

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

LCB File No. R063-13

§§1-23 and 25 become effective June 23, 2014
§24 becomes effective January 1, 2016

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

AUTHORITY: §§1-10, 12-16 and 21-25, NRS 638.070; §11, NRS 638.070, 638.100, 638.116, 638.122 and 638.132; §17, NRS 638.070 and 638.124; §§18 and 19, NRS 638.070 and 638.132; §20, NRS 638.070 and 638.119.

A REGULATION relating to veterinary medicine; prescribing the duties of a supervising veterinarian in a veterinary facility where animals are boarded; setting forth the requirements pursuant to which veterinary dentistry may be performed; revising certain continuing education requirements for licensees; adopting by reference a code of ethics for veterinary technicians; defining the term “informed consent” for the purposes of a veterinarian-client-patient relationship; establishing a fee for the issuance of certain duplicate licenses, registrations and permits; revising the required contents of a medical record of an animal; revising the tasks that a licensed veterinary technician is authorized to perform; revising provisions relating to the labeling of sodium pentobarbital; and providing other matters properly relating thereto.

Legislative Counsel’s Digest

Existing law authorizes the Nevada State Board of Veterinary Medical Examiners to adopt regulations to carry out the practice of veterinary medicine, including, without limitation, regulations relating to the rights, responsibilities and licensing of veterinarians, veterinary technicians, euthanasia technicians and the licensing and maintenance of veterinary facilities. (NRS 638.070, 638.119, 638.124, 638.132)

Section 3 of this regulation provides that, with limited exceptions, only a person who is a diplomate from an approved specialty board of the American Veterinary Medical Association and is licensed to practice veterinary medicine pursuant to a specific state statute may use the title “veterinary specialist.”

Section 4 of this regulation authorizes a licensed veterinarian (a veterinarian who is licensed and on active status to practice in this State) to consult with another veterinarian, but provides that the licensed veterinarian who sought the consultation retains responsibility for any medical decisions he or she makes regarding the animal. **Section 4** also defines the term “consult” for the purposes of that section.

Section 5 of this regulation sets forth the duties of a supervising veterinarian in a veterinary facility where animals are boarded.

Section 6 of this regulation: (1) defines the term “veterinary dentistry”; (2) provides, with limited exceptions, that veterinary dentistry may only be performed by a licensed veterinarian; and (3) requires veterinary dentistry to be performed under general anesthesia. **Section 2** of this regulation defines the term “general anesthesia.”

Sections 24 and 25 provide, that effective January 1, 2016, with limited exceptions, certain dental procedures on an animal may only be performed by a licensed veterinarian in a veterinary facility that has the capacity to perform intraoral radiology. **Sections 7, 8, 12, 13, 14 and 15** of this regulation revise the requirements concerning continuing education for licensees, including, without limitation: (1) providing that the Board will grant credit for continuing education to a licensee for providing instruction or presenting at a course of continuing education and for attending the portion of a meeting of the Board relating to complaints before the Board; and (2) increasing the number of hours of continuing education that may be completed in distance learning or correspondence courses from 5 to 10 of the 20 hours of continuing education required for renewal of a license as a veterinarian.

Section 9 of this regulation adopts by reference the “Veterinary Technician Code of Ethics” of the National Association of Veterinary Technicians in America as a standard of professional conduct for veterinary technicians and provides that a violation of the provisions of that Code constitutes cause for disciplinary action.

Section 10 of this regulation defines the term “informed consent” for the purposes of a veterinarian-client-patient relationship.

Section 11 of this regulation provides that the Board will charge and collect a fee of \$10 for a duplicate of certain licenses, registrations and permits issued by the Board.

Section 16 of this regulation: (1) expands the required contents of the medical record of the animal that a licensed veterinarian is required to maintain, including, without limitation specific information that is required to be included by a licensed veterinarian who is not associated with a veterinary facility if controlled substances or prescription drugs are administered to the animal; and (2) requires the Board or its representative to evaluate each medical record inspected for compliance with state statutes and regulations governing veterinarians.

Section 17 of this regulation adds administration of a therapeutic laser to the tasks that a licensed veterinary technician is authorized to perform under the immediate, direct or indirect supervision of a supervising veterinarian.

Section 18 of this regulation requires the person in charge of a veterinary facility to be a licensed veterinarian who practices veterinary medicine in this State.

Section 20 revises the requirements for the labeling of sodium pentobarbital by a euthanasia technician.

Section 21 of this regulation authorizes a licensed veterinarian to conduct the required physical examination of an animal after rather than before the veterinarian puts the animal under general anesthesia if the licensed veterinarian determines that the animal is fractious.

Existing regulations require a physical therapist or a chiropractor who has been issued a certificate of registration to practice animal physical therapy or animal chiropractic by the Board to: (1) maintain a separate written medical record of each animal receiving animal physical therapy or animal chiropractic by the physical therapist or the chiropractor, as applicable; and (2) under certain circumstances, mail or transmit by facsimile machine a complete copy of the medical record and a progress report to the veterinarian under whose direction the physical therapist or chiropractor performed. (NAC 638.780, 638.830) **Sections 22 and 23** of this regulation require those medical records to be available for inspection by the Board or its representative and provide for the transmission of the copy of the medical record and the progress report to the veterinarian to be made electronically rather than by facsimile machine.

