

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Adoption of Regulations R0110-16 of the
Nevada State Board of Veterinary Medical Examiners

The Nevada State Board of Veterinary Medical Examiners will hold a public hearing at 1:00 p.m. on October 19, 2017 at the Oquendo Center, 2425 E. Oquendo Rd., Las Vegas, NV 89120. The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to Chapter 638 of the Nevada Administrative Code. The following information is provided pursuant to the requirements of NRS 633B.0603:

I: Chapter 638 of NAC is hereby amended by adding the following:

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

Section 2: This regulation sets forth the scope of activities that an 'equine dental provider' may conduct.

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

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

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

(a) Both adverse and beneficial economic effects.

Adverse effects: None known

Beneficial effects: None known

(b) Both immediate and long-term effects.

This section will allow for a clear definition of the scope of equine dental practitioners.

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

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

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

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

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

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

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

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

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

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

II: Chapter 638 of NAC is hereby amended by adding the following:

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

Section 3: *This regulation prohibits a person from practicing as an equine dental provider unless the person is a licensed veterinarian, a licensed veterinary technician who is supervised by a licensed veterinarian or an equine dental provider who has obtained a certificate of registration from the Board. It also establishes the requirement that an applicant must meet for the Board to issue a certificate of registration to practice as an equine dental provider in this State.*

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

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

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

(a) Both adverse and beneficial economic effects.

Adverse effects: None known

Beneficial effects: None known

(b) Both immediate and long-term effects.

This section incorporates the certified equine dental practitioner into the definition of who may perform an equine dental.

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

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

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

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

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

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

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

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

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

There are no new fees or increases to existing fees. There is a decrease in the fee for the licensing of non-profit facilities.

III: Chapter 638 of NAC is hereby amended by adding the following:

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

Section 4: *This regulation establishes the requirements for an equine dental provider to renew his or her certificate of registration.*

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

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

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

(a) Both adverse and beneficial economic effects.

Adverse effects: None known

Beneficial effects: None known

(b) Both immediate and long-term effects.

This section creates a renewal requirement for the equine dental provider to renew his or her certification.

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

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

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

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

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

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

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

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

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

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

IV: A Chapter 638 of NAC is hereby amended by adding the following:

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

Section 5: *This regulation authorizes a registered equine dental provider to practice equine dentistry only under the direct supervision of a licensed veterinarian and requires an equine dental provider to maintain certain records and transmit such records to the treating veterinarian.*

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

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

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

(a) Both adverse and beneficial economic effects.

Adverse effects: None known

Beneficial effects: None known

(b) Both immediate and long-term effects.

This section requires that an equine dental provider work with and under the direct supervision of a licensed veterinarian.

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

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

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

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

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

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

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

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

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

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

V: A Chapter 638 of NAC is hereby amended by adding the following:

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

Section 6: *this regulation authorizes the Board to impose certain disciplinary actions if an equine dental provider violates the provisions of existing law and regulations governing the practice of veterinary medicine or certain standards for the practice of equine dentistry.*

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

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

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

(a) Both adverse and beneficial economic effects.

Adverse effects: None known
Beneficial effects: None known

(b) Both immediate and long-term effects.
This section allows for the discipline of equine dental providers.

4. The estimated cost to the agency for enforcement of this regulation.
There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.
The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.
The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7. If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.
The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.
This regulation does not provide a new increase or increase of fees.

VI: A Chapter 638 of NAC is hereby amended by adding the following:

1. The need and the purpose of the proposed regulation or amendment.
Section 7: *This regulation established the fee the Board will charge and collect for the issuance of a certificate of registration to practice as an equine dental provider or the renewal of such a certificate.*

2. Either the terms or the substance of the regulations to be adopted and amended.
A copy of the proposed regulation is attached to this notice.

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

(a) Both adverse and beneficial economic effects.

Adverse effects: None known
Beneficial effects: None known

(b) Both immediate and long-term effects.
None

4. The estimated cost to the agency for enforcement of this regulation.
There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is

necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

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

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

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

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

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

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

This regulation does provide a new increase or increase of fees.

