

ADOPTED REGULATION OF THE NEVADA STATE

BOARD OF VETERINARY MEDICAL EXAMINERS

LCB File No. R026-26

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-5, 7-18, 20, 21 and 26-38, NRS 638.070; §§ 6 and 22-25, NRS 638.070 and 638.132; § 19, NRS 638.070, 638.122 and 638.124.

A REGULATION relating to veterinary medicine; defining certain terms relating to vaccinations and vaccines; providing for the registration of registered veterinary student externs; prescribing the rights and responsibilities of registered veterinary student externs; revising provisions relating to the storage and disposal of deceased animals; authorizing the use of certain drugs under certain circumstances; revising certain provisions relating to continuing education requirements for persons licensed or registered by the Nevada State Board of Veterinary Medical Examiners; revising certain duties of supervising veterinarians; revising provisions relating to fees and remittances paid to the Board; revising provisions relating to certain publications adopted by reference; revising provisions relating to medical records; revising provisions relating to certain prohibited acts; revising provisions relating to abandoned animals; revising certain requirements for licensure as a veterinary technician or registration as a veterinary graduate awaiting licensure; revising certain requirements for the operation of a veterinary facility; revising certain provisions relating to sedation and general anesthesia; revising provisions relating to veterinary dentistry; revising provisions relating to animal physical therapy and animal chiropractic; excluding opioids from the definition of a euthanasic agent; repealing provisions relating to certain prohibited acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada State Board of Veterinary Medical Examiners to adopt regulations necessary to carry out the provisions of law relating to veterinary medicine, including regulations: (1) concerning the rights and responsibilities of veterinary interns and externs; and (2) pertaining to and limiting the activities of veterinary technicians. (NRS 638.070, 638.124) Existing regulations set forth certain tasks that a licensed veterinary technician may perform: (1) under the immediate supervision of a supervising veterinarian; (2) under the immediate or direct supervision of a supervising veterinarian; (3) under the immediate, direct or indirect supervision of a supervising veterinarian; or (4) outside of a veterinary facility under the

off-site supervision of a supervising veterinarian under certain other circumstances. (NAC 638.053)

Section 2 of this regulation defines the term “registered veterinary student extern.” **Section 5** of this regulation establishes the requirements for a person to register with the Board as a registered veterinary student extern, including requirements that the person: (1) has completed at least 1,000 hours of work experience at one or more veterinary facilities; (2) is actively enrolled at an accredited school of veterinary medicine and has successfully completed at least one semester but is not a third-year or fourth-year student; and (3) has passed certain examinations. **Section 5** authorizes a registered veterinary student extern who is employed at a veterinary facility to perform certain tasks under the immediate or direct supervision of a supervising veterinarian at the veterinary facility that a veterinary technician is authorized under existing regulations to perform. **Sections 10 and 20** of this regulation extend the duties imposed on supervising veterinarians regarding the supervision of veterinary technicians, veterinary technicians in training and veterinary assistants to the supervision of registered veterinary student externs. **Sections 29 and 31** of this regulation make conforming changes to include registered veterinary student externs in existing regulations regarding certain tasks that veterinary technicians may perform relating to veterinary dentistry and animal physical therapy.

Existing regulations require a veterinary facility to maintain a safe and sanitary environment which includes methods for the disposal of deceased animals and a freezer to be used when an owner has not given permission for the disposal of a carcass. (NAC 638.0625) **Section 6** of this regulation additionally requires: (1) for certain deceased animals awaiting disposal, refrigerated or frozen storage which is sized in proportion to the type and number of animals that are regularly treated at the veterinary facility; and (2) if the identity of the owner of a deceased animal is known, a veterinary facility to provide notice in writing to the owner before disposing of the remains of a deceased animal which have not been claimed by the owner. **Section 24** of this regulation makes a conforming change to remove requirements which are duplicative of the requirements in **section 6**.

Existing state law and regulations generally require a veterinarian to ensure: (1) every prescription drug within the possession of a veterinary facility is safe and effective for use as indicated by the expiration date on the label; or (2) that the usefulness of a drug has not expired. (NRS 638.200, 639.282; NAC 638.0629) Under certain circumstances, existing federal law authorizes the United States Secretary of Health and Human Services to extend the expiration dates of and issue authorizations for the emergency use of certain drugs. (21 U.S.C. §§ 360bbb-3, 360bbb-3a) **Section 7** of this regulation authorizes a licensed veterinarian to make use of a drug after the expiration date which was listed by the manufacturer of the drug if: (1) the drug is listed on the United States Food and Drug Administration (FDA) list of current animal drug shortages; (2) the drug falls within a product expiration date extension issued by the Secretary; (3) the Secretary has authorized the emergency use of the drug; (4) the drug has been stored at all times in accordance with the instructions of the manufacturer; and (5) use of the drug is documented in the medical record.

Existing regulations require that fees and remittances to the Board be paid by money order, bank draft or check. (NAC 638.040) **Section 11** of this regulation instead requires that such fees and remittances to the Board: (1) in an amount less than \$10,000 must be paid by debit

card, credit card or money order; and (2) in an amount of \$10,000 or more must be paid by an electronic transfer of money, which is defined in existing law to mean any transfer of money, other than a transaction initiated by a check or other similar instrument, that is initiated through an automated clearinghouse transaction, an electronic check transaction or a wire transfer. (NRS 353.1467)

Existing regulations provide that the Board will approve a course of continuing education that is provided or approved by certain organizations. (NAC 638.042) **Section 13** of this regulation revises the list of such organizations. For an academic course or program of instruction that is provided or approved by an institution of the Nevada System of Higher Education, certain accredited schools of veterinary medicine or certain approved programs for veterinary technicians, **section 8** of this regulation establishes: (1) the number of hours of continuing education a person may receive for each semester unit or quarter unit completed; and (2) additional requirements for proof of satisfactory completion of such a course.

Existing regulations reduce the hours of continuing education that a licensed veterinarian, veterinary technician, physical therapist who is registered to practice animal physical therapy or chiropractor who is registered to practice animal chiropractic is required to complete during a biennial period of licensing or registration if his or her license or certificate of registration was issued on or after October 1 of the immediately preceding even-numbered year. (NAC 638.041, 638.770, 638.820) For the purposes of eligibility for such a reduction, **sections 12, 32 and 35** of this regulation revise the date from October 1 to July 1 of the immediately preceding even-numbered year.

Existing regulations authorize the Board to audit veterinarians and veterinary technicians for compliance with the requirements for continuing education. If audited, the veterinarian or veterinary technician is required to submit proof of participation, during the 12 months immediately preceding the beginning of the new licensing year, of: (1) at least 20 hours of continuing education for a veterinarian; and (2) at least 10 hours of continuing education for a veterinary technician. (NAC 638.0425) **Section 14** of this regulation doubles: (1) the time period for which proof of participation must be submitted, from 12 months to 24 months immediately preceding the beginning of the new licensing year; and (2) the number of hours of continuing education which are required, in proportion to the increased time period.

Section 15 of this regulation updates the mailing address of the National Association of Veterinary Technicians in America for the purposes of requesting a copy of the "Veterinary Technician Code of Ethics."

Existing regulations provide certain requirements for the creation, maintenance and availability of veterinary medical records. (NAC 638.0475) **Section 16** of this regulation requires such records to be completed each time an animal receives veterinary services not later than 45 days after the animal receives the services. For medical records which are computer records that are accessed through a cloud service provider or the Internet, **section 16** requires access by the Board to be provided in a secure, time-limited and read-only format. **Section 16** also removes provisions relating to the physical ownership, release and return of a physical radiograph or other diagnostic image.

Section 16 removes the authorization in existing regulations for the President of the Board to appoint a master to supervise the records of a veterinarian who ceases his or her

practice without providing for the continuation of treatment of the animals under the veterinarian's care. Instead, **section 16** requires a licensed veterinarian to establish and maintain a written plan to ensure the continued accessibility and management of such medical records in the event of a cessation or interruption of the practice of the veterinarian. Upon the permanent closure of a veterinary facility, **section 16** requires the licensed veterinarian who is in charge of the veterinary facility to make reasonable efforts to: (1) provide notice of the closure and an explanation of how the medical records will be managed after the closure to any owner of an animal for which medical records were maintained at the veterinary facility, the Board and the public; and (2) allow reasonable and timely access to the medical records maintained at the facility by retaining the medical records or transferring such records to another veterinary facility or a secure storage area where a person is designated to manage such records.

