

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE R074-21

The following statements is submitted for adopted amendments to the Nevada Administrative Code (NAC) Chapter 638.

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is necessary to update the regulations to align with recent statutory changes enacted by AB200.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by email to persons who were known to have an interest in the subject of veterinary medicine as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Board of Veterinary Medical Examiners, nvvetboard.nv.gov, the office of the Nevada Board of Veterinary Medical Examiners at 4600 Kietzke Ln. Suite O-265, Reno, NV 89502, Sierra View and Clark County library, notice.nv.gov, the Office of the Attorney General in Reno and Las Vegas.

A workshop was held in conjunction with the quarterly meeting of the Board on July 22, 2021, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments. Additional workshops were held on September 24, 2021, and on October 21, 2021, attached hereto, contain summaries of the discussion held regarding the proposed amendments.

Thereafter, a public hearing was held on June 30, 2022, the Executive Director of the Board of Veterinary Medical Examiners issued a Notice of Intent to Act Upon a Regulation which included changes incorporated in the proposed amendments from public comment submitted during the rulemaking process.

A copy of this summary of the written submissions to the proposed regulation are included.

3. The number persons who:

- (a) Attended each hearing:** July 22, 2021: (1); September 24, 2021: (1); October 21, 2021(2); June 30, 2022 (1):
- (b) Testified at each hearing:** July 22, 2021: (1); September 24, 2021: (0); October 21, 2021:(1); June 30, 2022 (0):
- (c) Submitted to the agency written comments: 3**

4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**
5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted on June 30, 2022, with changes that were incorporated during the previous workshops that took place July 22, September 24, and October 21, 2021

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) **Both adverse and beneficial effects; and**
- (b) **Both immediate and long-term effects.**

- (a) Both adverse and beneficial effects

The regulations should have no foreseeable negative effects because the change in fee schedule does not increase the fees but does only require a biannual renewal which is more convenient for licensees. Additionally, moving the renewal date to end of June from the end of December (which is a particularly busy time for our licensees) should be an additional convenience. Additionally, the move to biannual renewal will increase efficiency and reduce the workload that is required for an annual renewal period. The other elements of the adopted regulations serve to clarify the statutory language that went into effect October 1, 2021.

- (b) Both immediate and long-term effects.

As an immediate effect, there will be a transition from annual to biannual renewal period which will temporarily increase staff outreach and resources to communicate the changes to our licensees, but over the long-term the biannual renewal should reduce staff workload and increase efficiency and convenience for our licensees.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

- 9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed regulation duplicates.

- 10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are no federal regulations that apply.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increase an existing fee.

STATE OF NEVADA



BOARD OF VETERINARY MEDICAL EXAMINERS

PUBLIC NOTICE

AGENDA

The Nevada State Board of Veterinary Medical Examiners will conduct a board meeting on

The Nevada State Board of Veterinary Medical Examiners will conduct a hearing regarding the adoption, amendment, and repeal of regulations pertaining to NAC 638 on June 30, 2022, at 8:00 am. Pursuant to NRS 241.023(1)(c) the meeting is being conducted by means of remote technology. The public may attend the meeting via live stream remotely or in-person at the following location:

Nevada Veterinary Board Office
4600 Kietzke Ln. Suite O-265
Reno, NV 89502

Video/Teleconference Venue:
Telephone/Audio Only: 857-799-9907
Online meeting ID: nevadaveterinary
Online meeting: <https://join.freeconferencecall.com/nevadaveterinary>

Please note:

The Board of Veterinary Medical Examiners may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency and effectiveness of the meeting;

The Board of Veterinary Medical Examiners may combine two or more agenda items for consideration;

The Board of Veterinary Medical Examiners may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Public comment is welcomed by the Board but will be heard only when that item on the agenda is reached and will be limited to five minutes per person. The President may allow additional time to a given speaker as time allows and at his sole discretion.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS

233B.126. Please be aware that after the quasi-judicial board or commission had rendered a decision in the contested case and assuming this happens before adjournment, then the Board or commission may entertain public comment on the proceeding at that time.

The Board of Veterinary Medical Examiners may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

REGULAR AGENDA

1. **Public Comment:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item which action will be taken. (NRS241.020)
2. **Public Hearing to Adopt Regulations R074-21 (For Possible Actions)**
Amendment/Repeal/Adoption of Language to NAC 638 will include:
 - Removal of notary requirement from applications
 - Definition of physical examination
 - Biennial renewals and proportional adjustments to continuing education and renewal fees.
 - Certain terms from 'practice of veterinary medicine'
3. **Requests for Review/Approval/Waiver of Registration, Licensure Requirements, Examination Requirements, Extensions, Education Approval, Criminal Background, Disciplinary Actions, or Reinstatement (For Possible Action)**
 - a. **Devin Spears: Request for Approval of LVT Application**
4. **Public Comment:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item which action will be taken. (NRS241.020)
5. **Adjournment for Possible Action**

Accommodations and Supporting Materials: Nevada State Board of Veterinary Medical Examiners will make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Should special arrangements for the meeting be necessary or to obtain supporting material, please notify the Nevada State Board of Veterinary Medical Examiners in writing as soon as possible at:

Nevada State Board of Veterinary Medical Examiners
Attn: Jennifer Pedigo
4600 Kietzke Ln. O-265
Reno, NV 89502
Or by phone: 775-688-1788

This notice has been posted at the following locations and is available for viewing at nvvetboard.us (agendas and minutes) and nv.gov (public notices home page):

Board of Veterinary Medical Examiners, Reno, Nevada
4600 Kietzke Lane, O-265
Reno, NV
All Nevada County Public Libraries

- <https://nvvetboard.nv.gov/Meetings/Home>

- www.notice.nv.gov

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Amendment of Regulations R074-21 of the
Nevada State Board of Veterinary Medical Examiners

The Nevada State Board of Veterinary Medical Examiners will hold a public hearing at 8:00am on June 30, 2022 by teleconference at 1-857-799-9907. 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 233B.0603:

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

Section 1 of this regulation interprets the term “physical examination.”

Section 2 of this regulation removes the requirements established in regulation regarding a ‘veterinarian-client-patient-relationship’ as it is now defined in statute.

Sections 5-9, 11-13 of this regulation removes the requirement for notarization of documents concurrent with AB200.

Section 8, 10, 12 of this regulation establishes a biennial registration period for each permit and certificate concurrent with AB200.

Section 3-4 of this regulation adjusts the amount of existing fees in conformity with the biennial renewal period of registrations issued with the Board. The section adjusts fees such that the fee is reduced by half if collected in the 12 months preceding the expiration of the certificate.

Section 14 of this regulation repeals conduct that is not included in the term ‘practice of veterinary medicine’.

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

Beneficial effects: The fees amounts have not increased. Licensees will no longer have to renew annually which reduces the stress and time spent on administrative functions in practices. Additionally, moving the renewal period to end on June 30, brings the renewal period to a less demanding and hectic time for licensees both in their professional and personal life. It would also reduce staffing cost and resources thus increasing fiscal and resource efficiency.