Persons wishing to comment upon the proposed action of the Nevada State Board of Veterinary Medical Examiners may appear at the scheduled public hearing or may address their comments, data, views, arguments, or comment on any business impact in written form to the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno, Nevada, 89502. Written submissions must be received by the Nevada State Board of Veterinary Medical Examiners 10 days prior to the hearing date. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Veterinary Medical Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno, Nevada, 89502 and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. This information is also available at the Nevada State Board of Veterinary Medical Examiners website at <https://www.nvvetboard.us> under "What's New." A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Board of Veterinary Medical Examiners
4600 Kietzke Lane, O-265
Reno, NV

All Nevada County Public Libraries

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

LCB File No. R110-16

July 5, 2017

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

AUTHORITY: §§1-5, 7 and 8, NRS 638.070; §6, NRS 638.070 and 638.147.

A REGULATION relating to veterinary medicine; requiring a person who performs certain acts constituting equine dentistry to be a licensed veterinarian, a licensed veterinary technician supervised by a licensed veterinarian or the holder of a certificate of registration to practice as an equine dental provider issued by the Nevada State Board of Veterinary Medical Examiners; establishing the requirements and fee for the issuance and renewal of a certificate of registration to practice as an equine dental provider; adopting provisions governing the practice of equine dentistry; providing penalties; 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 concerning veterinary dentistry and the provision of such services by licensed providers of health care under the supervision of a licensed veterinarian. (NRS 638.070) **Section 2** of this regulation sets forth the scope of activities that an “equine dental provider” may conduct. **Section 3** of this regulation prohibits a person from practicing as an equine dental provider unless the person is a licensed veterinarian, a licensed veterinary technician who is supervised by a licensed veterinarian or an equine dental provider who has obtained a certificate of registration from the Board. **Section 3** also establishes the requirements that an applicant must meet for the Board to issue a certificate of registration to practice as an equine dental provider in this State. **Section 4** of this regulation establishes the requirements for an equine dental provider to renew his or her certificate of registration. **Section 7** of this regulation establishes the fee the Board will charge and collect for the issuance of a certificate of registration to practice as an equine dental provider or the renewal of such a certificate. **Section 5** of this regulation authorizes a registered equine dental provider to practice equine dentistry only under the direct supervision of a licensed veterinarian and requires an equine dental provider to maintain certain records and transmit such records to the treating veterinarian. **Section 6** of this regulation authorizes the Board to impose certain disciplinary actions if an equine dental provider violates the provisions of existing law and regulations governing the practice of veterinary medicine or certain standards for the practice of equine dentistry.

Section 1. Chapter 638 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. 1. *As used in sections 2 to 6, inclusive, of this regulation, “equine dental provider” means a person who examines and treats the mouth and teeth of an animal of the equine species through the use of any of the following procedures:*

(a) The removal of enamel points from teeth using a handheld file, rasp or motorized or air powered devices;

(b) The reestablishment of normal molar table angles and freeing up lateral excursion and other normal movements of the mandible;

(c) The shaping of the lingual aspect of the lower arcades and the buccal aspect of the upper arcades to a rounded smooth surface; and

(d) The removal of points from the buccal aspect of the upper arcade and the lingual aspect of the lower arcade.

2. Except as otherwise provided in this subsection, the term does not include a person who extracts teeth or performs oral surgery. The term includes a person who extracts a tooth that is loose digitally and can be extracted without the cutting of gum or other soft tissue.

3. The term does not include a veterinarian, licensed veterinary technician or veterinary technician in training acting within his or her scope of practice.

Sec. 3. 1. *A person shall not practice as an equine dental provider in this State unless he or she is:*

(a) A licensed veterinarian;

(b) A licensed veterinary technician who complies with the provisions of NAC 638.053; or

(c) An equine dental provider who has obtained a certificate of registration to practice as an equine dental provider pursuant to this section and complies with the provisions of section 5 of this regulation.

2. A person who desires to secure a certificate of registration to practice as an equine dental provider in this State must submit a 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) Is a citizen of the United States or lawfully entitled to remain and work in the United States;

(c) Holds a current certification from the International Association of Equine Dentistry or its successor organization or another professional equine dentistry association approved by the Board;

(d) Has obtained a written statement from a licensed veterinarian experienced in large animal medicine that the applicant will be under direct supervision of the veterinarian; and

(e) Is covered by liability insurance for the practice as an equine dental provider.

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

5. Except as otherwise provided in section 6 of this regulation, 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 applicant a certificate of registration to practice as an equine dental provider.

