of 15 June 2001 No. 75 relating to Veterinarians and Other Animal Health Personnel

DATE: 15.06.2001 No. 75

MINISTRY: Ministry of Agriculture

PUBLISHED: In 2001, Booklet 7

ENTRY INTO FORCE: 1 January 2002

LAST AMENDED:

AMENDS: Act of 10 December 1948 No. 3

AMENDS: Act of 20 December 1974 No. 73

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Act relating to Veterinarians and Other Animal Health Personnel

Chapter 1. Purpose, definitions and scope

Section 1. *Purpose of the Act*

The purpose of the Act is to help to ensure that animal health personnel practice their profession properly, thereby promoting good animal health, proper animal protection, safe food and due care for the environment.

The State has the overriding responsibility for ensuring nation-wide animal health services.

Section 2. *Definitions*

For the purposes of this Act, the term "animal health personnel" means persons who have been granted an authorization or a licence pursuant to sections 4 and 5.

For the purposes of this Act, the term "aquatic animals" means animals that live in water, including marine mammals, as well as the sexual products and resting and reproductive stages of animals that live in water.

Section 3. *Scope of the Act*

This Act applies to animal health personnel in Norway.

The King may issue regulations concerning the application of the Act on Svalbard and Jan Mayen, and may prescribe special rules that take account of local conditions.

Chapter 2. Authorizations, licences and other certification

Section 4. *Authorization*

Any person who can provide documentary proof of having taken a relevant degree at a Norwegian university or university college of science is entitled to authorization to practise as a veterinarian or an aquamedicine biologist.

Any person who has taken a degree in another country which is recognized under a mutual recognition agreement pursuant to section 6 is also entitled to authorization.

Authorization to practise as a veterinarian or an aquamedicine biologist may also be granted to any person who has a foreign degree which is recognized by the Ministry as professionally equivalent, or who otherwise provides proof of having the necessary expertise. The Ministry shall first procure opinions from a Norwegian university or university college of science.

The Ministry may by regulation prescribe that persons other than the groups of personnel covered by the foregoing paragraphs may be granted authorization.

Authorization is granted upon application. The applicant must be less than 75 years old and be qualified in all other ways.

The Ministry may issue further regulations regarding practical service, additional education and the requirement of a written oath as a condition for obtaining authorization.

Section 5. *Licence*

Any person who does not satisfy the conditions for authorization may, upon application, instead be granted a licence. The Ministry may prescribe that a licence shall be issued for a limited period of time, for a specific position, for the performance of practical service as mentioned in section 4, last paragraph, for certain methods of examination or treatment, or be subject to other conditions and limitations.

A licence may also be granted to animal health personnel with a foreign degree that is recognized under a mutual recognition agreement pursuant to section 6.

Authorized animal health personnel who provide proof that they are qualified to continue to practise their profession properly after reaching the age limit may be granted a licence.

The Ministry will issue further regulations regarding the terms for obtaining a licence and the conditions that may be related thereto.

Section 6. *International agreements*

Authorizations, licences and other certification may be granted pursuant to a reciprocal agreement with a foreign State. The Ministry may by regulation issue further rules regarding the authorization, licensing and certification of animal health personnel on the basis of foreign education.

Section 7. *Cross-border practice*

Authorized veterinarians who practice in Sweden and Finland in veterinary districts that border on Norway may in special cases provide veterinary services in adjoining Norwegian veterinary districts without an authorization or a licence issued by the Ministry.

Section 8. *Certification of specialists*

The Ministry may issue regulations regarding conditions for the certification of specialists in delimited fields of expertise.

Section 9. *Authority to grant authorizations, licences and other certification*

Authorizations, licences and specialist certification will be granted by the Ministry or the person authorized by the Ministry.

Section 10. *Rejection of applications for authorizations, licences or other certification*

If there are circumstances that provide grounds for revocation pursuant to section 35, the Ministry or the person authorized by the Ministry may reject an application for an authorization, a licence or specialist certification.

Section 11. *Age limit and relinquishment of authorizations, licences and specialist certification*

Authorizations, licences and specialist certification pursuant to this Act shall expire when the holder reaches 75 years of age, cf. section 5, third paragraph, but the right to use the professional title shall be retained after the age limit is reached.