Section 1. Chapter 638 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *“General anesthesia” means a controlled state of unconsciousness caused by a drug or combination of drugs that is sufficient to produce a state of unconsciousness or disassociation and a blocked response to pain or alarming stimulus.*

Sec. 3. *Except for a person described in subsection 3 of NRS 638.015, only a person who is a diplomate from an approved specialty board of the American Veterinary Medical Association and is licensed to practice veterinary medicine pursuant to subsection 2 of NRS 638.105 may use the title “veterinary specialist.”*

Sec. 4. 1. *A licensed veterinarian may consult with another veterinarian, but the licensed veterinarian who sought the consultation shall retain responsibility for any medical decisions he or she makes regarding the animal.*

2. *As used in this section, “consult” means to seek advice or assistance that is given in person, or by telephone or other electronic means, or by any other method of communication, from a veterinarian whose expertise, in the opinion of the veterinarian seeking the advice or assistance, would benefit an animal.*

Sec. 5. *The supervising veterinarian in a veterinary facility where animals are boarded shall ensure that:*

1. The animals being boarded are cared for in a manner that does not violate a provision of chapter 574 of NRS;

2. The staff of the veterinary facility is trained in the care of the animals being boarded;

3. The staff of the veterinary facility reports to the supervising veterinarian if an animal being boarded is or appears to be sick or injured;

4. Veterinary services are provided to each sick or injured animal being boarded;

5. Written procedures are developed for the staff of the veterinary facility to use to assess any animal being boarded to ensure that a veterinarian is contacted concerning those animals with certain identifiable conditions and that those animals receive the appropriate treatment; and

6. An owner of an animal being boarded or the owner's designee is notified, in writing, concerning whether the portion of the veterinary facility that provides boarding services will be staffed 24 hours each day or if there are times when the animal being boarded will be left unattended.

NEW FIRST
PARALLEL
SECTION

Sec. 6. *1. Except as otherwise provided in NAC 638.0525 or 638.053, veterinary dentistry may only be performed by a licensed veterinarian.*

2. Veterinary dentistry must be performed under general anesthesia with the use of an endotracheal tube with an inflated cuff unless, based on the species of the animal, the Board determines otherwise.

3. Nothing in this section shall be construed to prohibit a person from using cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth.

4. *As used in this section, “veterinary dentistry” means:*

(a) The application or use of any instrument or device to any portion of an animal’s tooth, gums or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of the animal’s tooth, gums or related tissue; and

(b) Preventive dental procedures pertaining to an animal, including, without limitation, the removal of calculus, soft deposits, plaque or stains and the smoothing, filing, floating or polishing of the surfaces of the animal’s tooth.

Sec. 7. 1. *The Board will grant credit for continuing education to a licensee who provides instruction or presents at a course of continuing education approved by the Board.*

2. Except as otherwise provided in this subsection and subsection 3, the credit granted by the Board pursuant to subsection 1 will include the actual time the licensee spent preparing for the instruction or presentation. The Board will grant not more than 2 hours of credit for each hour the licensee spent providing instruction or presenting.

3. Any credit granted by the Board pursuant to subsections 1 and 2 may be counted only once toward the hours of continuing education required by subsection 1 or 2 of NAC 638.041, as applicable, even if the instruction or presentation is given more than once during the applicable period of licensing set forth in subsection 1 or 2 of NAC 638.041.

Sec. 8. 1. *Except as otherwise provided in subsection 2, the Board will grant credit for continuing education, not to exceed:*

(a) Four hours during a period of licensing toward the hours of continuing education required by subsection 1 of NAC 638.041, to a licensed veterinarian for attending the portion of a meeting of the Board relating to complaints before the Board; and

(b) Two hours during a period of licensing toward the hours of continuing education required by subsection 2 of NAC 638.041, to a licensed veterinary technician for attending the portion of a meeting of the Board relating to complaints before the Board.

2. The Board will grant credit pursuant to subsection 1 if the meeting of the Board for which credit for continuing education is being sought is not a hearing in which the licensed veterinarian or licensed veterinary technician is participating as the result of a disciplinary action.

3. One hour of credit will be given for each hour spent attending the relevant portion of the meeting of the Board as described in subsection 1.

Sec. 9. *1. The Board adopts by reference the “Veterinary Technician Code of Ethics” of the National Association of Veterinary Technicians in America as a standard for professional conduct for veterinary technicians. A violation of the provisions of the “Veterinary Technician Code of Ethics” constitutes cause for disciplinary action.*

2. The “Veterinary Technician Code of Ethics” of the National Association of Veterinary Technicians in America is available, free of charge:

(a) By mail from the National Association of Veterinary Technicians in America, P.O. Box 1227, Albert Lea, Minnesota 56007; or

(b) On the Internet at http://www.navta.net/files/navta_vt_code_of_ethics_07.pdf.

