

LCB File No. R115-99

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

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

**October 13, 1999 1:00 P.M.
4600 KIETZKE LANE BLDG. B-111
RENO, NEVADA 89502**

The purpose of this 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:

1. Amendment of Nevada Administrative Code 638.037, Records maintained by veterinarians.

A. Statement of the purpose of the proposed regulation

Add additional items that must be contained in a written medical record.

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.

2. Amendment of Nevada Administrative Code 638.045, Malpractice, gross negligence, incompetence.

A. Statement of the purpose of the proposed regulation

Redefine "negligence" in order to comply with new 1999 legislation.

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.

3. Amendment of Nevada Administrative Code 638.046, Code of Ethics.

A. Statement of the purpose of the proposed regulation

Adoption of the new version of the American Veterinary Medical Examiners Code of Ethics.

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.

4. Amendment of Nevada Administrative Code 638.041, Required number of hours; evidence of compliance; veterinary technicians

A. Statement of the purpose of the proposed regulation

Would increase the number of continuing education hours to 15 hours per year instead of the current 20 hours biannually.

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.

5. Addition to Administrative Code 638.

A. Statement of the purpose of the proposed regulation

Regulates the issuance of registration certificates to licensed chiropractors who are providing veterinary chiropractic.

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

There will be a \$50.00 initial application fee and a \$25.00 per year renewal fee on the business that will be regulated.

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 additional expenses for enforcement of this regulation which will be offset by the fees charged for this certification.

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
460 Kietzke Lane, O-265
Reno, Nevada

All Nevada County
Public Libraries

PROPOSED REGULATION OF THE NEVADA STATE BOARD OF VETERINARY MEDICAL EXAMINERS

EXPLANATION-Matters italicized are new; matter in brackets ~~H~~ is material to be omitted.

SECTION 1. CHAPTER 638 OF NAC IS HEREBY AMENDED TO READ AS FOLLOWS:

NAC 638.037 Records maintained by veterinarians; availability of records for inspection; X-rays. (NRS 638.070)

1. Each licensed veterinarian shall maintain in this state for at least 4 years a *separate* written record of each animal receiving veterinary services, including, without limitation, an examination conducted pursuant to NAC 638.610, from him or under his supervision. *The medical record shall contain all clinical information pertaining to the patient with sufficient information to justify the diagnosis or determination of health status and warrant any treatment recommended or administered.*

The records must be available for inspection by the owner of the animal during normal business hours at least 5 days each week. The licensed veterinarian shall provide a copy of that record to the owner of the animal receiving veterinary services not later than 48 hours after he receives a request from the owner of the animal.

2. The written record must contain the following information, in legible form:

- (a) The name, address and telephone number of the animal's owner;
- (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) A short history of the animal's condition as it pertains to the animal's medical status;
- (f) *Results and notation of examination, including but not limited to temperature, pulse and respiration rate, and laboratory data;*
- (g) ~~(g)~~ The diagnosis or condition at the beginning of custody of the animal, including, without limitation, results of tests;
- (h) *immunization record;*

(i) ~~(g)~~ The surgery log, including, without limitation, anesthesia and preanesthesia, and the procedure performed;

(j) ~~(h)~~ Any medication and treatment administered, including, without limitation, amount and frequency;

(k) ~~(i)~~ The progress and disposition of the case; ~~and~~

(l) Names of any person (other than the veterinarian's own employees) furnishing professional advice, performing treatments, examinations or other service; and

3. ~~(j) Any~~ X-rays. Each X-ray, *except inter-oral dental x-rays*, must be labeled in the emulsion film as follows:

(a) ~~(1)~~ The name of the veterinarian or facility that took the X-ray;

(b) ~~(2)~~ The name or identifying number, or both, of the animal;

(c) ~~(3)~~ The name of the animal's owner;

(d) ~~(4)~~ The date on which the X-ray was taken; and

(e) ~~(5)~~ The anatomical orientation depicted by the X-ray.

4. Each X-ray is the property of the veterinarian who caused it to be prepared. An X-ray must be released upon the written request of another veterinarian who has the authorization of the owner of the animal to which it pertains. The X-ray must be returned within a reasonable time to the veterinarian to whom it belongs. *X-rays shall be maintained in the state for at least 4 years.*

(5) Computer Records. Computer records are acceptable medical records so long as the security of the computer is maintained. If computer records are used by a veterinarian, a daily and cumulative monthly back-up on a separate disk or magnetic strip shall be made.

(6) ~~(4)~~ In a practice concerned with herds of animals, records must be kept on each herd and may be kept on individual animals.

(7) ~~(5)~~ If a veterinarian ceases his practice without providing for the continuation of treatment of the animals under his care, the president of the board may appoint a master to supervise his records, the treatment of those animals and the mailing of notices to the owners of the animals which had been under his care.

SECTION 2. CHAPTER 638 OF NAC IS HEREBY AMENDED TO READ AS FOLLOWS:

NAC 638.045 Malpractice, gross negligence, incompetence.

1. Malpractice in the practice of veterinary medicine will be interpreted by the board to include, without limitation, conduct which falls below the standard of care required of a licensed veterinarian under the circumstances which cause injury to an animal.
2. ~~{Gross}~~ negligence will be interpreted by the board to mean a ~~{an extreme}~~ departure from the standard of practice of veterinary medicine.
3. Incompetence will be interpreted by the board to mean a lack of knowledge, skill, or ability in discharging a professional obligation.