Section 16 also revises certain information which is required to be included in the veterinary medical records, including certain information relating to vaccines, records of vaccinations and the treatment of herds of animals. **Sections 3, 4 and 16** of this regulation define the terms "vaccination," "vaccine" and "herd," respectively, for the purposes of **section 16** and existing regulations. **Section 9** of this regulation makes a conforming change to make the definitions set forth in **sections 2-4** applicable to existing regulations governing veterinary medicine.

Existing regulations define when an animal is deemed to be abandoned and: (1) during an emergency, authorize a veterinarian or veterinary facility to provide emergency care or humane euthanasia in accordance with the November 2003 revision of the "Principles of Veterinary Medical Ethics" of the American Veterinary Medical Association; and (2) require a veterinarian or veterinary facility to notify the owner of an abandoned animal or the person who delivered the animal before disposing of an abandoned animal, if the identity of the person is known or may be determined by scanning a microchip. (NAC 638.051) **Section 18** of this regulation: (1) requires a veterinarian or veterinary facility which provides such emergency care or humane euthanasia to do so in accordance with currently accepted standards of care, rather than the November 2003 revision of the "Principles of Veterinary Medical Ethics"; and (2) prohibits a veterinarian or veterinary facility from disposing of an abandoned animal sooner than 5 days after the date on which the required notice was sent by the veterinarian or veterinary facility, rather than the date on which the animal was left with the veterinarian or veterinary facility.

Existing regulations require an applicant for a license to practice as a veterinary technician to submit proof that he or she has received a degree or completed a program from certain academic institutions. (NAC 638.0527) **Section 19** of this regulation removes from this list a degree that is received from outside the United States that has been reviewed and approved by the Program for the Assessment of Veterinary Education Equivalence, thus requiring an applicant for a license to practice as a veterinary technician to submit proof that he or she has: (1) received a degree as a veterinary technician from certain accredited colleges; (2) received a bachelor of science degree; or (3) completed an approved accelerated program for veterinary technicians.

Existing regulations: (1) set forth the requirements for a veterinary graduate awaiting licensure to register with the Board; and (2) authorize a registered veterinary graduate awaiting licensure to perform certain services regarding animals under the direct supervision of a

supervising veterinarian. (NAC 638.06027, 638.06028) **Section 21** of this regulation revises the requirements for a veterinary graduate awaiting licensure to register with the Board.

Existing regulations prohibit a person from operating a veterinary facility unless the facility is registered with the Board and the Board has issued a permit for operation. Existing regulations also require the licensed veterinarian who is in charge of a veterinary facility to: (1) register with the Board; and (2) notify the Board in writing if the person registered with the Board as the veterinarian who is in charge of the facility resigns or otherwise leaves that position. (NAC 638.0603, 638.0606) If the veterinarian who is charge of the facility resigns or otherwise leaves that position, **section 23** of this regulation requires the owner of the veterinary facility, within 30 days after the date on which the veterinarian in charge resigns or leaves, to designate another veterinarian as the veterinarian who is in charge of the facility and notify the Board in writing. **Section 22** of this regulation prohibits a person from operating the veterinary facility for more than 30 days without designating a veterinarian and notifying the Board in accordance with **section 23**.

Existing regulations require a veterinary facility to maintain a library of current journals or textbooks which provides readily accessible reference materials. (NAC 638.063) **Section 25** of this regulation authorizes a veterinary facility to maintain such journals or textbooks and provide such reference materials in print or electronic form.

Section 26 of this regulation defines the term “sedation” for the purposes of the duty of a veterinarian to use appropriate methods of anesthesia, analgesia and sedation during each surgical procedure performed on an animal. **Section 27** of this regulation revises requirements related to intubating an animal when the swallowing reflex of the animal is impaired under general anesthesia.

Existing regulations require a veterinary facility which provides aseptic surgical services to reserve a room, separate and distinct from all other rooms, for aseptic surgical procedures. (NAC 638.715) **Section 28** of this regulation requires such a separate and distinct room to be enclosed by a door or similar partition.

Existing regulations: (1) generally require veterinary dentistry to be performed under general anesthesia; and (2) authorize, under certain circumstances, certain procedures for cleaning the teeth of an animal to be performed without placing the animal under general anesthesia. (NAC 638.730) **Section 29** removes that authorization, thus requiring those procedures to be performed under general anesthesia. **Section 29** also requires a licensed veterinarian to perform and document a comprehensive assessment of the oral health of an animal while performing, supervising the performance of or directing the performance of any dental treatment or dental procedure.

Existing regulations define the term “animal physical therapy” to mean the rehabilitation of injuries in a nonhuman animal through the use of certain specific techniques. (NAC 638.750) **Section 30** of this regulation removes from the definition the list of specific techniques and revises the definition to instead encompass techniques which are authorized pursuant to existing law and regulations governing physical therapy and, unless performed by a veterinarian, which are determined in consultation between the person performing the animal physical therapy and the supervising or referring veterinarian.

Existing regulations require a physical therapist who is registered to practice animal physical therapy or a chiropractor who is registered to practice animal chiropractic to transmit certain records and progress reports to the referring veterinarian within 48 hours after each visit with an animal. (NAC 638.780, 638.830) **Sections 33 and 36** of this regulation remove the 48-hour requirement and instead require such transmission within 5 business days after each visit with an animal. **Sections 31 and 34** of this regulation add requirements to pass an examination administered by the Board relating to the laws and regulations of this State governing veterinary medicine to the existing application requirements for: (1) a physical therapist who desires to secure a certificate of registration to practice animal physical therapy; and (2) a chiropractor who desires to secure a certificate of registration to practice animal chiropractic.

Section 37 of this regulation revises the definition of the term “euthanasic agent” to exclude prescription drugs that are opioids.

Existing regulations prohibit a veterinarian, veterinary technician or veterinary technician in training from performing certain acts that are fraudulent or deceptive or that constitute malpractice, negligence, incompetence or a departure from prevailing standards of care. (NAC 638.048; Section 3 of LCB File No. R082-22) **Section 38** of this regulation repeals the existing regulations setting forth those prohibited acts which are specific to veterinary technicians and veterinary technicians in training. **Section 17** of this regulation revises the existing regulations which are specific to veterinarians to incorporate those repealed regulations and instead make **section 17** applicable to any person who holds a license, certificate or registration issued by the Board.

Section 1. Chapter 638 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. *“Registered veterinary student extern” means a person who is registered as a registered veterinary student extern pursuant to section 5 of this regulation.*

Sec. 3. *“Vaccination” means:*

- 1. The physical act of administering a vaccine; and*
- 2. In compliance with the requirements of NAC 638.0475, documenting in a medical record information which relates to administering a vaccine.*

Sec. 4. *“Vaccine” means a suspension that is:*

- 1. Comprised of:*

- (a) Live microorganisms, which may be attenuated, or inactivated microorganisms, including bacteria or viruses;*
- (b) Fractions of an agent described in this subsection; or*
- (c) Genetic material of an agent described in this subsection;*
- 2. Intended to induce immunity and prevent infectious diseases and the sequelae of infectious diseases; and*
- 3. Approved by the United States Department of Agriculture.*

Sec. 5. 1. Except as otherwise prohibited by law, a person may perform the tasks of a licensed veterinary technician which are described in subsection 2, 3 or 4 of NAC 638.053 under the immediate or direct supervision of a supervising veterinarian, as applicable, if he or she is registered with the Board pursuant to this section.

- 2. To be registered as a registered veterinary student extern, a person must:*
 - (a) Submit to the Board an application on a form prescribed by the Board;*
 - (b) Be actively enrolled in a school of veterinary medicine accredited by the Council on Education of the American Veterinary Medical Association as a student who:*
 - (1) Has successfully completed at least one semester; and*
 - (2) Is not a third-year or fourth-year student;*
 - (c) Be 18 years of age or older;*
 - (d) Be of good moral character;*
 - (e) Pass an examination administered by the Board relating to the laws and regulations of this State governing veterinary medicine; and*
 - (f) Submit to the Board proof:*

(1) That the person has completed at least 1,000 hours of work experience at one or more veterinary facilities; and

(2) Of employment and supervision by a licensed veterinarian at each veterinary facility where the person will be employed as a registered veterinary student extern.

