

# STATE OF NEVADA



## BOARD OF VETERINARY MEDICAL EXAMINERS

### **\*PUBLIC NOTICE\***

### **AGENDA**

The Nevada State Board of Veterinary Medical Examiners will conduct a board meeting on

**Friday, September 24, 2021 at 1:00PM at**

**4600 Kietzke Ln Suite O-265**

**Reno, NV 89502**

**and**

**at the following conference number:**

**1-857-799-9907**

#### **Please note:**

The Board of Veterinary Medical Examiners may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency and effectiveness of the meeting;

The Board of Veterinary Medical Examiners may combine two or more agenda items for consideration;

The Board of Veterinary Medical Examiners may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Public comment is welcomed by the Board but will be heard only when that item on the agenda is reached and will be limited to five minutes per person. The President may allow additional time to a given speaker as time allows and at his sole discretion.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS 233B.126. Please be aware that after the quasi-judicial board or commission had rendered a decision in the contested case and assuming this happens before adjournment, then the Board or commission may entertain public comment on the proceeding at that time.

The Board of Veterinary Medical Examiners may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

**Public Comment: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item which action will be taken. (NRS 241.020)**

### **Regular Agenda**

#### **1. Regulation Workshop-Discussion and Determination of Possible Regulations (For Possible Action)**

##### **A. Reviewing draft language and possible topics for regulation changes on the following:**

- Elimination of notary requirement
- Revision of renewals for annual to biannual schedule
- Revision of definition of veterinarian-client-patient-relationship to conform with AB200
- Revision to language related to notice of hearings to conform with AB200
- Addition of definition for 'physical examination' related to AB200.
- Additions or changes to language related to AB200.

**2. Public Comment: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item which action will be taken. (NRS241.020)**

#### **3. Adjournment for Possible Action**

**Accommodations and Supporting Materials:** Nevada State Board of Veterinary Medical Examiners will make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Should special arrangements for the meeting be necessary or to obtain supporting material, please notify the Nevada State Board of Veterinary Medical Examiners in writing as soon as possible at:

Nevada State Board of Veterinary Medical Examiners (Attn: Jennifer Pedigo)

4600 Kietzke Ln. O-265

Reno, NV 89502

Or by phone: 775-688-1788

NOTE: Continuing Education credit of 4 hours for veterinarians and 2 hours for veterinary technicians (maximum per year) will be given for attending the complaint portion of the Board meeting.

This notice has been posted at the following locations and is available for viewing at [nvvetboard.us](http://nvvetboard.us) (agendas and minutes) and [nv.gov](http://nv.gov) (public notices home page):

Board of Veterinary Medical Examiners, Reno, Nevada

4600 Kietzke Lane, O-265

Reno, NV

Clark County Library, 1401 E. Flamingo Rd., Las Vegas, NV 89119

Sierra View Library, 4001 S. Virginia St. Reno, NV 89502

[www.notice.nv.gov](http://www.notice.nv.gov) and <https://www.nvvetboard.us/glsuiteweb/clients/nvbov/public/default.aspx>

# **PROPOSED REGULATIONS OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

The State of Nevada Board of Veterinary Medical Examiners is proposing amendments of regulations pertaining to Chapter 638 of Nevada Administrative Code.

A workshop has been scheduled for 1:00PM on Friday, September 24, 2021, at:

**Nevada Board of Veterinary Medical Examiners  
4600 Kietzke Ln. Suite O-265  
Reno, NV 89502**

**And by teleconference at 1-857-799-9907**

The purpose of the workshops is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

- Elimination of notary requirement
- Revision of renewals from annual to biannual schedule
- Revision of definition of veterinarian-client-patient-relationship to conform with AB 200
- Revision to language related to notice of hearings to conform with AB200.
- Addition of definition for "physical examination" related to AB200.
- Additions or changes to language related to AB200.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the State of Nevada Board of Veterinary Medical Examiners, 4600 Kietzke Ln. Suite O-265, Reno, NV 89502, (775) 688-1788.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations, all licensed veterinary facilities, and posted at the following locations:

- The Legislative Council Bureau
- State of Nevada Website ([notice.nv.gov](http://notice.nv.gov))
- State Board of Veterinary Medical Examiners website
- Sierra View Library (Old Town Mall)
- Clark County Library

Date posted: 9/8/2021

**PROPOSED REGULATION OF THE NEVADA STATE BOARD  
OF VETERINARY MEDICAL EXAMINERS**

**LCB File No. R\*\*\*-21**

**August 26, 2021**

EXPLANATION – Matter in *italics* is new; matter in brackets~~[omitted material]~~ is material to be omitted; matter in green brackets ~~[omitted material]~~ is material to be omitted as a result of the Board’s meeting on July 22, 2021; matter in *purple italics double-underlined* is new matter as a result of the Board’s meeting on September 24, 2021 .

