NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations R073-16 of the

Nevada State Board of Veterinary Medical Examiners

The Nevada State Board of Veterinary Medical Examiners will hold a public hearing at 1:00 p.m. on October 19, 2017 at the Oquendo Center, 2425 E. Oquendo Rd., Las Vegas, NV 89120. The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to Chapter 638 of the Nevada Administrative Code. The following information is provided pursuant to the requirements of NRS 633B.0603:

I: Chapter 638 of NAC is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.

Section 2: Authorizes a veterinary licensed by the Board to order compounded drug products from a pharmacy under certain circumstances and a licensed veterinarian, veterinary technician, or veterinary technician in training to administer or dispense those compounded drug products under certain circumstances.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

This section of the regulation will allow for access to treatments that would utilize compounded drugs.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6.If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.

II: Chapter 638 of NAC is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.

Section 4-5: The purpose of this regulation is to amend the definition of a mobile clinic to include a clinic operated from a truck.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

None

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6.If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

There are no new fees or increases to existing fees.

III: Chapter 638 of NAC is hereby amended by adding the following:

1.The need and the purpose of the proposed regulation or amendment.

Section 6: Increases from \$50 to \$200 the fee for the issuance of a permit to operate a veterinary facility that is owned by a licensed veterinarian and increases from \$25 to \$100 the fee for the renewal of such a permit. Section 6 also specifies that a veterinary facility is considered to be owned by a license veterinarian if one or more licensed veterinarians own at least 10 percent of the ownership interest in the facility, either singly or jointly. The increase in fees serves to offset the growing cost of facility inspections due to the increasing time in which takes to do a complete inspection of a facility as well as re-inspections to ensure compliance.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

- 3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.
- (a) Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

None

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

<u>6.If the regulation is required pursuant to federal law, a citation and description of the federal law.</u>

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does provide a new increase or increase of fees. Increases from \$50 to \$200 the fee for the issuance of a permit to operate a veterinary facility that is owned by a licensed veterinarian and increases from \$25 to \$100 the fee for the renewal of such a permit.

IV: A Chapter 638 of NAC is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.

Section 7: This regulation changes the current adopted standard for published ethical guidelines as the professional standard of conduct for veterinarians.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

This section of the regulation will give clarity as to the ethical expectations of a veterinarian.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6.If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.

V: A Chapter 638 of NAC is hereby amended by adding the following:

1. The need and the purposed of the proposed regulation or amendment.

Section 8:

- 1. This regulation establishes the requirements concerning the removal, erasure, redaction, and alteration of veterinary medical records that are written records.
- 2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

- 3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.
- (a) <u>Both adverse and beneficial economic effects.</u>

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

The Board anticipates that this regulation would standardize medical record requirements in the State of Nevada and improve transparency and clarity.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6.If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee. This regulation does not provide a new increase or increase of fees.

VI: A Chapter 638 of NAC is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.

Section 9: This regulation establishes duties which may be performed by a licensed veterinary technician outside of a veterinary facility under the off-site supervision of a licensed veterinarian and defines the type of supervision that constitutes off-site supervision.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

The Board anticipates that the proposed regulation will allow the public to have access to care more easily and will allow for better treatment for continuing therapies and continued treatments.

4.The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

<u>6.If the regulation is required pursuant to federal law, a citation and description of the federal law.</u>

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.

VII: A Chapter 638 of NAC is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.

Section 10: This regulation makes a veterinarian in charge of a veterinary facility responsible for certain violations that occur at that facility.

<u>2.Either the terms or the substance of the regulations</u> to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

There should not be any immediate or long-term effects.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6.If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

These regulations do not provide a new increase or increase of fees.

VIII: NAC638 is hereby amended by adding the following:

1.The need and the purpose of the proposed regulation or amendment.

Section 11: This regulation established requirements for the accounting of controlled substances stored at a veterinary facility.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

- 3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.
- (a) Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

This regulation change gives a clearer definition for tracking and accounting for controlled substances.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6.If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.

IX: NAC 638 is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.

Section 12: This regulation provides additional requirements for ensuring the proper storage of prescription drugs at a veterinary facility and also permits a veterinarian or veterinary technician at a veterinary facility to package and label prescription drugs in quantities suitable for use within the facility and prescribes the requirements for the labeling of, and maintenance of records concerning, those prescription drugs.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a)Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

None

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6.If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

These regulations do not provide a new increase or increase of fees.

X: NAC 638 is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.

Section 3, 13-17, 22: Amend the rules for administrative proceedings before the Board.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a)Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

None

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6.If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

These regulations do not provide a new increase or increase of fees.

XI: NAC 638 is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.

Section 18: This revises requirements relating to the availability of oxygen at a vaccination clinic and authorizes a vaccination clinic to provide microchipping services.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3.The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

None

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5.A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6.If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

These regulations do not provide a new increase or increase of fees.

XII: NAC 638 is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.

Section 19: This regulation authorizes the supragingival cleaning of the teeth of an animal without placing the animal under general anesthesia.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a)Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

None

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

These regulations do not provide a new increase or increase of fees.

XIII: NAC 638 is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.

Section 20 and 21: This regulation authorizes physical therapist or chiropractor to qualify for a certificate to practice animal physical therapy or animal chiropractic, respectively, if he or she is licensed to practice his or her profession in this State and has been actively licensed to practice that profession in any state for at least 1 year.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a)Both adverse and beneficial economic effects.

Adverse effects: None known Beneficial effects: None known

(b) Both immediate and long-term effects.

This regulation is intended to allow more animal physical therapists and animal chiropractors to be able to practice in the state of Nevada and create a path to licensure for those licensed in other states to practice in Nevada.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7.If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

These regulations do not provide a new increase or increase of fees.

Persons wishing to comment upon the proposed action of the Nevada State Board of Veterinary Medical Examiners may appear at the scheduled public hearing or may address their comments, data, views, arguments, or comment on any business impact in written form to the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno, Nevada, 89502. Written submissions must be received by the Nevada State Board of Veterinary Medical Examiners 10 days prior to the hearing date. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Veterinary Medical Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno, Nevada, 89502 and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at http://www.leg.state.nv.us. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. This information is Board of Veterinary Medical Examiners also available at the Nevada State website https://www.nvvetboard.us under "What's New." A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Board of Veterinary Medical Examiners

All Nevada County Public Libraries

4600 Kietzke Lane, O-265

Reno, NV