3. After confirming that an applicant complies with all the requirements of subsection 2, the Executive Director of the Board shall, unless he or she has good cause to deny the registration, issue a letter of registration for a registered veterinary student extern to the veterinarian in charge of each facility where the registered veterinary student extern is employed or will be employed.

4. A registration pursuant to this section is valid for as long as the registered veterinary student extern is in compliance with the requirements of subsection 2.

Sec. 6. 1. *A veterinary facility must maintain safe and sanitary methods for the storage and disposal of deceased animals. Such methods must include, without limitation:*

(a) A freezer to be used when an owner has not given permission for the disposal of a deceased animal; and

(b) Except as otherwise provided in this paragraph, for deceased animals awaiting disposal, refrigerated or frozen storage which is sized in proportion to the type and number of animals that are regularly treated at the veterinary facility. This paragraph does not apply to:

(1) Livestock;

(2) Animals that are raised for food or to produce animal products that are used for food; or

(3) Animals that are too large for conventional refrigerated or frozen storage.

2. If the identity of the owner of a deceased animal is known, before a veterinary facility may dispose of the remains of a deceased animal which have not been claimed by the owner, including, without limitation, cremated remains, the veterinary facility must provide notice to the owner in accordance with the provisions of subsection 3.

3. Before disposing of the remains of a deceased animal described in subsection 2, the veterinary facility must provide notice in writing to the owner at the last known address or contact information of the owner, which may include an electronic mail address. The notice must state that the veterinary facility will dispose of the remains of the deceased animal unless the owner claims the remains within 30 days after the date on which the notice was sent by the veterinary facility. If the owner does not claim the remains within 30 days after the date on which the notice was sent, the veterinary facility may dispose of the remains.

Sec. 7. 1. A licensed veterinarian may make use of a drug after the expiration date which was listed by the manufacturer of the drug if:

(a) The drug is listed on the United States Food and Drug Administration list of current animal drug shortages;

(b) The drug falls within a product expiration date extension issued by the United States Secretary of Health and Human Services in accordance with the provisions of section 564A of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 360bbb-3a;

(c) The United States Secretary of Health and Human Services has authorized the emergency use of the drug in accordance with the provisions of section 564 of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 360bbb-3;

(d) The drug has been stored at all times in accordance with the instructions of the manufacturer of the drug; and

(e) Use of the drug is documented in the medical record required pursuant to NAC 638.0475.

2. Any drug described in subsection 1 that is kept in a veterinary facility must be separated from other drugs in the facility and stored in a separate and distinct area of the facility that is labeled for that purpose.

Sec. 8. *For the purposes of a course of continuing education which is approved in accordance with subsection 9, 10 or 11 of NAC 638.042:*

1. A person who wishes to claim an academic course or program of instruction for continuing education credit must submit proof satisfactory to the Board that the person earned a grade in the course which represents at least 1.7 grade points on a 4.0 grading scale, a C- or an equivalent grade as determined by the Board.

2. Each semester unit successfully completed equals 15 hours of continuing education.

3. Each quarter unit successfully completed equals 10 hours of continuing education.

Sec. 9. NAC 638.001 is hereby amended to read as follows:

638.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 638.005 to 638.0185, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

Sec. 10. NAC 638.016 is hereby amended to read as follows:

638.016 “Supervising veterinarian” means a veterinarian licensed to practice in this State who employs, supervises, or employs and supervises a veterinary extern, a veterinary graduate

awaiting licensure, a licensed veterinary technician, a veterinary technician in training, *a registered veterinary student extern* or a veterinary assistant.

Sec. 11. NAC 638.040 is hereby amended to read as follows:

638.040 1. All communications, payments or documents must be addressed to the Board and shall be deemed to be filed on the date of the postmark on the envelope in which it was mailed, in accordance with NRS 238.100.

2. ~~Fees~~ *Except as otherwise provided in subsection 3, fees* and remittances to the Board:

(a) Must be paid by *debit card, credit card or* money order ~~bank draft or check~~ payable to the Board of Examiners in Veterinary Medicine; and

(b) May not be paid in currency, coin or postage stamps.

3. Fees and remittances to the Board in an amount of \$10,000 or more must be paid by an electronic transfer of money. As used in this subsection, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 12. NAC 638.041 is hereby 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:

(a) Except as otherwise provided in paragraph (b), at least 40 hours of continuing education approved by the Board, not more than 20 hours of which may be completed in distance learning or correspondence courses, during the 24-month period immediately preceding the beginning of the new period of licensing; or

(b) If his or her license was issued on or after ~~October~~ *July* 1 of the immediately preceding even-numbered year, at least 20 hours of continuing education approved by the Board, not more than 10 hours of which may be completed in distance learning or correspondence courses, during the 12-month period immediately preceding the beginning of the new period of licensing.

2. As a prerequisite for each renewal of his or her license to practice as a veterinary technician, a licensed veterinary technician must complete:

(a) Except as otherwise provided in paragraph (b), at least 20 hours of continuing education approved by the Board, not more than 10 hours of which may be completed in distance learning or correspondence courses, during the 24-month period immediately preceding the beginning of the new period of licensing; or

(b) If his or her license was issued on or after ~~October~~ *July* 1 of the immediately preceding even-numbered year, at least 10 hours of continuing education approved by the Board, not more than 5 hours of which may be completed in distance learning or correspondence courses, during the 12-month period immediately preceding the beginning of the new period of licensing.

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

Sec. 13. NAC 638.042 is hereby amended to read as follows:

638.042 A course of continuing education shall be deemed to be approved by the Board if the course is provided or approved by:

1. The American Veterinary Medical Association;
2. A specialty group of the American Veterinary Medical Association;

3. The Western Veterinary Conference, the Wild West Veterinary Conference or any other regional veterinary conference;
4. The State Department of Agriculture;
5. The United States Department of Agriculture;
6. The American Animal Hospital Association;
7. The American Association of Veterinary State ~~Boards;~~ *Boards' Registry of Approved Continuing Education program;*
8. The Nevada Veterinary Medical Association;
9. An institution of the Nevada System of Higher Education;
10. A school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association;
11. A program for veterinary technicians that is approved by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association;
12. A board that licenses veterinarians or veterinary technicians in another state; or
13. An association or organization consisting of veterinarians or veterinary technicians that is organized on a statewide basis in another state or on a regional basis.

Sec. 14. NAC 638.0425 is hereby amended to read as follows:

638.0425 1. The Board may perform random audits of licensees to ensure compliance with the requirements for continuing education.

2. If the Board chooses to conduct an audit of a licensee, the Board will notify the licensee, in writing, of its decision to conduct an audit.

3. If audited by the Board:

(a) A licensed veterinarian or a person who is licensed by the Board as a diplomate pursuant to NRS 638.105 shall, not later than 30 days after receiving written notice, provide proof that he or she has participated in at least ~~20~~ 40 hours of continuing education during the ~~12~~ 24 months immediately preceding the beginning of the new licensing year by submitting to the Board copies of the documentation of completion maintained pursuant to NAC 638.0423.

(b) A veterinary technician shall, not later than 30 days after receiving written notice, provide proof that he or she has participated in at least ~~10~~ 20 hours of continuing education during the ~~12~~ 24 months immediately preceding the beginning of the new licensing year by submitting to the Board copies of the documentation of completion maintained pursuant to NAC 638.0423.

4. Each copy of the documentation submitted to the Board pursuant to subsection 3 must include:

- (a) The name and license number of the licensee;
- (b) The number of hours of continuing education that were awarded to the licensee;
- (c) A description of the continuing education that was received by the licensee; and
- (d) The *method of delivery of the course and the* date on which and place where the course or the meeting, as applicable, was conducted.

Sec. 15. NAC 638.0465 is hereby amended to read as follows:

638.0465 1. The Board adopts by reference the “Veterinary Technician Code of Ethics” of the National Association of Veterinary Technicians in America as a standard for professional conduct for veterinary technicians. A violation of the provisions of the “Veterinary Technician Code of Ethics” constitutes cause for disciplinary action.

