

LCB File No. R009-04

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

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

AUTHORITY: NRS638.070

ANIMAL PHYSICAL THERAPY

Section. 1. Chapter of 638 NAC is hereby amended by adding thereto the provisions set forth as sections 2-7 of this regulation.

Sec. 2. *“Animal physical therapy” defined. “Animal physical therapy” means the use of noninvasive techniques, excluding animal chiropractic, for the rehabilitation of injuries in animals. Animal physical therapy performed by non-veterinarians should be limited to the use of stretching; massage therapy; stimulation by use of a) low-level lasers, b) electrical sources, c) magnetic fields, and d)noninvasive ultrasound; rehabilitative exercised; hydrotherapy; and applications of heat and cold.*

Sec. 3. *Requirements to practice; application for registration certificate; fee.*

1. A person shall not practice animal physical therapy in this state unless he is:

(a) A veterinarian;

(b) A licensed veterinary technician educated in animal physical therapy; or

(c) A physical therapist who has obtained a registration certificate pursuant to this section and complies with the provisions of NAC 638..

2. A physical therapist who desires to secure a registration certificate to practice animal physical therapy 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 physical therapist in this state for at least 3 year;

(c) Is in good standing with the physical therapy board of Nevada; and

(d) Presents documentation to the Board supporting a minimum of 100 hours of instruction/coursework in veterinary physical therapy. Coursework shall include, but not limited to, comparative anatomy, neurology, biomechanics, behavior, common orthopedic and neurological conditions, therapeutic modalities and exercise, and assessment and treatment planning.

(e) Presents documentation to the board supporting a minimum of 125 hours of clinical experience in veterinary physical therapy in collaboration with a licensed veterinarian.

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., upon receipt of the application and information required by subsection 3 and payment of the fee, the board will issue to the animal physical therapist a certificate of registration.

Sec. 4. NAC638. Expiration and renewal of certificate/fee

1. Each certificate of registration issued pursuant to NAC 638. 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 animal physical therapist and accompanied by a fee of \$25;

(c) Accompanied by proof that the animal physical therapist completed, during the 12-month period immediately preceding the beginning of the new registration year, at least 5 hours of continuing education in animal physical therapy approved by the board; and

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

3. A physical therapist who fails to renew his certificate of registration before it expires forfeits his certificate of registration.

4. Except as otherwise provided in NAC 638., 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 animal physical therapist.

Sec 5. NAC 638. Standards of practice for an animal physical therapist holding certificate; maintenance of records. (NRS 638.070)

1. A physical therapist who has been issued a certificate of registration pursuant to NAC 638. shall practice animal physical therapy:

(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 animal physical therapy before the animal physical therapy is performed; and

(b) The animal physical therapist shall assume individual liability for the quality of the physical therapy performed; and

(c) If the fee for the animal physical therapy is paid to the veterinarian under whose direction the animal physical therapy is performed or the facility in which the animal physical therapy is performed and the fee is not paid in violation of NRS 638.1404.

2. Each physical therapist 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 animal physical therapy. The animal physical therapist shall mail or fax 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. 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 rehabilitation evaluation related to the physical therapy;

(f) The diagnosis and treatment plan related to the physical therapy recommended by the animal physical therapist for the animal; and

(g) The progress and disposition of the case.

Sec 6. NAC 638. Disciplinary action.

1. A violation of a provision of chapter 640 or 638 of NRS or a regulation adopted by the physical therapy 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. or a person who has been issued a certificate of registration pursuant to NAC 638. 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 animal physical therapy practice;

(g) Administer a public 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 8. NAC 638.033 is hereby amended to read as follows:

638.033 ~~[Every veterinarian and veterinary technician] Any person who is registered or licensed by this board shall notify the Board, in writing, of any change of business address, place of employment, mailing address or telephone number within 20 days after the change.]~~

Sec 9. NAC 638.0445 is hereby amended to read as follows:

638.0445 1. A licensed veterinarian whose license has been placed on inactive status may apply to the Board to have his license restored to active status by submitting to the Executive Director of the Board:

(b) A fee of ~~[\$145]~~ *the difference between the active and inactive fee;*

(c) Proof that he has completed at least ~~[at least 20 hours of continuing education in the 2 years]~~ *15 hours of continuing education approved by the Board in the year* immediately preceding the filing of the application to restore his license to active.

