

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

LCB File No. R073-16

June 16, 2016

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

AUTHORITY: §§1-3, 5, 6 and 8-21, NRS 638.070; §4, NRS 638.132; §7, NRS 638.124.

A REGULATION relating to veterinary medicine; establishing rules relating to the ordering, administering and dispensing of compounded drug products; revising the definition of a mobile clinic; revising permitting fees for certain facilities; revising standards for professional conduct; revising provisions related to the maintenance of medical records of an animal; revising provisions relating to the supervision of licensed veterinary technicians; revising provisions relating to the supervision and control of veterinary facilities; revising provisions relating to the storage and accounting of controlled substances at a veterinary facility; revising provisions relating to the packaging, labelling and storage of prescription drugs at a veterinary facility; provisions related to proceedings before the Nevada State Board of Veterinary Medical Examiners; revising provisions relating to vaccination clinics; revising provisions relating to animal physical therapy and animal chiropractic; revising provisions relating to veterinary dentistry; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a registered pharmacist is authorized to compound and sell certain drugs and medicines and veterinarians, veterinary technicians and veterinary technicians in training are authorized to possess, dispense and administer controlled substances and certain other drugs and medicines under certain circumstances. (NRS 453.375, 453.381, 454.213 and 639.100) Existing law also authorizes the Nevada State Board of Veterinary Medical Examiners to adopt regulations to carry out existing law governing the practice of veterinary medicine. (NRS 638.070) **Section 1** of this regulation authorizes: (1) a veterinarian licensed by the Nevada State Board of Veterinary Medical Examiners to order compounded drug products from a pharmacy under certain circumstances; (2) a licensed veterinarian, veterinary technician or veterinary technician in training to administer or dispense those compounded products under certain circumstances.

Existing law requires the board to adopt regulations prescribing the requirements for the licensure of a facility in which veterinary medicine is practiced, including, without limitation, the fee for the issuance and renewal of a license. (NRS 638.132) Existing regulations establish the fees for the issuance and renewal of the licensure of such facilities and provide requirements for

a mobile clinic in which veterinary medicine is practiced. (NAC 638.013, 638.035, 638.0635 and 638.064) **Section 2** of this regulation amends the definition of a mobile clinic to include a clinic operated from a truck. **Section 4** of this regulation increases from \$50 to \$200 the fee for the issuance of a permit to operate a veterinary facility that is owned by a licensed veterinarian and increases from \$25 to \$100 the fee for the renewal of such a permit. Under **section 4**, the fee for the issuance or renewal of a permit to operate a mobile clinic or a veterinary facility that is not owned by a licensed veterinarian is unchanged. **Section 4** also specifies that a veterinary facility is owned by a licensed veterinarian if one licensed veterinarian owns at least 10 percent of the ownership interest in the facility.

Existing regulations adopt certain published ethics guidelines as the professional standard of conduct for veterinarians. (NAC 638.046) **Section 5** of this regulation changes the current adopted standard.

Existing regulations provide certain requirements for the creation and maintenance of veterinary medical records. (NAC 638.0475) **Section 6** of this regulation establish requirements concerning the removal, erasure, redaction and alteration of veterinary medical records that are written records.

Existing law requires the Board to adopt regulations pertaining to and limiting the activities of veterinary technicians. (NRS 638.124) Existing regulations establish the duties which may be performed by a licensed veterinary technician under the supervision of a licensed veterinarian. (NAC 638.053) **Section 7** of this regulation establish duties which may be performed by a licensed veterinary technician outside of a veterinary facility under the off-site supervision of a licensed veterinarian and defines the type of supervision that constitutes off-site supervision.

Existing regulations require individuals with certain ownership interests in a veterinary facility to ensure that the facility is in compliance with certain laws and regulations. (NAC 638.0607) **Section 8** of this regulation also makes a veterinarian in charge of a veterinary facility responsible for certain violations that occur at that facility.

Existing regulations provide certain guidelines for the storage and handling of controlled substances and prescription drugs stored at a veterinary facility for administration or dispensing at the facility. (NAC 638.0628, 638.0629) **Section 9** of this regulation establishes requirements for the accounting of controlled substances stored at a veterinary facility. **Section 10** of this regulation provides additional requirements for ensuring the proper storage of prescription drugs at a veterinary facility. **Section 10** also permits a veterinarian or veterinary technician at a veterinary facility to package and label prescription drugs in quantities suitable for use within the facility and prescribes the requirements for the labelling of, and maintenance of records concerning, those prescription drugs.