2. The “Veterinary Technician Code of Ethics” of the National Association of Veterinary Technicians in America is available, free of charge:

(a) By mail from the National Association of Veterinary Technicians in America, ~~P.O. Box 1227, Albert Lea, Minnesota 56007;~~ *3040 U.S. Highway 22 W, Suite 135, Branchburg, New Jersey, 08876;* or

(b) On the Internet at <http://www.navta.net>.

Sec. 16. NAC 638.0475 is hereby amended to read as follows:

638.0475 1. Each licensed veterinarian shall maintain in this State for at least 4 years a separate medical record of each animal receiving veterinary services, including, without limitation, an examination conducted pursuant to NAC 638.610, from the licensed veterinarian or under his or her supervision. The records must be *completed each time an animal receives veterinary services not later than 45 days after the animal receives the services. The records must be made* available for inspection by the Board or its representative or the owner of the animal during normal business hours. ~~at least 5 business days each week.~~ Except as otherwise provided in this subsection, the licensed veterinarian shall provide a copy of that record to the Board or its representative or the owner of the animal receiving veterinary services not later than 5 business days after receiving a request from the Board or its representative or the owner of the animal. The licensed veterinarian is not required to provide a copy of any radiographs or other diagnostic images in the medical record to the owner of the animal receiving veterinary services.

2. Except as otherwise provided in subsection ~~10;~~ **8**, the medical record must contain the following information, in legible form:

- (a) The name, address and telephone number of the animal's owner ~~{ }~~ *and any authorized agents of the owner;*
- (b) The name or identifying number, or both, of the animal ~~{ }~~ *or herd, as applicable;*
- (c) The age, sex, weight and breed of the animal;
- (d) The dates of care, custody or treatment of the animal ~~{ }~~ *or herd, as applicable;*
- (e) Documentation of the informed consent of the client for medical treatment of the animal ~~{ }~~ *or herd, as applicable, including, without limitation, documentation of any treatment or other recommendation which is declined by the client;*
- (f) A short history of the animal's condition as it pertains to the animal's medical status;
- (g) The results of and notations from an examination of the animal, including, without limitation, the temperature, pulse and respiration rate of the animal and laboratory data pertaining to the animal;
- (h) The diagnosis or condition at the beginning of custody of the animal, ~~{including, without limitation, results of tests;}~~ *the dates and times of care or treatment provided to the animal and, if the animal is admitted to a veterinary facility, the progress of the animal at least every 24 hours;*
- (i) The ~~{immunization}~~ record *of vaccination* of the animal ~~{ }~~, *including, without limitation:*
 - (1) The name of the vaccine, the date of administration and the name of the person who administered the vaccine; and*

(2) If the vaccine is for zoonotic disease, in addition to the information required by subparagraph (1), the lot number, volume of vaccine, manufacturer and expiration date of the vaccine;

(j) All clinical information pertaining to the animal, including, without limitation ~~†~~ ~~sufficient~~ :

(1) Sufficient information to justify the diagnosis or determination of the medical status of the animal and to warrant any treatment recommended for or administered to the animal;

(2) Information or images which are obtained by instrumentation;

(3) Laboratory testing;

(4) Diagnostic imaging; and

(5) Necropsy;

(k) The notes taken during surgery, including, without limitation:

(1) ~~†The name and quantity of any drug administered for anesthesia and preanesthesia;~~

~~—(2) The~~ *A description of the* procedure performed ~~†~~, *including, without limitation, any complications and interventions;*

~~†(3)~~ *(2)* The times at which the surgery begins and ends; *and*

~~†(4)~~ *(3)* If the surgery is performed in a veterinary facility using general anesthesia:

(I) The vital signs of the animal at the beginning and end of the surgery that are appropriate to the species and condition of the animal at the time of surgery, which may include, without limitation, the temperature, pulse, heart rate, respiration, blood pressure, capillary refill time and oxygen levels of the animal;

(II) The vital signs of the animal recorded at least every 5 minutes during the surgery, including, without limitation, the ~~{pulse,}~~ heart rate and respiration of the animal; and

(III) If any of the information required pursuant to this subparagraph is generated by an automated device, an indication that the information generated by the automated device was regularly reviewed and analyzed by a veterinarian, veterinary technician or veterinary assistant during the surgery;

(l) Any medication and treatment administered, including, without limitation, the amount , ~~{and}~~ frequency ~~{,}~~ , *concentration, volume and rate, as appropriate, for the medication or treatment which is administered;*

(m) The progress and disposition of the case;

(n) The name of each person ~~{who is not an employee of the veterinarian}~~ who provided professional advice or performed treatments, examinations or other services pertaining to the animal;

(o) The signature, initials or other identifying mark of the person who made the entry in the medical record;

(p) Any radiographs . ~~{other than intraoral dental radiographs.}~~ Each radiograph other than an intraoral dental radiograph must be labeled on the image as follows:

- (1) The name of the veterinarian or facility that took the radiograph;
- (2) The name or identifying number, or both, of the animal;
- (3) The name of the animal's owner;
- (4) The date on which the radiograph was taken; and
- (5) The anatomical orientation depicted by the radiograph; and

(q) Any ~~{intraoral dental radiographs or}~~ other diagnostic images. ~~{For each intraoral dental radiograph or other diagnostic image, the medical record must include the information set forth in subparagraphs (1) to (5), inclusive, of paragraph (p) with regard to the intraoral dental radiograph or other diagnostic image. That information may be included:~~

~~——(1) In a hard copy of the medical record if the medical record is maintained as a written record; or~~

~~——(2) In the computer file which contains the intraoral dental radiograph or other diagnostic image if the medical record is maintained as a computer record.}~~

3. The Board or its representative will evaluate each medical record inspected pursuant to subsection 1 for compliance with the provisions of this chapter and chapter 638 of NRS.

4. ~~{Each radiograph or other diagnostic image is the property of the veterinarian who caused it to be prepared. A radiograph or other diagnostic image may be released to the owner of the animal. A radiograph or other diagnostic image must be released within 48 hours after the request is made to another veterinarian who has the authorization of the owner of the animal to which it pertains. The radiograph or other diagnostic image must be returned within a reasonable time to the veterinarian to whom it belongs.~~

~~—5.}~~ The medical records required by this section must be written records or computer records. If the medical records are computer records:

(a) The security of the computer must be maintained.

(b) The computer records must be backed-up daily and cumulatively backed-up monthly using technology designed to store data permanently.

(c) The computer records must be inalterable or clearly indicate when they have been altered and the manner in which they have been altered.

(d) The computer records must not contain information relating to a physical examination that is automatically generated by the computer.

(e) Any such computer records relating to the administration, prescribing or dispensing of a prescription drug must contain the initials of the person who administered, prescribed or dispensed the prescription drug. The initials of the person who administered, prescribed or dispensed the prescription drug may be manually entered into the computer record or automatically generated by the computer.

(f) The computer records, including, without limitation, any such records which are accessed through a cloud service provider or the Internet, must be made available to the Board upon request in accordance with the provisions of subsection 1. For any such computer records which are accessed through a cloud service provider or the Internet pursuant to this paragraph, access must be provided in a secure, time-limited and read-only format.

~~16.1~~ 5. If a medical record is a written record, information contained in the medical record must not be removed, erased, redacted or otherwise made unreadable. Any addition, supplementation or other alteration to a written record must include, without limitation, the date on which the addition, supplementation or other alteration was made and the signature, initials or other identifying mark of the person who made the addition, supplementation or other alteration to the written record.

~~17.1~~ 6. Except as otherwise provided in subsection ~~110.1~~ 8 and in addition to the requirements of subsection 2, if a licensed veterinarian is not associated with a veterinary facility, and any

controlled substances or prescription drugs are administered to the animal, the medical record required by this section must include the same information that a veterinary facility which:

(a) Maintains a stock of controlled substances for administration and dispensing is required to ensure is contained in a log for the veterinary facility pursuant to paragraphs (d) and (e) of subsection 3 of NAC 638.0628; and

(b) Dispenses prescription drugs is required to ensure is contained in the medical records of the animal pursuant to paragraph (e) of subsection 1 of NAC 638.0629.

~~18.1~~ 7. In a practice concerned with herds of animals, records must be kept on each herd and may be kept on individual animals.