(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.

The regulation does not establish or increase any fees. The fee adjustments for the renewals are the same for the length of time for which the renewal of the license is being issued.

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. 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
<https://nvvetboard.nv.gov/Meetings/home/>
<https://notice.nv.gov>

STATE OF NEVADA



BOARD OF VETERINARY MEDICAL EXAMINERS

MINUTES

June 30, 2022, at 8:00 am.

The Nevada State Board of Veterinary Medical Examiners will conduct a board meeting on

The Nevada State Board of Veterinary Medical Examiners conducted a hearing regarding the adoption, amendment, and repeal of regulations pertaining to NAC 638 on June 30, 2022, at 8:00 am. Pursuant to NRS 241.023(1)(c) the meeting is was conducted by means of remote technology via live stream, telephonically, or in-person at the following location:

Nevada Veterinary Board Office
4600 Kietzke Ln. Suite O-265
Reno, NV 89502

Video/Teleconference Venue:

Telephone/Audio Only: 857-799-9907

Online meeting ID: nevadaveterinary

Online meeting: <https://join.freeconferencecall.com/nevadaveterinary>

Steve Damonte, DVM, President
James O'Dea, DVM, Vice President
Deborah White, DVM, Treasurer
Stacy Hosking, DVM
Michael Knehr, DVM
Melissa Schalles, LVT
Jacqueline Peterson, Public Member

Jennifer Pedigo, Executive Director
Christina Johnson, LVT, Hospital Inspector
Louis Ling, Esq., Board Counsel

Dr. Damonte, Board president, called the meeting to order at 8:06am. Dr. Damonte took roll of Board members and staff. Dr. Bullard was absent.

REGULAR AGENDA

1. Public Comment: None

2. Public Hearing to Adopt Regulations R074-21 (For Possible Actions)

Ms. Pedigo presented each section for review and to solicit comments. No changes or comments were made to the language presented.

Motion: Ms. Schalles moved to adopt the language as it is currently written.

Second: Dr. O'Dea

Passed: Unanimous.

3. Requests for Review/Approval/Waiver of Registration, Licensure Requirements, Examination Requirements, Extensions, Education Approval, Criminal Background, Disciplinary Actions, or Reinstatement (For Possible Action)

a. Devin Spears: Request for Approval of LVT Application

Discussion: The Board reviewed all documentation presented. Mr. Spears was present for discussions.

Motion: Dr. O'Dea moved to accept Mr. Spears application for licensure.

Second: Dr. Knehr

Passed: All aye.

4. Public Comment: None

5. Adjournment for Possible Action

Motion: Ms. Schalles moved to adjourn at 8:29 a.m.

Second: Dr. Knehr

Passed: Unanimous.

STATE OF NEVADA



BOARD OF VETERINARY MEDICAL EXAMINERS

PUBLIC NOTICE

Minutes

The Nevada State Board of Veterinary Medical Examiners will conduct a board meeting on

Thursday, October 21, 2021 at 9:00AM

4600 Kietzke Ln. Suite O-265

Reno, NV 89502

and

at the following conference number:

1-857-799-9907

Board Members Present

Steve Damonte, DVM, President

Ronald Sandoval, DVM, Vice President

John Bullard, DVM

Jacqueline Peterson

James O'Dea, DVM

Deborah White, DVM

Michael Knehr, DVM

Melissa Schalles, LVT

Board Staff Present

Jennifer Pedigo, Executive Director

Christina Johnson, LVT, Hospital Inspector

John Crumley, DVM, Board Investigator

Louis Ling, Esq., Board Counsel

Corretta Patterson, DVM, DACVIM, Board Investigator

Dr. Damonte, the Board president, call the meeting to order at 9:01 am. He took roll of Board members and staff, all were present. Dr. O'Dea left the meeting at 12:27 p.m. and Ms. Schalles left at 4:45 p.m.

Public Comment: Dr. Dennis Olsen commented on the LVT/ VTIT point system for applicants who have not graduated from AVMA accredited programs.

CONSENT AGENDA

1. Approval of Consent Agenda for Possible Action

A. 05-2021FAC-32

B. 06-2021FAC-42

Discussion: The complaints were reviewed by the Board.

Motion: Ms. Schalles moved to accept the review panel's recommendations for dismissal for Items A – B.

Second: Dr. White

Passed: Unanimous; Dr. Sandoval abstained from Item 1A; Dr. Damonte abstained from Item 1B.

No public comment was given.

2. Approval of Board Minutes for Possible Action

A. July 22, 2021 Board Meeting minutes

B. September 14, 2021 LVT/VTIT Alternate Credential Ad Hoc Committee

C. September 24, 2021 Regulation Workshop minutes

Discussion: Dr. White noted typographic errors on 2B. Typographical errors were noted. Ms. Pedigo recorded the errors to be corrected.

Motion: Dr. White moved to accept the minutes with corrections.

Second: Dr. Sandoval

Passed: Unanimous.

REGULAR AGENDA

3. Review & Determination of Complaints/Disciplinary Action & Disciplinary Hearings for Possible Action:

The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

A. 09-2020DVM-63: Brian Rokos, DVM (2730): Settlement Agreement

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Dr. Knehr moved to accept the Settlement Agreement.

Second: Dr. White

Passed: Unanimous; Dr. Damonte abstained.

No public comment was given.

B. 11-2020FAC-76: Blue Pearl Sierra Veterinary Specialists (H408): Settlement Agreement or Board decision for Administrative Hearing.

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Dr. Sandoval moved to accept the Settlement Agreement.

Second: Dr. White

Passed: Unanimous; Dr. Bullard abstained.

No public comment was given.

C. 02-2021DVM-18: Lisa Lewis, DVM (2127): Settlement Agreement or Board Decision for Administrative Hearing.

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Ms. Schalles moved to accept the Settlement Agreement.

Second: Dr. Sandoval

Passed: Unanimous; Dr. White abstained.

No public comment was given.

D. 03-2021DVM-21: Mark Ben Paulino, DVM (2900): Settlement Agreement or Board Decision for Administrative Hearing.

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Dr. Sandoval moved to accept the Settlement Agreement.

Second: Dr. White

Passed: Unanimous; Dr. Knehr abstained.

No public comment was given.

E. 06-2021FAC-49: West Charleston Animal Hospital (H282): Settlement Agreement or Board Decision for Administrative Hearing.

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Dr. Damonte moved to accept the Settlement Agreement.

Second: Dr. Knehr

Passed: Unanimous; Ms. Schalles abstained.

No public comment was given.

F. 04-2021DVM-27; 04-2021DVM-28

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensees because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. Sandoval moved to dismiss the complaint against both licensees.

Second: Dr. White

Passed: Unanimous; Dr. Knehr abstained.

No public comment was given.

G. 04-2021DVM-29; 04-2021DVM-30; 04-2021FAC-31

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensees and facility because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. Bullard moved to dismiss the complaint against all parties.

