

LCB File No. T043-01

**NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON
PROPOSED REGULATION**

**Notice of Workshop and Hearing for the
Adoption of Temporary Regulations of the
Nevada State Board of Veterinary Medical Examiners**

The Board of Veterinary Medical Examiners will hold a workshop and a public hearing:

**May 15, 2001 9:00 A.M.
4600 KIETZKE LANE BLDG. B-111
RENO, NEVADA 89502**

VIA TELE-CONFERENCE

The purpose of this workshop and hearing is to receive comments from all interested persons regarding the adoption of regulations pertaining to Chapter 638 of the Nevada Administrative Code. If no such person appears to make an oral presentation, the Nevada State Board of Veterinary Medical Examiners may proceed immediately to act upon any written submissions. Comments will be received regarding the following:

The following information is provided pursuant to the requirements of NRS 233B.060:

1. Amendment of Nevada Administrative Code 638.800-638.840

A. Statement of the purpose of the proposed regulation

Changes to the current laws regarding “veterinary chiropractic” and supervision requirements.

B. Economic effect of the regulation on the business it is to regulate

There is no economic effect of the regulation on the business it is to regulate.

C. Economic effect on the public

There will be no economic effect on the public.

D. Estimated cost to the agency for enforcement

There will be no additional expenses for enforcement of this regulation.

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

Persons wishing to comment upon the proposed action of the Board of Veterinary Medical Examiners may appear at the scheduled workshop and public hearing or may address their comments, data, views or arguments in written form to the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno, Nevada, 89502. Written submissions must be received by the Board at least ten days before the scheduled public hearing.

A copy of this notice and the proposed regulation to be adopted will be on file at all county libraries within the state for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno, Nevada, 89502. The notice and the text of the proposed regulation is also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

The notice has been posted at the following locations:

Board of Veterinary Medical Examiners
4600 Kietzke Lane, O-265
Reno, Nevada

All Nevada County
Public Libraries

SEC. 1. CHAPTER 638 OF NAC IS HEREBY AMENDED AS FOLLOWS:

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

VETERINARY CHIROPRACTIC

Reviser's Note.

The regulation of the Nevada state board of veterinary medical examiners filed with the secretary of state on December 7, 1999 (LCB File No. R115-99), the source of NAC 638.800 to 638.840, inclusive (sections 1 to 6, inclusive, of the regulation), contains the following provision not included in NAC:

"Sec. 11. The Nevada state board of veterinary medical examiners will review the provisions of sections 1 to 6, inclusive, of this regulation at its first regular meeting held after January 1, 2001, to determine whether to repeal those sections or to make any changes to those sections which the board deems appropriate."

NAC 638.021 "veterinarian-client-patient relationship" defined. "veterinarian-client-patient relationship" means that the veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal being treated and the need for medical treatment. There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of a physical examination of the animal(s) or by medically appropriate and timely visits to the premises where the animal(s) are kept. The veterinarian has obtained informed consent and the client has agreed to follow the instruction. The veterinarian is readily available for follow-up in the case of adverse reactions or failure of the regimen of therapy.

NAC 638.800 "Veterinary chiropractic" defined. (NRS 638.070) As used in NAC 638.800 to 638.840, inclusive, "veterinary chiropractic" means the examination and treatment of a nonhuman animal through the manipulation and adjustment of specific joints and cranial sutures of the animal.

NAC 638.810 Requirements to practice; application for registration certificate; fee. (NRS 638.070)

1. A person shall not practice veterinary chiropractic in this state unless he is:
 - (a) A veterinarian; or
 - (b) A chiropractor who has obtained a registration certificate pursuant to this section and complies with the provisions of NAC 638.830.
2. A chiropractor who desires to secure a registration certificate to practice veterinary 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 this state for at least 1 year;
 - (c) Is in good standing with the chiropractic physicians' board of Nevada; and
 - (d) Is certified by the American Veterinary Chiropractic Association.