Sec 10. NAC 638.0525 is hereby amended to read as follows:

638.0525 (2) To register as a veterinary technician in training, a person must:

(h) Pay of fee of \$25 *per year. The registration expires in September of each year.*

4. A registration issued pursuant to this section is effective for ~~[18]~~ *24* months after the date the registration is issued unless the Board grants an extension of such effective date.

Sec 11. NAC 638.0604 is hereby amended to read as follows:

4. A facility which does not meet the minimum standards of practice of veterinary medicine established in this chapter and chapter 638 of NRS may be subject to disciplinary action pursuant to NRS 638.147.

Sec 12. NAC 638.245 (4) is hereby omitted:

~~[Whenever the Board directs that an investigation be conducted into a disciplinary matter, the results of the investigation or any information relating to the investigation will not be examined by and must not be disclosed to, the members of the Board before the Board's hearing on the matter.]~~

LCB File No. R009-04

NOTICE OF INTENT TO ACT UPON A REGULATION

Amendment of Nevada Administrative Code 638 NEW LANGUAGE.

1. The need and the purposed of the proposed regulation or amendment.

This new regulation will regulate the practice of “animal physical therapy.”

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

There will be no adverse or beneficial economic effects on the profession or the public.

(b) Both immediate and long-term effects.

This new regulation will ultimately raise the standard of care in veterinary medicine.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7. If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.

Amendment of Nevada Administrative Code 638.033.

1. The need and the purposed of the proposed regulation or amendment.

This amendment will require all licensees to notify the board of a change in their mailing address.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice (Section 8).

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

There will be no adverse or beneficial economic effects on the profession or the public.

(b) Both immediate and long-term effects.

The Board will be notified of a current mailing address, which will reduce the duplication in mailing items to a Licensee.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7. If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.

Amendment of Nevada Administrative Code 638.0445.

1. The need and the purposed of the proposed regulation or amendment.

This amendment will reduce the fee for licensees to change from inactive to active status and modify the Continuing Education requirement to parallel the active licensee.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice (Section 9).

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

There will be no adverse or beneficial economic effects on the profession or the public.

(b) Both immediate and long-term effects.

There will be no long-term effect or immediate benefit.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7. If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.

Amendment of Nevada Administrative Code 638.0525.

1. The need and the purposed of the proposed regulation or amendment.

This amendment will require all veterinary technicians in training to renew their registration each year at a cost of \$25.00/year.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice (Section 10).

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

There will be no adverse or beneficial economic effects on the profession or the public.

(b) Both immediate and long-term effects.

There will be no long-term effect or immediate benefit.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7. If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does provide a new increase of fees to veterinary technicians in training of \$25.00/year.

Amendment of Nevada Administrative Code 638.0604.

1. The need and the purposed of the proposed regulation or amendment.

This amendment will define discipline that a facility could incur if they do not meet the minimum standards of veterinary practice.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice (Section 11).

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

This will ultimately protect the public's interests by allowing the Board to discipline facilities that do not meet minimum standards.

(b) Both immediate and long-term effects.

There will be no long-term effect or immediate benefit.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7. If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.

Amendment of Nevada Administrative Code 638.245

1. The need and the purposed of the proposed regulation or amendment.

NAC638.245 (4) is being rescinded because it is in direct conflict with new laws that were adopted on October 1, 2003 regarding consumer complaint procedures.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice (Section 11).

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

There will be no adverse or beneficial economic effects on the profession or the public.

(b) Both immediate and long-term effects.

There will be no long-term effect or immediate benefit.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7. If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.