

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

LCB File No. R074-21

April 18, 2022

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

AUTHORITY: §§ 1 and 2, NRS 638.070, as amended by section 10 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 875, and section 3 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 872 (NRS 638.1521); §§ 3-13, NRS 638.070, as amended by section 10 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 875; § 14, NRS 638.008, as amended by section 6 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 873, and NRS 638.070.

A REGULATION relating to veterinary medicine; interpreting the term “physical examination” for the purposes of provisions relating to the establishment of a veterinarian-client-patient relationship; increasing certain fees relating to licenses, registrations and permits issued by the Nevada State Board of Veterinary Medical Examiners in accordance with newly established biennial licensing and registration periods; providing for the reduction of such fees in certain circumstances; establishing biennial registration periods for a permit to operate a veterinary facility and certificates of registration to practice animal physical therapy or animal chiropractic; revising certain continuing education requirements to conform with biennial licensing and registration periods; removing the requirement that certain applications submitted to the Board be notarized; 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 to carry out the provisions of existing law governing the practice of veterinary medicine. (NRS 638.070, as amended by section 10 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 875) Assembly Bill No. 200 of the 2021 Legislative Session (A.B. 200), which became effective on October 1, 2021, establishes the requirements that a veterinarian must satisfy for the purpose of having a veterinarian-client-patient relationship with an animal, including having adequate knowledge of the present care and health of the animal in order to provide a general or preliminary diagnosis of the medical condition of the animal. A veterinarian is authorized to acquire such knowledge by conducting a physical examination of the animal. (Section 3 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 872 (NRS 638.1521)) **Section 1** of this regulation interprets the term “physical examination” for the purpose of such provisions. **Section 2** of this regulation removes the requirements for

establishing a veterinarian-client-patient relationship that are set forth in existing regulations. (NAC 638.0197)

A.B. 200 eliminates the requirement that an application for a license to practice veterinary medicine, surgery, obstetrics or dentistry in this State be notarized. (NRS 638.100, as amended by section 11 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 876) Existing regulations require that certain other applications submitted to the Board be notarized. (NAC 638.0445, 638.0447, 638.0603, 638.0605, 638.760, 638.810, section 1 of LCB File No. R099-19) **Sections 5-9, 11 and 13** of this regulation remove such a requirement.

A.B. 200 newly establishes a biennial renewal period for licenses issued pursuant to chapter 638 of NRS and requires a licensee to submit an application for the renewal of his or her license on or before May 15 of each odd-numbered year. (NRS 638.127, as amended by section 12 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 877) Existing regulations currently establish an annual renewal period for each permit to operate a veterinary facility and each certificate of registration to practice animal physical therapy or animal chiropractic and provide that such a permit and each such certificate of registration expires on January 1 of each year. (NAC 638.0605, 638.770, 638.820) **Sections 8, 10 and 12** of this regulation, respectively, instead establish a biennial registration period and provide that such a permit and each such certificate of registration expires on June 30 of each odd-numbered year.

Existing regulations establish various fees relating to licenses, registrations and permits issued by the Board. (NAC 638.035) **Section 3** of this regulation doubles the amount of certain existing fees in accordance with the newly established biennial licensing and registration periods. **Section 3** also provides that if a license, registration or permit was issued on or after June 30 of the immediately preceding even-numbered year, the Board will reduce the renewal fee charged and collected for the license, registration or permit by 50 percent. **Section 3** further provides that fees charged and collected by the Board are not refundable.

Existing law authorizes the Board to adopt regulations concerning requirements for continuing education. (NRS 638.070, as amended by section 10 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 875) Existing regulations establish continuing education requirements for persons licensed to practice veterinary medicine or veterinary medicine as a diplomate and licensed veterinary technicians who wish to renew their licenses. (NAC 638.041) **Section 4** of this regulation maintains such continuing education requirements for a person whose license was issued after October 1 of the immediately preceding even-numbered year, but otherwise doubles such continuing education requirements in accordance with the newly established biennial licensing period.