~~19.— If a veterinarian ceases his or her practice without providing for the continuation of treatment of the animals under the veterinarian's care, the President of the Board may appoint a master to supervise his or her records, the treatment of those animals and the mailing of notices to the owners of the animals which had been under his or her care.~~

~~10.1~~ 8. If, during an emergency, a veterinary facility requests the medical record of an animal from another veterinary facility, the veterinary facility that is in possession of the medical record must provide the medical record to the other veterinary facility as soon as practicable.

Such a medical record:

(a) Does not need to comply with the requirements of subsections 2 and ~~17.1~~ 6, as applicable; and

(b) May be sent to the veterinary facility requesting the medical record in the current state of completion that the medical record is at the time of the request.

9. A licensed veterinarian responsible for maintaining medical records pursuant to this section shall establish and maintain a written plan to ensure the continued accessibility and management of such medical records in the event of a cessation or interruption of the practice of the veterinarian.

10. Upon the permanent closure of a veterinary facility where medical records are maintained pursuant to this section, the licensed veterinarian who is in charge of the veterinary facility shall make reasonable efforts to:

(a) Provide notice of the closure to:

(1) The owner of an animal for which medical records were maintained at the veterinary facility or an authorized agent of such an owner that includes, without limitation, instructions for the owner or authorized agent to obtain the medical records of such animal;

(2) The Board that includes, without limitation, an explanation of how the medical records maintained at the veterinary facility will be managed after the closure of the facility pursuant to paragraph (b); and

(3) The public by publishing a notice in print or electronic media that includes, without limitation, an explanation of how the owner of an animal for which medical records were maintained at the veterinary facility or the authorized agent of such an owner may access such records after the closure of the facility; and

(b) Allow reasonable and timely access to the medical records maintained at the veterinary facility by:

(1) Retaining all medical records of each animal receiving veterinary services for at least 4 years after the date of the last visit of each animal, including, without limitation, animals which are deceased; or

(2) Transferring all medical records to:

(I) Another veterinary facility that agrees to manage the medical records in accordance with subparagraph (1) and provide such reasonable and timely access to the records; or

(II) A secure storage area where a person is designated to manage the medical records in accordance with subparagraph (1) and provide such reasonable and timely access to the records.

11. The medical record of an animal is confidential and may not be released except:

(a) As otherwise provided in subsections 1 and ~~10~~ 8;

(b) In response to a court order; or

(c) As required to ensure compliance with any federal, state and local statutes, regulations or ordinances.

12. Nothing in this section is intended to prevent the sharing of veterinary medical information among veterinarians ~~in order to facilitate treatment or for legitimate veterinary medical purposes~~, law enforcement officials, and members, agents or officers of a society for the prevention of cruelty to animals who are acting to protect the welfare of an animal.

13. As used in this section ~~in~~ ~~“other”~~ :

(a) “Herd” means a group of animals of the same or an epidemiologically linked species which are maintained on the same premises or under common ownership or supervision and

are managed as a single epidemiological unit, including, without limitation, by common housing, feeding, movement or management practices.

(b) “Other diagnostic image”:

~~[(a)]~~ (1) Includes, without limitation, an ultrasound, magnetic resonance imaging and computerized axial tomography scan; and

~~[(b)]~~ (2) Does not include a radiograph.

Sec. 17. NAC 638.048 is hereby amended to read as follows:

638.048 ~~[(A-veterinarian)]~~ *Any person who holds a license, certificate or registration issued pursuant to this chapter or chapter 638 of NRS* shall not:

1. Falsify records of health care;
2. Falsify records so as to indicate his or her presence at a time when he or she was not in attendance or that procedures were performed by the ~~[(veterinarian)]~~ *person* which were in fact not performed by him or her;
3. Write a prescription for a controlled substance in such an excessive amount as to constitute a departure from prevailing standards of acceptable veterinary medical practice;
4. Consistently use veterinary medical procedures, services or treatments which constitute a departure from the prevailing standards of acceptable veterinary medical practice;
5. Render professional services to an animal while the ~~[(veterinarian)]~~ *person* is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;
6. Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

7. Operate a veterinary facility *or perform or fail to perform any service* in a manner that violates a provision of chapter 574 of NRS; ~~for~~

8. *Perform services which are not authorized by this chapter or chapter 638 of NRS or that exceed the training or competence of the person;*

9. Prescribe, dispense, deliver or order another person to deliver any prescription drug, including, without limitation, any controlled substance in schedules I to V, inclusive, as described in chapter 453 of NRS, and any dangerous drug, referred to in NRS 454.181 to 454.371, inclusive, unless the *person is a* veterinarian *and* first:

(a) Establishes a veterinarian-client-patient relationship; and

(b) Makes a medical determination that the prescription drug is therapeutically indicated for the health and well-being of the animal;

~~9.10.~~ *10.* Intentionally or knowingly make a false or misleading statement on an application for a license or registration with the Board, including an application to renew such a license or registration; ~~for~~

~~10.11.~~ *11.* Make a false or misleading statement to a staff member of the Board, a member of the Board or the Board during an investigation or disciplinary action ~~for~~ ;

12. Intentionally or knowingly make a false or misleading statement to a member of the public with the intent to defraud or deceive; or

13. Intentionally or knowingly withhold medical records from a person who is entitled to access such records, including, without limitation, withholding such records for financial compensation.

Sec. 18. NAC 638.051 is hereby amended to read as follows:

638.051 1. An animal in the possession of a veterinarian or veterinary facility shall be deemed abandoned if:

(a) The animal is left with the veterinarian or veterinary facility by a person whose identity is unknown or who cannot be reasonably contacted;

(b) The animal is left with the veterinarian or veterinary facility by the owner or person delivering the animal, the veterinarian or veterinary facility has provided the notice required pursuant to subsection 3 and the owner or person has not:

(1) Paid for the services provided by the veterinarian or veterinary facility; or

(2) Claimed the animal; or

(c) The owner or person delivering the animal relinquishes ownership of the animal in writing to the veterinarian or veterinary facility.

2. Unless otherwise provided in a contract between a veterinarian or veterinary facility and the owner of an animal or the person delivering the animal, the veterinarian or veterinary facility may:

(a) Treat or decline to treat the animal in the manner the veterinarian or veterinary facility determines appropriate;

(b) Dispose of an abandoned animal if the animal is not claimed within the period set forth in the notice, if required, pursuant to subsection 3; or

(c) During an emergency, provide emergency care or humane euthanasia to relieve the suffering of the animal in the manner the veterinarian determines appropriate in accordance with ~~the "Principles of Veterinary Medical Ethics" of the American Veterinary Medical Association as adopted by reference in NAC 638.046.~~ *currently accepted standards of care.*

3. Except as otherwise provided in this subsection, before a veterinarian or veterinary facility may dispose of an abandoned animal, the veterinarian or veterinary facility:

(a) If the identity of the owner of the animal or the person who delivered the animal is known or may be determined by scanning a microchip, must notify the owner of the animal or the person who delivered the animal by telephone, electronic mail, text message or regular mail to the last known contact information or address of the owner of the animal or the person who delivered the animal. The notice must state that the veterinarian or veterinary facility will dispose of the animal if it is not claimed by the date specified in the notice, which must not be sooner than 5 days after the ~~animal was left with the~~ *date on which the notice was sent by the* veterinarian or veterinary facility.

(b) If the owner of the animal or person who delivered the animal cannot be identified or if ownership of the animal was relinquished pursuant to paragraph (c) of subsection 1, may dispose of the animal pursuant to subsection 4.

4. The veterinarian or veterinary facility shall dispose of the animal in a humane manner, which may include, without limitation, euthanasia, adoption, fostering or sending the animal to an animal rescue organization.

5. For each animal disposed of pursuant to subsection 4, the veterinarian or veterinary facility shall maintain a separate record in accordance with the requirements of NRS 638.0475 that contains:

(a) A physical description of the animal, which may include, without limitation, a photograph;

(b) The date the animal was delivered to the veterinarian or at the veterinary facility;

(c) A description of the attempts made by the veterinarian or veterinary facility to contact the owner, if applicable;

(d) A list of any treatments or care provided by the veterinarian or veterinary facility; and

(e) A description of the disposition of the animal and the date of the disposition.

