

**PROPOSED REGULATION OF THE NEVADA STATE BOARD
OF VETERINARY MEDICAL EXAMINERS**

LCB File No. R115-99

September 13, 1999

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

AUTHORITY: §§1-11, NRS 638.070.

Section 1. Chapter 638 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 6, inclusive, of this regulation, “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.*

Sec. 3. 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 section 5 of this regulation.*

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 the State of Nevada for at least 3 years;

(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 section 6 of this regulation, 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.

Sec. 4. 1. *Each certificate of registration issued pursuant to section 3 of this regulation 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 hours of continuing education in veterinary chiropractic approved by the board; and

(d) Accompanied by proof that his license as a chiropractor in the State of Nevada 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 section 6 of this regulation, 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.

Sec. 5. 1. A chiropractor who has been issued a certificate of registration pursuant to section 3 of this regulation may practice veterinary chiropractic only:

(a) On the written order of a veterinarian licensed in the State of Nevada;

(b) Under the direction of a veterinarian licensed in the State of Nevada who:

(1) Has established a valid veterinarian-client-patient relationship 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 assume individual liability for the quality of the veterinary chiropractic performed; and

(d) 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 may, in his discretion, be on the premises and readily available during the veterinary chiropractic.

3. 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 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.*

Sec. 6. 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 section 3 of this regulation or a person who has been issued a certificate of registration pursuant to section 3 of this regulation 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 or 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.*

Sec. 7. NAC 638.037 is hereby amended to read as follows:

638.037 1. Each licensed veterinarian shall maintain in this state for at least 4 years a ~~written~~ *separate medical* 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 records must be available for inspection by the owner of the animal during normal business hours at least 5 days each week. ~~The~~ *Except as otherwise provided in this subsection, 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. *The licensed veterinarian is not required to provide a copy of any X-rays in the medical record to the owner of the animal receiving veterinary services.*

2. The ~~written~~ *medical* 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) *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;*

(g) The diagnosis or condition at the beginning of custody of the animal, including, without limitation, results of tests;

~~(g)~~ (h) *The immunization record of the animal;*

(i) *All clinical information pertaining to the animal including, without limitation, 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;*

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

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

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

~~(j)~~ (m) *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; and*

(n) Any X-rays. Each X-ray *other than an inter-oral dental X-ray* must be labeled in the emulsion film as follows:

- (1) The name of the veterinarian or facility that took the X-ray;
- (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 X-ray was taken; and
- (5) The anatomical orientation depicted by the X-ray.

3. 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.

4. *The medical records required pursuant to 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) *They must be backed-up daily and cumulatively backed-up monthly using technology designed to store data permanently; and*
- (c) *They must either be inalterable or clearly indicate when they have been altered and the manner in which they have been altered.*

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

~~[5.]~~ 6. 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.

Sec. 8. NAC 638.041 is hereby amended to read as follows:

638.041 1. As a prerequisite for each renewal of his license to practice veterinary medicine, a licensee must complete, during the ~~[biennial]~~ *12 month* period immediately preceding the ~~[renewal,]~~ *beginning of the new licensing year*, at least ~~[20]~~ *15* hours of continuing education approved by the board. *Not more than 5 hours may be completed 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.—~~ 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.

Sec. 9. NAC 638.045 is hereby amended to read as follows:

638.045 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 causes injury to an animal.

2. ~~[Gross negligence]~~ *Negligence* will be interpreted by the board to mean ~~[an extreme]~~ a 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.

Sec. 10. NAC 638.046 is hereby amended to read as follows:

638.046 1. The board adopts by reference the ~~[Code of Ethics]~~ *Principles 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 Membership Directory and Resource Manual* as a standard for professional conduct. A violation of the provisions of the ~~[code]~~ *principles* constitutes cause for disciplinary action.

2. The ~~[Code of Ethics]~~ *Principles of Veterinary Medical Ethics* of the American Veterinary Medical Association is available from the American Veterinary Medical Association, 1931 North Meacham Road, *Suite 100*, Schaumburg, Illinois ~~[60196,]~~ *60173*, free of charge.

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 July 1, 2000, to determine whether to repeal those sections or to make any changes to those sections which the board deems appropriate.