Authorizations, licences and specialist certification granted pursuant to this Act may be relinquished by handing the document in to the Ministry.

Chapter 3. Duties and rights of animal health personnel

Section 12. *Duties of animal health personnel*

The duties of animal health personnel within their professional field are:

1. to promote the welfare and health of animals, including stocks of animals living in the wild,
2. to contribute to ethical and environmentally sound animal husbandry,
3. to protect society against hazards and damage caused by animal diseases or by food and products of animal origin.

Section 13. *Effects of the authorization, etc.*

Any person who has an authorization or a licence pursuant to this Act may engage in such practice as his education qualifies him for within the limits set by this Act and other relevant statutes.

The holder of an authorization or licence has a duty to conduct his practice in a proper professional manner.

Pursuant to section 5, the Ministry may attach conditions to a licence, including a provision that the holder shall be placed under the supervision of other animal health personnel.

Section 14. *Emergency assistance*

Animal health personnel have a duty to provide, as soon as possible, such help as the person concerned can - personally or by means of a deputy - when, on the basis of the information available, it must be assumed that immediate assistance is urgently required. This duty ceases to apply when the person concerned has a legitimate excuse or when help is provided in time by other animal health personnel.

For assistance that animal health personnel have provided pursuant to the foregoing paragraph, she or he may demand suitable remuneration from the State, if she or he does not, upon demand, receive payment from the person who requested the assistance or the person who is liable to pay for the assistance.

Section 15. *Use of an assistant*

Animal health personnel may be assisted in their practice by other personnel on condition that adequate instructions are given and supervision is exercised. Any person who allows functions to be performed by other persons shall ensure that the person concerned has the necessary qualifications for the proper performance of the said functions.

The Ministry may issue further regulations regarding animal health personnel's use of assistants.

Section 16. *Use of a protected title*

Apart from the exception to be found in section 11, only a person who has an authorization, a licence or specialist certification pursuant to this Act is entitled to use a title that has been determined for the group of animal health personnel concerned.

Other persons must not use titles or advertise their activities in such a way that it gives or is liable to give the impression that the person concerned has a certain authorization, licence or specialist certification.

Section 17. *Requisition of medicines for animals*

Only veterinarians may requisition prescription medicines for animals.

Notwithstanding the first paragraph, aquamedicine biologists may requisition prescription medicines for aquatic animals, except for marine mammals.

The Ministry may wholly or partly prohibit the requisition of certain medicines for animals. The Ministry responsible for health legislation has the same right.

The Ministry responsible for health legislation will lay down general provisions for issuing prescriptions and may determine that prescriptions for specifically mentioned medicines shall be kept at pharmacies for inspection by the animal health authorities as part of the public supervision of proper practice.

Pharmacies that have reason to believe that animal health personnel are misusing anaesthetics or requisitioning medicines that it is prohibited to requisition shall, notwithstanding their duty of secrecy, notify the animal health authorities thereof.

The Ministry may issue further regulations regarding such requisitioning as may only be done by animal health personnel with special competence, and regarding the requisitioning of medicines for use in the area in which one practises.

Section 18. *On the medical treatment of animals and use of specific methods, etc.*

Only a veterinarian may:

1. treat animals which there is reason to believe are infected with a communicable disease or which have a disease whose treatment requires veterinary medical expertise,
2. use methods of examination and treatment that require special expertise in connection with the diagnosis, prevention and treatment of disease in animals. Such methods include surgical interventions, injections and other perforation of skin or mucous membrane,
3. carry out full or local anaesthetization,
4. use prescription medicines in the treatment of animals,
5. be responsible for meat inspections.

Aquamedicine biologists may treat communicable and other diseases pursuant to the provisions of the first paragraph, subparagraphs 1-4, but only in aquatic animals except for marine mammals.

The provisions of this section do not preclude animal health personnel from using an assistant, cf. section 15. In accordance with the instructions of animal health personnel, animal owners may carry out the medical treatment of their own animals using medicines that are only intended for use by animal health personnel. The Ministry may issue regulations regarding the use of medicines for animals.

The Ministry may by regulation prescribe further rules for the immobilization of animals. Notwithstanding the first paragraph, subparagraph 3, the Ministry may allow persons other than veterinarians to carry out this function in special cases.