6. As used in this section, “claimed” means to remove the animal from the custody of the veterinarian.

Sec. 19. NAC 638.0527 is hereby amended to read as follows:

638.0527 1. In addition to the requirements of NRS 638.122, an applicant for a license to practice as a veterinary technician must submit to the Executive Director of the Board proof that he or she has passed:

(a) The Veterinary Technician National Examination; or

(b) Any other examination approved for this purpose by the Board pursuant to NRS 638.123.

2. In addition to the requirements of subsection 1, an applicant for a license to practice as a veterinary technician must submit to the Board satisfactory proof that the applicant has:

(a) Received a degree as a veterinary technician from a college accredited by the American Veterinary Medical Association or the appropriate state agency in the state where the college is located;

(b) Received a bachelor of science degree; *or*

(c) ~~Received a degree from outside the United States that has been reviewed and approved by the Program for the Assessment of Veterinary Education Equivalence administered by the American Association of Veterinary State Boards; or~~

~~—(d)~~ Completed an accelerated program for veterinary technicians approved by the Board.

3. Each applicant who received:

(a) A bachelor of science degree pursuant to paragraph (b) of subsection 2 or completed an accelerated program as described in paragraph ~~(c)~~ (c) of subsection 2 must submit, on a form provided by the Board, proof of completion of at least 4,000 hours of supervised clinical experience in a veterinary facility located in the United States that is verified by one or more actively practicing veterinarians who supervised the applicant. Not less than 2,001 hours of that supervised clinical experience must have been earned within the 5 years immediately preceding the date on which the applicant submitted his or her application.

(b) A bachelor of science degree pursuant to paragraph (b) of subsection 2 must satisfy the requirements of section 1 of LCB File No. R083-22.

4. Each application for a license to practice as a veterinary technician must include:

(a) One letter of recommendation from a person associated with the practice of veterinary medicine; and

(b) A letter of good standing from the licensing agency of each state in which the applicant is licensed or has been licensed, if any. Each such letter must, if applicable, include detailed information concerning any disciplinary action which has been taken against the applicant or which is pending in that state.

Sec. 20. NAC 638.057 is hereby amended to read as follows:

638.057 1. A supervising veterinarian:

(a) Is responsible for determining the competency of the licensed veterinary technician, veterinary technician in training, *registered veterinary student extern* or veterinary assistant under his or her supervision to perform delegated tasks of animal health care.

(b) Shall ensure that the licensed veterinary technician, veterinary technician in training , *registered veterinary student extern* or veterinary assistant performs the tasks of animal health care delegated to the licensed veterinary technician, veterinary technician in training , *registered veterinary student extern* or veterinary assistant in a manner which is consistent with good veterinary medical practice.

(c) Shall make all decisions relating to the diagnosis, treatment, management and future disposition of an animal.

(d) Shall examine an animal before delegating any tasks to the licensed veterinary technician, veterinary technician in training , *registered veterinary student extern* or veterinary assistant. The examination must be conducted at such time as good veterinary medical practice requires, consistent with the particular task of animal health care which is delegated.

(e) Is responsible for ensuring that:

(1) Unlicensed personnel do not perform duties that are specific to licensed veterinary technicians or licensed veterinarians;

(2) A person does not perform tasks as a veterinary technician in training unless the person is registered pursuant to NAC 638.0525; ~~and~~

(3) *A person does not perform tasks as a registered veterinary student extern unless the person is registered pursuant to section 5 of this regulation; and*

(4) A person does not perform tasks as a veterinary assistant except as provided in NAC 638.0602 and 638.06025.

2. A supervising veterinarian who does not comply with the requirements of this section may be subject to disciplinary action.

Sec. 21. NAC 638.06027 is hereby amended to read as follows:

638.06027 1. A veterinary graduate awaiting licensure must be registered with the Board as evidenced by a certificate of registration issued by the Board.

2. To register as a veterinary graduate awaiting licensure, the applicant must submit to the Board:

(a) An application for registration as a veterinary graduate awaiting licensure that includes, without limitation, a list of the veterinary facilities in this State where he or she will perform services;

(b) An application for a license to practice veterinary medicine pursuant to NRS 638.100 and the information required pursuant to NRS 638.103; ~~and~~

(c) Proof satisfactory to the Board that the applicant:

(1) Has graduated from a school of veterinary medicine and is scheduled to take, or has taken but not yet received a score for, the North American Veterinary Licensing Examination administered by the International Council for Veterinary Assessment;

(2) Has graduated from a school of veterinary medicine that is not accredited by the Council on Education of the American Veterinary Medical Association and who is presently completing a postgraduate, evaluated clinical year at a school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association; or

(3) Is scheduled to take, or has taken but not yet received a score for, the 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 ~~+~~ ; *and*

(d) Proof that the applicant has passed an examination administered by the Board relating to the laws and regulations of this State governing veterinary medicine.

3. Except as otherwise provided in ~~+~~ subsection ~~+~~ 4, a certificate of registration issued to a veterinary graduate awaiting licensure is valid ~~for 1 year~~ *until the earlier of:*

(a) Two years after the date of issuance ~~and may not be renewed. The~~ ;

(b) Thirty days after the date on which the Board receives proof satisfactory to the Board that the veterinary graduate awaiting licensure has passed an examination described in subparagraph (1) or (3) of paragraph (c) of subsection 2, as applicable; or

(c) The date on which the Board issues a license to practice veterinary medicine to the veterinary graduate awaiting licensure.

4. *If the veterinary graduate awaiting licensure is eligible to take an examination described in subparagraph (1) or (3) of paragraph (c) of subsection 2, as applicable, the* Board may extend the registration of a veterinary graduate awaiting licensure upon written request and a showing of good cause. Any request to extend the registration of a veterinary graduate awaiting licensure must be received by the Board *not less than 30 days* before the certificate of registration expires. *An extension of the registration of a veterinary graduate awaiting licensure pursuant to this subsection is valid until the earlier of:*

(a) Two years after the date of issuance;

(b) Thirty days after the date on which the Board receives proof satisfactory to the Board that the veterinary graduate awaiting licensure has passed an examination described in subparagraph (1) or (3) of paragraph (c) of subsection 2, as applicable; or

(c) The date on which the Board issues a license to practice veterinary medicine to the veterinary graduate awaiting licensure.

5. If a veterinary graduate awaiting licensure receives a score other than a passing score on an examination described in subparagraph (1) or (3) of paragraph (c) of subsection 2, he or she must, not later than 12 months after the date of issuance of his or her certificate of registration or extension of registration, as applicable, submit to the Board proof that he or she has registered for and is scheduled to take the examination again.

Sec. 22. NAC 638.0603 is hereby amended to read as follows:

638.0603 1. It is unlawful for a person to operate a veterinary facility ~~unless~~ :

(a) Unless the facility is registered with the Board and the Board has issued a permit for its operation ~~H~~; or

(b) If the person in charge of the veterinary facility resigns or otherwise leaves such position, for a period of more than 30 days without designating another person as the person in charge of the veterinary facility and notifying the Board in accordance with the requirements of NAC 638.0606.

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 an 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. 23. NAC 638.0606 is hereby amended to read as follows:

638.0606 *1.* The veterinarian who is in charge of a facility shall notify the Board in writing if the person registered with the Board as the veterinarian who is in charge of the facility resigns or otherwise leaves that position. The written notice must be submitted to the Board not more than 20 days after any such change is made.

2. Not more than 30 days after the date on which the veterinarian who is in charge of the facility resigns or otherwise leaves that position as described in subsection 1, the owner of the veterinary facility shall:

(a) In compliance with the requirements of NAC 638.0603, designate another veterinarian as the veterinarian who is in charge of the facility; and

(b) Notify the Board in writing of the designation made pursuant to paragraph (a).