Sections 11-16 and 21 of this regulation amend the rules for administrative proceedings before the Board Under **section 14**, an original copy of the accusatory pleading in a disciplinary matter must be filed with the Board and served upon the respondent by certified mail at the last known address on file with the Board. **Section 14** further provides that any answer to an

accusatory pleading, motion, opposition or reply must be filed with the Board by electronic mail and simultaneously served upon the opposing party by electronic mail.

Existing regulations provide requirements for the operation of a vaccination clinic. (NAC 638.600) **Section 17** of this regulation revises requirements relating to the availability of oxygen at a vaccination clinic and authorizes a vaccination clinic to provide microchipping services.

Under existing regulations, a physical therapist or chiropractor who wishes to practice animal physical therapy or animal chiropractic, respectively, in this State must obtain a certificate from the Board. To obtain such a certificate, the physical therapist or chiropractor must have been licensed to practice his or her profession in this State for at least 1 year and meet certain other requirements. (NAC 638.760, 638.810) **Sections 18 and 19** of this regulation authorizes a physical therapist or chiropractor to qualify for a certificate to practice animal physical therapy or animal chiropractic, respectively, if he or she is licensed to practice his or her profession in this State and has been an actively licensed to practice that profession in any state for at least 1 year.

Existing law authorizes the Board to adopt regulations concerning the practice of veterinary dentistry. (NRS 638.070) Under existing regulations, veterinary dentistry must be performed under general anesthesia unless the Board determines otherwise. (Section 6 of LCB File No. R063-13) **Section 20** of this regulation authorizes the cosmetic cleaning of the teeth of an animal without placing the animal under general anesthesia under certain circumstances.

Section 1. Chapter 638 of NAC is hereby amended by adding thereto a new section to read as follows:

A licensed veterinarian may order from a pharmacy a compounded drug product for the treatment of an animal receiving veterinary services and a licensed veterinarian may dispense or administer such compound products subject to the following restrictions:

- 1. The licensed veterinarian must order the compounded drug product from a pharmacy pursuant to an order that is not a prescription.*
- 2. The quantity of the compounded drug product ordered by the licensed veterinarian and prepared by the pharmacy must not exceed the quantity reasonably needed by the licensed veterinarian to treat his or her patients within the period of time that the compounded product will be effective and safe for use.*

3. *There is not available a similar, commercially manufactured product that is approved by the Food and Drug Administration or there is a documented shortage of such a product.*

4. *The compounded drug product is:*

(a) *Administered to the animal by a licensed veterinarian, veterinary technician or veterinary technician in training at a veterinary facility; or*

(b) *Dispensed to the owner of the animal by the licensed veterinarian for the immediate commencement of a necessary therapy and in a quantity of the lesser of:*

(1) *The amount sufficient to treat the animal; or*

(2) *A 5-day supply.*

↪ *If a 5-day supply is insufficient to treat the animal, the licensed veterinarian may issue a prescription to the owner of the animal for the quantity that exceeds the 5-day supply and is needed to treat the animal.*

5. *The licensed veterinarian may not dispense or otherwise provide the compounded drug product to any person other than the owner of the animal for the treatment of the animal.*

6. *The compounded drug product must have a label that complies with all applicable laws and regulations.*

7. *The licensed veterinarian, veterinary technician or veterinary technician in training must properly label the compounded drug product if it is to be dispensed to the owner of an animal.*

Sec. 2. NAC 638.013 is hereby amended to read as follows:

638.013 “Mobile clinic” means a *veterinary facility operated from a* vehicle, including, without limitation, a *truck*, trailer or motor home . ~~[, used as a veterinary facility.]~~

Sec. 3. NAC 638.018 is hereby amended to read as follows:

638.018 “Veterinary facility” means any facility in which veterinary medicine is practiced. The term includes a building, a kennel and a mobile ~~vet~~ clinic which is controlled by a veterinarian for the practice of veterinary medicine. The term does not include a diagnostic laboratory or educational institution.

