

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

LCB File No. R063-13

August 12, 2013

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

AUTHORITY: NRS 638.070

A REGULATION relating to veterinary medicine; defining of “consultation,” “veterinary dentistry,” “informed consent,” “veterinary facility,” “veterinarian in charge,” and “veterinary specialist”; revising continuing education requirements for reinstatement of a license; requiring a veterinarian who operates an animal boarding business in connection with a facility to meet certain requirements; establishes a fee for a duplicate license; 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 2-12 of this regulation.

Sec. 2. NAC chapter 638 is amended by adding the following new language.

“Consultation” means when a licensed veterinarian receives advice in person, telephonically, electronically, or by any other method of communication from a veterinarian licensed in this or any other state or other person whose expertise, in the opinion of the licensed veterinarian, would benefit a patient. The licensed veterinarian seeking and receiving consultation shall retain the veterinarian-client-patient relationship.

Sec 3. NAC chapter 638 is amended by adding the following new language.

“Veterinary dentistry” means:

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

2. Preventive dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains or the smoothing, filing, floating or polishing of tooth surfaces.

Sec 4. NAC chapter 638 is amended by adding the following new language.

"Informed consent" means a veterinarian's informing of a client, in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment, and prognosis and has provided the client with an estimate of the fees expected for the provision of veterinary services and the client has consented to the recommended treatment, treatments, or diagnostic procedures.

Sec 5. NAC chapter 638 is amended by adding the following new language.

"Veterinarian in charge" means a licensed veterinarian who is actively practicing in the State of Nevada and is the veterinarian responsible for the acts of all veterinarians, veterinary technicians, veterinary assistants, and other personnel employed at a veterinary facility.

Sec. 6. NAC chapter 638 is amended by adding the following new language.

"Veterinary specialist" means a veterinarian that has been awarded and maintains certification from an AVMA-recognized veterinary specialty organization.

Sec. 7. NAC chapter 638 is amended by adding the following new language.

1. A veterinarian who boards an animal or animals in his or her veterinary facility is responsible for the following:

(a) Caring for the boarded animals pursuant to Chapter 574 of NRS;

(b) Training staff on the care of boarded animals;

(c) Instructing staff to and assuring that staff does report to the veterinarian in charge if a boarded animal is or may be sick or injured;

(d) Arranging for the veterinary care of any sick or injured boarded animal;

(e) Written procedures for the facility's staff by which the staff is to assess boarded animals to assure that for boarded animals with certain identifiable conditions a veterinarian is contacted and that the boarded animals receive appropriate treatment; and

(f) Notifying owners in writing of whether the boarding portion of the facility will be staffed 24 hours per day or whether there will be times in which the boarded animals will be left unattended.

Sec. 8. NAC chapter 638 is amended to add the following new language.

1. Veterinary dentistry may only be performed by a veterinarian or, where otherwise permitted, by a veterinary technician.

2. Except where otherwise appropriate based upon the species of the animal, veterinary dentistry is to be performed under general anesthesia with the use of an endotracheal tube with an inflated cuff.

3. A veterinarian performing oral surgery, periodontal surgery, endodontics, and exodontia must have access to intraoral radiology capabilities in his or her facility, but need not perform intraoral radiology for a particular procedure based upon the professional judgment of the veterinarian and the species of the animal.

4. Nothing in this regulation shall prohibit any person from utilizing cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean a companion animal's teeth with or without general anesthesia or sedation.

Sec. 9. NAC chapter 638 is hereby amended to add the following new language.

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 from the National Association of Veterinary Technicians in America, P.O. Box 1227, Albert Lea, Minnesota, 56007, free of charge.

Sec 10. NAC 638.018 is hereby amended to read as follows:

“Veterinary facility” means any facility in which veterinary medicine is practiced. The term includes a building, a kennel, *an ambulatory practice, a house call practice, an animal physical therapy office, an animal chiropractic office, or a mobile veterinary clinic* which is controlled by a veterinarian for the practice of veterinary medicine *or in which a registered animal physical therapist or animal chiropractor practices*. The term does not include a diagnostic laboratory or educational institution.

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

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 wall certificate license</i>	<i>10</i>

Sec 12. NAC 638.042 is hereby amended to read as follows:

A course of continuing education shall be deemed to be approved by the Board if the course is provided or approved by:

1. The American Veterinary Medical Association;

2. A specialty group of the American Veterinary Medical Association;

3. The Western Veterinary Conference, the Wild West Veterinary Conference or any other regional veterinary conference;

4. The State Department of Agriculture;

5. The United States Department of Agriculture;

6. The American Animal Hospital Association;

7. The American Association of Veterinary State Boards;

8. The Nevada Veterinary Medical Association;

9. An institution of the Nevada System of Higher Education;

10. A school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association; or

11. A program for veterinary technicians that is approved by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association.

12. *A licensee who serves as an instructor, speaker or discussion leader of an approved provider will be allowed CE course credit for actual presentation time, plus actual preparation time up to 2 hours for each hour of presentation. Additional time will not be allowed for repetitions of the same course.*

13. *A veterinarian may receive up to 4 hours of continuing education credit per year for attending the portion of a Board meeting in which the Board discussed its pending complaints. A veterinary technician may receive up to 2 hours of continuing education credit per year for attending the portion of a Board meeting in which the Board discussed its pending complaints.*

Sec 13. NAC 638.0425 is hereby amended to read as follows:

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 awarded for the course;

(c) A description of the course; and

(d) The date *and the place at which* the course was conducted.

Sec. 14. NAC 638.0447 is hereby amended to read as follows:

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 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. 15. NAC 638.0475 is hereby amended to read as follows:

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 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 owner of the animal receiving veterinary services not later than 48 hours after receiving a request from the owner of the animal. The licensed veterinarian is not required to provide a copy of any X rays 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) A short history of the animal's condition as it pertains to the animal's medical status;
- (f) 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) The diagnosis or condition at the beginning of custody of the animal, including, without limitation, results of tests;
- (h) The immunization record of the animal;

(i) 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) The surgery log, including, without limitation, anesthesia and preanesthesia, and the procedure performed;

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

(l) The progress and disposition of the case;

(m) 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; ~~and~~

(n) *The identity of a person who performed all or a part of any treatment, procedure, task, or diagnostic procedure, which may be indicated:*

(1) If the records of the facility are made and maintained in a paper form, by a legible signature or legible initials placed near enough to the entry so that identity of the person can be readily determined; or

(2) If the records of the facility are made and maintained in a computerized form, by initials or other identifying mark created within the computerized record that captures the identity of and readily identifies the person who created the entry; and

~~(n)~~ (o) Any X rays. Each X ray, other than an inter-oral dental X ray or digital X ray, must be labeled in the emulsion film as follows:

(1) The name of the veterinarian or facility that took the X ray;

(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 X ray was taken; and
- (5) The anatomical orientation depicted by the X ray.

3. Each X ray is the property of the veterinarian who caused it to be prepared. An X ray may be released to the owner of the animal. An X ray 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 X ray must be returned within a reasonable time to the veterinarian to whom it belongs.

4. 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; and
- (d) The computer records must not contain information relating to a physical examination that is automatically generated by the computer.

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

6. 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. 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. 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.

Sec. 16. NAC 638.053 is hereby amended to read as follows:

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.
- (q) Administration of cold laser therapy.***

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

Sec. 17. NAC 638.530 is hereby amended to read as follows:

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, *and the expiration date.* ~~[a warning of the hazards, and the name and address of the euthanasia technician.]~~

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.