4. The application must be signed by the applicant, notarized and accompanied by a fee of \$50.

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, the board will issue to the chiropractor a certificate of registration.

NAC 638.820 Expiration and renewal of certificate; fee. (NRS 638.070)

1. Each certificate of registration issued pursuant to NAC 638.810 or renewed pursuant to this section expires on January 1 of each 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, notarized and accompanied by a fee of \$25;

(c) Accompanied by proof that the chiropractor completed, during the 12-month period immediately preceding the beginning of the new registration year, at least ~~5~~ 15 hours of continuing education in veterinary chiropractic approved by the board; and

(d) Accompanied by proof that his license as a chiropractor in this state is active and that he is in good standing with the chiropractic physicians' board of Nevada.

3. A chiropractor who fails to renew his certificate of registration before it expires forfeits his 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, the board will renew the certificate of registration of the chiropractor.

NAC 638.830 Standards of practice for chiropractor holding certificate; maintenance of records. (NRS 638.070)

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

~~[(a) On the written order of a veterinarian licensed in this state;]~~

~~[(b)]~~ (a) Under the direction of a veterinarian licensed in this state who:

(1) Has established a valid veterinarian-client-patient relationship, *as defined in NAC 638.021*, concerning the animal receiving the veterinary chiropractic before the veterinary chiropractic is performed; and

~~[(2) Has obtained a signed acknowledgment by the owner or another caretaker of the animal receiving the veterinary chiropractic that veterinary chiropractic is considered a nontraditional therapy and maintains the signed acknowledgment in the medical record required pursuant to NAC 638.037;~~

~~—(c) If the veterinarian under whose direction the veterinary chiropractic is performed and the chiropractor]~~

(b) *The chiropractor shall* assume individual liability for the quality of the veterinary chiropractic performed; and

~~[(d)]~~ (c) If the fee for the veterinary chiropractic is paid to the veterinarian under whose direction the veterinary chiropractic is performed or the facility in which the veterinary chiropractic is performed and the fee is not paid in violation of NRS 638.1404.

~~[2. The veterinarian who provided the written order to perform the veterinary chiropractic shall be on the premises and readily available during the veterinary chiropractic.]~~

~~[(3)]~~ 2. Each chiropractor who has been issued a certificate of registration shall maintain in this

state for at least 4 years a separate written medical record of each animal receiving veterinary chiropractic. The chiropractor shall send a complete copy of the medical record to the veterinarian *within 48 hours of the initial consultation. A progress report must also be mailed or faxed to the veterinarian within 48 hours on all subsequent visits.* ~~[who provided the written order to perform the veterinary chiropractic]~~. The veterinarian shall include the copy of the medical record received pursuant to this subsection in the medical record required pursuant to NAC 638.037. 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.

NAC 638.840 Disciplinary action. (NRS 638.070)

1. A violation of a provision of chapter 634 or 638 of NRS or a regulation adopted by the chiropractic physicians' board of Nevada or the board is a ground for disciplinary action.

2. If the board determines that an applicant for a certificate of registration pursuant to NAC 638.810 or a person who has been issued a certificate of registration pursuant to NAC 638.810 has committed any act which is a ground for disciplinary action, the board may:

- (a) Refuse to issue a certificate of registration;
- (b) Refuse to renew a certificate of registration;
- (c) Revoke a certificate of registration;
- (d) Suspend a certificate of registration for a definite period or until further order of the board;
- (e) Impose a fine in an amount not to exceed \$10,000 for each act that constitutes a ground for disciplinary action;
- (f) Place a person who has been issued a certificate of registration on probation subject to any reasonable conditions imposed by the board, including, without limitation, requiring courses in continuing education or a periodic or continuous review of his veterinary chiropractic practice;
- (g) Administer a public ~~for private~~ reprimand;
- (h) Require the person who has been issued a certificate of registration to take a competency examination or a mental or physical examination; and
- (i) Require the person who has been issued a certificate of registration to pay all costs, including, without limitation, attorney's fees, incurred by the board in taking disciplinary action against him.