Sec. 10. NAC 638.0175 is hereby amended to read as follows:

638.0175 *1.* For the purposes of this chapter, a veterinarian shall be deemed to have a “veterinarian-client-patient relationship” concerning a nonhuman animal if the veterinarian satisfies all of the following conditions:

~~11~~ (a) The veterinarian assumes the responsibility for making medical judgments concerning the health of the animal and the need for medical treatment of the animal.

~~12~~ (b) The veterinarian has knowledge of the present care and health of the animal sufficient to provide at least a general or preliminary diagnosis of the medical condition of the animal. This knowledge must be acquired by:

~~1(a)~~ (1) Conducting a physical examination of the animal; or

~~1(b)~~ (2) Visiting the premises where the animal is kept in a timely manner that is appropriate to the medical condition of the animal.

~~13~~ (c) The veterinarian obtains the informed consent of the client for medical treatment of the animal.

~~14~~ (d) The veterinarian obtains the agreement of the client to follow the instructions provided by the veterinarian for the care and medical treatment of the animal.

2. As used in this section, “informed consent” means that the client, after having been informed in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment and prognosis for the animal and of an estimate of the fees expected for provision of veterinary services to be rendered to the animal, has consented to the recommended treatment.

Sec. 11. NAC 638.035 is hereby amended to read as follows:

638.035 The Board will charge and collect the following fees:

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

For an application or examination for a license to practice as a euthanasia technician.....	200
For a 2-year registration to practice as a veterinary technician in training.....	50
For a permit to operate a facility owned by a licensed veterinarian	50
For a permit to operate a facility owned by a nonlicensed veterinarian	300
For a permit to operate a nonprofit facility	100
For a registration to practice animal chiropractic.....	50
For a registration to practice animal physical therapy	50
For the reinstatement of a veterinary or diplomate license	200
For the reinstatement of a veterinary technician license	100
For the annual renewal of an active license to practice veterinary medicine.....	250
For the annual renewal of an inactive license to practice veterinary medicine.....	130
For the annual renewal of a license to practice as a veterinary technician	75
For the annual renewal of a license to practice as a euthanasia technician.....	100
For the annual renewal of a registration to practice as an animal physical therapist	25
For the annual renewal of a registration to practice as an animal chiropractor.....	25
For the annual renewal of a permit for a facility owned by a licensed veterinarian.....	25
For the annual renewal of a permit for a facility owned by a nonlicensed veterinarian	300
For the annual renewal of a permit for a nonprofit facility	100
<i>For a duplicate of a license, registration or permit described in this section</i>	<i>10</i>

Sec. 12. NAC 638.041 is hereby amended to read as follows:

638.041 1. As a prerequisite for each renewal of his or her 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 20 hours of continuing education approved by the Board. Not more than ~~5~~ **10** hours may be completed in distance learning or correspondence courses.

2. A licensed veterinary technician must annually complete at least 10 hours of continuing education approved by the Board as a prerequisite for renewal of his or her 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. 13. NAC 638.0423 is hereby amended to read as follows:

638.0423 1. A licensee must attest to his or her compliance with the requirements for continuing education set forth in NAC 638.041 at the time for the renewal of his or her license. The attestation must be made on a form provided by the Board.

2. A licensee shall maintain documentation of ~~his or her completion of a course~~ **the hours** of continuing education **he or she completed to comply with the requirements for continuing education set forth in NAC 638.041** for 4 years after the completion of ~~the course~~ **those hours**.

Sec. 14. NAC 638.0425 is hereby amended to read as follows:

638.0425 1. The Board may perform random audits of licensees to ensure compliance with the requirements for continuing education.

2. If the Board chooses to conduct an audit of a licensee, the Board will notify the licensee, in writing, of its decision to conduct an audit.

3. If audited by the Board:

(a) A licensed veterinarian or a person who is licensed by the Board as a diplomate pursuant to NRS 638.105 shall, not later than 30 days after receiving written notice, provide proof that he or she has participated in at least ~~15~~ **20** hours of continuing education during the 12 months immediately preceding the beginning of the new licensing year by submitting to the Board copies of the documentation of completion maintained pursuant to NAC 638.0423.

(b) A veterinary technician shall, not later than 30 days after receiving written notice, provide proof that he or she has participated in at least ~~15~~ **10** hours of continuing education during the 12 months immediately preceding the beginning of the new licensing year by submitting to the Board copies of the documentation of completion maintained pursuant to NAC 638.0423.

4. Each copy of the documentation submitted to the Board pursuant to subsection 3 must include:

(a) The name *and license number* of the licensee;

(b) The number of hours of continuing education *that were* awarded ~~for the course;~~ *to the licensee;*

(c) A description of the ~~course;~~ *continuing education that was received by the licensee;*
and

(d) The date *on which and place where* the course *or the meeting, as applicable,* was conducted.