Second: Dr. Knehr

Passed: Unanimous; Dr. Sandoval abstained.

Public comment was given.

H. 05-2021DVM-33

Discussion: After discussion of the complaint assessment with the review panel, the Board moved to issue a Letter of Correction.

Motion: Dr. White moved to issue a Letter of Correction.

Second: Dr. Sandoval

Passed: Unanimous; Dr. Damonte abstained.

No public comment was given.

I. 05-2021FAC-34

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaints with a Letter of Concern.

Motion: Dr. Knehr moved to dismiss the complaint with a Letter of Concern.

Second: Dr. Sandoval

Passed: Unanimous; Dr. Schalles abstained.

No public comment was given.

J. 05-2021DVM-35; 05-2021DVM-36

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensees and facility because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. Sandoval moved to dismiss the complaint against both licensees.

Second: Ms. Schalles

Passed: Unanimous; Dr. Knehr abstained.

Public comment was given.

K. 05-2021DVM-37

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint with a Letter of Concern.

Motion: Dr. Sandoval moved to dismiss the complaints with a Letter of Concern.

Second: Dr. Knehr

Passed: Unanimous; Dr. White abstained.

No public comment was given.

L. 05-2021DVM-38

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board move to initiated disciplinary action against the licensee.

Motion: Ms. Schalles moved to have staff and Mr. Ling initiate disciplinary action the license.

Second: Dr. Sandoval

Passed: Unanimous; Dr. O'Dea abstained.

Public comment was given.

M. 05-2021DVM-39

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board move to initiated disciplinary action against the licensee.

Motion: Dr. Sandoval moved to have staff and Mr. Ling initiate disciplinary action the facility.

Second: Dr. O'Dea

Passed: Unanimous; Dr. Knehr abstained.

Public comment was given.

N. 05-2021DVM-40

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint with a Letter of Concern.

Motion: Dr. Sandoval moved to dismiss the complaint with a Letter of Concern.

Second: Dr. Knehr

Passed: Unanimous; Dr. White abstained.

No public comment was given.

O. 05-2021DVM-41

Discussion: After discussion of the complaint assessment with the review panel, the Board had dismissed the complaint against the licensee because there was not sufficient evidence to determine that the licensee committed an act which constitutes a cause for disciplinary action.

Motion: Dr. White moved to dismiss the complaint.

Second: Dr. Knehr

Passed: Unanimous; Dr. Bullard abstained.

No public comment was given.

P. 06-2021DVM-50; 06-2021DVM-51; 06-2021FAC-52

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board elected disciplinary action be initiated against the facility **(06-2021FAC-52)** and dismiss the complaint against the licensees **(06-2021DVM-50 & 06-2021DVM- 51)** due to insufficient evidence that the licensee committed an act which constitutes disciplinary action.

Motion: Dr. Knehr moved to have staff and Mr. Ling initiate disciplinary action against the facility and dismiss the complaint against the individual licensees.

Second: Dr. O'Dea

Passed: Unanimous; Dr. White recused herself due to prior knowledge.

No public comment was given.

4. Requests for Review/Approval/Waiver of Registration, Licensure Requirements, Examination Requirements, Extensions, Education Approval, Criminal Background, Disciplinary Actions, or Reinstatement (For Possible Action)

A. Steven Boyer, DVM: Veterinarian Application for Review

Discussion: The Board reviewed all documentation presented. Dr. Boyer and his attorney were present on the call.

Motion: Dr. Knehr moved to table the application until the case in California is adjudicated.

Second: Ms. Schalles

Passed: **Aye-** Dr. White, Dr. Damonte, Dr. Knehr, Dr. Bullard, Ms. Peterson, Ms. Schalles; **Nay-** Dr. Sandoval

B. Michael Kahan, DVM: Veterinarian Application for Review

Discussion: The Board reviewed all documentation presented. Dr. Kahan was present on the call.

Motion: Dr. Sandoval moved to deny Dr. Kahan's application for licensure

Second: Dr. White

Passed: Aye- Dr. White, Dr. Damonte, Dr. Sandoval, Dr. Bullard, Ms. Peterson, Ms. Schalles; **Nay-** Dr. Knehr

C. Bridget Flannery: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Flannery was not present for discussions.

Motion: Dr. Sandoval moved to deny Ms. Flannery's registration request.

Second: Dr. Bullard

Passed: Unanimous.

D. Tinsley Kim: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Kim was not present for discussions.

Motion: Dr. Knehr moved to deny Ms. Kim's registration request.

Second: Dr. White

Passed: Unanimous.

E. Yasmin Garcia: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Garcia was not present for discussions.

Motion: Dr. Sandoval moved to deny Ms. Garcia's registration request.

Second: Dr. White

Passed: Unanimous.

F. Kelsey Bassett: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Bassett was not present for discussions.

Motion: Dr. Sandoval moved to accept Ms. Bassett education for licensure.

Second: Dr. Knehr

Passed: Unanimous.

G. Maria Estes: Request for extension of VTIT registration

Discussion: The Board reviewed all documentation presented. Ms. Estes was not present on the call.

Motion: Dr. Knehr moved to extend Ms. Estes' VTIT registration 6 months.

Second: Dr. Sandoval

Passed: Unanimous.

H. Jeremy Gibeau: Request for extension of VTIT registration

Discussion: The Board reviewed all documentation presented. Mr. Gibeau was not present on the call.

Motion: Dr. Knehr moved to extend Mr. Gibeau's VTIT registration 6 months.

Second: Dr. Sandoval

Passed: Unanimous.

I. Avery Campbell: Request for extension of VTIT registration

Discussion: The Board reviewed all documentation presented. Mr. Campbell was not present on the call.

Motion: Dr. Knehr moved to extend Mr. Campbell's VTIT registration 6 months. No further extensions will be considered without taking the VTNE.

Second: Dr. Sandoval

Passed: Unanimous; Dr. White recused herself.

J. Sayed Dadsepah: Request for extension of VGAL registration

Discussion: The Board reviewed all documentation presented. Dr. Dadsepah was present on the call with Dr. Randy Stanton.

Motion: Dr. Knehr moved to extend Mr. Dadsepah's VGAL registration for 1 year.

Second: Dr. White

Passed: Unanimous.

K. Christopher Zwick, VTIT: Request for review and approval of application for LVT licensure

Discussion: The Board reviewed all documentation presented. Mr. Zwick was not present on the call.

Motion: Dr. Knehr moved to accept Mr. Zwick's application for LVT, with the continued stipulations ordered on Mr. Zwick's VTIT registration.

Second: Dr. Sandoval

Passed: Unanimous. Dr. White recused herself.

5. Elections of Board Officers (For Possible Action)

Nominations for Treasurer: Dr. White

1st Dr. O'Dea

2nd Dr. Knehr

Passed: Unanimous

Nominations for Vice President: Dr. O'Dea and Dr. Knehr

Discussion: Ms. Schalles nominated Dr. O'Dea, Dr. Bullard nominated Dr. Knehr.

