

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

LCB File No. R110-16

July 21, 2016

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 equine dentistry 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 equine dentistry; 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. (NRS 638.070) **Section 2** of this regulation sets forth the scope of activities considered to be “equine dentistry.” **Section 3** of this regulation prohibits a person from practicing equine dentistry unless the person is a licensed veterinarian, a licensed veterinary technician who is supervised by a licensed veterinarian or a provider of equine dentistry 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 equine dentistry in this State. **Section 4** of this regulation establishes the requirements for a provider of equine dentistry 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 equine dentistry or the renewal of such a certificate. **Section 5** of this regulation authorizes a registered provider of equine dentistry to practice equine dentistry only under the direction of a licensed veterinarian and requires a provider of equine dentistry to maintain certain medical records and transmit such records to the treating veterinarian. **Section 6** of this regulation authorizes the Board to impose certain disciplinary actions if a provider of equine dentistry 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 dentistry” means the examination and treatment of the mouth and teeth of an animal of the equine species through the use of the following procedures:*

(a) The removal of enamel points from teeth using a handheld file or rasp that is not motorized or air powered;

(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. The term does not include the extraction of teeth or the performance of oral surgery.

Sec. 3. 1. *A person shall not practice equine dentistry 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) A provider of equine dentistry who has obtained a certificate of registration to practice equine dentistry 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 equine dentistry 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 of equine dentistry.

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 equine dentistry.

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 provider of equine dentistry;

(c) Accompanied by proof that his or her certification from the International Association of Equine Dentistry or its successor organization or other association is current; and

(d) Accompanied by proof that the equine dentistry provider completed, during the immediately preceding calendar year, at least 8 hours of continuing education in equine dentistry approved by the Board.

3. A provider of equine dentistry 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 provider of equine dentistry.

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

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

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

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

(a) Is not required to supervise the provider of equine dentistry during the equine dentistry treatment.

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

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

(a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving 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 medical record to the licensed veterinarian under whose direction the provider of equine dentistry 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 provider of equine dentistry performs the equine dentistry.

4. *Any medical 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 medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. The written medical record must include, without limitation:*

(a) The name, address and telephone number of the owner of the animal;

(b) The name or identifying number, or both, of the animal;

(c) The age, sex and breed of the animal;

(d) The dates of care, custody or treatment of the animal;

(e) The 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 a provider of equine dentistry 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 a fine in an amount not to exceed \$10,000 for each act that constitutes a ground for disciplinary action.

(f) Place a provider of equine dentistry 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 provider of equine dentistry who has been issued a certificate of registration to take a competency examination or a mental or physical examination.

(i) Require the provider of equine dentistry 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 equine dentistry.....</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

For the annual renewal of a registration to practice equine dentistry.....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 section10

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 equine dentistry 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.