Sec. 4. NAC 638.035 is hereby amended to read as follows:

638.035 **1.** 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 , <i>other than a mobile clinic</i>	50 200
For a permit to operate a facility <i>not</i> owned by a nonlicensed <i>licensed</i> veterinarian , <i>other than a mobile clinic</i>	300
<i>For a permit to operate a mobile clinic</i>	<i>50</i>
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 , <i>other than a mobile clinic</i>	25 100
For the annual renewal of a permit for a facility <i>not</i> owned by a nonlicensed <i>licensed</i> veterinarian , <i>other than a mobile clinic</i>	300
<i>For the annual renewal of a permit to operate a mobile clinic</i>	<i>50</i>
For the annual renewal of a permit for a nonprofit facility	100
For a duplicate of a license, registration or permit described in this section	10

2. For the purposes of this section, a facility is deemed to be “owned by a licensed veterinarian” if one licensed veterinarian holds at least 10 percent of the total ownership interest of the facility.

Sec. 5. NAC 638.046 is hereby amended to read as follows:

638.046 1. The Board adopts by reference the *November 2003 revision of the* “Principles of Veterinary Medical Ethics” of the American Veterinary Medical Association ~~as published in the current version of the American Veterinary Medical Association Membership Directory and Resource Manual~~ as a standard for professional conduct. A violation of the provisions of the principles constitutes cause for disciplinary action.

2. The *November 2003 revision of the* “Principles of Veterinary Medical Ethics” of the American Veterinary Medical Association is available from the ~~{American Veterinary Medical Association, 1931 North Meacham Road, Suite 100, Schaumburg, Illinois 60173,}~~ *Board, 4600 Kietzke Lane, Building O, Suite 265, Reno, Nevada 89502, or at the Internet address <http://www.nvvetboard.us>, free of charge.*

Sec. 6. 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;
- (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;
- (h) The diagnosis or condition at the beginning of custody of the animal, including, without limitation, results of tests;
- (i) The immunization record of the animal;
- (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;
- (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;
- (l) Any medication and treatment administered, including, without limitation, the amount and frequency;

(m) The progress and disposition of the case;

(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;

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

(p) Any radiographs other than intraoral dental radiographs. Each radiograph other than an intraoral dental radiograph must be labeled 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

(q) Any intraoral dental radiographs or other diagnostic images. For each intraoral dental radiograph or other diagnostic image, the medical record must include the information set forth in subparagraphs (1) to (5), inclusive, of paragraph (p) with regard to the 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 intraoral dental radiograph or other diagnostic image if the medical record is maintained as a computer record.

3. ***If a medical record is a written record, information contained in the medical record must not be removed, erased, redacted or otherwise made unreadable. Any addition,***

supplementation or other alteration to a written record must include, without limitation, the date on which the addition, supplementation or other alteration was made and the signature, initials or other identifying mark of the person who made the addition, supplementation or other alteration to the written record.

4. 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.

~~4.4~~ 5. 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.

~~4.5~~ 6. 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.

~~16.1~~ **7.** 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.

~~17.1~~ **8.** In a practice concerned with herds of animals, records must be kept on each herd and may be kept on individual animals.

~~18.1~~ **9.** 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.

~~19.1~~ **10.** 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.

~~10.~~ **11.** 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.

~~11.~~ **12.** 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. 7. 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. *A licensed veterinary technician may perform the following tasks outside of a veterinary facility under the under the off-site supervision of a supervising veterinarian if a*

veterinarian-client-patient relationship has been established by the supervising veterinarian and a diagnosis has been made for the specific treatment of an animal:

(a) Application and changing of bandages.

(b) Administration of oral and topical medications.

(c) Starting and administering of intravenous or subcutaneous fluids.

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

(e) Administration of intramuscular, subcutaneous or intravenous injections, except for vaccinations for zoonotic diseases.

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

(g) Monitoring of vital signs.

(h) External anal gland expressions.

(i) Collection of skin scrapings.

(j) Administration of a therapeutic laser.

(k) Physical therapy.

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

6. As used in this section ~~}, “other}~~

(a) “Off-site supervision” means the supervising veterinarian is not at the same physical location as the animal and the person treating the animal, but has given written or oral instructions for treatment of the animal and is available by telephone to immediately respond to any inquiry or concern from the person treating the animal during the course of treating the animal.

(b) “Other diagnostic image” has the meaning ascribed to it in NAC 638.0475.