Sec. 15. 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 the license reinstated if, in addition to complying with the provisions of NRS 638.127, he or she files with the Executive ~~Secretary~~ *Director* of the Board:

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

(b) Proof that he or she has:

(1) If he or she is a veterinarian:

(I) Completed at least ~~15~~ *20* 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 North American Veterinary Licensing Examination of the National Board of Veterinary Medical Examiners for an initial license, or any other examination required by the Board; or

(2) If he or she is a veterinary technician, completed at least ~~15~~ *10* hours of continuing education in the year immediately preceding the filing of the application; and

(c) If he or she 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 or she 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 or her license.

Sec. 16. NAC 638.0475 is hereby amended to read as follows:

638.0475 1. Each licensed veterinarian shall maintain in this State for at least 4 years a separate medical record of each animal receiving veterinary services, including, without limitation, an examination conducted pursuant to NAC 638.610, from the licensed veterinarian or under his or her supervision. The records must be available for inspection by *the Board or its representative or* the owner of the animal during normal business hours at least 5 days each week. Except as otherwise provided in this subsection, the licensed veterinarian shall provide a copy of that record to *the Board or its representative or* the owner of the animal receiving veterinary services not later than 48 hours after receiving a request from *the Board or its representative or* the owner of the animal. The licensed veterinarian is not required to provide a copy of any radiographs or other diagnostic images in the medical record to the owner of the animal receiving veterinary services.

2. The 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, weight and breed of the animal;
- (d) The dates of care, custody or treatment of the animal;
- (e) *Documentation of the informed consent of the client for medical treatment of the animal;*
- (f) A short history of the animal's condition as it pertains to the animal's medical status;
- ~~(f)~~ (g) 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)~~ (h) The diagnosis or condition at the beginning of custody of the animal, including, without limitation, results of tests;

~~(h)~~ (i) The immunization record of the animal;

~~(i)~~ (j) 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)~~ (k) The notes taken during surgery, including, without limitation:

- (1) The name and quantity of any drug administered for anesthesia and preanesthesia;
- (2) The procedure performed;
- (3) The times at which the surgery begins and ends;
- (4) If the surgery is performed in a veterinary facility using general anesthesia:

(I) The vital signs of the animal at the beginning and end of the surgery that are appropriate to the species and condition of the animal at the time of surgery, which may include, without limitation, the temperature, pulse, heart rate, respiration, blood pressure, capillary refill time and oxygen levels of the animal; and

(II) The vital signs of the animal recorded at least every 5 minutes during the surgery, including, without limitation, the pulse, heart rate and respiration of the animal;

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

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

~~(m)~~ (n) 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;

~~(n)~~ (o) *The signature, initials or other identifying mark of the person who made the entry in the medical record;*

(p) Any radiographs other than ~~inter-oral~~ *intraoral* dental radiographs. Each radiograph other than an ~~inter-oral~~ *intraoral* dental radiograph must be labeled ~~in the emulsion film~~ *on the image* as follows:

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

~~(o)~~ (q) Any ~~inter-oral~~ *intraoral* dental radiographs or other diagnostic images. For each ~~inter-oral~~ *intraoral* dental radiograph or other diagnostic image, the medical record must include the information set forth in subparagraphs (1) to (5), inclusive, of paragraph ~~(n)~~ (p) with regard to the ~~inter-oral~~ *intraoral* dental radiograph or other diagnostic image. That information may be included:

(1) In a hard copy of the medical record if the medical record is maintained as a written record; or

(2) In the computer file which contains the ~~inter-oral~~ *intraoral* dental radiograph or other diagnostic image if the medical record is maintained as a computer record.

3. *The Board or its representative will evaluate each medical record inspected pursuant to subsection 1 for compliance with the provisions of this chapter and chapter 638 of NRS.*

4. Each radiograph or other diagnostic image is the property of the veterinarian who caused it to be prepared. A radiograph or other diagnostic image may be released to the owner of the

animal. A radiograph or other diagnostic image must be released within 48 hours after the request is made to another veterinarian who has the authorization of the owner of the animal to which it pertains. The radiograph or other diagnostic image must be returned within a reasonable time to the veterinarian to whom it belongs.

~~14.~~ 5. The medical records required by 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) The computer records must be backed-up daily and cumulatively backed-up monthly using technology designed to store data permanently.
- (c) The computer records must be inalterable or clearly indicate when they have been altered and the manner in which they have been altered.
- (d) The computer records must not contain information relating to a physical examination that is automatically generated by the computer.
- (e) Any such computer records relating to the administration, prescribing or dispensing of a prescription drug must contain the initials of the person who administered, prescribed or dispensed the prescription drug. The initials of the person who administered, prescribed or dispensed the prescription drug may be manually entered into the computer record or automatically generated by the computer.