AUTHORITY: NRS 638.070; Chapter 186 Statutes of Nevada (2021).

A REGULATION relating to veterinary medicine; conditions for registration of interns and veterinary graduates awaiting licensure; defining and setting conditions for veterinary externs; for temporary permits, and conditions related thereto.

**Legislative Counsel’s Digest:**

Existing law. . .

**Section 1.** NAC 638.0197 shall be amended to read as follows:

**638.0197.**           1. For the purposes of this chapter, ~~[a veterinarian shall be deemed to have a]~~ “veterinarian-client-patient relationship” ~~[concerning a nonhuman animal if the veterinarian satisfies all of the following conditions:~~

~~(a) The veterinarian assumes the responsibility for making medical judgments concerning the health of the animal and the need for medical treatment of the animal.~~

~~(b) The veterinarian has knowledge of the present care and health of the animal sufficient to provide at least a general or preliminary diagnosis of the medical condition of the animal. This knowledge must be acquired by:~~

~~(1) Conducting a physical examination of the animal; or~~

~~(2) Visiting the premises where the animal is kept in a timely manner that is appropriate to the medical condition of the animal.~~

~~(c) The veterinarian obtains the informed consent of the client for medical treatment of the animal.~~

~~(d) The veterinarian obtains the agreement of the client to follow the instructions provided by the veterinarian for the care and medical treatment of the animal.]~~ *has the meaning ascribed to is in Sec. 3 of Chapter 186 Statutes of Nevada (2021).*

2. As used in this section, “informed consent” means that the client, after having been informed in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment and prognosis for the animal and of an estimate of the fees expected for provision of veterinary services to be rendered to the animal, has consented to the recommended treatment.

**Sec. 2.** NAC 638.035 shall be amended to read as follows:

The Board will charge and collect the following fees:

For an application and examination for a license to practice veterinary

medicine or a license to practice as a diplomate ..... \$~~[200]~~400

For an application for a license to practice as a veterinary technician ..... ~~[100]~~200

For an application or examination for a license to practice as a euthanasia

technician ..... ~~[200]~~400

For a 2-year registration to practice as a veterinary technician in training .....50

For a permit to operate a facility owned by a licensed veterinarian, other than a

mobile clinic ..... ~~[100]~~200

For a permit to operate a facility not owned by a licensed veterinarian, other than a mobile clinic .....	<del>[300]</del> <u>600</u>
For a permit to operate a mobile clinic.....	<del>[50]</del> <u>100</u>
For a permit to operate a nonprofit facility .....	<del>[100]</del> <u>200</u>
For a registration to practice animal chiropractic .....	<del>[50]</del> <u>100</u>
For a registration to practice animal physical therapy .....	<del>[50]</del> <u>100</u>
For a temporary permit to practice veterinary medicine .....	100
For the reinstatement of a veterinary or diplomate license .....	<del>[200]</del> <u>400</u>
For the reinstatement of a veterinary technician license .....	<del>[100]</del> <u>200</u>
For the <del>[annual]</del> <i>biennial</i> renewal of an active license to practice veterinary medicine .....	<del>[250]</del> <u>500</u>
For the <del>[annual]</del> <i>biennial</i> renewal of an inactive license to practice veterinary medicine .....	<del>[130]</del> <u>260</u>
For the <del>[annual]</del> <i>biennial</i> renewal of a license to practice as a veterinary technician .....	<del>[75]</del> <u>150</u>
For the <del>[annual]</del> <i>biennial</i> renewal of a license to practice as a euthanasia technician .....	<del>[100]</del> <u>200</u>
For the <del>[annual]</del> <i>biennial</i> renewal of a registration to practice as an animal physical therapist .....	<del>[25]</del> <u>50</u>
For the <del>[annual]</del> <i>biennial</i> renewal of a registration to practice as an animal chiropractor .....	<del>[25]</del> <u>50</u>
For the <del>[annual]</del> <i>biennial</i> renewal of a permit for a facility owned by a licensed veterinarian, other than a mobile clinic .....	<del>[100]</del> <u>200</u>