Sec. 8. NAC 638.0607 is hereby amended to read as follows:

638.0607 **1. *The veterinarian who is in charge of a veterinary facility is responsible for any violation of:***

(a) *A state or local law, regulation or ordinance related to the practice of veterinary medicine at the veterinary facility or the care, safety or maintenance of animals at the veterinary facility; or*

(b) *A state or federal law or regulation related to controlled substances and dangerous drugs at the veterinary facility.*

2. Each person who has a direct or indirect ownership interest of 10 percent or more in a business which practices veterinary medicine shall ensure that the facility maintains the minimum standard of practice of veterinary medicine established by this chapter.

Sec. 9. NAC 638.0628 is hereby amended to read as follows:

638.0628 **1.** A veterinary facility at which controlled substances are possessed, administered, prescribed or dispensed shall ensure that one or more veterinarians who practice at that veterinary facility register and maintain a registration with the Drug Enforcement Administration of the United States Department of Justice and the State Board of Pharmacy. The certificates of registration with each agency must be available for inspection at the veterinary facility.

2. A veterinarian who is not registered with the Drug Enforcement Administration of the United States Department of Justice and the State Board of Pharmacy as described in subsection 1 may possess, administer, prescribe or dispense a controlled substance at a veterinary facility if the veterinarian:

- (a) Is an employee or agent of the veterinarian who is registered pursuant to subsection 1;
- (b) Practices in the same veterinary facility as the veterinarian who is registered pursuant to subsection 1;
- (c) Possesses, administers, prescribes or dispenses the controlled substance in the normal course of his or her employment; and
- (d) Complies with all the requirements and duties prescribed by law relating to the possession, administration, prescribing and dispensing of a prescription drug.

3. A veterinary facility which maintains a stock of controlled substances for administration or dispensing *from that facility* shall:

- (a) Secure the stock of controlled substances in a locked container that is:
 - (1) Affixed to the structure and located within a locked room; or
 - (2) Located within a second locked container which is affixed to the structure.
- (b) Ensure that only a veterinarian or a veterinary technician designated by the veterinarian has the keys or combination to unlock the two separate locks at the start of a business day or beginning of a shift, if the veterinary facility has veterinarians on successive shifts.
- (c) Restrict access to the controlled substances to veterinarians or veterinary technicians only.
- (d) Ensure that each veterinarian or veterinary technician who accesses the secure container which stores controlled substances records in a log:
 - (1) The name of the veterinarian or veterinary technician who accessed the secure container and the date that he or she accessed the secure container.
 - (2) The name, strength and quantity of the controlled substance removed from or placed into the secure container and the total amount of all quantities of that particular controlled substance remaining inside the secure container.

(e) Ensure that a veterinarian who intends to destroy an unused portion of a controlled substance records in a log the name and quantity of the controlled substance that will be destroyed and the date and time that the controlled substance will be destroyed. An entry made pursuant to this paragraph must be verified by an employee of the veterinary facility.

(f) Ensure that the purchasing, storage and recordkeeping of controlled substances comply with all applicable state and federal laws.

(g) Ensure that any controlled substance is purchased by a veterinarian or with the knowledge of a veterinarian and that all controlled substances received by the veterinary facility are verified by a veterinarian or with the knowledge of a veterinarian.

(h) Maintain separate files for the records of the purchase of each controlled substance listed in schedule II of controlled substances in NAC 453.520 and records of the dispensing of each controlled substance listed in schedule II of controlled substances in NAC 453.520.

(i) Ensure that each unit of a controlled substance listed in schedule II of controlled substances in NAC 453.520 can be accounted for and that all units of controlled substances listed in schedule III, IV or V of controlled substances in NAC 453.520 can be accounted for within a variance not to exceed 10 percent for the 6 months immediately preceding the accounting.

4. Any record made pursuant to this section must be maintained for at least 4 years and must be available for inspection by the Board or its representative, the State Board of Pharmacy or its representative or any authorized federal, state or local regulatory agency or law enforcement agency.

Sec. 10. NAC 638.0629 is hereby amended to read as follows:

638.0629 1. A veterinary facility that dispenses prescription drugs:

(a) Shall ensure that at least one veterinarian who practices at that veterinary facility registers and maintains a registration with the Drug Enforcement Administration of the United States Department of Justice and the State Board of Pharmacy pursuant to NAC 638.0628.

(b) Except as otherwise provided in paragraph (c), may allow only veterinarians, veterinary technicians or veterinary technicians in training at that veterinary facility to prepare a prescription drug for dispensing.