SECTION 3. CHAPTER OF 638 NAC IS HEREBY AMENDED TO READ AS FOLLOWS:

NAC 638.046 Adoption by reference of Code of Ethics.

1. The board adopts by reference the ~~{Code of Ethics}~~ *Principals of Veterinary Medical Ethics of the American Veterinary Medical Association as ~~{it existed on May 1, 1996,}~~ published in the current version of the American Veterinary Medical Association Directory* as a standard for professional conduct. A violation of the provisions on the code constitutes cause for disciplinary action.

SECTION 4. CHAPTER OF 638 NAC IS HEREBY AMENDED TO READ AS FOLLOWS:

NAC 638.041 Required number of hours; evidence of compliance; veterinary technicians

1. As a prerequisite for each renewal of his license to practice veterinary medicine, a licensee must complete ~~{, during the biennial period immediately preceding the renewal, at least 20 hours of continuing education approved by the board}~~ *15 hours of board approved continuing education courses during the 12 month period preceding the beginning of the new licensing year. A maximum of five hours may be in distant learning or correspondence courses.*
~~{2. — A licensee who received his initial license in an even numbered year must complete, during the period immediately preceding the initial renewal, at least 10 hours of continuing education approved by the board.}~~
~~{3.}~~ 2. The licensee ~~{must}~~ *may* attach to his application for a renewal:
 - (a) A summary of the educational activities which he engaged in or completed during the preceding licensing period; and
 - (b) Evidence of the engagement or completion.
- ~~{4.}~~ 3. A licensed veterinary technician must annually complete at least 5 hours of continuing education approved by the board as a prerequisite for renewal of his license.

SECTION 5. CHAPTER OF 638 NAC IS HEREBY AMENDED BY ADDING THERETO A NEW SECTION TO READ AS FOLLOWS:

Sec. 6. Scope.

1. *Regulate the issuance of registration certificates to licensed chiropractors who are providing veterinary chiropractic;*
2. *Set registration fees; and*
3. *Set grounds for disciplinary action including, but not limited to probation, suspension or revocation of registration certificates for chiropractors.*

Sec. 7. Qualification of applicant to become registered chiropractors. Each applicant for registration must:

1. *Be of good moral character;*
2. *Be an active licensed chiropractor in the state of Nevada for at least three years;*
3. *Be in good standing with the Chiropractic Physicians Board of Nevada; and*
4. *Be certified by the American Veterinary Chiropractic Association.*

Sec. 8. Requirements for registration certificate. Each applicant for registration must provide to the board:

1. *A notarized application for registration on the form provided by the board;*
2. *A fee of \$50.00*
3. *Any other information requested by the board*
4. *It is unlawful to practice veterinary chiropractic without the issuance of registration by the board or being licensed as a veterinarian.*

Sec. 9. Renewal; fee; effect of failure to renew.

1. *Each certificate of registration expires on January 1 of each year.*
2. *An application of renewal must be:*
 - (a) *Submitted in the form established by the board.*
 - (b) *Signed by the Chiropractor.*
 - (c) *Notarized.*
 - (d) *Accompanied by a fee of \$25.00.*
 - (e) *Accompanied by proof of having completed at least 5 hours of continuing education, approved by the board in animal chiropractic per year;*
 - (f) *Accompanied by proof that his license as a chiropractor is active and in good standing.*
3. *The board may refuse to renew a certificate if the applicant has committed any act proscribed in the provisions of chapter 638 and 634 NRS and NAC.*
4. *If an applicant for renewal is not renewed on or before the expiration date, the registration is automatically forfeited.*

Sec. 10. Provisions of registration.

1. *Chiropractors registered with the board can provide veterinary chiropractic:*
 - (a) *under the direction of a Nevada licensed veterinarian; Under the direction includes:*
 - (1) *That the licensed veterinarian must have established a valid veterinarian/client/patient relationship prior to services being rendered;*
 - (2) *That the treatment must be performed on the written order of a licensed veterinarian;*

(3) That the veterinarian may be on the premises and readily available at the discretion of the attending veterinarian;

(4) That the licensed veterinarian and the chiropractor assume individual liability for the quality of the treatment performed;

(5) Except as otherwise provided by NRS 638.1404 (3) the fee for services shall be paid to the licensed veterinarian of licensed facility; and

(6) That the veterinarian obtain as a part of the patient's permanent record, a signed acknowledgement by the owner or other caretaker that animal chiropractic is considered a nontraditional therapy.

(7) That each registered Chiropractor maintain in this state for at least 4 years a record of each animal receiving chiropractic services, including, but not limited to:

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

(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) A basic physical examination related to musculoskeletal manipulation;

(f) Recommended diagnosis and treatment plan related to musculoskeletal manipulation;

(g) The progress and disposition of the case.

(8) A complete copy of these medical records must be sent to the referring physician.

Sec. 11. *As used in this section, "veterinary chiropractic" means the examination, and treatment of nonhuman animals through manipulation and adjustments of specific joints and cranial sutures.*

Sec. 12. *The board shall review this section at its next regular meeting after July 1, 2000 to determine in its discretion whether to delete this section or to make any changes as are deemed appropriate.*