Vote:

Dr. O'Dea- Aye: Dr. Knehr, Dr. Sandoval, Dr. Damonte, Dr. O'Dea, Ms. Schalles.

Dr. Knehr- Aye: Dr. Bullard, Dr. White, Ms. Peterson

Vice President- Dr. O'Dea

6. Regulation Workshop-Discussion and Determination of Possible Regulations (For Possible Action)

A. Reviewing draft language and possible topics for regulation changes on the following:

The comments from the workshop are a summary and are not meant to serve as a transcript of discussions.

No public comment at start of workshop.

Ms. Pedigo presented the draft language from the September 24, 2021 workshop.

Physical examination language

Dr. Sandoval- believe that both 'objective' and 'subjective' should be in the definition.

Louis Ling- The language in purple is new language and green has been stricken. This is language based on input from the AVMA after discussions at the previous workshop.

Ms. Pedigo- from written comments from the AVMA- a suggestion that 'animals in a group' be removed from the language referring to a herd.

Mr. Ling- agree that removing that comment clarifies the language.

Michelle Wagner- agree that removing that statement clarifies, but do we need further language to avoid ambiguity?

Ms. Schalles- No, it can be fixed with a period.

Dr. Damonte- Is subjectively and objectively defined well enough in our language?

Mr. Ling- the terms are commonly used and don't require further defining in our language.

Ms. Pedigo- from the written comments- there are concerns regarding 'physically proximate vs. on premises/onsite to remove work arounds. 'On site/premises' coincides with language in AB200. What would be clearer for practitioners?

Dr. Sandoval- On premises is more clearly defined. Physically proximate could be looking from across the fence.

Ms. Pedigo- Don't believe they are in conflict, but would need the clearest language.

Dr. Knehr- 'On site' is more definitive, 'physically proximate' is more ambiguous and can be interpreted differently depending on how it can best suit needs of practitioner.

Dr. White- Agree with Dr. Knehr. Physically proximate could be achieved by video or teleconference rather than as a physical presence.

Ling- We are blurring some of the language. The 'in person' portion does not need to be defined at this time. It is already defined in the next section.

Alisa Nave- Would like to insure a clear and concise definition of a physical exam as we move into telemedicine.

Louis Ling- the language says both physically proximate and hands on to complete an evaluation of an animal.

Dr. Damonte- Hands on is not always possible in a large herd setting so observation is of the herd is used to evaluate, meaning both on site or physically proximate should remain in the language as well for herd medicine.

Mr. Ling- Amendment should add 'and subjective' in subsection 1 and subsection 2.

Dr. O'Dea - and striking the last line "group of like animals should be treated..."

Mr. Ling- There was one other change in subsection 3. Pro-rating licensing fee.

Ms. Pedigo- If the Board would like to proceed with the changes discussed we can present them to LCB for review. When the language is returned a hearing will be set for adoption of the language allowing for discussion and public comment before adopted.

Ling- The hearing will be set with 30 days' notice and hopefully be accepted by the end of the year.

Motion: Dr. Sandoval moved to send draft language to LCB for review.

Second: Dr. Schalles

Passed: Unanimous.

Public Comment: Where can the language that was presented today be found? Ms. Pedigo explained where it can be found on our website.

Dr. Damonte closed the workshop.

7. Staff Reports (For Possible Action)

A. Administrative Report- Christina Johnson, LVT

Item not presented

B. Inspection Report-Christina Johnson, LVT

Item not presented.

C. Financial Report-Jennifer Pedigo, Executive Director

Ms. Pedigo presented the available financial data.

D. Legal Report, Louis Ling, Esq

Mr. Ling updated the Board on the completed federal case and pending DETR matter.

E. Legislative Report- Neena Laxalt

Ms. Laxalt presented the legislative update.

8. Consideration and Discussion of Possible Future Regulation, Statute, or Policy Items (For Possible Action)

A. CBD Products in Veterinary Practice

Ms. Pedigo discussed a draft policy for the board regarding CBD for veterinary practitioners.

B. Ad Hoc Committee Report Regarding Point System for LVT/VTIT Application Evaluation

Ms. Pedigo presented an update on discussions from first meeting of the Ad Hoc committee.

C. Telemedicine Unlicensed Practice Enforcement

Item not presented

D. Review of Draft Language for Future Regulations

Item not presented

E. Complaint Investigation Process by Committee

Discussion: Ms. Pedigo presented the investigative committees

Motion: Dr. White moved to go forward with investigative committees.

Second: Dr. Knehr

Passed: Unanimous.

9. Continuing Education-Request for approval of CE's (For Possible Action)

- A.** *"Osteoarthritis: Incorporating Nutraceuticals and Intra-Articular Therapy into Traditional Management Modalities", 1 hour.*

Discussion: Ms. Schalles has reviewed the program and recommends the program for approval

Motion: Dr. Knehr moved approve the Nutramax CE program.

Second: Dr. Sandoval

Passed: Unanimous.

10. Executive Director Performance Review and Consideration of Salary Increase (For Possible Action)

Dr. Sandoval presented the executive director's review comments collected from the Board for review and consideration.

Motion: Dr. White moved to table executive director's review until January Board meeting for further review.

Second: Dr. Damonte

Passed: Unanimous.

11. Agenda items for next meeting

None.

12. Public Comment: No public comment.

13. Adjournment for Possible Action

Motion: Dr. Sandoval moved to adjourn at 6:00 pm.

Second: Dr. Knehr

Passed: Unanimous.



October 18, 2021

Nevada Board of Veterinary Medical Examiners
4600 Kietzke Lane, Suite O-265
Reno, Nevada 89502

Re: Proposed amendments to regulations pertaining to Chapter 638 of Nevada Administrative Code

The American Veterinary Medical Association offers the following comments on the Board's proposed revisions to the regulations in Chapter 638 of the Nevada Administrative Code. We understand and support the need to conform the regulations to the statutory changes enacted by Nevada AB 200 in the last legislative session.

NEED FOR EDUCATION ON THE VCPR DEFINITION

Section 1 proposes an amendment to NAC 638.0197 defining the Veterinarian-Client-Patient Relationship (VCPR). We understand the Board proposes to delete the prior regulatory definition and reference the new statutory definition. This makes sense. However, in order to avoid confusion, we believe that the board should undertake an educational effort for veterinarians as to the interplay of the statutory definition of the VCPR and the rules defining physical examination.

Under the statutory provisions for establishing a VCPR, a veterinarian may obtain knowledge of the present care and health of the animal sufficient to provide at least a general or preliminary diagnosis of the medical condition of the animal by either: (1) Conducting a physical examination of the animal; or (2) Visiting, within a period of time that is appropriate for the medical issue in question, the premises where the animal is kept. *Nev. Rev. Stat. Ann. § AB 200, § 3*. With the proposed regulations, the board intends to further define the term "physical exam." In doing so the board proposes provisions that allow the physical examination of an individual animal or a representative sample of animals treated as a group. Some may confuse the new regulatory definition for a physical exam of a representative sample of animals as somehow impacting the statutory provision that allows knowledge to be obtained by medically appropriate visits to the premises where the animal is kept. This is particularly true since the new regulations do not mention the visits to the premises provision.