Sec. 24. NAC 638.0625 is hereby amended to read as follows:

638.0625 1. A safe and sanitary environment must be maintained in each veterinary facility which:

(a) Protects the health of the animals and minimizes the possibility of the transmission of infection;

(b) Includes the proper routine disposal of waste materials and proper sterilization or sanitation of all equipment used in diagnosis, treatment or surgery;

(c) Meets the requirements of local and state fire prevention codes;

(d) Ensures the maintenance of a proper temperature and ventilation of the veterinary facility for the comfort of all animals; *and*

(e) Includes *safe and* sanitary methods for the *storage and* disposal of deceased animals ~~†~~
and

~~—(f) Includes a freezer to be used when an owner has not given permission for† in accordance with the †disposal† requirements of †a carcass.† section 6 of this regulation.~~

2. The veterinary facility must have the capacity to perform an adequate diagnostic radiological series, in the veterinary facility or through another commercial facility. Radiological

procedures must be in accordance with standards for the protection of the public health.

Laboratories and prescription drugs must be available in the veterinary facility or through another commercial facility.

Sec. 25. NAC 638.063 is hereby amended to read as follows:

638.063 1. A veterinary facility must maintain the following equipment at all times:

- (a) Surgical packs including drapes, sponges and proper instrumentation.
- (b) Anesthetic equipment in accordance with the level of surgery performed.
- (c) Oxygen.
- (d) A library of current journals or textbooks *in print or electronic form*, which provides

readily accessible reference materials ~~H~~ *in print or electronic form*.

2. All appropriate equipment must be sterilized, and surgical packs must be properly prepared for sterilization by heat or gas which is sufficient to kill bacterial spores for each sterile surgical procedure. Separate sterile surgical packs which are dated and have proof of internal and external sterilization must be used for each sterile procedure.

Sec. 26. NAC 638.700 is hereby amended to read as follows:

638.700 1. A veterinarian shall use appropriate methods of anesthesia, analgesia and sedation during each surgical procedure performed on an animal to:

~~H~~ (a) Minimize pain and distress in the animal; and

~~H~~ (b) Prevent injury to the animal.

2. *As used in this section, "sedation" means a controlled state of depressed consciousness caused by a drug or combination of drugs during which:*

(a) The animal maintains expected neurological responses;

(b) Protective airway reflexes of the animal remain intact, including, without limitation, the swallowing and the gag reflexes; and

(c) Spontaneous ventilation of the animal is adequate and no interventions are required to maintain an airway.

Sec. 27. NAC 638.710 is hereby amended to read as follows:

638.710 A veterinarian shall comply with the following requirements when putting an animal under general anesthesia:

1. Except as otherwise provided in this subsection, the animal must be given a physical examination not more than 12 hours before the anesthetic is administered. If the veterinarian determines that the animal is fractious, the veterinarian may conduct the physical examination of the animal after the anesthetic is administered. The physical examination required pursuant to this subsection must include, without limitation, an examination and written notation of:

- (a) The temperature;
- (b) The pulse rate;
- (c) The respiration;
- (d) The color of the mucous membrane; and
- (e) The thoracic auscultation,

↳ of the animal.

2. The animal must be under continuous observation while it is under general anesthesia until the swallowing reflex of the animal has returned.

3. The animal must not be released until it has been examined by a veterinarian and it is ambulating. This subsection must not be construed to prohibit the direct transfer of an animal under general anesthesia to an appropriate facility for observation.

4. The following equipment must be available in the veterinary facility and must be in working order at all times:

(a) An anesthetic machine with breathing bags appropriate to the size of the animal under general anesthesia;

(b) An assortment of cuffed endotracheal tubes; and

(c) An oxygen delivery system.

5. ~~It~~ *Unless* it is ~~appropriate for~~ *prohibited based on* the species of animal , when the swallowing reflex is impaired ~~it~~ the animal must be intubated and administered an appropriate concentration of oxygen.

6. A method of monitoring respiration must be used, which may include, without limitation:

(a) Observing the chest movements of the animal;

(b) Watching the rebreathing bag; or

(c) Using a respirometer.

7. A method of monitoring cardiac activity must be used, which may include, without limitation, the use of:

(a) A stethoscope; or

(b) An electrocardiographic monitor.

8. Adequate surgical support, including, without limitation, an intravenous catheter, fluids and monitoring, as indicated by the status of the animal and the standard of care required of a licensed veterinarian under the circumstances, must be available.

9. A written history must be maintained by the veterinarian for each animal put under general anesthesia, which must include, without limitation:

(a) The name or identification number of the animal.

(b) The medical history of the animal that is relevant to the administration of general anesthesia, which must include, without limitation, a description of any preexisting medical conditions and tests performed on the animal before surgery.

(c) A description of the general anesthesia used at the time of surgery.

(d) The method of monitoring that was used to comply with subsections 6 and 7.

Sec. 28. NAC 638.715 is hereby amended to read as follows:

638.715 1. A veterinary facility which provides aseptic surgical services must reserve a room ~~[, separate and distinct from all other rooms,]~~ for aseptic surgical procedures ~~[,]~~ *that is separate and distinct from all other rooms and enclosed by a door or similar partition.*

2. When performing aseptic surgery:

(a) Each member of a surgical team shall wear the appropriate sanitary cap and sanitary mask;

(b) Any instrument used to perform aseptic surgery must be sterilized; and

(c) Each member of the surgical team who will be handling an instrument or touching the surgical site shall wear a sterilized surgical gown and sterilized gloves.

3. As used in this section, “aseptic surgery” means surgery performed under sterilized conditions to prevent the introduction of infectious microorganisms.

Sec. 29. NAC 638.730 is hereby amended to read as follows:

638.730 1. Except as otherwise provided in NAC 638.0525, 638.053, ~~638.742~~ ***or section 5 of this regulation***, veterinary dentistry may only be performed by a licensed veterinarian. ***While performing, supervising the performance of or directing the performance of any dental treatment or dental procedure, a licensed veterinarian must perform and document a comprehensive assessment of the oral health of the animal that includes, without limitation, a complete examination of the oral cavity, teeth and supporting structures thereof. The licensed veterinarian is responsible for diagnosing any dental disease and determining the need for and extent of treatment.***

2. ~~Except as otherwise provided in subsection 3, veterinary~~ ***Veterinary*** dentistry must be performed under general anesthesia with the use of an endotracheal tube with an inflated cuff unless, based on the species of the animal, the Board determines otherwise.

3. ~~A cleaning of the supragingival portion of the teeth of an animal, including, without limitation, scaling the teeth with dental tools or ultrasound, may be performed without placing the animal under general anesthesia if:~~

~~—(a) The procedure is performed at a veterinary facility;~~

~~—(b) A licensed veterinarian at the veterinary facility has conducted a full oral examination within the 6 months immediately preceding the supragingival cleaning;~~

~~—(c) The licensed veterinarian has determined that the animal is a suitable candidate for the procedure and that the procedure is being performed on an elective basis sought by the client;~~

~~—(d) The client has signed a written form acknowledging that the client:~~

~~——(1) Understands the difference between a supragingival cleaning and a full dental examination with prophylaxis; and~~

~~——(2) Knowingly consents to the supragingival cleaning procedure; and~~

~~—(e) The procedure is terminated if:~~

~~——(1) The animal becomes resistant or fractious during the cleaning procedure and continuation of the cleaning procedure would potentially harm or cause suffering to the animal;~~

~~or~~

~~——(2) The cleaning procedure or examination of the oral cavity of the animal reveals signs of advanced dental disease, including, without limitation, tooth mobility, advanced gingivitis, abnormal bleeding, stomatitis, advanced gingival recession, furcation exposures, excessive gingival hyperplasia, abnormal probing depths, visual or tactile detection of tooth resorption, tooth fractures, abnormal growths, abscesses, pyorrhea, pulpitis, discoloration or other abnormal findings.~~

~~→] If a veterinary technician , [or] veterinary technician in training [terminates a cleaning procedure pursuant to paragraph (e),] or registered veterinary student extern observes any abnormal findings during a dental treatment or dental procedure on an animal, he or she must notify the [attending] supervising veterinarian . [of the cause for the termination of the procedure so that the veterinarian can appropriately address the needs of the animal.]~~

4. Except as otherwise provided in this subsection, a licensed veterinarian may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal only in a veterinary facility that has the capacity to perform intraoral radiology. In an emergency, a licensed

veterinarian may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal in a veterinary facility that does not have the capacity to perform intraoral radiology if the licensed veterinarian determines, based on his or her professional judgment and the species of the animal, that the radiology which the veterinary facility has the capacity to perform is adequate for the particular procedure.

