

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

LCB File No. R057-00

§§1 to 4, inclusive, and 6, 8, 9 and 10 effective June 20, 2000

§§5 and 7 effective October 1, 2000

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

AUTHORITY: §§1-10, NRS 638.070.

Section 1. Chapter 638 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *A person may perform the tasks of a veterinary technician under the immediate supervision of a licensed veterinarian or licensed veterinary technician while the person is receiving the training and experience required by paragraph (g) of subsection 2 if he is registered with the board pursuant to this section.*

2. To be registered as a veterinary technician in training, a person must:

- (a) Submit to the board an application on a form prescribed by the board;*
- (b) Submit to the board a letter of recommendation written by the veterinarian in charge of the facility where he is employed or will be employed;*
- (c) Be 18 years of age or older;*
- (d) Have a high school diploma or equivalent certificate;*
- (e) Be of good moral character;*
- (f) Be enrolled in a school or program of training that is approved by the American Veterinary Medical Association or the board; and*

(g) Participate in training while on the job and acquire experience that is commensurate with the duties of his employment.

3. After confirming that an applicant complies with all the requirements of subsection 2, the executive director of the board shall, unless he has good cause to deny the registration, issue a letter of registration for a veterinary technician in training to the veterinarian in charge of the facility where the trainee is employed or will be employed.

4. A registration issued pursuant to this section is effective for 18 months after the date the registration is issued unless the board grants an extension of such effective date.

Sec. 3. 1. *The parties shall provide direct testimony of their expert witnesses through written testimony prepared before the hearing if the parties stipulate to providing such testimony in such a manner or if the presiding officer orders the parties to provide such testimony in such a manner. The written testimony must include, without limitation:*

(a) The resume, curriculum vitae or other similar statement detailing the qualifications of the expert witness to serve as an expert witness;

(b) A statement of the expert's opinion in question and answer format;

(c) A listing of all persons, treatises or other information referred to in the preparation of the opinion or that served as a basis of the opinion;

(d) A listing of all documents reviewed in the preparation of the opinion;

(e) Any exhibits or documents that the expert deems necessary or useful to accompany his opinion; and

(f) A notarized statement that the prepared testimony is sworn to be true and is submitted under penalty of perjury as if the testimony were given in person before the board.

2. If a party desires to use expert testimony in a matter, the party must file the written testimony of the expert with the board and ensure that the other parties of record receive a copy of such testimony at least 10 business days before the hearing. The evidence and testimony of any expert witness may be excluded if it is not filed with the board and provided to the other parties pursuant to this subsection.

3. After testimony is filed with the board, amendments to the testimony may be made upon approval of the board or presiding officer.

4. The testimony of an expert witness may be read into the record by the witness upon direct examination if the board or presiding officer determines that such reading is appropriate under the circumstances.

5. The testimony of an expert witness may be provided to the board members before the hearing on the matter to which the testimony relates.

6. An expert witness must appear at a hearing in which his testimony has been proffered pursuant to this section. Each party who has not proffered the testimony of the witness may cross-examine the witness regarding his written testimony provided in accordance with this section. The board may examine the expert witness regarding his written testimony provided in accordance with this section. The party who proffered the prepared testimony may only examine the witness on redirect examination.

Sec. 4. NAC 638.017 is hereby amended to read as follows:

638.017 “Vaccination clinic” means any location, other than a veterinary facility, where a licensed veterinarian administers vaccinations to ~~[animals.]~~ *dogs, cats or ferrets.*

Sec. 5. NAC 638.0435 is hereby amended to read as follows:

638.0435 In addition to the requirements of NRS 638.100, an applicant for a license to practice veterinary medicine must submit to the executive director of the board proof that he has passed, within the 5 years immediately preceding the date on which he submitted his application:

1. The ~~clinical competency examination and the national board examination required by NRS 638.110;~~ *North American Veterinary Licensing Examination of the National Board Examination Committee for Veterinary Medicine*; or

2. Any other examination approved for this purpose by the board pursuant to NRS 638.110.

Sec. 6. NAC 638.0447 is hereby amended to read as follows:

638.0447 1. A veterinarian or veterinary technician whose license is forfeited pursuant to NRS 638.127 may apply to the board to have his license reinstated if, in addition to complying with the provisions of NRS 638.127, he files with the executive secretary of the board:

(a) An application for reinstatement of his license which is signed by the veterinarian or veterinary technician and notarized;

(b) Proof that he has:

(1) If he is a veterinarian:

(I) Completed at least ~~20~~ *15* hours of continuing education *approved by the board* in the ~~2 years~~ *year* immediately preceding the filing of the application; and

(II) Passed, within the 5 years immediately preceding the filing of the application, the clinical competency examination and the national board examination required by NRS 638.110 for an initial license, or any other examination required by the board; or

(2) If he is a veterinary technician, completed at least 5 hours of continuing education in the year immediately preceding the filing of the application; and

(c) If he is licensed or has been licensed in any other state, a letter of good standing from the licensing agency of each state in which he is licensed or has been licensed. Each letter must, if applicable, include detailed information concerning any disciplinary action that has been taken against the licensed veterinarian or veterinary technician or that is pending in that state.