Existing regulations require that an application for the renewal of a certificate of registration to practice animal physical therapy or animal chiropractic include proof that the applicant satisfied certain continuing education requirements during the 12-month period immediately preceding the beginning of the new registration year. (NAC 638.770, 638.820) **Sections 10 and 12**, respectively, maintain such continuing education requirements for any such applicant whose license was issued after October 1 of the immediately preceding even-numbered year, but otherwise double the hours of continuing education that any such applicant must complete during the 24-month period immediately preceding the beginning of the new period of registration.

A.B. 200 revises the definition of the term “practice of veterinary medicine” to specify conduct that the term does not include. (NRS 638.008, as amended by section 6 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 873) **Section 14** of this regulation

accordingly repeals the section of existing regulations that specifies the conduct that the term does not include. (NAC 638.0195)

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

1. Except as otherwise provided in subsection 2, the Board will interpret the term “physical examination,” as used in section 3 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 872 (NRS 638.1521), to mean a physically proximate and hands-on, subjective and objective evaluation of the health status of an animal by a veterinarian through the use of observation, auscultation, palpation, percussion or manipulation.

2. For a group of like animals, the term “physical examination” as used in section 3 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 872 (NRS 638.1521), means that a veterinarian is physically proximate to the group of animals and has subjectively and objectively assessed a representative sample of the animals.

Sec. 2. NAC 638.0197 is hereby amended to read as follows:

638.0197 ~~{1.}~~ For the purposes of this chapter, a veterinarian ~~{shall be deemed to have}~~ *has* a “veterinarian-client-patient relationship” concerning ~~{a nonhuman}~~ *an* animal if the veterinarian satisfies ~~{all of}~~ the ~~{following}~~ conditions ~~{:~~

~~—(a) The veterinarian assumes the responsibility for making medical judgments concerning the health of the animal and the need for medical treatment of the animal.~~

~~—(b) The veterinarian has 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 must be acquired by:~~

~~—(1) Conducting a physical examination of the animal; or~~

~~—(2) Visiting the premises where the animal is kept in a timely manner that is appropriate to the medical condition of the animal.~~

~~—(c) The veterinarian obtains the informed consent of the client for medical treatment of the animal.~~

~~—(d) The veterinarian obtains the agreement of the client to follow the instructions provided by the veterinarian for the care and medical treatment of the animal.~~

~~—2.—As used in this section, “informed consent” means that the client, after having been informed in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment and prognosis for the animal and of an estimate of the fees expected for provision of veterinary services to be rendered to the animal, has consented to the recommended treatment.] set forth in subsection 3 of section 3 of Assembly Bill No. 200, chapter 186, Statutes of Nevada 2021, at page 873 (NRS 638.1521).~~

Sec. 3. NAC 638.035 is hereby amended to read as follows:

638.035 1. ~~{The}~~ *Except as otherwise provided in subsection 2, 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] \$400
For an application for a license to practice as a veterinary technician.....	[\$100] 200
For an application or examination for a license to practice as a euthanasia technician.....	[\$200] 400
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, other than a mobile clinic	{200} 400
For a permit to operate a facility not owned by a licensed veterinarian, other than a mobile clinic	{300} 600
For a permit to operate a mobile clinic	{50} 100
For a permit to operate a nonprofit facility	{100} 200
For a registration to practice animal chiropractic.....	{50} 100
For a registration to practice animal physical therapy	{50} 100
For a registration to practice as an equine dental provider	{100} 200
For a temporary license to practice veterinary medicine	100
For the reinstatement of a veterinary or diplomate license	{200} 400
For the reinstatement of a veterinary technician license	{100} 200
For the {annual} <i>biennial</i> renewal of an active license to practice veterinary medicine	{250} 500
For the {annual} <i>biennial</i> renewal of an inactive license to practice veterinary medicine	{130} 260
For the {annual} <i>biennial</i> renewal of a license to practice as a veterinary technician.....	{75} 150
For the {annual} <i>biennial</i> renewal of a license to practice as a euthanasia technician.....	{100} 200
For the {annual} <i>biennial</i> renewal of a registration to practice as an animal physical therapist.....	{25} 50

