

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

LCB File No. R072-09

Effective April 20, 2010

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

AUTHORITY: §§1, 2, 4 and 14-17, NRS 638.070; §3, NRS 638.070, 638.100, 638.116, 638.122, 638.127, 638.128 and 638.132; §§5 and 6, NRS 638.070 and 638.128; §§7 and 9, NRS 638.070 and 638.124; §8, NRS 638.070, 638.122 and 638.123; §§10-12, NRS 638.070 and 638.132; §13, NRS 638.070, 638.116 and 638.127.

A REGULATION relating to veterinary medicine; requiring written notice when an animal will be left unattended after hours at a veterinary facility; revising certain fees for licensure; amending certain requirements for continuing education for veterinarians and veterinary technicians; authorizing a licensed veterinary technician to implant microchips in animals under indirect supervision; and providing other matters properly relating thereto.

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. *A person who operates a veterinary facility where animals are kept during the hours that the veterinary facility is not regularly open to the public shall notify, in writing, an owner of an animal or his designee if the animal will be left unattended.*

Sec. 3. *The Board will charge and collect the following fees:*

<i>For an application and examination for a license to practice veterinary medicine or a license to practice as a diplomate.....</i>	\$200
<i>For an application for a license to practice as a veterinary technician.....</i>	100

<i>For an application or examination for a license to practice as a euthanasia technician.....</i>	<i>200</i>
<i>For a 2-year registration to practice as a veterinary technician in training.....</i>	<i>50</i>
<i>For a permit to operate a facility owned by a licensed veterinarian.....</i>	<i>50</i>
<i>For a permit to operate a facility owned by a nonlicensed veterinarian.....</i>	<i>300</i>
<i>For a permit to operate a nonprofit facility.....</i>	<i>100</i>
<i>For a registration to practice animal chiropractic.....</i>	<i>50</i>
<i>For a registration to practice animal physical therapy.....</i>	<i>50</i>
<i>For the reinstatement of a veterinary or diplomate license.....</i>	<i>200</i>
<i>For the reinstatement of a veterinary technician license.....</i>	<i>100</i>
<i>For the annual renewal of an active license to practice veterinary medicine.....</i>	<i>250</i>
<i>For the annual renewal of an inactive license to practice veterinary medicine.....</i>	<i>130</i>
<i>For the annual renewal of a license to practice as a veterinary technician.....</i>	<i>75</i>
<i>For the annual renewal of a license to practice as a euthanasia technician.....</i>	<i>100</i>
<i>For the annual renewal of a registration to practice as an animal physical therapist....</i>	<i>25</i>
<i>For the annual renewal of a registration to practice as an animal chiropractor.....</i>	<i>25</i>
<i>For the annual renewal of a permit for a facility owned by a licensed veterinarian.....</i>	<i>25</i>
<i>For the annual renewal of a permit for a facility owned by a nonlicensed veterinarian.....</i>	<i>300</i>
<i>For the annual renewal of a permit for a nonprofit facility.....</i>	<i>100</i>

Sec. 4. 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 or to practice veterinary medicine as a diplomate licensed pursuant to NRS 638.105, a

licensee must complete, during the 12-month period immediately preceding the beginning of the new licensing year, at least ~~[15]~~ 20 hours of continuing education approved by the Board. Except for courses offered by the Veterinary Information Network, not more than 5 hours may be completed in distance learning or correspondence courses.

2. A licensed veterinary technician must annually complete at least ~~[5]~~ 10 hours of continuing education approved by the Board as a prerequisite for renewal of his license. *Not more than 5 hours may be completed in distance learning or correspondence courses.*

3. A licensee who does not comply with the requirements of this section may be subject to disciplinary action.

Sec. 5. NAC 638.044 is hereby amended to read as follows:

638.044 A licensed veterinarian may renew his inactive license annually by submitting to the Executive Director of the Board:

1. An application for renewal of inactive status; and
2. ~~[A fee of \$130.]~~ *The renewal fee required pursuant to section 3 of this regulation.*

Sec. 6. 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:

(a) An application for the restoration of his license, signed by the licensed veterinarian and notarized;

(b) ~~[A fee of \$120;]~~ *The fee required pursuant to section 3 of this regulation;*

(c) Proof that he has completed at least ~~[15]~~ 20 hours of continuing education approved by the Board in the year immediately preceding the filing of the application; and

(d) 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 that is pending in that state.