2. If a veterinarian or veterinary technician files an application pursuant to this section which contains any false information, the board may immediately revoke his license.

Sec. 7. NAC 638.0447 is hereby amended to read as follows:

638.0447 1. A veterinarian or veterinary technician whose license is forfeited pursuant to NRS 638.127 may apply to the board to have his license reinstated if, in addition to complying with the provisions of NRS 638.127, he files with the executive secretary of the board:

(a) An application for reinstatement of his license which is signed by the veterinarian or veterinary technician and notarized;

(b) Proof that he has:

(1) If he is a veterinarian:

(I) Completed at least 15 hours of continuing education approved by the board in the year immediately preceding the filing of the application; and

(II) Passed, within the 5 years immediately preceding the filing of the application, the ~~clinical competency examination and the national board examination required by NRS 638.110~~ *North American Veterinary Licensing Examination of the National Board Examination Committee for Veterinary Medicine* for an initial license, or any other examination required by the board; or

(2) If he is a veterinary technician, completed at least 5 hours of continuing education in the year immediately preceding the filing of the application; and

(c) If he is licensed or has been licensed in any other state, a letter of good standing from the licensing agency of each state in which he is licensed or has been licensed. Each letter must, if applicable, include detailed information concerning any disciplinary action that has been taken against the licensed veterinarian or veterinary technician or that is pending in that state.

2. If a veterinarian or veterinary technician files an application pursuant to this section which contains any false information, the board may immediately revoke his license.

Sec. 8. NAC 638.048 is hereby amended to read as follows:

638.048 A veterinarian shall not:

1. Falsify records of health care;
2. Falsify records so as to indicate his presence at a time when he was not in attendance or that procedures were performed by him which were in fact not performed by him;
3. Write a prescription for a controlled substance in such an excessive amount as to constitute a departure from prevailing standards of acceptable veterinary medical practice;
4. Consistently use veterinary medical procedures, services or treatments which constitute a departure from the prevailing standards of acceptable veterinary medical practice;
5. Render professional services to an animal while the veterinarian is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition; ~~or~~
6. Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge ~~or~~; *or*
7. *Operate a veterinary facility in a manner that violates a provision of chapter 574 of NRS.*

Sec. 9. NAC 638.070 is hereby amended to read as follows:

638.070 The provisions of NAC 638.070 to 638.420, inclusive, *and section 3 of this regulation* govern all practice and procedure before the board whenever the board is acting as an agency, as that term is defined in NRS 233B.031 [~~for example, whenever~~], *such as when* the board is authorized by law to make regulations or to determine contested cases.

Sec. 10. 1. This section and sections 1 to 4, inclusive, and 6, 8 and 9 of this regulation become effective upon filing with the secretary of state.

2. Sections 5 and 7 of this regulation become effective on October 1, 2000.

LCB File No. R057-00

NOTICE OF ADOPTION

May 25, 2000

Mary Bennett
Nevada State Legislative
Counsel Bureau
Legal Division
401 S. Carson Street
Carson City, Nevada 89710

Dear Ms. Bennett:

The attached regulations were adopted by the State Board of Veterinary Medical Examiners on May 17, 2000 and need to be filed with the Secretary of State. Please note minor non-substantive changes, page 4 (#11) and page 6 (#7).

If you have any questions, do not hesitate to call me.

Cordially Yours,

Debbie Machen
Executive Director

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INFORMATIONAL STATEMENT

1. PUBLIC COMMENT SOLICITED:

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. There was a workshop and public hearing held May 17, 2000 in Reno.

2. ATTENDANCE:

There was two veterinarians and one attorney present at the workshop and hearing with limited questions on clarification of particular issues. Comments from the public were focused on the issues of violations of NRS 574 being grounds for disciplinary action and expert testimony in disciplinary hearings. A copy of the written comments may be obtained by calling the Nevada State Board of Veterinary Medical Examiners at (775) 688-1788.

3. REASONS FOR ADOPTING REGULATION WITHOUT CHANGE:

The permanent regulation was adopted at the State Board of Veterinary Medical Examiners meeting on May 17, 2000 with a change of verbiage on page 4 (1-I) and page 6 (7) as stated in the enclosed regulation.

4. ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS:

There would be no economic effect of these new regulations on the business of veterinary medicine.

5. ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT:

There is no costs to this agency for enforcement of these regulations.

6. OVERLAP OR DUPLICATION OF PROPOSED REGULATION:

To our knowledge, there is no other state or government agency which the proposed regulations duplicates.

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

These regulations do not provide a new fee or increase existing fees.

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