Sec. 4. 1. *Each certificate of registration issued pursuant to section 3 of this regulation or renewed pursuant to this section expires on January 1 of each year.*

2. *Each application for renewal of a certificate of registration must be:*
 - (a) *Submitted in the form established by the Board;*
 - (b) *Signed by the equine dental provider;*
 - (c) *Accompanied by proof that his or her certification from the International Association of Equine Dentistry or its successor organization or other professional equine dentistry association approved by the Board is current; and*
 - (d) *Accompanied by proof that the equine dental provider completed, during the immediately preceding calendar year, at least 8 hours of continuing education in equine dentistry approved by the Board.*
3. *An equine dental provider who fails to renew his or her certificate of registration before it expires forfeits the certificate of registration.*
4. *Except as otherwise provided in section 6 of this regulation, upon receipt of the application for renewal and the information required by subsection 2 and payment of the renewal fee required pursuant to NAC 638.035, the Board will renew the certificate of registration of the equine dental provider.*

Sec. 5. *1. An equine dental provider who has been issued a certificate of registration pursuant to section 3 of this regulation may practice equine dentistry only:*

(a) Under the direct supervision of a licensed veterinarian who has established a valid veterinarian-client-patient relationship concerning the animal receiving the equine dentistry treatment and has performed an appropriate examination of the animal before the equine dentistry is performed; and

(b) If the equine dental provider assumes individual liability for the quality of the equine dentistry performed by the equine dental provider.

2. The licensed veterinarian under whose direction the equine dental provider performs the equine dentistry:

(a) Is required to directly supervise the equine dental provider during the equine dentistry treatment.

(b) Is not liable for the acts or omissions of the equine dental provider who performs the equine dentistry.

3. Each equine dental provider who has been issued a certificate of registration shall:

(a) Maintain in this State for at least 4 years a separate written record of each animal receiving equine dentistry treatment from the provider.

(b) Within 48 hours after the initial visit with the animal, mail or transmit electronically a complete copy of the record to the licensed veterinarian under whose direction the equine dental provider performs the equine dentistry.

(c) Within 48 hours after each subsequent visit with the animal, mail or transmit electronically a progress report to the licensed veterinarian under whose direction the equine dental provider performs the equine dentistry.

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

5. The licensed veterinarian shall include the copy of the record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. The written 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 dental chart of the animal; and

(f) The progress and disposition of the case.

Sec. 6. 1. A violation of the provisions of this chapter or chapter 638 of NRS, or a ruling of misconduct or noncompliance with the standards of practice of equine dentistry by the International Association of Equine Dentistry or its successor organization, may be grounds for disciplinary action.

2. If the Board determines that an applicant for a certificate of registration pursuant to section 3 of this regulation or an equine dental provider who has been issued a certificate of registration pursuant to section 3 of this regulation has committed any act which is a ground for disciplinary action, the Board may:

(a) Refuse to issue a certificate of registration.

(b) Refuse to renew a certificate of registration.

(c) Revoke a certificate of registration.

(d) Suspend a certificate of registration for a definite period or until further order of the Board.

(e) Impose an administrative fine in an amount not to exceed \$10,000 for each act that constitutes a ground for disciplinary action.

(f) Place an equine dental provider who has been issued a certificate of registration on probation subject to any reasonable conditions imposed by the Board, including, without limitation, requiring courses in continuing education or a periodic or continuous review of his or her practice of equine dentistry.

(g) Administer a public reprimand or consent decree.

(h) Require the equine dental provider who has been issued a certificate of registration to take a competency examination or a mental or physical examination.

(i) Require the equine dental provider who has been issued a certificate of registration to pay all costs, including, without limitation, attorney's fees, incurred by the Board in taking disciplinary action against him or her.

Sec. 7. 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
<i>For a registration to practice as an equine dental provider</i>	<i>100</i>
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
<i>For the annual renewal of a registration to practice as an equine dental provider</i>	
	100
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
For a duplicate of a license, registration or permit described in this section.....	10

Sec. 8. NAC 638.730 is hereby amended to read as follows:

638.730 1. Except as otherwise provided in NAC 638.0525 or 638.053, ***or section 3 of this regulation,*** 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~~ :
- (a) *Using* cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth ~~+~~; *or*
 - (b) *Practicing as an equine dental provider in accordance with sections 2 to 6, inclusive, of this regulation.*

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.