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

Sec. 7. NAC 638.0525 is hereby amended to read as follows:

638.0525 1. A person may perform the tasks of a veterinary technician under the immediate supervision of a supervising veterinarian or licensed veterinary technician while the person is receiving the training and experience required by paragraph ~~(g)~~ *(h)* 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 a citizen of the United States or lawfully entitled to remain and work in the United States;*

(g) Be:

(1) A fourth-year student enrolled in a 4-year program, a second-year student enrolled in a 2-year program or a student enrolled in an accelerated program and the program of training must

be accredited by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association or be approved by the Board; or

(2) A person who has graduated from a program of training described in subparagraph (1) and is scheduled to take, or has taken but not yet received a score for, the Veterinary Technician National Examination;

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

~~(h)~~ (i) Pay to the Board ~~the~~ *the* fee ~~of \$50.~~ *required pursuant to section 3 of this regulation.*

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 between:

(a) January 1 and August 31 of any year expires on September 1 of the next subsequent year; and

(b) September 1 and December 31 of any year expires on September 1 of the year immediately following the next subsequent year,

↪ unless the Board grants an extension of the period of registration.

Sec. 8. NAC 638.0527 is hereby amended to read as follows:

638.0527 1. In addition to the requirements of NRS 638.122, an applicant for a license to practice as a veterinary technician must submit to the Executive Director of the Board proof that

he has passed : ~~[, within the 5 years immediately preceding the date on which the applicant submitted his application:]~~

- (a) The Veterinary Technician National Examination; or
- (b) Any other examination approved for this purpose by the Board pursuant to NRS 638.123.

2. In addition to the requirements of subsection 1, an applicant for a license to practice as a veterinary technician ~~[, except an applicant who is licensed as a veterinary technician in another state,]~~ must submit to the Board satisfactory proof that the applicant has:

(a) Received a degree as a veterinary technician from a college accredited by the American Veterinary Medical Association or the appropriate state agency in the state where the college is located;

(b) Received a bachelor of science degree in an area related to an animal science or in another area approved by the Board; or

(c) Completed an accelerated program for veterinary technicians approved by the Board.

3. Each applicant who received a bachelor of science degree in an area related to an animal science described in paragraph (b) of subsection 2 or completed an accelerated program described in paragraph (c) of subsection 2 must submit, on a form provided by the Board, proof of completion of at least 4,000 hours of supervised clinical experience in a veterinary facility that is verified by an actively practicing veterinarian. Not less than 2,001 hours of that supervised clinical experience must have been earned within the 5 years immediately preceding the date on which the applicant submitted his application.

4. Each application for a license to practice as a veterinary technician must include:

(a) ~~[Three letters]~~ *One letter* of recommendation from ~~[persons]~~ *a person* associated with the practice of veterinary medicine; and

(b) A letter of good standing from the licensing agency of each state in which the applicant is licensed or has been licensed, if any. Each such letter must, if applicable, include detailed information concerning any disciplinary action which has been taken against the applicant or which is pending in that state.

Sec. 9. NAC 638.053 is hereby amended to read as follows:

638.053 1. A licensed veterinary technician may not perform the following tasks of animal health care:

- (a) Surgery.
- (b) Diagnosis and prognosis of animal diseases.
- (c) Except as authorized by a veterinarian, prescribe, administer or dispense drugs, medicines or appliances.
- (d) Any other activity which represents the practice of veterinary medicine or which requires the knowledge, skill and training of a licensed veterinarian.