For the ~~[annual]~~ *biennial* renewal of a permit for a facility not owned by a  
 licensed Veterinarian, other than a mobile clinic ..... ~~[300]~~ *600*

For the ~~[annual]~~ *biennial* renewal of a permit for a nonprofit facility. .... ~~[100]~~ *200*

For the ~~[annual]~~ *biennial* renewal of a permit for a mobile clinic..... ~~[50]~~ *100*

For a duplicate of a license, registration or permit described in this section ..... 10

2. For the purposes of this section, a facility is “owned by a licensed veterinarian” if one or more licensed veterinarians hold at least 10 percent of the total ownership interest, solely or jointly, of the facility.

*3. For a person or facility whose license ,registration, or permit, as applicable, was issued fewer than 12 months before the license, registration or permit, as applicable, must be renewed pursuant to NRS 638.127, the Board will reduce the fee for a license, registration, or permit by 50 percent if the license, registration, or permit as applicable, was issued on or after June 30 of the even-numbered year.*

*4. The fees set forth in this section are not refundable.*

**Sec. 3.** NAC 638.041 shall be amended to read as follows:

**638.041.**           1. As a prerequisite for each renewal of his or her license to practice veterinary medicine or to practice veterinary medicine as a diplomate licensed pursuant to NRS 638.105, a licensee must complete, during the ~~[12]~~ *24* -month period immediately preceding the beginning of the new licensing year, at least ~~[20]~~ *40* hours of continuing education approved by the Board. Not more than ~~[10]~~ *20* hours may be completed in distance learning or correspondence courses.

2. ~~[A]~~ *As a prerequisite for each renewal of his or her license to practice as a as a licensed veterinary technician, a* licensed veterinary technician must annually complete, *during*

*the 24-month period immediately preceding the beginning of the new licensing year*, at least ~~[19]~~ 20 hours of continuing education approved by the Board as a prerequisite for renewal of his or her license. Not more than ~~[5]~~ 10 hours may be completed in distance learning or correspondence courses.

3. A licensee who does not comply with the requirements of this section may be subject to disciplinary action.

*4. A veterinarian or diplomate whose license is issued after October 1 of an even-numbered year need only submit 20 hours of continuing education during the 12-month period immediately preceding the new licensing year. A licensed veterinary technician whose license is issued after October 1 of an even-number year need only submit 10 hours of continuing education during the 12-month period immediately preceding the new licensing year.*

**Sec. 4.** NAC 638.0445 shall be amended to read as follows:

**638.0445.** 1. A licensed veterinarian whose license has been placed on inactive status may apply to the Board to have his or her license restored to active status by submitting to the Executive Director of the Board:

(a) An application for the restoration of his or her license, signed by the licensed veterinarian ~~[and notarized]~~ ;

(b) The fee required pursuant to NAC 638.035;

(c) Proof that he or she has completed at least 20 hours of continuing education approved by the Board in the year immediately preceding the filing of the application; and

(d) If the licensed veterinarian is licensed or has been licensed in any other state, a letter of good standing from the licensing agency of each state in which he or she is licensed or has been



licensed. Each letter must, if applicable, include detailed information concerning any disciplinary action that has been taken against the licensed veterinarian or that is pending in that state.

2. If a licensed veterinarian files an application pursuant to this section which contains any false information, the Board may immediately revoke his or her license.

**Sec. 5.** NAC 638.0447 shall be amended to read as follows:

**638.0447.** 1. A veterinarian or veterinary technician whose license is forfeited pursuant to NRS 638.127 may apply to the Board to have the license reinstated if, in addition to complying with the provisions of NRS 638.127, he or she files with the Executive Director of the Board:

(a) An application for reinstatement of the license which is signed by the veterinarian or veterinary technician ~~[and notarized]~~ ;

(b) Proof that he or she has:

(1) If he or she is a veterinarian:

(I) Completed at least 20 hours of continuing education approved by the Board in the year immediately preceding the filing of the application; and

(II) Passed, within the 5 years immediately preceding the filing of the application, the North American Veterinary Licensing Examination of the National Board of Veterinary Medical Examiners for an initial license, or any other examination required by the Board; or

(2) If he or she is a veterinary technician, completed at least 10 hours of continuing education in the year immediately preceding the filing of the application; and

(c) If he or she is licensed or has been licensed in any other state, a letter of good standing from the licensing agency of each state in which he or she is licensed or has been licensed. Each letter must, if applicable, include detailed information concerning any disciplinary action that has

been taken against the licensed veterinarian or veterinary technician or that is pending in that state.

