

**INFORMATIONAL STATEMENT
LCB FILE R063-13**

BOARD OF VETERINARY MEDICAL EXAMINERS

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The following informational statement required by NRS 233B.066 is submitted for adopted amendments and additions to Nevada Administrative Code (NAC) 638.

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION:

- a) Defining “general anesthesia,” “veterinary specialist,” “veterinarian in charge,” and “consult” would clarify terms that are used throughout NAC 638.
- b) Requirements for a supervising veterinarian in a veterinary facility where animals are boarded would benefit the public and their animals by stipulating that policies or procedures are established in the facility where animals are boarded overnight.
- c) Setting forth the requirements pursuant to which veterinary dentistry may be performed would establish a defined standard of care for dentistry in veterinary medicine.
- d) Revises the continuing education requirements for all licensees who present continuing education; Allows licensees who attend the consumer complaint portion of a Board meeting to obtain no more than 4 hours of CE per year. This would allow a Licensee the ability to understand what prompts consumer complaints and learn from the experiences (lack of communication; lack of informed consent, etc.) that are discussed in each complaint presented to the Board.
- e) Defining the term “informed consent” for the purposes of a veterinarian-client-patient relationship would allow the public to better understand the options of treatment, risk assessment and prognosis, and an estimate of the fees expected for veterinary care prior to agreeing to treatment.
- f) Adopting by reference a code of the ethics for veterinary technicians would standardize a code of conduct for veterinary technicians.
- g) Revises the content of a medical record to include an initial of the person who made the entry in the medical record and allows the board to inspect medical records of any licensed veterinarian. This new regulation would allow the Board to conduct a compliance inspection on medical records and controlled substance logs when the veterinarian works out of his home. With the initialing of entries in the medical record the staff, the public, and the Board will know who performed certain procedures on the animal.
- h) Revises the tasks that a licensed veterinary technician (LVT) is authorized to perform. An LVT is being taught in school how to use therapeutic lasers and this regulation would allow them to perform that duty on the job providing more services available to the public’s animals.
- i) Revises provisions related to labeling of sodium pentobarbital (SP) would allow animal control agencies to open only one bottle of SP at a time instead of having to have a bottle issued to each licensee.

- j) Revises provisions related to physical examinations being done on a fractious animal protects staff from being injured while trying to conduct a physical examination on a fractious animal.
- k) Allows the Board to conduct a compliance inspection on medical records of an animal chiropractor or animal physical therapist; ensuring that proper medical records are being kept by these individuals.

2. PUBLIC COMMENT SOLICITED:

The Board solicited comments on the proposed regulation by (1) posting the proposed regulation (full text) on the Board's website (nvvetboard.us). (2) Soliciting comments from the public, veterinarians and veterinary technicians during two workshops and a board meeting of the Nevada Veterinary Medical Association. (3) Copies of the proposed regulation were sent via e-mail to all persons who are on the Boards' mailing list, all veterinary hospitals in Nevada, and to the Nevada Veterinary Medical Association for distribution to their members.

As per NRS 233B.0607 a copy of the regulation and the Notice of Hearing was posted at all Nevada County Public Libraries. As indicated in the Notice of Hearing, a copy of any of these proceedings could be obtained at the State Board of Veterinary Medical Examiners office at 4600 Kietzke Lane, Bldg. O-265, Reno, Nevada 89502 or on the Board's website at www.nvvetboard.us.

A copy of the summary of the public response to the proposed regulation may be obtained from the State Board of Veterinary Medical Examiners' office at 4600 Kietzke Lane, Bldg. O-265, Reno, Nevada 89502.

3. ATTENDANCE:

Workshop on October 10, 2013 Nevada Veterinary Medical Association's Board meeting:
Attendance: 11 Licensed Veterinarians, 1 Veterinary Technician, and the Executive Director of the Nevada Veterinary Medical Association.

Questions were primarily focused on Section 6 in regard to the definition of dentistry. No derogatory comments were made regarding RO63-13. Recommended changes were discussed with the Board at the October 23, 2014 Workshop.

Workshop on October 23, 2013:

Attendance: 1 Licensed Veterinarian and the Executive Director of the Nevada Veterinary Medical Association.

Written/E-mail correspondence: 1 Licensed Veterinarian and 1 Licensed Veterinary Technician. No derogatory comments were made regarding RO63-13.