2. A licensed veterinary technician may perform the following tasks under the immediate supervision of a supervising veterinarian:

- (a) Application of casts for the immobilization of fractures.
- (b) Removal of:
 - (1) Teeth that have extreme mobility and stage 4 periodontal disease; and
 - (2) Retained deciduous teeth other than retained deciduous canine teeth.
- (c) Induction of anesthesia.
- (d) Assisting a licensed veterinarian in surgery.
- (e) Euthanasia.
- (f) Fluid aspiration from a body cavity.

3. A licensed veterinary technician may perform the following tasks under the immediate or direct supervision of a supervising veterinarian:

- (a) Endotracheal intubation.
- (b) Blood administration.
- (c) Monitoring of vital signs.
- (d) Application of casts and splints.
- (e) Tasks listed in subsection 4, if the animal is anesthetized.
- (f) External noninvasive ultrasonography.
- (g) Cystocentesis to obtain a urine specimen.
- (h) Dental prophylaxis.
- (i) Physical therapy.

4. A licensed veterinary technician may perform the following tasks under the immediate, direct or indirect supervision of a supervising veterinarian:

- (a) Administration of enemas.
- (b) Administration of an electrocardiogram.
- (c) Application of bandages.
- (d) Catheterization of an unobstructed bladder.
- (e) Introduction of a stomach tube.
- (f) Ear flushing with pressure or suction.
- (g) Positioning of animals for X rays.
- (h) Operation of X-ray machines.
- (i) Administration of oral and rectal radio-opaque materials.
- (j) Administration of oral and topical medications, including controlled substances.

(k) Starting and restarting of intravenous fluids.

(l) Collection of a laboratory specimen for analysis, including, but not limited to, blood, urine, skin, parasites and microorganisms.

(m) Collection of tissue during or after a postmortem examination by a licensed veterinarian.

(n) Administration of intramuscular, subcutaneous or intravenous injections.

(o) Placement of an intravenous catheter.

(p) Implantation of a subcutaneous identification microchip into the animal.

↪ No examination within the previous 12 hours is required for the collection of laboratory specimens.

Sec. 10. NAC 638.0603 is hereby amended to read as follows:

638.0603 1. It is unlawful for a person to operate a veterinary facility unless the facility is registered with the Board and the Board has issued a permit for its operation.

2. The veterinarian who will be in charge of the veterinary facility which seeks a permit to operate must submit to the Board ~~[-~~

~~—(a) A] a~~ notarized application for registration in the form provided by the Board.

~~[(b) A completed self-inspection form as set forth in NAC 638.0604.~~

~~(c) A fee of:~~

~~—(1) Fifty dollars for a facility in which the person with the highest percentage of ownership interest, or an interest equaling that percentage, is a licensed veterinarian.~~

~~—(2) Three hundred dollars for a facility in which the person with the highest percentage of ownership interest is not a licensed veterinarian.]~~

3. Upon receipt of a completed application for registration ~~[-]~~ ***and*** the applicable fee ~~[and the completed self-inspection form,]~~ ***required pursuant to section 3 of this regulation,*** the Board

will issue a permit to operate the facility. The Board will act upon an application for such a permit within 90 days after receipt of the application.

4. The permit issued to a facility by the Board must be displayed in a conspicuous place within the facility.

5. If a change in the ownership of a facility is anticipated, the veterinarian in charge of the facility for which the permit was issued shall notify the Board, in writing, of the anticipated change 30 days before the date on which the change in ownership is to become effective. The new owner shall register with the Board and apply for a permit to operate the facility pursuant to this section at least 30 days before the date on which the change in ownership is to become effective. The facility shall not, under changed ownership, provide any veterinary services until its permit to operate has been approved.

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

638.0604 ~~1.—The Board will provide a form for the self-inspection of veterinary facilities. The purpose of the form is to assist the veterinarian in charge of the facility seeking a permit to operate in determining whether the facility complies with:~~

- ~~—(a) The minimum standards of practice of veterinary medicine established in this chapter and chapter 638 of NRS; and~~
- ~~—(b) The regulations adopted by the State Board of Pharmacy.~~

~~2.—The veterinarian who is in charge of a facility seeking a permit to operate shall complete the self-inspection form and return the form to the Board.~~

~~3.—The Board may inspect a facility pursuant to the provisions of NAC 638.065.~~

~~4.—The] *A veterinary facility or a* veterinarian who is in charge of a facility that does not meet the minimum standards of practice for veterinary medicine set forth in this chapter and~~

chapter 638 of NRS may be subject to disciplinary action pursuant to the provisions of NRS 638.147.