Section 19. *Permission to or prohibition against use of specific methods, etc.*

The Ministry may by regulation determine that specified aids and methods of examination and treatment may only be used by animal health personnel who are authorized or licensed pursuant to this Act.

The Ministry may by regulation determine that special aids and methods of examination and treatment may only be used by authorized animal health personnel pursuant to special permission granted by the Ministry. The Ministry may also prohibit the use of specific methods of examination and treatment.

Section 20. *General rule regarding the duty of secrecy*

Animal health personnel and their assistants shall prevent other persons from gaining access to or knowledge of information which the former have acquired in their activities concerning

1. personal matters or
2. operational or business matters which, for reasons of competition, it is important to keep secret in the interests of the person whom the information concerns.

Nor may the persons concerned make use of such information in their own activities or in services or work for other persons.

Every other person to whom this Act applies also has a duty of secrecy as regards information mentioned in the first paragraph, insofar as the person concerned has gained knowledge of the said information through animal health personnel.

Section 21. *Limitations on the duty of secrecy*

The duty of secrecy pursuant to section 20 does not preclude

1. making information known to the person directly concerned by the said information, or to other persons insofar as the person who is entitled to secrecy consents thereto,
2. giving information to a person who already has knowledge thereof,
3. giving information when no justifiable interest warrants secrecy,
4. passing on information when the need for protection is deemed to be met by the omission of characteristics that identify a specific individual,
5. passing on information when weighty private or public interests make it legitimate to do so, or
6. passing on information pursuant to provisions laid down in a statute or pursuant to statute when it is explicitly stated or clearly assumed that the duty of secrecy shall not apply.

Section 22. *Information to animal owners*

Animal health personnel shall as a matter of course give the animal owner or the latter's representative information concerning methods of examination, diagnoses and relevant alternative treatments and the prognosis. The owner shall also be informed of possible risks and side-effects of the examination or treatment. If injury or complications arise in connection with the examination or treatment, the animal owner shall be informed thereof. Information shall be provided in a form that is understandable and appropriate to the needs of the animal owner.

Section 23. *Proper practice*

Animal health personnel have a duty to practise their profession properly, including

1. maintaining their relevant professional skills and knowledge,
2. being aware of their own professional limitations,
3. ensuring the quality of their services and seeing to it that activities and services are planned and carried out in conformity with generally accepted professional and ethical norms and standards laid down pursuant to statute or regulation,
4. if the state of the patient necessitates special treatment which they themselves are not competent to provide, referring the animal owner to other animal health personnel who have the necessary expertise and equipment, and
5. acquainting themselves with current rules and complying with the provisions laid down for the conduct of their own practice.

The Ministry may issue regulations containing further requirements as to how practices are to be conducted.

Section 24. *On systematic records, notices, reports and access to records*

Animal health personnel have a duty to notify the public veterinary authorities of the address at which they reside, whether they are engaged in private practice and of the form in which they conduct such practice.

Animal health personnel shall keep systematic records of their activities. The records shall be kept in accordance with good professional practice and shall contain complete information on patients and their treatment, as well as information that is necessary to comply

with the duty to notify and report to the authorities pursuant to the third paragraph. It may be required that the records be presented as evidence in a lawsuit or an administrative case relating to the activities of the person concerned.

Animal health personnel shall submit such reports and notices as the public animal health authorities may decide.

Animal health personnel shall give the animal health authorities access to the premises where they conduct their practice and provide all the information deemed to be necessary for the exercise of supervision of the activities of the animal health personnel. Animal health personnel shall, notwithstanding their duty of secrecy, surrender such documents, sound and image recordings and the like as are demanded by the supervisory authority.

An animal owner is entitled, personally or through a representative designated by him, to acquaint himself with the records, and their appendices, of his own animal. Upon request, animal health personnel have a duty to lend or surrender records and their appendices to another animal clinic or other animal health personnel when this is deemed to be necessary for the further treatment of the patient.

The Ministry may issue regulations concerning the provisions of this section.

Section 25. *Provision of security*

Animal health personnel who wish to engage in private practice shall provide security for the liability they may incur in their practice. The insurance shall also cover damage caused by any persons they may employ.

The Ministry may issue further regulations regarding the amount of security that should be required.

