

**ADOPTED REGULATION OF THE NEVADA STATE
BOARD OF VETERINARY MEDICAL EXAMINERS
LCB File No. R114-26**

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

AUTHORITY: §§ 1, 3 and 4, NRS 638.070; § 2, NRS 638.070, 638.100, 638.122, 638.127, 638.128 and 638.132.

A REGULATION relating to veterinary medicine; establishing certain requirements relating to advertising by a veterinarian; revising the schedule of fees charged and collected by the Nevada State Board of Veterinary Medical Examiners; establishing a fee for an application for registration as a registered veterinary student extern; providing that failure to pay certain fees may be grounds for disciplinary action; revising certain duties of supervising veterinarians; 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. (NRS 638.070) **Section 1** of this regulation prohibits a veterinarian from making, disseminating or causing to be made or disseminated any advertising, including any testimonial or endorsement, which: (1) contains any false, deceptive or misleading statement, claim or material omission; or (2) uses the terms “board eligible” or “board qualified.” **Section 1** also requires each veterinarian to comply with all applicable federal laws, regulations and guidelines of the Federal Trade Commission relating to the use of testimonials or endorsements in advertising.

Existing law requires and authorizes the Board to adopt by regulation certain fees relating to licenses, registrations and permits issued by the Board. (NRS 638.070, 638.100, 638.122, 638.127, 638.128, 638.132) Existing regulations set forth those fees. (NAC 638.035) Existing law makes a violation of a regulation of the Board grounds for disciplinary action. (NRS 638.140, 638.147) **Section 2** of this regulation: (1) revises certain fees relating to licenses, registrations and permits issued by the Board; and (2) provides that the failure to pay such a fee which is required to be paid in accordance with the applicable provisions of existing law and regulations may be grounds for disciplinary action.

Under existing regulations, certain students at an accredited school of veterinary medicine who meet certain requirements may apply to register with the Board as a registered veterinary student extern. (Section 5 of LCB File No. R026-26) **Sections 2 and 4** of this

regulation establish a fee for an application for registration as a registered veterinary student extern.

Existing regulations impose certain duties on supervising veterinarians, including that a supervising veterinarian is responsible for ensuring that no person performs certain tasks or duties that are specific to licensees or registrants unless the person holds the appropriate license or registration to do so. (NAC 638.057) **Section 3** of this regulation instead: (1) prohibits a supervising veterinarian from delegating, directing or assigning any task, responsibility or duty to a person that is outside the scope of practice which is appropriate for that person; (2) requires a supervising veterinarian to ensure that all licensees and registrants are performing tasks, responsibilities or duties only within the scope of practice which is appropriate for the licensee or registrant; (3) requires a supervising veterinarian to facilitate open communication with each person under his or her supervision and allow each such person, without fear of reprisal or retaliation, to express concerns regarding or refuse to perform a task, responsibility or duty for which the person believes he or she is not prepared or not qualified; and (4) prohibits a supervising veterinarian from unduly pressuring or requiring any person under his or her supervision to perform any task, responsibility or duty for which the person is not qualified.

Section 1. Chapter 638 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A veterinarian shall not make, disseminate or cause to be made or disseminated any advertising, including, without limitation, any testimonial or endorsement, which:

(a) Contains any false, deceptive or misleading statement or claim, including, without limitation, a material omission that is intended to create a false, deceptive or misleading impression; or

(b) Uses the terms “board eligible” or “board qualified.”

2. Each veterinarian shall comply with all applicable federal laws, regulations and guidelines of the Federal Trade Commission relating to the use of testimonials or endorsements in advertising.