Sec. 12. NAC 638.0605 is hereby amended to read as follows:

638.0605 1. Each permit to operate a veterinary facility expires on January 1 of each year.

2. An application to renew the permit must be:

- (a) Submitted in the form established by the Board.
- (b) Signed by the veterinarian in charge of the facility.
- (c) Notarized.
- (d) Accompanied by ~~the~~ *the* fee ~~of:~~

~~—(1) Twenty-five dollars for a facility in which the person with the highest percentage of ownership interest, or an interest equaling that percentage, is a licensed veterinarian.~~

~~—(2) Three hundred dollars for a facility in which the person with the highest percentage of ownership interest is not a licensed veterinarian.]~~ *required pursuant to section 3 of this regulation.*

3. A facility which fails to renew its permit in a timely manner is subject to disciplinary action pursuant to NRS 638.140.

Sec. 13. NAC 638.495 is hereby amended to read as follows:

638.495 1. The Board will ~~charge the following fees:~~

~~—(a) For the examination of a person seeking licensure as a euthanasia technician, \$200.~~

~~—(b) For the renewal of the license of a euthanasia technician, \$100.~~

~~—2. The Board will]~~ not refund any fee collected pursuant to NRS 638.116 or 638.127 if a euthanasia technician is terminated from employment by an agency.

~~{3.}~~ 2. The Board will issue a license to a euthanasia technician only after payment of the appropriate fee ~~{}~~ *pursuant to section 3 of this regulation.*

Sec. 14. NAC 638.760 is hereby amended to read as follows:

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

- (a) A veterinarian;
- (b) A licensed veterinary technician who complies with the provisions of NAC 638.053; or
- (c) A physical therapist who has obtained a certificate of registration pursuant to this section and complies with the provisions of NAC 638.780.

2. A physical therapist who desires to secure a certificate of registration 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 years;}~~ *1 year;*
- (c) Is in good standing with the State Board of Physical Therapy Examiners;
- (d) Has successfully completed at least 100 hours of instruction or course work, or a combination of both, in the area of animal physical therapy, which must include, without limitation, assessment and planning of treatment, behavior, biomechanics, common orthopedic and neurological conditions, comparative anatomy, neurology, and therapeutic modalities and exercises; and
- (e) Has completed at least 125 hours of supervised clinical experience in animal physical therapy with a licensed veterinarian.

4. The application must be signed by the applicant ~~[]~~ and notarized . ~~[and accompanied by a fee of \$50.]~~

5. Except as otherwise provided in NAC 638.790, upon receipt of the application and information required by subsection 3 and payment of the fee ~~[]~~ *required pursuant to section 3 of this regulation*, the Board will issue to the physical therapist a certificate of registration.

Sec. 15. NAC 638.770 is hereby amended to read as follows:

638.770 1. Each certificate of registration issued pursuant to NAC 638.760 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 physical therapist ; ~~[and accompanied by a renewal fee of \$25;]~~

(c) Accompanied by proof that the 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 State Board of Physical Therapy Examiners.

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 638.790, upon receipt of the application for renewal and the information required by subsection 2 and payment of the renewal fee ~~[]~~ *required pursuant to section 3 of this regulation*, the Board will renew the certificate of registration of the physical therapist.

Sec. 16. NAC 638.810 is hereby amended to read as follows:

638.810 1. A person shall not practice animal 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 NAC 638.830.

2. A chiropractor who desires to secure a registration certificate to practice animal 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 this State for at least 1 year;

(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 ~~and~~ *and* notarized . ~~and accompanied by a fee of \$50.~~

5. Except as otherwise provided in NAC 638.840, upon receipt of the application and information required by subsection 3 and payment of the fee ~~and~~ *required pursuant to section 3 of this regulation*, the Board will issue to the chiropractor a certificate of registration.