Section 26. *On clinic duty*

1. Clinic duty shall be established for animal health personnel in all parts of the country. Participation in clinic duty shall be voluntary, and the Ministry will enter into an agreement with the professional associations after negotiations on the organization and implementation of such duty and on remuneration/subsidies for participation.
2. If it is not possible to procure enough personnel for clinic duty through voluntary arrangements, the Ministry may decide that practising animal health personnel shall participate in clinic duty at the place where they practise in accordance with conditions agreed with professional associations. The obligation to participate in clinic duty is limited in relation to the type of practice each professional conducts on a daily basis. The obligation to participate in clinic duty ceases to apply if the person concerned has a legitimate reason for not participating, and account must be taken of the practising animal health personnel's need for regular leisure time.
3. The Ministry may issue further regulations regarding the implementation of the provisions of this section.

Section 27. *Compulsory service in emergencies*

In serious emergencies, the Ministry, or the person authorized by the Ministry, may order practising animal health personnel to perform public services subject to agreed remuneration. The period of compulsory service shall be as short as possible. The obligation ceases to apply when the person concerned has a legitimate reason for not performing such services.

Section 28. *Issuance of professional certificates and declarations*

Any person who issues a certificate must be careful, accurate and objective. The document shall be correct and shall only contain such information as is necessary for the purpose. Animal health personnel who are disqualified pursuant to section 6 of the Public Administration Act shall not issue certificates or similar declarations.

Section 29. *Cessation of the right to practise when animal health personnel function as a dispensing chemist or manager of a chemist's shop*

Animal health personnel who have the right to requisition medicines do not have the right to practise during such time as the person in question is a chemist or manager of a chemist's shop.

Chapter 4. The Legal Advisory Council for Veterinary Medicine

Section 30. *Appointment and composition of the Council*

A Legal Advisory Council for Veterinary Medicine shall be appointed, consisting of seven members who, along with their personal deputies, shall be appointed by the Ministry for a period of five years. The chairman and vice-chairman shall be appointed by the Ministry. One of the members and his or her deputy member shall be qualified lawyers. Of the six other members, four shall be animal medical personnel in scientific positions in relevant fields of expertise and two shall have clinical experience. The latter two shall be appointed on the basis of proposals from professional associations. When appointing members, care shall be taken to ensure that the various branches of veterinary medicine are represented as well as possible.

The Council may procure statements from or summon experts when the Council members do not possess the necessary expertise.

The Ministry appoints the secretary of the Council.

Section 31. *Functions of the Council*

The Council shall act as advisor to the veterinary authorities in disciplinary cases, cases regarding proper practice, cases of a veterinary medical nature and animal protection issues. The Council may also take up cases on its own initiative.

The Council shall be at the disposal of the courts, the prosecuting authority, public defence counsel and appointed experts on veterinary medical questions and animal protection in connection with civil lawsuits and criminal cases.

The Council may issue statements and carry out examinations for insurance companies and others in cases concerning the insurance of animals, the liability of animal medical personnel, trade disputes and other cases of a veterinary medical nature or relating to animal protection. In such cases, a fee shall be paid according to a norm set by the Ministry.

The Ministry may prescribe further provisions regarding methods of work and additional responsibilities.

Section 32. *The Council's right of access to records, etc.*

The records of animal health personnel, with appendices and other documents, concerning cases that are being dealt with by the Legal Advisory Council for Veterinary Medicine shall, upon request, be submitted to the Council.

Section 33. *Remuneration*

The chairman, members and secretary of the Council, as well as summoned experts, shall receive remuneration according to rates fixed by the Ministry.

Chapter 5. Penalties and other sanctions

Section 34. *Warning*

The regional animal health authority (the chief county veterinary officer) may issue a warning to animal health personnel who wilfully or negligently breach duties pursuant to this Act or provisions laid down pursuant to it, if the said breach is liable to endanger the safety of the animal health service or to place a significant strain on animal owners and cause unnecessary suffering to animals. The same applies if animal health personnel have behaved in a manner that is liable to weaken confidence in their professional group. A warning is given in the form of an individual decision pursuant to the Public Administration Act.