Sec. 2. NAC 638.035 is hereby amended to read as follows:

638.035 1. Except as otherwise provided in subsections 2 and 3, the Board will charge and collect the following fees:

For an application and examination for a license to practice veterinary medicine	\$500
For an application for a license by endorsement to practice veterinary medicine	500
For an application for a license to practice veterinary medicine as a diplomate.....	500
For an application for a license to practice as a veterinary technician.....	220 250
For an application or examination for a license to practice as a euthanasia technician.....	500
For a 2-year registration to practice as a veterinary technician in training	60 70
<i>For an application for registration as a registered veterinary student extern</i>	<i>70</i>
For a permit to operate a facility owned by a licensed veterinarian, other than a mobile clinic	500 575
For a permit to operate a facility not owned by a licensed veterinarian, other than a mobile clinic	700 840
For a permit to operate a mobile clinic	150 180
For a permit to operate a nonprofit facility	200
For a registration to practice animal chiropractic.....	200 240
For a registration to practice animal physical therapy	200 240
For a registration to practice as an equine dental provider	220 240
For a temporary license to practice veterinary medicine	150 200

For the reinstatement of a veterinary or diplomate license	{525} 640
For the reinstatement of a veterinary technician license	{200} 220
For the biennial renewal of an active license to practice veterinary medicine, including, without limitation, a license by endorsement and a diplomate license	{500} 600
For the biennial renewal of an inactive license to practice veterinary medicine	{275} 330
For the biennial renewal of a license to practice as a veterinary technician	{150} 180
For the biennial renewal of a license to practice as a euthanasia technician.....	{250} 300
For the biennial renewal of a registration to practice as an animal physical therapist	{200} 240
For the biennial renewal of a registration to practice as an animal chiropractor	{200} 240
For the biennial renewal of a registration to practice as an equine dental provider.....	{200} 240
For the biennial renewal of a permit for a facility owned by a licensed veterinarian, other than a mobile clinic	{400} 480
For the biennial renewal of a permit for a facility not owned by a licensed veterinarian, other than a mobile clinic	{700} 840
For the biennial renewal of a permit to operate a mobile clinic.....	{100} 120
For the biennial renewal of a permit for a nonprofit facility.....	200
For a duplicate of a license, registration or permit described in this section	{20} 25

2. If an applicant or licensee is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a reserve component thereof or the National Guard, the Board will charge and collect one-half of the fee established pursuant to subsection 1.

3. The Board will reduce the fee charged and collected for the application for any license, registration or permit set forth in subsection 1, including any fee reduced pursuant to subsection 2, by 50 percent if the license, registration or permit is issued on or after June 30 of the immediately preceding even-numbered year.

4. The fees charged and collected pursuant to this section are not refundable.

5. *Failure to pay a fee which is required pursuant to this section, in accordance with the applicable provisions of this chapter and chapter 638 of NRS, may be grounds for disciplinary action.*

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

Sec. 3. 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} Shall not {perform} delegate, direct or assign any tasks, responsibilities or duties to a person under his or her supervision that are {specific to licensed veterinary technicians or licensed veterinarians};~~

~~——(2) A person does not perform tasks as a veterinary technician in training unless} outside the scope of practice which is appropriate for the person . {is registered pursuant to NAC 638.0525};~~

~~——(3) A person does not perform tasks as a registered veterinary student extern unless the person is registered pursuant to section 5 of LCB File No. R026-26; and~~

~~——(4) A person does not perform}~~

(f) *Shall ensure that all licensees and registrants are performing tasks {as a veterinary assistant except} , responsibilities and duties only within the scope of practice which is appropriate for the licensee or registrant, as {provided in NAC 638.0602 and 638.06025.} applicable.*

(g) Shall facilitate open communication with each person who is under his or her supervision and allow each such person, without fear of reprisal or retaliation, to express concerns regarding or refuse to perform a task, responsibility or duty for which the person believes he or she is not prepared or not qualified.

(h) Shall not unduly pressure or require any person under his or her supervision to perform any task, responsibility or duty for which the person is not qualified.

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

Sec. 4. Section 5 of LCB File No. R026-26 is hereby amended to read as follows:

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 ~~and~~;
and

(g) Pay to the Board the fee required pursuant to NAC 638.035.

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.