(c) May allow veterinary assistants at that facility to prepare a prescription drug, other than a controlled substance, for dispensing.

(d) Shall ensure that a prescription drug which is new for an animal is not dispensed unless a veterinarian or veterinary technician is at the veterinary facility or is otherwise available at the time the prescription drug is dispensed.

(e) Shall ensure that a notation is made in the medical record of the animal that contains:

- (1) The name, strength and quantity of the prescription drug.
- (2) The date the prescription drug was prescribed and dispensed.
- (3) The directions for use.
- (4) The name, signature or initials of the veterinarian who prescribed the prescription drug.
- (5) The name, signature or initials of the veterinarian, veterinary technician or veterinary technician in training who prepared the prescription drug for dispensing.
- (6) The name, signature or initials of the veterinarian or veterinary technician who verified the prescription drug before the prescription drug was dispensed.

(f) Shall ensure that each vial or container which contains a prescription drug has affixed to the vial or container a label that contains:

(1) Except as otherwise provided in subsection ~~2~~ 4, the name or unique identifier of the animal and the name of the owner of the animal for which the prescription drug is prescribed.

(2) The name, strength and quantity of the prescription drug.

(3) The date the prescription drug was dispensed.

(4) The name of the veterinarian who prescribed the prescription drug.

(5) The expiration date of the prescription drug.

(6) A unique number identifying the prescription.

(7) The directions for use.

(g) Shall maintain a stock of prescription drugs necessary to serve the foreseeable needs of the veterinary practice.

(h) Shall ensure that drugs which are inappropriate or unlawful to the practice of veterinary medicine are not ordered or maintained in the stock of prescription drugs of the veterinary facility.

(i) Shall ensure that every prescription drug within the possession of the facility:

(1) Is safe and effective for use, as indicated by the expiration date on the label; and

(2) Has been properly stored or refrigerated as indicated on the label.

2. A veterinarian or veterinary technician may package and label prescription drugs in quantities suitable for use within a veterinary facility. The label of each such package must contain:

(a) The generic or trade name, strength and form of dosage of the prescription drug.

(b) The lot number of the prescription drug.

(c) The expiration date of the prescription drug.

(d) If the unit does is not equal to the unit of use, the quantity of the prescription drug contained in the package.

3. A veterinary facility at which prescription drugs are packaged pursuant to subsection 2 must maintain a record of the drugs packaged pursuant to that subsection which contains:

(a) The generic or trade name, strength and form of dosage of the prescription drug.

(b) The manufacturer of the prescription drug.

(c) The lot number of the prescription drug.

(d) The expiration date of the prescription drug.

(e) If a package contains more than tablet or capsule, the quantity of the prescription drug contained in the package.

(f) The number of packages made.

(g) The date of packaging.

(h) The initials of the packaging veterinarian or veterinary technician.

*4. A label affixed to a vial or container that contains a prescription drug **being dispensed by a veterinary facility** may contain a generic identifier for a group of animals of the same species in place of the name or unique identifier of one animal if:*

(a) The group of animals identified on the label is owned by the same person;

(b) The prescription drug is dispensed for more than one of the animals in the group; and

(c) The directions for use of the prescription drug are the same for each animal in the group for which the prescription drug is dispensed.

~~13.1~~ **5.** The authorization to possess a prescription drug is not transferable upon the sale or other transfer of the animal or animals for which the prescription drug was dispensed.

~~{4.}~~ 6. Any record made pursuant to this section must be maintained for at least 4 years and must be available for inspection by the Board or its representative, the State Board of Pharmacy or its representative or any authorized federal, state or local regulatory or law enforcement agency.

Sec. 11. NAC 638.090 is hereby amended to read as follows:

638.090 1. Parties to proceedings before the Board must be styled ~~{applicant,}~~ petitioner, complainant, respondent, intervener or interested party, according to the nature of the proceedings and the relationship of the parties.

2. ~~{Any person who applies or petitions for any privilege, license or authority from the Board must be styled “applicant.”}~~

~~—3.}~~ Any person who petitions for affirmative relief, other than a complainant, must be styled “petitioner.”

~~{4.}~~ 3. A person who complains to the Board of any act or of any person must be styled “complainant.”

~~{5.}~~ 4. Any person against whom any complaint is filed or investigation initiated must be styled “respondent.”

