

**LCB File No. R57-00**

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

**May 17, 2000 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:

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

**1. Amendment of Nevada Administrative Code 638.017, “Vaccination clinic.”**

A. Statement of the purpose of the proposed regulation

Redefining of the term “vaccination clinic”.

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 638.048, Prohibited acts.**

A. Statement of the purpose of the proposed regulation

Violating NRS 574, “Cruelty to Animal” Laws is grounds for disciplinary action.

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 638.0435, Additional requirements for licensure.**

A. Statement of the purpose of the proposed regulation

The consolidation of the two national board examinations(CPT & NBE) into the North American Veterinary Licensing Examination.

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. Addition to Nrs 638.**

A. Statement of the purpose of the proposed regulation

Defining “Veterinary Technician in Training” and the qualifications for registration.

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

Regulations regarding prepared expert testimony for disciplinary hearings.

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.

**6. Amendment of Nevada Administrative Code 638.0435,**

A. Statement of the purpose of the proposed regulation  
Redefining “Emergency Veterinary Hospital.”

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	All Nevada County
4600 Kietzke Lane, O-265	Public Libraries
Reno, Nevada	

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

**SEC. 1. CHAPTER 638 OF NAC IS HEREBY AMENDED BY ADDING THE FOLLOWING:**

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

**Sec. 2. NAC 638.017 “Vaccination clinic” defined. Vaccination clinic means any location other than a veterinary facility, including house calls, where a licensed veterinarian administrators vaccinations to ~~[animals]~~ *dogs, cats or ferrets.***

**Sec. 3. *NAC 638.048 Prohibited acts. A veterinarian shall not:***

***7. Violate NRS 574, “Cruelty to Animals: Prevention and penalties”. A violation of NRS 574 is grounds for disciplinary action.***

**Sec. 4. NAC 638.0435, Additional requirements for licensure.**

**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]~~ The North American Veterinary Licensing Examination required by NRS 638.100; or (Section 4. effective 12-1-2000)**

*Sec. 5. A veterinary Technician in Training means a person who is registered with the Board pursuant to NRS 638 in order to obtain the training and experience required to be a licensed veterinary technician and who is enrolled in a AVMA or Board approved school or program of training for veterinary technicians.*

*Sec. 6. Registration of Veterinary Technician in training*

*1. An applicant for registration as a veterinary technician in training must:*

*a. Be 18 years of age or older;*

*b. Be a high school graduate or the equivalent;*

*c. Be of good moral character;*

*d. Have a letter of recommendation written by the veterinarian in charge at the facility where he is employed;*

*e. Participate in training while on the job and acquire experience that is commensurate with the duties of the employment.*

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

*3. Upon receipt of the application, the 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 will be employed.*

*4. Registration as veterinary technician in training is effective for 18 months after the date of issuance unless an extension is granted by the board.*

*Sec 7. Prepared Expert Testimony*

*1. By stipulation of the parties or by order of the presiding officer, the parties may be required to provide the direct testimony of their expert witnesses through written prepared testimony. The prepared testimony will include at least the following:*

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

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

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

*(d) A statement, in question-and-answer form, of the expert's 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 prepared expert testimony is to be utilized in a matter, the prepared testimony proffered by each party must be filed with the board and received by each party of record no later than 10 business days before the hearing. The evidence and testimony of any expert witness may be excluded if it is not timely filed with the board and provided to the other party.*

3. *After delivery of the prepared testimony to the commission, amendments to it may be made upon approval of the board or presiding officer.*
4. *If circumstances so require, prepared testimony may be read into the record by the witness upon direct examination. The admissibility of prepared testimony or any portion thereof will be determined according to applicable laws related to the admissibility of expert testimony.*
5. *The prepared testimony may be provided to the board members in advance of the hearing of the matter.*
6. *At any hearing in which prepared testimony has been proffered, the expert witness must appear at the hearing. The party who has not proffered the testimony may cross-examine the witness regarding his prepared testimony. The board may examine the expert witness regarding his prepared testimony. The party who proffered the prepared testimony may examine the witness on redirect examination.*