5. Nothing in this section shall be construed to prohibit a person from:

(a) Using cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth; or

(b) Practicing as an equine dental provider in accordance with NAC 638.735 to 638.748, inclusive.

6. As used in this section, "veterinary dentistry" means:

(a) The application or use of any instrument or device to any portion of an animal's tooth, gums or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of the animal's tooth, gums or related tissue; and

(b) Preventive dental procedures pertaining to an animal, including, without limitation, the removal of calculus, soft deposits, plaque or stains and the smoothing, filing, floating or polishing of the surfaces of the animal's tooth.

Sec. 30. NAC 638.750 is hereby amended to read as follows:

638.750 As used in NAC 638.750 to 638.790, inclusive, "animal physical therapy" means the rehabilitation of injuries in a nonhuman animal through the use of ~~the following~~ techniques ~~but~~ *which are authorized pursuant to chapter 640 of NRS and the regulations adopted pursuant thereto and, unless performed by a veterinarian, which are determined in*

consultation between the person performing the animal physical therapy and the supervising veterinarian or veterinarian under whose direction the person performs such animal physical therapy pursuant to NAC 638.780, as applicable. The term does not include animal chiropractic

~~• †~~

- ~~—1.— Stretching;~~
- ~~—2.— Massage therapy;~~
- ~~—3.— Rehabilitative exercise;~~
- ~~—4.— Hydrotherapy;~~
- ~~—5.— Application of heat or cold; and~~
- ~~—6.— Stimulation by the use of:~~
 - ~~—(a) Low-level lasers;~~
 - ~~—(b) Electrical sources;~~
 - ~~—(c) Magnetic fields; or~~
 - ~~—(d) Noninvasive therapeutic ultrasound.]~~

Sec. 31. NAC 638.760 is hereby 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 veterinary technician in training who complies with the provisions of NAC 638.0525;*
- (d) *A registered veterinary student extern who complies with the provisions of section 5 of this regulation; or*

(e) 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 by 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 ~~+~~; *and*

(f) Has passed an examination administered by the Board relating to the laws and regulations of this State governing veterinary medicine.

4. The application must be signed by the applicant.

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. 32. NAC 638.770 is hereby 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 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:

(1) Except as otherwise provided in subparagraph (2), at least 10 hours of continuing education in animal physical therapy approved by the Board during the 24-month period immediately preceding the beginning of the new period of registration; or

(2) If the physical therapist was issued the certificate of registration on or after ~~October~~ *July* 1 of the immediately preceding even-numbered year, at least 5 hours of continuing education in animal physical therapy approved by the Board during the 12-month period immediately preceding the beginning of the new period of registration; 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 Nevada Physical Therapy Board.

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. 33. NAC 638.780 is hereby amended to read as follows:

638.780 1. A physical therapist who has been issued a certificate of registration pursuant to NAC 638.760 may practice animal physical therapy only:

(a) Under the direction of a veterinarian licensed in this State who has established a valid veterinarian-client-patient relationship concerning the animal receiving the animal physical therapy before the animal physical therapy is performed; and

(b) If the physical therapist assumes individual liability for the quality of the animal physical therapy performed.

2. The veterinarian under whose direction the physical therapist performs the animal physical therapy:

(a) Is not required to supervise the physical therapist during the animal physical therapy.

(b) Is not liable for the acts or omissions of the physical therapist who performs the animal physical therapy.

3. Each physical therapist who has been issued a certificate of registration shall:

(a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving animal physical therapy from the physical therapist.

(b) Within ~~48 hours~~ **5 business days** after the initial visit with the animal, mail or transmit electronically a complete copy of the medical record to the veterinarian under whose direction the physical therapist performs the animal physical therapy.

(c) Within ~~48 hours~~ **5 business days** after each subsequent visit with the animal, mail or transmit electronically a progress report to the veterinarian under whose direction the physical therapist performs the animal physical therapy.

4. Any medical record made pursuant to subsection 3 must be available for inspection by the Board or its representative.

5. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. The written medical record must include, without limitation:

- (a) The name, address and telephone number of the owner of the animal;
- (b) The name or identifying number, or both, of the animal;
- (c) The age, sex and breed of the animal;
- (d) The dates of care, custody or treatment of the animal;
- (e) The results of a basic rehabilitation examination related to physical therapy;
- (f) The diagnosis and treatment plan related to physical therapy recommended by the physical therapist for the animal; and
- (g) The progress and disposition of the case.

Sec. 34. NAC 638.810 is hereby 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 ~~and~~; *and*

(e) Has passed an examination administered by the Board relating to the laws and regulations of this State governing veterinary medicine.

4. The application must be signed by the applicant.

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. 35. NAC 638.820 is hereby 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 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:

(1) Except as otherwise provided in subparagraph (2), at least 30 hours of continuing education in animal chiropractic approved by the Board during the 24-month period immediately preceding the beginning of the new period of registration; or

(2) If the chiropractor was issued the certificate of registration on or after ~~October~~ *July* 1 of the immediately preceding even-numbered year, at least 15 hours of continuing education in animal chiropractic approved by the Board during the 12-month period immediately preceding the beginning of the new period of registration; 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. 36. NAC 638.830 is hereby amended to read as follows:

638.830 1. A chiropractor who has been issued a certificate of registration pursuant to NAC 638.810 may practice animal chiropractic only:

(a) Under the direction of a veterinarian licensed in this State who has established a valid veterinarian-client-patient relationship concerning the animal receiving the animal chiropractic before the animal chiropractic is performed; and

(b) If the chiropractor assumes individual liability for the quality of the animal chiropractic performed.

2. The veterinarian under whose direction the chiropractor performs the animal chiropractic:

(a) Is not required to supervise the chiropractor during the animal chiropractic.

(b) Is not liable for the acts or omissions of the chiropractor who performs animal chiropractic.

3. Each chiropractor who has been issued a certificate of registration shall:

(a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving animal chiropractic.

(b) Within ~~48 hours~~ *5 business days* after the initial visit with the animal, mail or transmit electronically a complete copy of the medical record to the veterinarian under whose direction the chiropractor performs the animal chiropractic.

(c) Within ~~48 hours~~ *5 business days* after each subsequent visit with the animal, mail or transmit electronically a progress report to the veterinarian under whose direction the chiropractor performs the animal chiropractic.

4. Any medical record made pursuant to subsection 3 must be available for inspection by the Board or its representative.

5. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. The written medical record must include, without limitation:

(a) The name, address and telephone number of the owner of the animal;

(b) The name or identifying number, or both, of the animal;

(c) The age, sex and breed of the animal;

(d) The dates of care, custody or treatment of the animal;

(e) The results of a basic physical examination related to musculoskeletal manipulation;

(f) The diagnosis and treatment plan related to musculoskeletal manipulation recommended by the chiropractor for the animal; and

(g) The progress and disposition of the case.

Sec. 37. Section 2 of LCB File No. R117-23 is hereby amended to read as follows:

1. “Euthanasic agent” means any prescription drug ~~that is not an opioid,~~ regardless of the method in which the drug is administered, that is administered:

(a) To terminate the life of an animal; or

(b) To ease the suffering of an animal at the time the termination of life is performed.

2. The term includes, without limitation, alpha-2 agonists, ketamine and ~~phenothiazine.~~ *phenothiazines.*

Sec. 38. Section 3 of LCB File No. R082-22 is hereby repealed.

TEXT OF REPEALED SECTION

Section 3 of LCB File No. R082-22.

Sec. 3. A veterinary technician or veterinary technician in training shall not:

1. Falsify records of health care;

2. Falsify records so as to indicate his or her presence at a time when he or she was not in attendance or that procedures were performed by the veterinary technician or veterinary technician in training which were in fact not performed by him or her;

3. Render professional services to an animal while the veterinary technician or veterinary technician in training is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

4. Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

5. Perform or fail to perform any service in a manner that violates a provision of chapter 574 of NRS;

6. Perform services which are not authorized by this chapter or chapter 638 of NRS for a veterinary technician or veterinary technician in training or that exceed the training or competence of the veterinary technician or veterinary technician in training;

7. Make a false or misleading statement on an application for a license or registration with the Board, including an application to renew such a license or registration; or

8. Make a false or misleading statement to a staff member of the Board, a member of the Board or the Board during an investigation or disciplinary action.