Hearing on April 24, 2014:

Attendance: 2-veterinarians; 1 veterinary specialist in dentistry; 2 licensed veterinary technicians; Michelle Wagner, Executive Director of the Nevada Veterinary Medical Association.

Written/E-mail correspondence: 3 Licensed Veterinarians.

Questions were primarily focused on Section 6 in regard to the definition of dentistry. No derogatory comments were made regarding RO63-13.

4. COMMENTS FROM AFFECTED BUSINESSES:

Comments were solicited from affected businesses (veterinary facilities) through posting of public notices on the Board's website, county libraries, by email to all interested persons on the Board's mailing list and the Nevada Veterinary Medical Association who sent the proposed regulations to their membership. The following individuals either were present at the hearing or provided written correspondence.

Hearing 4-24-2014	Business Address	Phone	e-mail	Representing
Testified				
Ben Haas, DVM	PO Box 13998, Portland, OR 97213	503 688-3498	Benjamin.Haas@banfield.net	Banfield Pet Hospital
Brooke Niemiec, DVM	6032 S. Durango Las Vegas NV 89113	858 279-2108	toniniemiec@aol.com	So. CA Veterinary Specialists Dentistry
Suzanne Zervantian, DVM	1601 East Basin Ave. #202 Pahrump, NV	775 727-7387	allcreaturesanimalhospital@live.com	All Creatures Animal Hospital
Dennis Lopez, LVT	3333 East Flamingo Road Las Vegas, NV 89121	702 458-9850	dlopez@pima.edu	PIMA Medical Institute
Tarah Fuentes, LVT	6032 S. Durango Su 100 Las Vegas, NV 89113	702 243-1885	tlcsdragon@hotmail.com	Herself
Written Correspondence				
Ben Haas, DVM	PO Box 13998 Portland, OR 97213	503 688-3498	Benjamin.Haas@banfield.net	Banfield Pet Hospital
John Shaner, DVM	2369 Patterson Road Riverbank, CA 95367	209 869-3692	exoticdvm@sbcglobal.net	River Oak Veterinary Hospital
Brooke Niemiec, DVM	6032 S. Durango Las Vegas NV 89113	858 279-2108	toniniemiec@aol.com	So. CA Veterinary Specialists Dentistry

5. REASONS FOR ADOPTING REGULATION WITHOUT CHANGE:

The permanent regulation was adopted at the State Board of Veterinary Medical Examiners meeting on April 24, 2014 with one non-substantial change. The following change was made to section 6, allowing the veterinary facilities a year (effective 1-1-2016) to comply with the requirement of intraoral radiology if the veterinarian is doing dental surgeries: *After January 1, 2016 and except as otherwise provide 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.

6. ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS.

The regulation should not have any economic effect on veterinary facilities. There were veterinarians, veterinary facility owners, and veterinary technicians who attended both workshops and the hearing and there was no discussion of any economic effect on the veterinary practices, so the Board does not anticipate a significant adverse economic impact from the proposed amendments and additions to NAC 638 on Nevada affected businesses or the public. For a complete breakdown by section of adverse and beneficial effects and both immediate and long term effects see the table attached.

7. ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT:

There will no additional costs incurred by this Board for enforcement of these regulations.

8. OVERLAP OR DUPLICATION OF PROPOSED REGULATION:

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

9. DOES THE REGULATION INCLUDE PROVISIONS THAT ARE MORE STRINGENT THAN A FEDERAL REGULATION WITH REGULATES THE SAME ACTIVITY

The Board is not aware of any similar regulations of the same activity in which the federal government is more stringent.

10. REGULATION PROVIDES A NEW FEE OR INCREASES EXISTING FEE:

There is a fee of \$10.00 established in Section 11 for a duplicate license (wall certificate) The Board anticipates that the added fee of \$10.00 for a duplicate license may increase revenue by approximately \$1000.00/year which will offset the cost of producing and mailing a new wall certificate to any licensee that requests a duplicate/lost license. There is not a cost to the Licensee for the initial license.

11. LIKELY TO IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN UPON A SMALL BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A SMALL BUSINESS.

The regulation should not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. There were veterinarians, veterinary facility owners and veterinary technicians who attended both workshops and the hearing and there was no discussion of any long reaching economic effects on the current veterinary practices, so the Board does not anticipate a significant adverse impact from the proposed amendments and additions to NAC 638 on Nevada affected businesses or the public.