~~{6.}~~ 5. Any person, other than the original parties to the proceeding, who may be directly and substantially affected by the proceeding must, upon securing an order from the Board or presiding officer granting leave to intervene, be styled “intervener.” The granting of leave to intervene, or otherwise appear, in any matter or proceeding, is not construed to be a finding or determination of the Board that the party will or may be a party aggrieved by any ruling, order or decision of the Board for purposes of a court review or appeal.

~~17.1~~ 6. Any person who believes that he or she may be affected by a proceeding, but who does not seek to participate in a proceeding, must be styled “interested party.”

Sec. 12. NAC 638.160 is hereby amended to read as follows:

638.160 1. Pleadings before the Board must be styled ~~{applications,}~~ petitions, accusations, ~~{and}~~ answers ~~{,}~~ *motions, oppositions and replies.*

2. The Board may, when substantial rights of the parties are not violated, allow any pleading to be amended or corrected or allow any omission to be supplied.

3. All pleadings must be liberally construed with a view to effect justice between the parties. The Board or presiding officer will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of the parties.

Sec. 13. NAC 638.180 is hereby amended to read as follows:

638.180 All pleadings praying for affirmative relief, other than ~~{applications,}~~ accusations or answers, including requests for declaratory orders, advisory opinions, and requests for the adoption, filing, amendment or repeal of any regulation, must be styled “petitions.” All petitions must set forth the full name and post office address of the petitioner and must be signed by the petitioner.

Sec. 14. NAC 638.200 is hereby amended to read as follows:

638.200 1. A motion is a request directed at the Board’s authority to act on a given subject.

2. All motions, unless made during a hearing, must be in writing.

3. All written motions must set forth the nature of relief sought and the grounds for the relief requested.

4. *Except as otherwise provided in NAC 638.271, a motion related to a hearing must be filed not later than 20 days before the scheduled date of the hearing.*

5. A party desiring to oppose a motion may serve and file a written response to the motion ~~+~~ *not later than 10 days after the motion was served on the party.*

~~15.1~~ 6. The moving party may serve and file a written reply only if an opposition to the motion has been served and filed.

~~16.1~~ 7. A decision must be rendered without oral argument unless oral argument is requested by the Board, in which event the Board will set a date and time for hearing.

Sec. 15. NAC 638.210 is hereby amended to read as follows:

638.210 ~~{An original and two legible copies of all pleadings, motions or other papers must be filed with the Board. The Board may direct that a copy of all pleadings and motions be made available by the party filing them to any other person the Board determines may be affected by the proceeding and who desires copies.}~~

1. *An accusation in a disciplinary matter must be filed as an original paper document with the Board. The accusation must be served upon the respondent by certified mail at the last known address on file with the Board and service is deemed to be complete when a copy of the document, properly addressed and stamped, is deposited in the United States mail.*

2. *An answer, motion, opposition or reply must be filed with the Board by electronic mail and simultaneously served upon the opposing party by electronic mail. An answer, motion, opposition or reply filed and served pursuant to this subsection is deemed to be filed with the Board and served upon the opposing party on the date that the electronic mail was sent, if sent by not later than 4 p.m. in the Pacific time zone on that date. An electronic mail sent after 4*

p.m. in the Pacific time zone is deemed to have been filed with the Board and served upon the opposing party on the day following the day on which the electronic mail was sent.

3. An answer, motion, opposition or reply transmitted pursuant to subsection 2 must be in a Portable Document Format (PDF). The file may contain a scanned copy of the document signed by the party, or may be signed by a mark or electronic signature. The file must contain a completed certificate of service indicating that service on the opposing party was completed by electronic mail.

Sec. 16. NAC 638.250 is hereby amended to read as follows:

638.250 1. A party or parties against whom an accusation is filed must, within 15 days of receipt of the accusation, ~~notify the Board in writing whether a hearing on the accusation is requested. Failure to request a hearing is a waiver of the right to hearing. The Board may allow a hearing notwithstanding the fact that it was not requested within 15 days.~~

~~—2.— If a hearing is requested, the respondent shall~~ file an answer ~~[within 20 days of receipt thereof.]~~ *with the Board.*

2. Failure to file an answer pursuant to subsection 1 may be deemed by the Board to be an admission of statements contained in the accusation.