~~15.~~ 6. *In addition to the requirements of subsection 2, if a licensed veterinarian is not associated with a veterinary facility, and any controlled substances or prescription drugs are administered to the animal, the medical record required by this section must include the same information that a veterinary facility which:*

(a) Maintains a stock of controlled substances for administration and dispensing is required to ensure is contained in a log for the veterinary facility pursuant to paragraphs (d) and (e) of subsection 3 of NAC 638.0628; and

(b) Dispenses prescription drugs is required to ensure is contained in the medical records of the animal pursuant to paragraph (e) of subsection 1 of NAC 638.0629.

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

~~6.~~ 8. If a veterinarian ceases his or her practice without providing for the continuation of treatment of the animals under the veterinarian's care, the President of the Board may appoint a master to supervise his or her records, the treatment of those animals and the mailing of notices to the owners of the animals which had been under his or her care.

~~7.~~ 9. The medical record of an animal is confidential and may not be released except:

- (a) As otherwise provided in subsection 1;
- (b) In response to a court order; or
- (c) As required to ensure compliance with any federal, state and local statutes, regulations or ordinances.

~~8.~~ 10. Nothing in this section is intended to prevent the sharing of veterinary medical information among veterinarians, law enforcement officials, and members, agents or officers of a society for the prevention of cruelty to animals who are acting to protect the welfare of an animal.

~~9.~~ 11. As used in this section, "other diagnostic image":

- (a) Includes, without limitation, an ultrasound, magnetic resonance imaging and computerized axial tomography scan; and

(b) Does not include a radiograph.

Sec. 17. 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, administer, prepare to dispense 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 or splints 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) Assisting a licensed veterinarian in surgery.

(d) Euthanasia.

(e) Fluid aspiration from a body cavity.

(f) Suturing an existing surgical skin incision or gingival incision.

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

(a) Induction of anesthesia.

- (b) Endotracheal intubation.
- (c) Blood administration.
- (d) Internal anal gland expression.
- (e) Application of casts and splints.
- (f) Tasks listed in subsection 4, if the animal is anesthetized.
- (g) External noninvasive ultrasonography and ultrasonography for the purpose described in paragraph (h).

(h) Cystocentesis to obtain a urine specimen, performed with or without the aid of ultrasonography.

- (i) Dental prophylaxis.
- (j) 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 radiographs or other diagnostic images.
- (h) Operation of radiographic or other diagnostic imaging 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.

(q) Monitoring of vital signs.

(r) External anal gland expression.

(s) Collection of skin scrapings.

(t) Administration of a therapeutic laser.

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

5. As used in this section, “other diagnostic image” has the meaning ascribed to it in NAC 638.0475.

Sec. 18. 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 person in charge of a veterinary facility must be a licensed veterinarian who practices veterinary medicine in this State.***

3. The veterinarian who will be in charge of the veterinary facility which seeks a permit to operate must submit to the Board a notarized application for registration in the form provided by the Board.

~~13.1~~ 4. Upon receipt of a completed application for registration and the applicable fee required pursuant to NAC 638.035, 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.

~~14.1~~ 5. The permit issued to a facility by the Board must be displayed in a conspicuous place within the facility.

~~15.1~~ 6. 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. 19. NAC 638.0655 is hereby amended to read as follows:

638.0655 A person who operates a veterinary facility where animals are ~~kept~~ *retained for treatment or hospitalization* 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 or her designee if the animal will be left unattended.

Sec. 20. NAC 638.530 is hereby amended to read as follows:

638.530 1. An agency shall provide for the storage and security of sodium pentobarbital, needles and syringes.

2. If a euthanasia technician is not on duty, sodium pentobarbital, needles and syringes must be kept in a metal safe which is securely attached to the building in which it is housed.

3. If sodium pentobarbital, needles and syringes are stored in a safe that can be opened by an employee other than the euthanasia technician, the sodium pentobarbital must be kept in the safe in a separate locked container made of metal that is accessible only by the euthanasia technician.

4. The temperature and environment in the safe must be adequate to assure the proper storage of the sodium pentobarbital.

5. The euthanasia technician shall label each container of sodium pentobarbital with the name of the drug, the strength, the date that the sodium pentobarbital was received or prepared ~~† a warning of the hazards, and the name and address of the euthanasia technician.†~~ *and the expiration date of the drug.*

6. If a euthanasia technician is on duty and an animal is being euthanized, the euthanasia technician may keep sodium pentobarbital, needles and syringes in a temporary storage cabinet that is constructed of strong material and locked. Only the euthanasia technician may have the key to the cabinet.

Sec. 21. NAC 638.710 is hereby amended to read as follows:

638.710 ~~††~~ A veterinarian shall comply with the following requirements when putting an animal under general anesthesia:

~~†(a) The~~

1. Except as otherwise provided in this subsection, the animal must be given a physical examination not more than 12 hours before the anesthetic is administered. *If the veterinarian determines that the animal is fractious, the veterinarian may conduct the physical examination of the animal after the anesthetic is administered.* The physical examination

required pursuant to this subsection must include, without limitation, an examination and written notation of:

- ~~1~~ (a) The temperature;
- ~~2~~ (b) The pulse rate;
- ~~3~~ (c) The respiration;
- ~~4~~ (d) The color of the mucous membrane; and
- ~~5~~ (e) The thoracic auscultation,

↳ of the animal.