We believe the board can alleviate confusion by a clear explanation to Nevada veterinarians, perhaps in the Board's newsletter as the rules are finalized. We believe the messaging should be that one aspect of establishing a VCPR under the statute is that the veterinarian must have

"knowledge of the present care and health of the animal sufficient to provide at least a general or preliminary diagnosis of the medical condition of the animal." This knowledge may be obtained through physical examination, or by visiting the premises where the animal is kept within a period of time that is appropriate for the medical issue in question. The Board's new rulemaking further defines the statutory term "physical examination" which may be conducted on an individual animal or a representative sample for animals treated as a group. The physical examination definition for a representative sample of animals treated as a group does not remove the ability to alternatively establish knowledge for purposes of a VCPR through appropriate visits to the premises as well.

PHYSICAL EXAMINATION

In Section 13 the Board proposes a definition for physical examination. We generally support the approach taken by the Board but do have two requests.

In both Section 13(1) and Section 13(2), the proposed language uses the phrase "objective evaluation" when describing the physical exam of a patient. We believe this most likely related to the correlation with the SOAP method for records, where the physical exam finding would be under the "objective" category. However, there are certainly many subjective aspects to a physical exam. We believe that the word "objective" could be deleted without affecting the intended meaning of the definitions. An alternative would be to insert "subjective and objective" into the definitions.

In Section 13(2), we recommend deleting the phrase, "for the health of each of the animals in the group." In instances where animals are treated as a group, treatments are often directed at the group, not specific individual animals within the group. For example, groups of cattle may be identified for treatment because of a detected risk for Bovine Viral Diarrhea. The animals are identified, separated, and treated as group, but that doesn't mean that every animal in the group has precisely the same risk or level of disease. In short, there are many situations where some animals are treated as a group and not as individuals, which is of course the premise for the new definition. We believe it could be confusing and risks misinterpretation to refer back to each individual within the group in this definition. We do not believe that deleting this phrase will change the Board's intended meaning.

We appreciate the consideration of our comments. Please do not hesitate to be in touch with any questions.

Sincerely,

A handwritten signature in black ink that reads "Janet D. Donlin DVM". The signature is written in a cursive, flowing style.

Janet D. Donlin, DVM, CAE
Executive Vice President and CEO

Memorandum

TO: Nevada Board of Veterinary Medical Examiners

FROM: Alisa Nave-Worth, Nave Veterinary Group
navewortha@gtlaw.com; 702.525.1245

DATE: October 18, 2021

RE: Proposed amendments to regulations pertaining to Chapter 638 of Nevada Administrative Code

The Nave Veterinary Group would like to submit the following comments for consideration.

1. Section 1 proposes an amendment to NAC 638.0197 defining the veterinarian-client-patient relationship. We agree with deleting the old definition and referencing the statute. However, we believe the board should work to educate veterinarians about the new VCPR and physical exam provisions.

Under the statutory provisions for establishing a VCPR, a veterinarian may obtain knowledge of the present care and health of the animal sufficient to provide at least a general or preliminary diagnosis of the medical condition of the animal by either: (1) Conducting a physical examination of the animal; or (2) Visiting, within a period of time that is appropriate for the medical issue in question, the premises where the animal is kept. With the proposed regulations, the board intends to further define the term “physical exam.” In doing so board proposes provisions that allow the physical examination of an individual animal or a representative sample of animals treated as a group. Some may confuse the new regulatory definition for a physical exam of a representative sample of animals, as somehow impacting the statutory provision that allows knowledge to be obtained by medically appropriate visits to the premises where the animal is kept. This is particularly true since the new regulations do not mention the visits to the premises provision.

We believe the board can alleviate any confusion by a clear explanation to Nevada veterinarians, perhaps in the Board’s newsletter as the rules are finalized. We believe the messaging should be that one aspect of establishing a Veterinarian-Client-Patient Relationship under the statute is that the veterinarian must have “knowledge of the present care and health of the animal sufficient to provide at least a general or preliminary diagnosis of the medical condition of the animal.” This knowledge may be obtained through physical examination, or by visiting the premises where the animal is kept within a period of time that is appropriate for the medical issue in question. The Board’s new rulemaking further defines the statutory term “physical examination” which may be conducted on an individual animal or a representative sample for animals treated

To: Nevada Board of Veterinary Medical Examiners
From: Alisa Nave-Worth, Nave Veterinary Group
Date: October 18, 2021
Re: Proposed amendments to regulations pertaining to Chapter 638 of Nevada Administrative Code

Page 2

as a group. The physical examination definition for a representative sample of animals treated as a group does not remove the ability to establish knowledge for purposes of a Veterinarian-Client-Patient Relationship through appropriate visits to the premises as well.

2. Section 13 – physical exam.

The definition for physical exam in both subsection (1) and (2) uses the term “objective” evaluation. There are also many subjective aspects to a physical examination. We think they could either delete the word “objective” without changing the meaning, or they could insert “subjective and” so that it reads “subjective and objective evaluation”. Either approach would add clarity and help avoid confusion.

In Section 13(2), we recommend deleting the phrase, “for the health of each of the animals in the group.” Animals are often treated as a group and the focus is on the group, not individuals within the group. The board is addressing this by having a different definition of a physical examination for animals that are to be treated as a group. This doesn’t mean that every animal within the group has precisely the same risk or level of disease. We believe it could be confusing and risks misinterpretation to refer back to each individual within the group in this definition. We do not believe that deleting this phrase will change the Board’s intended meaning.

STATE OF NEVADA



BOARD OF VETERINARY MEDICAL EXAMINERS

Minutes

The Nevada State Board of Veterinary Medical Examiners will conduct a board meeting on

Friday, September 24, 2021 at 1:00PM at

4600 Kietzke Ln Suite O-265

Reno, NV 89502

and

at the following conference number:

1-857-799-9907

Board Members Present

Ronald Sandoval, DVM, Vice President

Melissa Schalles, LVT

John Bullard, DVM

Jacqueline Peterson

Michael Knehr, DVM

Board Staff Present

Jennifer Pedigo, Executive Director

Christina Johnson, LVT, Hospital Inspector

John Crumley, DVM, Board Investigator

Louis Ling, Esq., Board Counsel

Dr. Sandoval, the Board Vice-President, called the meeting to order at 1:00 pm. He took roll of Board members and staff. Dr. White, Dr. O'Dea, and Dr. Damonte were not present for the workshop.

Public Comment: None

Regular Agenda

1. Regulation Workshop-Discussion and Determination of Possible Regulations (For Possible Action)

A. Reviewing draft language and possible topics for regulation changes on the following:

Jennifer Pedigo gave a brief update prior to beginning review of the changes made requested at the last workshop.

Section 1- Ms. Pedigo explained that no changes were made to this section other than removing the definition of VCPR.

Section 2- Change of fee schedule to align with the new renewal schedule and how it will be altered if applying for licensure mid-cycle.