For the annual <i>biennial</i> renewal of a registration to practice as an animal chiropractor.....	25 50
For the annual <i>biennial</i> renewal of a registration to practice as an equine dental provider.....	100 200
For the annual <i>biennial</i> renewal of a permit for a facility owned by a licensed veterinarian, other than a mobile clinic	100 200
For the annual <i>biennial</i> renewal of a permit for a facility not owned by a licensed veterinarian, other than a mobile clinic	300 600
For the annual <i>biennial</i> renewal of a permit to operate a mobile clinic.....	50 100
For the annual <i>biennial</i> renewal of a permit for a nonprofit facility.....	100 200
For a duplicate of a license, registration or permit described in this section	10

2. The Board will reduce the fee charged and collected for the biennial renewal of any license, registration or permit set forth in subsection 1 by 50 percent if the license, registration or permit was issued on or after June 30 of the immediately preceding even-numbered year.

3. The fees charged and collected pursuant to this section are not refundable.

4. For the purposes of this section, a facility is “owned by a licensed veterinarian” if one or more licensed veterinarians hold at least 10 percent of the total ownership interest, solely or jointly, of the facility.

Sec. 4. NAC 638.041 is hereby amended to read as follows:

638.041 1. As a prerequisite for each renewal of his or her license to practice veterinary medicine or to practice veterinary medicine as a diplomate licensed pursuant to NRS 638.105, a licensee must complete ~~1~~ :

(a) Except as otherwise provided in paragraph (b), at least 40 hours of continuing education approved by the Board, not more than 20 hours of which may be completed in distance learning or correspondence courses, during the 24-month period immediately preceding the beginning of the new period of licensing; or

*(b) If his or her license was issued after October 1 of the immediately preceding even-numbered year, at least 20 hours of continuing education approved by the Board, not more than 10 hours of which may be completed in distance learning or correspondence courses, during the 12-month period immediately preceding the beginning of the new *period of* licensing .*
~~*[year, at least 20 hours of continuing education approved by the Board. Not more than 10 hours may be completed in distance learning or correspondence courses.]*~~

2. ~~*[A]*~~ *As a prerequisite for each renewal of his or her license to practice as a veterinary technician, a licensed veterinary technician must ~~[annually]~~ complete :*

(a) Except as otherwise provided in paragraph (b), at least 20 hours of continuing education approved by the Board, not more than 10 hours of which may be completed in distance learning or correspondence courses, during the 24-month period immediately preceding the beginning of the new period of licensing; or

*(b) If his or her license was issued after October 1 of the immediately preceding even-numbered year, at least 10 hours of continuing education approved by the Board ~~[as a prerequisite for renewal of his or her license. Not]~~, not more than 5 hours *of which* may be completed in distance learning or correspondence courses ~~[.]~~, *during the 12-month period immediately preceding the beginning of the new period of licensing.**

3. A licensee who does not comply with the requirements of this section may be subject to disciplinary action.

Sec. 5. NAC 638.0445 is hereby amended to read as follows:

638.0445 1. A licensed veterinarian whose license has been placed on inactive status may apply to the Board to have his or her license restored to active status by submitting to the Executive Director of the Board:

- (a) An application for the restoration of his or her license, signed by the licensed veterinarian ; ~~and notarized;~~
- (b) The fee required pursuant to NAC 638.035;
- (c) Proof that he or she has completed at least 20 hours of continuing education approved by the Board in the year immediately preceding the filing of the application; and
- (d) If the licensed veterinarian is licensed or has been licensed in any other state, a letter of good standing from the licensing agency of each state in which he or she is licensed or has been licensed. Each letter must, if applicable, include detailed information concerning any disciplinary action that has been taken against the licensed veterinarian or that is pending in that state.

2. If a licensed veterinarian files an application pursuant to this section which contains any false information, the Board may immediately revoke his or her license.