~~1~~ 2. The animal must be under continuous observation while it is under general anesthesia until the swallowing reflex of the animal has returned.

~~2~~ 3. The animal must not be released until it has been examined by a veterinarian and it is ambulating. This ~~paragraph~~ *subsection* must not be construed to prohibit the direct transfer of an animal under general anesthesia to an appropriate facility for observation.

~~3~~ 4. The following equipment must be available in the veterinary facility and must be in working order at all times:

~~1~~ (a) An anesthetic machine with breathing bags appropriate to the size of the animal under general anesthesia;

~~2~~ (b) An assortment of cuffed endotracheal tubes; and

~~3~~ (c) An oxygen delivery system.

~~4~~ 5. If it is appropriate for the species of animal when the swallowing reflex is impaired, the animal must be intubated and administered an appropriate concentration of oxygen.

~~5~~ 6. A method of monitoring respiration must be used, which may include, without limitation:

~~{(1)}~~ **(a)** Observing the chest movements of the animal;

~~{(2)}~~ **(b)** Watching the rebreathing bag; or

~~{(3)}~~ **(c)** Using a respirometer.

~~{(g)}~~ **7.** A method of monitoring cardiac activity must be used, which may include, without limitation, the use of:

~~{(1)}~~ **(a)** A stethoscope; or

~~{(2)}~~ **(b)** An electrocardiographic monitor.

~~{(h)}~~ **8.** Adequate surgical support, including, without limitation, an intravenous catheter, fluids and monitoring, as indicated by the status of the animal and the standard of care required of a licensed veterinarian under the circumstances, must be available.

~~{(i)}~~ **9.** A written history must be maintained by the veterinarian for each animal put under general anesthesia, which must include, without limitation:

~~{(1)}~~ **(a)** The name or identification number of the animal.

~~{(2)}~~ **(b)** The medical history of the animal that is relevant to the administration of general anesthesia, which must include, without limitation, a description of any preexisting medical conditions and tests performed on the animal before surgery.

~~{(3)}~~ **(c)** A description of the general anesthesia used at the time of surgery.

~~{(4)}~~ **(d)** The method of monitoring that was used to comply with ~~{paragraphs (f) and (g)}.~~

~~—2.— As used in this section, “general anesthesia” means a controlled state of unconsciousness caused by a drug or combination of drugs that is sufficient to produce a state of unconsciousness or disassociation and a blocked response to pain or alarming stimulus.} subsections 6 and 7.~~

Sec. 22. NAC 638.780 is hereby amended to read as follows:

638.780 1. A physical therapist who has been issued a certificate of registration pursuant to NAC 638.760 may practice animal physical therapy only:

(a) Under the direction of a veterinarian licensed in this State who has established a valid veterinarian-client-patient relationship concerning the animal receiving the animal physical therapy before the animal physical therapy is performed; and

(b) If the physical therapist assumes individual liability for the quality of the animal physical therapy performed.

2. The veterinarian under whose direction the physical therapist performs the animal physical therapy:

(a) Is not required to supervise the physical therapist during the animal physical therapy.

(b) Is not liable for the acts or omissions of the physical therapist who performs the animal physical therapy.

3. Each physical therapist who has been issued a certificate of registration shall:

(a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving animal physical therapy from the physical therapist.

(b) Within 48 hours after the initial visit with the animal, mail or transmit ~~by facsimile machine~~ *electronically* a complete copy of the medical record to the veterinarian under whose direction the physical therapist performs the animal physical therapy.

(c) Within 48 hours after each subsequent visit with the animal, mail or transmit ~~by facsimile machine~~ *electronically* a progress report to the veterinarian under whose direction the physical therapist performs the animal physical therapy.

4. *Any medical record made pursuant to subsection 3 must be available for inspection by the Board or its representative.*

5. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. 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 examination related to physical therapy;
- (f) The diagnosis and treatment plan related to physical therapy recommended by the physical therapist for the animal; and
- (g) The progress and disposition of the case.

Sec. 23. NAC 638.830 is hereby amended to read as follows:

638.830 1. A chiropractor who has been issued a certificate of registration pursuant to NAC 638.810 may practice animal chiropractic only:

(a) Under the direction of a veterinarian licensed in this State who has established a valid veterinarian-client-patient relationship concerning the animal receiving the animal chiropractic before the animal chiropractic is performed; and

(b) If the chiropractor assumes individual liability for the quality of the animal chiropractic performed.

2. The veterinarian under whose direction the chiropractor performs the animal chiropractic:

- (a) Is not required to supervise the chiropractor during the animal chiropractic.
- (b) Is not liable for the acts or omissions of the chiropractor who performs animal chiropractic.

3. Each chiropractor who has been issued a certificate of registration shall:

(a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving animal chiropractic.

(b) Within 48 hours after the initial visit with the animal, mail or transmit ~~by facsimile machine~~ *electronically* a complete copy of the medical record to the veterinarian under whose direction the chiropractor performs the animal chiropractic.