Ronald Sandoval, DVM- Does this add a level of difficulty for staff trying to keep track of this?

Ms. Pedigo- We already have communications that begin in October for licensing new applicants. We let them know that they will have to renew by December 31 if their license is issued in this calendar year, or if they can wait until January 1, we will issue the first day of the new year to save them that expense. It does add a slight level of complexity, but if we have it by policy or it doesn't work out, we can bring it back to you and amend it in the future. Renewal fees have remained the same, they have just been doubled to reflect the biennial renewal and is explained in paragraph 3 along with the non-refundable fees.

Section 3- Updates the number of CE hours needed for the 24-month renewal period doubling the hours required for both LVT's and DVM's. Paragraph 4 outlines the CE requirement for new licensees.

Dr. Sandoval- Do we need to address the number of hours that are in-person or that can be earned online?

Ms. Pedigo- The same stipulations have been applied. Half of the hours earned must be performed live or in-person. This has been amended when the situation has called for it, but if we want to switch to all online, going forward we would need to change the regulations.

Melissa Schalles, LVT- Was there a reason we went to half online, half in-person?

Ms. Pedigo- Yes. The impetus was that hands on learning is important and getting those hours in a lab or in-person lecture could prove more beneficial. The prevalence and quality of online CE has improved over time. So, if want to revisit that requirement we can do that now.

Ms. Schalles- I think in the time and era we are in, it is going to be harder and harder to find in-person that isn't going to require the distancing, and it will be harder find quality in-person CE. Whereas the quality of online CE has been amazing.

Dr. Sandoval- Although, here in Nevada, with both Western (Viticus) and Wild West, we have two great options of getting at least half of your required hours done for the 2-year period. Also, I believe it helps to promote the profession. I would like to keep it at half and half.

Dr. Knehr- I agree with Dr. Sandoval.

Ms. Schalles- I was looking at it from the technician standpoint with the time away from the clinic, the cost of the conferences, and the cost to the clinic being down 1 or more technician for the period of the conferences.

Dr. Bullard- Melissa can you share some of those online CE suggestions?

Ms. Schalles- ACT, IDEXX, Hills are all quality programs, and even Royal Canin.

Dr. Sandoval- @Dove, VetGirl

Ms. Schalles- Vet Med Team.

Ms. Pedigo- In the bulletin, we try to include suggestions for free CE. It sounds like we want to keep the half and half in place, but I think in January we will want to re-evaluate a possible waiver again for the next renewal period based on conditions at that time.

Section 4- Removes the notary requirement from DVM reactivation applications.

Section 5- Removes the notary requirement from DVM and LVT applications.

Section 6- Removes the notary requirement for facility applications.

Section 7- Changes the dates for renewals and removes the notary requirement.

Section 8- Removes the notary requirement from Physical Therapy applications.

Section 9- Is a technical section, regarding civil procedure, about service and notification if we have not been able to reach an individual for a hearing.

Section 10- Changes the renewal dates for physical therapy licenses.

Section 11 and Section 12- Changes the renewal dates for chiropractic licenses and removes the notary requirement.

Section 13- The changes made to the definition of “physical Exam’ based on our discussion and with input from the NVMA.

Dr. Sandoval – I have some questions on how this would work for herd medicine and maybe clarifying or creating a specific definition for herd medicine. Does it just need to be clarified more specifically?

Ms. Pedigo – I think it needs to be called out specifically to ensure that individuals are do not try to circumvent the intention of the regulation.

Louis Ling- I agree with Jennifer, the only time a veterinarian is not likely going to need to go out and touch and objectively evaluate a herd of cattle. If treating an individual animal, a physical exam will be needed.

Dr. Sandoval- We would get a shipment of cattle and go out and make a general observation and determine what was needed and then the rancher would provide the injections.

Ms. Pedigo- I think the definition should specify the herd medicine requires observation on premises.

Nina Laxalt- I think this would meet the ranchers' expectations.

Mr. Ling- I just want to make sure that it is clear that the herd vs. individual animal (horse or cattle) are not being treated under the herd medicine definition to try and circumvent the VCPR requirement.

Ms. Schalles- Doctors, how would this work in daily practice when you have a litter of puppies, and one tests positive for giardia? Do you generally treat the whole litter?

Ms. Pedigo- In the past, the regulations have treated them as a herd. So, we leave out the word livestock to leave it up to the medical professional to make the determination of what a herd is. Do we include in the definition that for herd medicine individual examination is not required?

Louis Ling- We will make this item 1 and add a subsection that includes a exception to specifically address this situation. What about an animal control situation where a large group of animals are seized. Are they taken to a private hospital for examination or to a shelter? If taken to a private practice, are they seen individually or as a whole?

Dr. Knehr- The physically proximate definition is close to what you are trying to achieve.

Louis Ling- The key is the 'physically proximate' because you should not be able to phone in herd medicine.

Dr. Sandoval- The term of herd health could state "requires physical proximity sufficient to establish...."

Ms. Pedigo- I will bring these changes back for review in October. The reason for the changes to the definition are due to some arguments as to how the definition of physical can be interpreted. Louis, can this language be approved outside of a workshop in October?

Louis Ling- These changes need to be reviewed by the Board at a workshop before we can move to hearing. A workshop in October would be prove to the legislature that we attempted to get as much outside input as possible, prior to moving to hearing.

Dr. Sandoval- So, we need a vote to continue a workshop at the October Board meeting.

Motion: Ms. Schalles moved to adjourn the workshop.

Second: Dr. Sandoval

Passed: Unanimous

2. Public Comment: None

3. Adjournment for Possible Action

Motion: Ms. Schalles moved to adjourn the meeting.

Second: Dr. Knehr

Passed: Unanimous

STATE OF NEVADA



BOARD OF VETERINARY MEDICAL EXAMINERS

PUBLIC NOTICE

Minutes

The Nevada State Board of Veterinary Medical Examiners will conduct a board meeting on
Thursday, July 22, 2021 at 8:00AM

Aloft Hotel

2015 Terminal Way

**Reno, NV 89502 and at the following conference number:
1-857-799-9907**

Board Members Present

Steve Damonte, DVM, President
Ronald Sandoval, DVM, Vice President
John Bullard, DVM
Melissa Schalles, LVT
James O'Dea, DVM
Deborah White, DVM
Michael Knehr, DVM

Board Staff Present

Jennifer Pedigo, Executive Directors
Christina Johnson, LVT, Hospital Inspector
John Crumley, DVM, Board Investigator
Louis Ling, Esq., Board Counsel

Dr. Damonte, the Board president, call the meeting to order at 8:12 am. He took roll of Board members and staff, all were present. Ms. Jacqueline Peterson was not present. Ms. Schalles was attending remotely.

CONSENT AGENDA

1. Approval of Consent Agenda for Possible Action

A. 02-2021DVM-07

Motion: Dr. Sandoval moved to move Item 1A to the regular agenda for review and discussion.

Second: Dr. Damonte

Passed: Unanimous; Dr. Bullard abstained.