2. If a veterinarian or veterinary technician files an application pursuant to this section which contains any false information, the Board may immediately revoke his or her license.

**Sec. 6.** NAC 638.0603 shall be amended to read as follows:

**638.0603.** 1. It is unlawful for a person to operate a veterinary facility unless the facility is registered with the Board and the Board has issued a permit for its operation.

2. The person in charge of a veterinary facility must be a licensed veterinarian who practices veterinary medicine in this State.

3. The veterinarian who will be in charge of the veterinary facility which seeks a permit to operate must submit to the Board ~~[a-notarized]~~ application for registration in the form provided by the Board.

4. Upon receipt of a completed application for registration and the applicable fee required pursuant to NAC 638.035, the Board will issue a permit to operate the facility. The Board will act upon an application for such a permit within 90 days after receipt of the application.

5. The permit issued to a facility by the Board must be displayed in a conspicuous place within the facility.

6. If a change in the ownership of a facility is anticipated, the veterinarian in charge of the facility for which the permit was issued shall notify the Board, in writing, of the anticipated change 30 days before the date on which the change in ownership is to become effective. The new owner shall register with the Board and apply for a permit to operate the facility pursuant to this section at least 30 days before the date on which the change in ownership is to become

effective. The facility shall not, under changed ownership, provide any veterinary services until its permit to operate has been approved.

**Sec. 7.** NAC 638.0605 shall be amended to read as follows:

**638.0605.** 1. Each permit to operate a veterinary facility expires on ~~[January 1]~~  
*June 30* of each *odd-numbered* year.

2. An application to renew the permit must be:

(a) Submitted in the form established by the Board.

(b) Signed by the veterinarian in charge of the facility.

(c) ~~[Notarized]~~.

~~(d)~~ Accompanied by the fee required pursuant to NAC 638.035.

3. A facility which fails to renew its permit in a timely manner is subject to disciplinary action pursuant to NRS 638.140.

**Section 8.** NAC 638.760 shall be amended to read as follows:

**638.760.** 1. A person shall not practice animal physical therapy in this State unless he or she is:

(a) A veterinarian;

(b) A licensed veterinary technician who complies with the provisions of NAC 638.053; or

(c) A physical therapist who has obtained a certificate of registration pursuant to this section and complies with the provisions of NAC 638.780.

2. A physical therapist who desires to secure a certificate of registration to practice animal physical therapy in this State must make written application to the Board.

3. The application must be on a form provided by the Board, include any information required by the Board and be accompanied by satisfactory proof that the applicant:

- (a) Is of good moral character;
  - (b) Has been an active licensed physical therapist in any state for at least 1 year;
  - (c) Is licensed and in good standing with the Nevada Physical Therapy Board;
  - (d) Has successfully completed at least 100 hours of instruction or course work, or a combination of both, in the area of animal physical therapy, which must include, without limitation, assessment and planning of treatment, behavior, biomechanics, common orthopedic and neurological conditions, comparative anatomy, neurology, and therapeutic modalities and exercises; and
  - (e) Has completed at least 125 hours of supervised clinical experience in animal physical therapy with a licensed veterinarian.
- 4. The application must be signed by the applicant ~~[and notarized]~~ .
  - 5. Except as otherwise provided in NAC 638.790, upon receipt of the application and information required by subsection 3 and payment of the fee required pursuant to NAC 638.035, the Board will issue to the physical therapist a certificate of registration.

**Sec. 9.** NAC 638.220 shall be amended to read as follows:

- 638.220.**        1. *Except as otherwise required in Sec. 9 of Chapter 186 of Statutes of Nevada (2021), [AH] all* notices, documents, advisory opinions and declaratory orders required to be served by the Board will be served by mail, and service is complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail. Parties will be notified either personally or by certified mail of any adverse decision or order.
2. *Except as otherwise required in Sec. 9 of Chapter 186 of Statutes of Nevada (2021), [AH] all* documents required to be served by parties must be served by mail, and service is

complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

**Sec. 10.** NAC 638.770 shall be amended to read as follows:

**638.770.** 1. Each certificate of registration issued pursuant to NAC 638.760 or renewed pursuant to this section expires on ~~[January 1]~~ *June 30* of each *odd-numbered* year.