Sec. 6. NAC 638.0447 is hereby amended to read as follows:

638.0447 1. A veterinarian or veterinary technician whose license is forfeited pursuant to NRS 638.127 may apply to the Board to have the license reinstated if, in addition to complying with the provisions of NRS 638.127, he or she files with the Executive Director of the Board:

- (a) An application for reinstatement of the license which is signed by the veterinarian or veterinary technician ; ~~and notarized;~~
- (b) Proof that he or she has:
 - (1) If he or she is a veterinarian:

(I) Completed at least 20 hours of continuing education approved by the Board in the year immediately preceding the filing of the application; and

(II) Passed, within the 5 years immediately preceding the filing of the application, the North American Veterinary Licensing Examination of the ~~National Board of Veterinary Medical Examiners~~ *International Council for Veterinary Assessment* for an initial license, or any other examination required by the Board; or

(2) If he or she is a veterinary technician, completed at least 10 hours of continuing education in the year immediately preceding the filing of the application; and

(c) If he or she is licensed or has been licensed in any other state, a letter of good standing from the licensing agency of each state in which he or she is licensed or has been licensed. Each letter must, if applicable, include detailed information concerning any disciplinary action that has been taken against the licensed veterinarian or veterinary technician or that is pending in that state.

2. If a veterinarian or veterinary technician files an application pursuant to this section which contains any false information, the Board may immediately revoke his or her license.

Sec. 7. NAC 638.0603 is hereby amended to read as follows:

638.0603 1. It is unlawful for a person to operate a veterinary facility unless the facility is registered with the Board and the Board has issued a permit for its operation.

2. The person in charge of a veterinary facility must be a licensed veterinarian who practices veterinary medicine in this State.

3. The veterinarian who will be in charge of the veterinary facility which seeks a permit to operate must submit to the Board ~~a notarized~~ *an* application for registration in the form provided by the Board.

4. Upon receipt of a completed application for registration and the applicable fee required pursuant to NAC 638.035, the Board will issue a permit to operate the facility. The Board will act upon an application for such a permit within 90 days after receipt of the application.

5. The permit issued to a facility by the Board must be displayed in a conspicuous place within the facility.

6. If a change in the ownership of a facility is anticipated, the veterinarian in charge of the facility for which the permit was issued shall notify the Board, in writing, of the anticipated change 30 days before the date on which the change in ownership is to become effective. The new owner shall register with the Board and apply for a permit to operate the facility pursuant to this section at least 30 days before the date on which the change in ownership is to become effective. The facility shall not, under changed ownership, provide any veterinary services until its permit to operate has been approved.

Sec. 8. NAC 638.0605 is hereby amended to read as follows:

638.0605 1. Each permit to operate a veterinary facility expires on ~~January 1~~ *June 30* of each *odd-numbered* year.

2. An application to renew the permit must be:

(a) Submitted in the form established by the Board.

(b) Signed by the veterinarian in charge of the facility.

(c) ~~Notarized.~~

~~(d)~~ Accompanied by the fee required pursuant to NAC 638.035.

3. A facility which fails to renew its permit in a timely manner is subject to disciplinary action pursuant to NRS 638.140.

Sec. 9. NAC 638.760 is hereby amended to read as follows:

638.760 1. A person shall not practice animal physical therapy in this State unless he or she is:

(a) A veterinarian;

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

(c) A physical therapist who has obtained a certificate of registration pursuant to this section and complies with the provisions of NAC 638.780.

2. A physical therapist who desires to secure a certificate of registration to practice animal physical therapy in this State must make written application to the Board.

3. The application must be on a form provided by the Board, include any information required by the Board and be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character;

(b) Has been an active licensed physical therapist in any state for at least 1 year;

(c) Is licensed by and in good standing with the Nevada Physical Therapy Board;

(d) Has successfully completed at least 100 hours of instruction or course work, or a combination of both, in the area of animal physical therapy, which must include, without limitation, assessment and planning of treatment, behavior, biomechanics, common orthopedic and neurological conditions, comparative anatomy, neurology, and therapeutic modalities and exercises; and

(e) Has completed at least 125 hours of supervised clinical experience in animal physical therapy with a licensed veterinarian.