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensee because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. White moved to dismiss the complaint.

Second: Dr. Sandoval

Passed: Unanimous; Dr. Bullard abstained.

No public comment given.

B. 02-2021DVM-08

C. 02-2021DVM-13

D. 03-2021DVM-24; 03-2021DVM-25

Discussion: The complaints were reviewed by the Board.

Motion: Dr. O'Dea moved to accept the review panels recommendations for dismissal for Items B - D.

Second: Dr. Knehr

Passed: Unanimous; Dr. White abstained from Item 1C; Ms. Schalles abstained from Item 1D. Ms. Peterson was not present for Item 1B.

No public comment was given.

2. Approval of Board Minutes for Possible Action

A. March 30, 2021 Board Meeting minutes

B. April 22, 2021 Board Meeting minutes

Discussion: Dr. Sandoval noted discrepancy with the April 22, 2021 minutes Item 3 A. Should have been moved by Dr. Damonte and second by Dr. White.

Motion: Dr. Sandoval moved to accept the minutes for March 30, 2021 and April 22, 2021 with the requested changes.

Second: D. O'Dea

Passed: Unanimous.

REGULAR AGENDA

- 3. Review & Determination of Complaints/Disciplinary Action & Disciplinary Hearings for Possible Action:** The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

A. 09-2020DVM-63: Brian Rokos, DVM (2730): Settlement Agreement

Item not presented. No signature received prior to Board meeting.

B. 11-2020FAC-76 Sierra Veterinary Specialists (H408): Settlement Agreement or Board decision for Administrative Hearing.

Item not presented. No signature received prior to Board meeting.

C. 01-2021DVM-01: Kaitlin Smith, DVM (2871): Settlement Agreement or Board decision for Administrative Hearing.

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Dr. Knehr moved to accept the Settlement Agreement.

Second: Dr. Bullard

Passed: Unanimous; Dr. O'Dea abstained.

No public comment given.

D. 01-2021DVM-03: Candace Phipps, DVM (2367): Settlement Agreement or Board decision for Administrative Hearing.

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Dr. Sandoval moved to accept the Settlement Agreement.

Second: Dr. O'Dea

Passed: Unanimous; Dr. White abstained.

No public comment given.

E. 01-2021DVM-05; 01-2021FAC-06

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaints against the licensee because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. White moved to dismiss the complaint against the licensee **(01-2021DVM-05)**.

Second: Dr. Knehr

Passed: Unanimous; Dr. Sandoval abstained.

Motion: Dr. O'Dea moved to dismiss the complaint against the facility **(01-2021DVM-06)**.

Second: Dr. White

Passed: Unanimous; Dr. Sandoval abstained.

Public comment given.

F. 02-2021DVM-09; 02-2021FAC-10

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint with a Letter of Concern.

Motion: Dr. Bullard moved to dismiss the complaint with a Letter of Concern.

Second: Dr. Knehr

Passed: Unanimous; Dr. O'Dea abstained.

No public comment given.

G. 02-2021DVM-11; 02-2021FAC-12

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board move to initiated disciplinary action against Dr. A and the facility.

Motion: Dr. O'Dea moved to have staff and Mr. Ling initiate disciplinary action the Facility and Dr. A.

Second: Ms. Schalles

Passed: Unanimous; Dr. Bullard abstained.

No public comment given.

H. 02-2021DVM-14

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensee because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. White moved to dismiss the complaint.

Second: Dr. O'Dea

Passed: Unanimous; Dr. Sandoval abstained; Dr. Knehr recused himself.

No public comment given.

I. 02-2021DVM-15; 06-2021FAC-49

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board move to initiated disciplinary action against the facility (06-2021FAC-49) and dismissed the complaint against the licensee (02-2021DVM-15).

Motion: Dr. O'Dea moved to have staff and Mr. Ling initiate disciplinary action the facility (06-2021FAC-49).

Second: Dr. White

Passed: Unanimous; Ms. Schalles abstained.

Motion: Dr. Sandoval moved to dismiss the complaint.

Second: Dr. White

Passed: Unanimous; Ms. Schalles abstained.

No public comment given.

J. 02-2021DVM-16; 02-2021FAC-17

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaints with a Letter of Concern.

Motion: Dr. Bullard moved to dismiss the complaints with a Letter of Concern.

Second: Dr. Sandoval

Passed: Unanimous; Dr. White abstained.

Public comment given.

K. 02-2021DVM-18; 02-2021DVM-19; 02-2021FAC-20

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board move to initiated disciplinary action against Dr. A (02-2021DVM-18), dismissed the complaint against the facility with a Letter of Concern (02-2021FAC-20) and dismissed the complaint against Dr. B (02-2021DVM-19).

Motion: Dr. O'Dea moved to initiated disciplinary action against Dr. A (02-2021DVM-18), dismiss the complaint against the facility with a Letter of Concern (02-2021FAC-20) and dismiss the complaint against Dr. B (02-2021DVM-19).

Second: Dr. Sandoval

Passed: Unanimous; Dr. White abstained.

No public comment given.

L. 03-2021DVM-21

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board move to initiated disciplinary action against the licensee.

Motion: Dr. Sandoval moved to have staff and Mr. Ling initiate disciplinary action the facility.

Second: Ms. Schalles

Passed: Unanimous; Dr. Knehr abstained.

Public comment given.

M. 03-2021FAC-22

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaints with a Letter of Concern.

Motion: Dr. Sandoval moved to dismiss the complaints with a Letter of Concern.

Second: Dr. Bullard

Passed: Unanimous; Dr. White abstained.

No public comment given.

N. 03-2021DVM-23

Discussion: After discussion of the complaint assessment with the review panel, the Board had dismissed the complaint against the licensee because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. O'Dea moved to dismiss the complaint.

Second: Dr. Knehr

Passed: Unanimous; Dr. Sandoval abstained.

No public comment given.

O. 04-2021DVM-26

Discussion: After discussion of the complaint assessment with the review panel, the Board had dismissed the complaint against the licensee because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. White moved to dismiss the complaint.

Second: Dr. Bullard

Passed: Unanimous; Dr. Sandoval abstained.

No public comment given.

4. Requests for Review/Approval/Waiver of Licensure Requirements, Examination Requirements, Extensions, Education Approval, or Reinstatement (For Possible Action)

A. Crystal Barker, LVT: Request for Reinstatement of LVT license

Discussion: The Board reviewed all documentation and moved to accept Ms. Barker's reinstatement application with 5 hours of CE performed in anesthesia prior to reinstatement and 3 years of CE auditing.

Motion: Ms. Schalles moved to reinstate Ms. Barker's license with 5 hours of CE in anesthesia and 3 years of CE auditing.

Second: Dr. O'Dea

Passed: Unanimous

B. Heather Espinoza, LVT: Request for Approval of LVT license

Discussion: The Board reviewed all documentation presented. Ms. Espinoza was present for the discussions.

Motion: Dr. O'Dea moved to accept Ms. Espinoza education for licensure.