2. Each application for renewal of a certificate of registration must be:

(a) Submitted in the form established by the Board;

(b) Signed by the physical therapist;

(c) Accompanied by proof that the physical therapist completed, during the ~~[12]~~ *24*-month period immediately preceding the beginning of the new ~~[registration-year]~~ *biennium*, at least ~~[5]~~ *10*-hours of continuing education in animal physical therapy approved by the Board; and

(d) Accompanied by proof that his or her license as a physical therapist in this State is active and that he or she is in good standing with the State Board of Physical Therapy Examiners.

3. A physical therapist who fails to renew his or her certificate of registration before it expires forfeits the certificate of registration.

4. Except as otherwise provided in NAC 638.790, upon receipt of the application for renewal and the information required by subsection 2 and payment of the renewal fee required pursuant to NAC 638.035, the Board will renew the certificate of registration of the physical therapist.

*Sec 11.* NAC638.810 shall be amended to read as follows:

638.810 1. A person shall not practice animal chiropractic in this State unless he or she is:

(a) A veterinarian; or

(b) A chiropractor who has obtained a certificate of registration pursuant to this section and complies with the provisions of [NAC 638.830](#).

2. A chiropractor who desires to secure a certificate of registration to practice animal chiropractic in this State must make written application to the Board.

3. The application must be on a form provided by the Board, include any information required by the Board and be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character;

(b) Has been an active licensed chiropractor in any state for at least 1 year;

(c) Is licensed by and in good standing with the Chiropractic Physicians' Board of Nevada; and

(d) Is certified by the American Veterinary Chiropractic Association or a similar accrediting or membership organization that is approved by the Board.

4. The application must be signed by the applicant ~~and [notarized]~~.

5. Except as otherwise provided in [NAC 638.840](#), upon receipt of the application and information required by subsection 3 and payment of the fee required pursuant to [NAC 638.035](#), the Board will issue to the chiropractor a certificate of registration.

~~[Sec. 11.]~~ [Sec 12.](#) NAC 638.820 shall be amended to read as follows:

**638.820.** 1. Each certificate of registration issued pursuant to [NAC 638.810](#) or renewed pursuant to this section expires on ~~[January 1]~~ **June 30** of each ~~odd-numbered~~ year.

2. Each application for renewal of a certificate of registration must be:

(a) Submitted in the form established by the Board;

(b) Signed by the chiropractor;

(c) Accompanied by proof that the chiropractor completed, during the 24-month period immediately preceding the beginning of the new registration biennium, at least 30 hours of continuing education in animal chiropractic approved by the Board; and

(d) Accompanied by proof that his or her license as a chiropractor in this State is active and that he or she is in good standing with the Chiropractic Physicians' Board of Nevada.

3. A chiropractor who fails to renew his or her certificate of registration before it expires forfeits his or her certificate of registration.

4. Except as otherwise provided in NAC 638.840, upon receipt of the application for renewal and information required by subsection 2 and payment of the fee required pursuant to NAC 638.035, the Board will renew the certificate of registration of the chiropractor.

**Sec. 12.** NAC chapter 638 shall be amended to add the following new language:

*The Board will interpret the term “physical examination,” as used in Section 3 of Chapter 186 Statutes of Nevada (2021), to mean a ~~[veterinarian’s being physically proximate to an animal to see, touch, smell, or listen to the animal for the purposes of assessing, diagnosing, or treating the animal.]~~ a physically proximate and hands-on, objective evaluation of an animal’s health status through the use of observation, auscultation, palpation, percussion, or manipulation.*

**Sec. 13.** NAC 638.0195 is hereby repealed.

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## TEXT OF REPEALED SECTIONS

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**NAC 638.0195 “Practice of veterinary medicine” interpreted.** (NRS 638.070) The Board will interpret the term “practice of veterinary medicine,” as defined in NRS 638.008, to exclude:

1. A veterinarian or veterinary technician who lectures, teaches, administers a practical examination or conducts a laboratory demonstration in a facility in connection with a seminar or course of continuing education for veterinarians or veterinary technicians.

2. A person who is a graduate of a school of veterinary medicine that is not accredited by the Council on Education of the American Veterinary Medical Association and who is preparing for a clinical proficiency examination administered by the American Veterinary Medical Association for the purpose of acquiring an educational certificate issued by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association or its successor organization as described in paragraph (b) of subsection 2 of NRS 638.100.