(c) Within 48 hours after each subsequent visit with the animal, mail or transmit ~~by facsimile machine~~ *electronically* a progress report to the veterinarian under whose direction the chiropractor performs the animal chiropractic.

4. *Any medical record made pursuant to subsection 3 must be available for inspection by the Board or its representative.*

5. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. 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. 24. Section 6 of this regulation is hereby amended to read as follows:

Sec. 6. 1. Except as otherwise provided in NAC 638.0525 or 638.053, veterinary dentistry may only be performed by a licensed veterinarian.

2. Veterinary dentistry must be performed under general anesthesia with the use of an endotracheal tube with an inflated cuff unless, based on the species of the animal, the Board determines otherwise.

3. *Except as otherwise provided in this subsection, a licensed veterinarian may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal only in a veterinary facility that has the capacity to perform intraoral radiology. In an emergency, a licensed veterinarian may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal in a veterinary facility that does not have the capacity to perform intraoral radiology if the licensed veterinarian determines, based on his or her professional judgment and the species of the animal, that the radiology which the veterinary facility has the capacity to perform is adequate for the particular procedure.*

4. Nothing in this section shall be construed to prohibit a person from using cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth.

~~4.~~ 5. As used in this section, "veterinary dentistry" means:

(a) The application or use of any instrument or device to any portion of an animal's tooth, gums or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of the animal's tooth, gums or related tissue; and

(b) Preventive dental procedures pertaining to an animal, including, without limitation, the removal of calculus, soft deposits, plaque or stains and the smoothing, filing, floating or polishing of the surfaces of the animal's tooth.

Sec. 25. 1. This section and sections 1 to 23, inclusive, of this regulation become effective on June 23, 2014.

2. Section 24 of this regulation becomes effective on January 1, 2016.

**INFORMATIONAL STATEMENT
LCB FILE R063-13**

BOARD OF VETERINARY MEDICAL EXAMINERS

4600 KietzKe Lane, Building o-265

Reno, Nevada 89502

Phone 775 688-1788/fax 775 688-1808

vetbinfo@vetboard.nv.gov

www.nvvetboard.us

The following informational statement required by NRS 233B.066 is submitted for adopted amendments and additions to Nevada Administrative Code (NAC) 638.

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION:

- a) Defining “general anesthesia,” “veterinary specialist,” “veterinarian in charge,” and “consult” would clarify terms that are used throughout NAC 638.
- b) Requirements for a supervising veterinarian in a veterinary facility where animals are boarded would benefit the public and their animals by stipulating that policies or procedures are established in the facility where animals are boarded overnight.
- c) Setting forth the requirements pursuant to which veterinary dentistry may be performed would establish a defined standard of care for dentistry in veterinary medicine.
- d) Revises the continuing education requirements for all licensees who present continuing education; Allows licensees who attend the consumer complaint portion of a Board meeting to obtain no more than 4 hours of CE per year. This would allow a Licensee the ability to understand what prompts consumer complaints and learn from the experiences (lack of communication; lack of informed consent, etc.) that are discussed in each complaint presented to the Board.
- e) Defining the term “informed consent” for the purposes of a veterinarian-client-patient relationship would allow the public to better understand the options of treatment, risk assessment and prognosis, and an estimate of the fees expected for veterinary care prior to agreeing to treatment.
- f) Adopting by reference a code of the ethics for veterinary technicians would standardize a code of conduct for veterinary technicians.
- g) Revises the content of a medical record to include an initial of the person who made the entry in the medical record and allows the board to inspect medical records of any licensed veterinarian. This new regulation would allow the Board to conduct a compliance inspection on medical records and controlled substance logs when the veterinarian works out of his home. With the initialing of entries in the medical record the staff, the public, and the Board will know who performed certain procedures on the animal.
- h) Revises the tasks that a licensed veterinary technician (LVT) is authorized to perform. An LVT is being taught in school how to use therapeutic lasers and this regulation would allow them to perform that duty on the job providing more services available to the public’s animals.

- i) Revises provisions related to labeling of sodium pentobarbital (SP) would allow animal control agencies to open only one bottle of SP at a time instead of having to have a bottle issued to each licensee.
- j) Revises provisions related to physical examinations being done on a fractious animal protects staff from being injured while trying to conduct a physical examination on a fractious animal.
- k) Allows the Board to conduct a compliance inspection on medical records of an animal chiropractor or animal physical therapist; ensuring that proper medical records are being kept by these individuals.

2. PUBLIC COMMENT SOLICITED:

The Board solicited comments on the proposed regulation by (1) posting the proposed regulation (full text) on the Board's website (nvvetboard.us). (2) Soliciting comments from the public , veterinarians and veterinary technicians during two workshops and a board meeting of the Nevada Veterinary Medical Association. (3) Copies of the proposed regulation were sent via e-mail to all persons who are on the Boards' mailing list, all veterinary hospitals in Nevada, and to the Nevada Veterinary Medical Association for distribution to their members.