Section 35. *Revocation and suspension of authorizations, licences or other certification*

Authorizations, licences or specialist certification granted pursuant to this Act may be revoked by the Ministry if the holder is unfit to practise his or her profession on account of serious mental illness, mental or physical impairment, long absence from the profession, abuse of alcohol, use of drugs or substances with a similar effect, gross lack of professional insight, improper practice or in the event of serious breach of duty pursuant to this Act, or regulations laid down pursuant thereto. In connection with its assessment, the Ministry may order the person concerned to submit to examination by relevant professionals.

Authorizations, licences or specialist certification may also be revoked if the holder, despite being warned, fails to comply with requirements prescribed by statute or regulation.

Authorizations, licences or other certification granted on the basis of equivalent certification in another State may be revoked if the certification loses its validity in the State in question.

Instead of full revocation, authorizations, licences or other certification may be limited to the practice of specific activities. Conditions may be attached to an administrative decision of this nature.

If there is just cause to assume that there are grounds for revocation, the Ministry may suspend authorizations, licences or other certification insofar as it deems this to be necessary.

In the event of the revocation, limitation or suspension of an authorization, a licence or specialist certification, notice thereof shall be given to the certifying authority in another State where the person in question is known to practise, if this is necessary in order to comply with an international treaty.

Section 36. *Loss of right of requisition*

If the requisitioning and use by a veterinarian or an aquamedicine biologist of medicines for animals are improper or contrary to statute or regulations laid down pursuant to statute, the Ministry may wholly or partly deprive the person concerned of the right to requisition and use specific medicines for a specified period or for ever.

If the Ministry finds it fitting, it may upon application restore the right prior to expiry of the fixed period.

A veterinarian may himself, in a binding manner, relinquish the right to requisition certain medicines for a specified period or for ever.

Section 37. *Penalties*

Any person who wilfully or negligently breaches this Act or provisions laid down pursuant thereto shall be liable to fines or imprisonment for a term not exceeding three months. An accomplice shall be liable to the same penalty. With regard to breaches of section

18 or provisions laid down pursuant thereto, the penalty in cases of repetition of an offence or when there are particularly aggravating circumstances may be increased to imprisonment for a period not exceeding six months.

Chapter 6. Concluding provisions

Section 38. Commencement

This Act will come into force on the date decided by the King. At the same time, the Act of 10 December 1948 No. 3 relating to veterinarians, etc. will be repealed.

The provisions of section 17, second paragraph, regarding the right of aquamedicine biologists to requisition medicines shall not apply until the date decided by the Ministry.

Section 39. Transitional arrangements

Regulations and the like laid down pursuant to the Act of 10 December 1948 No. 3 relating to veterinarians, etc. shall apply insofar as they do not conflict with this Act or regulations laid down pursuant to this Act.

Any person who, at the time this Act comes into force, has an authorization and specialist certification as animal health personnel shall retain his or her authorization and specialist certification pursuant to this Act.

The Ministry may prescribe regulations containing transitional provisions.

Section 40. Amendments to other Acts

The following amendments shall be made to the Act of 20 December 1974 No. 73 relating to animal protection:

Section 3 shall read as follows:

The police, a member of the animal welfare committee and the chief regional or chief county veterinary officer may, at any time, inspect animals to which this Act applies and the places and rooms, etc. in which such animals are to be found.

Section 7, first paragraph, shall read as follows:

No person other than a veterinarian may carry out a surgical intervention on or initiate medical treatment of animals when there is reason to believe that the intervention or treatment may cause the animal to suffer. If there is reason to believe that the intervention or treatment will cause the animal to suffer greatly, the veterinarian shall use a general or local anaesthetic unless this is precluded by medical reasons. As regards aquatic animals, with the exception of marine mammals, aquamedicine biologists also have the right to initiate corresponding treatment, cf. section 18 of Act of 15 June 2001 No. 75 relating to veterinarians and other animal health personnel. A person who is not a veterinarian may nonetheless castrate a pig that is no more than one week old without anaesthetizing the animal. Any person who castrates pigs shall undergo such training as is decided by the Ministry.

Section 21, third paragraph, shall read as follows:

Any person who has been granted a permit pursuant to the first paragraph may, notwithstanding section 18 of the Act of 15 June 2001 No. 75 relating to veterinarians and other animal health personnel use a general or local anaesthetic on the animals concerned.