Sec. 17. NAC 638.600 is hereby amended to read as follows:

638.600 1. A vaccination clinic must:

~~{1}~~ (a) Transport and store vaccines in a manner that ensures the efficacy of the vaccines;

~~{2}~~ (b) Provide refrigeration, cold storage or any other method of storage for a vaccine that is recommended by the manufacturer of the vaccine; and

~~{3}~~ (c) Contain the equipment, supplies and medications necessary for the treatment of anaphylaxis or any other reaction to a vaccine, including, without limitation:

~~[(a)]~~ Oxygen;

~~[(b)]~~ (1) *An oxygen container, ambulatory bag or other similar means of administering oxygen;*

(2) Epinephrine;

~~[(e)]~~ (3) Injectable corticosteroids and antihistamines;

~~[(d)]~~ (4) Intravenous catheters and injectable fluids;

~~[(e)]~~ (5) Endotracheal tubes of varying and appropriate diameters; and

~~[(f)]~~ (6) Equipment for resuscitating animals.

2. *A vaccination clinic may provide the service of the implantation of a subcutaneous identification microchip by a licensed veterinarian, licensed veterinary technician or veterinary technician in training.*

Sec. 18. 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 or she 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}~~ *any state* for at least 1 year;
- (c) Is *licensed by and* 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.

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 NAC 638.035, the Board will issue to the physical therapist a certificate of registration.

Sec. 19. 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 or she is:

- (a) A veterinarian; or
- (b) A chiropractor who has obtained a certificate of registration pursuant to this section and complies with the provisions of NAC 638.830.

2. A chiropractor who desires to secure a certificate of registration 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}~~ *any state* for at least 1 year;

(c) Is *licensed by and* in good standing with the Chiropractic Physicians' Board of Nevada;

and

(d) Is certified by the American Veterinary Chiropractic Association ~~{}~~ *or a similar accrediting or membership organization that is approved by the Board.*

4. The application must be signed by the applicant and notarized.

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 required pursuant to NAC 638.035, the Board will issue to the chiropractor a certificate of registration.

Sec. 20. Section 6 of LCB File No. R063-13 is hereby amended to read as follows:

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

2. ~~{Veterinary}~~ *Except as otherwise provided in subsection 3, 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. *A cosmetic cleaning of the supragingival portion of the teeth of an animal, including, without limitation, scaling the teeth with dental tools or ultrasound, may be performed without placing the animal under general anesthesia if:*

(a) The procedure is performed at a veterinary facility;

(b) A licensed veterinarian at the facility has conducted a full oral examination;

(c) The licensed veterinarian has determined that the animal is a suitable candidate for the procedure and that the procedure is being performed on an elective basis sought by the client;

(d) The client has signed a written form acknowledging that the client:

(1) Understands the difference between a cosmetic cleaning and a full dental examination with prophylaxis; and

(2) Knowingly consents to the cosmetic cleaning procedure; and

(e) The procedure is terminated or the animal is appropriately anesthetized or sedated if:

(1) The animal becomes resistant or fractious during the cleaning procedure and continuation of the cleaning procedure would potentially harm or cause suffering to the animal; or

(2) The cleaning procedure or examination of the oral cavity of the animal reveals signs of advanced dental disease, including, without limitation, tooth mobility, advanced gingivitis, abnormal bleeding, stomatitis, advanced gingival recession, furcation exposures, excessive gingival hyperplasia, abnormal probing depths, visual or tactile detection of tooth resorption, tooth fractures, abnormal growths, abscesses, pyorrhea, pulpitis, discoloration or other abnormal findings.

↪ If a veterinary technician or veterinary technician in training terminates a cleaning procedure pursuant to paragraph (e), he or she must notify the attending veterinarian of the cause for the termination of the procedure so that the veterinarian can appropriately address the needs of the animal.

4. 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.~~ **5.** 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.

~~5.~~ **6.** 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. 21. NAC 638.170, 638.190 and 638.220 are hereby repealed.

TEXT OF REPEALED SECTIONS

NAC 638.170 Applications. All pleadings requesting a privilege, license or authority from the Board must be styled "applications." The full name and address of the applicant and such facts or exhibits as may be required by statute or this chapter must be contained in an application. The application must be signed by the applicant.

NAC 638.190 Verification. All pleadings must be verified.

NAC 638.220 Service of process. 1. All notices, documents, advisory opinions and declaratory orders required to be served by the Board will be served by mail, and service is complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail. Parties will be notified either personally or by certified mail of any adverse decision or order.

2. All documents required to be served by parties must be served by mail, and service is complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.