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 or on the Board's website at www.nvvetboard.us.

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.

3. ATTENDANCE:

Workshop on October 10, 2013 Nevada Veterinary Medical Association's Board meeting:
Attendance: 11 Licensed Veterinarians, 1 Veterinary Technician, and the Executive Director of the Nevada Veterinary Medical Association.

Questions were primarily focused on Section 6 in regard to the definition of dentistry. No derogatory comments were made regarding RO63-13. Recommended changes were discussed with the Board at the October 23, 2014 Workshop.

Workshop on October 23, 2013:

Attendance: 1 Licensed Veterinarian and the Executive Director of the Nevada Veterinary Medical Association.

Written/E-mail correspondence: 1 Licensed Veterinarian and 1 Licensed Veterinary Technician. No derogatory comments were made regarding RO63-13.

Hearing on April 24, 2014:

Attendance: 2-veterinarians; 1 veterinary specialist in dentistry; 2 licensed veterinary technicians; Michelle Wagner, Executive Director of the Nevada Veterinary Medical Association.

Written/E-mail correspondence: 3 Licensed Veterinarians.

Questions were primarily focused on Section 6 in regard to the definition of dentistry. No derogatory comments were made regarding RO63-13.

4. COMMENTS FROM AFFECTED BUSINESSES:

Comments were solicited from affected businesses (veterinary facilities) through posting of public notices on the Board's website, county libraries, by email to all interested persons on the Board's mailing list and the Nevada Veterinary Medical Association who sent the proposed regulations to their membership. The following individuals either were present at the hearing or provided written correspondence.

Hearing 4-24-2014	Business Address	Phone	e-mail	Representing
Testified				
Ben Haas, DVM	PO Box 13998, Portland, OR 97213	503 688-3498	Benjamin.Haas@banfield.net	Banfield Pet Hospital
Brooke Niemiec, DVM	6032 S. Durango Las Vegas NV 89113	858 279-2108	toniniemiec@aol.com	So. CA Veterinary Specialists Dentistry
Suzanne Zervantian, DVM	1601 East Basin Ave. #202 Pahrump, NV	775 727-7387	allcreaturesanimalhospital@live.com	All Creatures Animal Hospital
Dennis Lopez, LVT	3333 East Flamingo Road Las Vegas, NV 89121	702 458-9850	dlopez@pima.edu	PIMA Medical Institute
Tarah Fuentes, LVT	6032 S. Durango Su 100 Las Vegas, NV 89113	702 243-1885	tlcsdragon@hotmail.com	Herself
Written Correspondence				
Ben Haas, DVM	PO Box 13998 Portland, OR 97213	503 688-3498	Benjamin.Haas@banfield.net	Banfield Pet Hospital
John Shaner, DVM	2369 Patterson Road Riverbank, CA 95367	209 869-3692	exoticdvm@sbcglobal.net	River Oak Veterinary Hospital
Brooke Niemiec, DVM	6032 S. Durango Las Vegas NV 89113	858 279-2108	toniniemiec@aol.com	So. CA Veterinary Specialists Dentistry

5. REASONS FOR ADOPTING REGULATION WITHOUT CHANGE:

The permanent regulation was adopted at the State Board of Veterinary Medical Examiners meeting on April 24, 2014 with one non-substantial change. The following change was made to section 6, allowing the veterinary facilities a year (effective 1-1-2016) to comply with the requirement of intraoral radiology if the veterinarian is doing dental surgeries: *After January 1, 2016 and except as otherwise provide in this subsection, a licensed veterinarian*

may perform dental surgery, periodontal surgery, endodontics and exodontia on an animal only in a veterinary facility that has the capacity to perform intraoral radiology.

6. ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS.

The regulation should not have any economic effect on veterinary facilities. There were veterinarians, veterinary facility owners, and veterinary technicians who attended both workshops and the hearing and there was no discussion of any economic effect on the veterinary practices, so the Board does not anticipate a significant adverse economic impact from the proposed amendments and additions to NAC 638 on Nevada affected businesses or the public. For a complete breakdown by section of adverse and beneficial effects and both immediate and long term effects see the table attached.

7. ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT:

There will no additional costs incurred by this Board for enforcement of these regulations.

8. OVERLAP OR DUPLICATION OF PROPOSED REGULATION:

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

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

The Board is not aware of any similar regulations of the same activity in which the federal government is more stringent.

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

There is a fee of \$10.00 established in Section 11 for a duplicate license (wall certificate) The Board anticipates that the added fee of \$10.00 for a duplicate license may increase revenue by approximately \$1000.00/year which will offset the cost of producing and mailing a new wall certificate to any licensee that requests a duplicate/lost license. There is not a cost to the Licensee for the initial license.

11. 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 regulation should not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. There were veterinarians, veterinary facility owners and veterinary technicians who attended both workshops and the hearing and there was no discussion of any long reaching economic effects on the current veterinary practices, so the Board does not anticipate a significant adverse impact from the proposed amendments and additions to NAC 638 on Nevada affected businesses or the public.