Second: Ms. Schalles

Passed: Unanimous.

C. Michael Martinez: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Mr. Martinez was not present on the call.

Motion: Ms. Schalles moved to deny Mr. Martinez's education for licensure.

Second: None. Vote failed.

Motion: Dr. O'Dea moved to accept Mr. Martinez's education for licensure.

Second: Dr. Bullard

Passed: Unanimous.

D. Sarah Marshall: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Marshall was present for discussions.

Motion: Ms. Schalles moved to deny Ms. Marshall's VTIT registration request.

Second: Dr. Sandoval

Passed: Unanimous.

E. Samantha Brown: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Brown was present for discussions.

Motion: Dr. O'Dea moved to accept Ms. Brown education for licensure.

Second: Dr. White

Passed: Unanimous.

F. Elizabeth Moore: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Moore was present on the call.

Motion: Ms. Schalles moved to accept Ms. Moore's education for licensure with the LVT Qualification Checklist.

Second: Dr. O'Dea

Passed: Unanimous.

G. Danielle Auzenne: Request for waiver of 1 year waiting period of NAVLE retake

Discussion: The Board reviewed all documentation associated with Dr. Auzenne's request to waive the 1 year waiting period for retaking the NAVLE.

Motion: Dr. O'Dea moved to approve Dr. Auzenne's request.

Second: Dr. Bullard

Passed: Unanimous

5. Carrie Lambert (DVM): Consideration for Modification of Probation Status (For Possible Action)

Discussion: The Board reviewed all documentation presented. Dr. Lambert was present for the discussions.

Motion: Dr. O'Dea moved to remove remaining probation requirements.

Second: Dr. Damonte

Passed: Unanimous.

6. Regulation Workshop-Discussion and Determination of Possible Regulations (For Possible Action)

A. Reviewing draft language and possible topics for regulation changes on the following:

- Elimination of notary requirement
- Revision of renewals for annual to biannual schedule
- Revision of definition of veterinarian-client-patient-relationship to conform with AB200
- Revision to language related to notice of hearings to conform with AB200
- Addition of definition for 'physical examination' related to AB200.
- Additions or changes to language related to AB200.

Section 1 – VCPR

Michelle Wagner- Will timely manner be better defined?

Jennifer Pedigo- Yes and it will also be covered in another set of regulations for review in October.

Louis Ling- What time frame would be acceptable between physical exams?

Ms. Wagner- No longer than 12 months.

Ms. Pedigo- The leeway will be able to be built in and exceptions can be taken into consideration.

Mr. Ling- Ultimately, the Board is responsible for drawing the hard line. By having a hard timeline, it assists the practitioner when clients are pushing back. But we can build in extenuating circumstance language.

Ms. Pedigo- We will bring this language back to you prior to the next meeting so that we can language into the legislature prior to renewals.

Dr. White- I would call it a compassionate exception to try and limit.

Public Comment: none

Section 2 – Biennial renewals

Dr. Damonte – Why are we making this change?

Ms. Pedigo- Requested by registrants, be more online with other states, bring it in line with the end of our fiscal year, and take the burden off of the end of the year finances.

Dr. White- Will the CE hour requirement change accordingly?

Ms. Pedigo- Yes, it will increase similarly to the fees.

Dr. Crumley- What about CE requirement for the interim year?

Ms. Pedigo- What would you like to do? We can make it 30 hours for that year or we can keep it at 20 hours for that first renewal and then increase it to 40 hours for the following renewal?

Board- Leave at 20 hours for the first renewal.

Section 4 – NAVLE

Dr. Sandoval- is the 5-year window prohibitive to licensure?

Ms. Pedigo- Yes, but we just eliminated that retest requirement with the language we passed in October 2020, only requiring retesting if the applicant has discipline in any other jurisdiction. The language has not been updated by the legislature yet, not yet codified.

Section 7- Civil notice

Dr. Damonte- So this language is already written?

Mr. Ling- Yes, this is just updating the language to make requirement necessary is we are unable to notice in any other manner.

Section 10 – Physical examination

Mr. Ling- is this definition satisfactory?

Dr. O'Dea- Like the visceral nature of the definition.

Mr. Ling- We are trying to make blatantly clear that hands must be laid on that animal in person and cannot be performed remotely via telehealth.

Dr. O'Dea- Is there a definition we can borrow from human medicine?

Mr. Ling- No, because there is the ability for electronic establishment for humans.

Investigative Committees

Ms. Pedigo- This is language that is still outstanding regarding the handling of consumer complaints moving forward to help try to preserve due process for any complaints that move forward to hearing.

Louis Ling- This will help streamline the process allowing for more policy focused meetings.

Dr. O'Dea- How is this preserving due process?

Mr. Ling- This allows for more fair hearing process if an agreement is not met allowing for the Board members, that were not part of the original committee, to review the evidence and make a decision based on evidence.

Ms. Pedigo- The committee language is in statute, so we can start this process and adjust it as needed to create the best process. If we cannot make it work, it is possible to go back to the full Board.

Mr. Ling- Because this is outside the open meeting law, we will not need to notice these committee meetings, they will not need to record them, and you as the committee will have the full file and radiographs to make an educated decision based on all of the facts rather than an anonymized synopsis of the facts.

Letter of Correction

Ms. Pedigo- This is a letter that will go in the file with a period of time for the infraction to be corrected, then after a period of time it will fall off of your record. If the Letter of Correction is not complied with then it becomes permanent. An example of this letter will cover are CE violations.

Motion: Dr. White moved move forward with the proposed regulation changes.

Second: Dr. O'Dea

Passed: Unanimous

7. Staff Reports (For Possible Action)

A. Administrative Report- Christina Johnson, LVT

Ms. Johnson reviewed the administrative report.

B. Inspection Report-Christina Johnson, LVT

Ms. Johnson reviewed the inspection report.

C. Financial Report-Jennifer Pedigo, Executive Director

Dr. Damonte tabled the financial report for verification of discrepancies in the report.

D. Legal Report, Louis Ling, Esq

Mr. Ling updated the Board on the completed federal case and pending DETR case.

E. Legislative Report- Neena Laxalt

Ms. Nina Laxalt presented the legislative update

8. Consideration and Discussion of policy document regarding consent during emergencies and use of addendums (For Possible Action)

Dr. Knehr presented recommendation for a Board policy statement regarding consent during emergencies situations and proper use of addendums in medical records for the Board's consideration.

9. Agenda items for next meeting

None

10. Public Comment: None

11. Adjournment for Possible Action

Motion: Dr. O'Dea moved to adjourn at 5:38 pm.

Second: Dr. Knehr

Passed: Unanimous.

Exhibit A

July 22, 2021 Workshop

Michelle Wagner, Executive Director, Nevada Veterinary Medical Association

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Email: nevadavma@sbcglobal.net Phone: 775-324-5344

September 24, 2021 Workshop

Michelle Wagner, Executive Director, Nevada Veterinary Medical Association

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October 21, 2021

Alisa Nave-Worth; Nave Group

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