Sec. 17. NAC 638.820 is hereby amended to read as follows:

638.820 1. Each certificate of registration issued pursuant to NAC 638.810 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 ; ~~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 15 hours of continuing education in animal chiropractic approved by the Board; and

(d) Accompanied by proof that his license as a chiropractor in this State 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 NAC 638.840, upon receipt of the application for renewal and information required by subsection 2 and payment of the fee ~~Ⓜ~~ *required pursuant to section 3 of this regulation*, the Board will renew the certificate of registration of the chiropractor.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 638.

LCB FILE RO72-09

1. PUBLIC COMMENT SOLICITED:

Copies of the proposed regulations, notices of workshop, and notices of intent to act upon regulation was sent by US mail or e-mail to all persons who were on the Boards' mailing list and to the Nevada Veterinary Medical Association.

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.

A copy of the summary of the public response to the proposed regulation may be obtained from the State Board of Veterinary Medical Examiners' office at 4600 Kietzke Lane, Bldg. O-265, Reno, Nevada 89502.

2. ATTENDANCE:

Workshop on October 7, 2009:

Attendance: 1 Licensed Veterinarian who is currently the President of the Nevada Veterinary Medical Association and the Executive Director of the Nevada Veterinary Medical Association.

Written/E-mail correspondence: 1 Licensed Veterinarian and 1 Licensed Veterinary Technician.

These regulations were also presented at the Nevada Veterinary Medical Association's Board meeting on October 15, 2009. There were 12 veterinarians, 1 veterinary technician, and 1 public member present.

Questions were primarily focused on Section 2 in regard to an owner being notified of after-hours staffing. All testimony was in support of the amendments. No derogatory comments were made regarding RO72-09.

Hearing on October 22, 2009:

Attendance: 2-veterinarians; 1 licensed veterinary technician; 1 public member.

Written/E-mail correspondence: 1 Licensed Veterinarian.

All testimony was in support of the amendments. No derogatory comments were made regarding RO72-09.

February 16, 2010 meeting with the Nevada Veterinary Medical Association:

Attendance: Dr. Dennis Wilson;Dr. Jon Pennell;Dr. David McCrystle;Dr. Woody Allen;Dr. Alex Turner;Dr. Travis McDermott;Dr. Brady VanderLind;Dr. Nichole Wagner;Dr. Ted Trimmer;Dr. Larry Corry;Dr. Betsy Phillips;Dr. David Tack;Dr. Jack Walther; Dr. Craig Schank & Debbie Machen, Nevada State Board of Medical Examiners representatives

Concerns:

Section 4- The defining of distant learning courses

Section 9- The retesting of new veterinarians applying to Nevada

3. Comment from affected businesses:

Comments were solicited from veterinary facilities in the same manner as they were solicited from the public.

A copy of the summary of the public response to the proposed regulation may be obtained from the State Board of Veterinary Medical Examiners' office at 4600 Kietzke Lane, Bldg. O-265, Reno, Nevada 89502.

4. REASONS FOR ADOPTING REGULATION WITHOUT CHANGE:

The permanent regulation was adopted at the State Board of Veterinary Medical Examiners meeting on October 22, 2009 and included all of changes suggested in the workshop held on October 7, 2009.

5. ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS.

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

6. ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT:

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

7. OVERLAP OR DUPLICATION OF PROPOSED REGULATION:

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

8. DOES THE REGULATION INCLUDE PROVISIONS THAT ARE MORE STRINGENT THAN A FEDERAL REGULATION WITH REGULATES THE SAME ACTIVITY.

N/A

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

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

10. LIKELY TO IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN UPON A SMALL BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A SMALL BUSINESS.

THE ADOPTED REGULATIONS WOULD HAVE NO DIRECT OR SIGNIFICANT ECONOMIC BURDEN UPON A SMALL BUSINESS.