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

5. Except as otherwise provided in NAC 638.790, upon receipt of the application and information required by subsection 3 and payment of the fee required pursuant to NAC 638.035, the Board will issue to the physical therapist a certificate of registration.

Sec. 10. NAC 638.770 is hereby amended to read as follows:

638.770 1. Each certificate of registration issued pursuant to NAC 638.760 or renewed pursuant to this section expires on ~~January 1~~ **June 30** of each *odd-numbered* 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 physical therapist;

(c) Accompanied by proof that the physical therapist completed ~~during the 12-month period immediately preceding the beginning of the new registration~~ :

(1) Except as otherwise provided in subparagraph (2), at least 10 hours of continuing education in animal physical therapy approved by the Board during the 24-month period immediately preceding the beginning of the new period of registration; or

(2) If the physical therapist was issued the certificate of registration after October 1 of the immediately preceding even-numbered year, at least 5 hours of continuing education in animal physical therapy approved by the Board ~~during the 12-month period immediately preceding the beginning of the new period of registration~~; and

(d) Accompanied by proof that his or her license as a physical therapist in this State is active and that he or she is in good standing with the ~~State Board of~~ **Nevada** Physical Therapy ~~Examiners~~ **Board**.

3. A physical therapist who fails to renew his or her certificate of registration before it expires forfeits the certificate of registration.

4. Except as otherwise provided in NAC 638.790, 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 physical therapist.

Sec. 11. NAC 638.810 is hereby amended to read as follows:

638.810 1. A person shall not practice animal chiropractic in this State unless he or she is:

(a) A veterinarian; or

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

2. A chiropractor who desires to secure a certificate of registration to practice animal chiropractic in this State must make written application to the Board.

3. The application must be on a form provided by the Board, include any information required by the Board and be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character;

(b) Has been an active licensed chiropractor in any state for at least 1 year;

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

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

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

5. Except as otherwise provided in NAC 638.840, upon receipt of the application and information required by subsection 3 and payment of the fee required pursuant to NAC 638.035, the Board will issue to the chiropractor a certificate of registration.

Sec. 12. NAC 638.820 is hereby amended to read as follows:

638.820 1. Each certificate of registration issued pursuant to NAC 638.810 or renewed pursuant to this section expires on ~~{January }~~ *June 30* of each *odd-numbered* 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 chiropractor;

(c) Accompanied by proof that the chiropractor completed ~~{, during the 12-month period immediately preceding the beginning of the new registration} :~~

(1) Except as otherwise provided in subparagraph (2), at least 30 hours of continuing education in animal chiropractic approved by the Board during the 24-month period immediately preceding the beginning of the new period of registration; or

(2) If the chiropractor was issued the certificate of registration after October 1 of the immediately preceding even-numbered year, at least 15 hours of continuing education in animal chiropractic approved by the Board ~~{}~~ during the 12-month period immediately preceding the beginning of the new period of registration; and

(d) Accompanied by proof that his or her license as a chiropractor in this State is active and that he or she is in good standing with the Chiropractic Physicians' Board of Nevada.

3. A chiropractor who fails to renew his or her certificate of registration before it expires forfeits his or her certificate of registration.

4. Except as otherwise provided in NAC 638.840, upon receipt of the application for renewal and information required by subsection 2 and payment of the fee required pursuant to NAC 638.035, the Board will renew the certificate of registration of the chiropractor.

Sec. 13. Section 1 of LCB File No. R099-19 is hereby amended to read as follows:

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;

(c) A veterinary technician in training who complies with the provisions of NAC 638.0525;

or

(d) 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 7 of LCB File No. R110-16.

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 a professional equine dentistry organization approved by the Board; and

(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 licensed veterinarian.

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

5. Except as otherwise provided in section 8 of LCB File No. R110-16, 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. 14. NAC 638.0195 is hereby repealed.

TEXT OF REPEALED SECTION

638.0195 “Practice of veterinary medicine” interpreted. (NRS 638.070) The Board will interpret the term “practice of veterinary medicine,” as defined in NRS 638.008, to exclude:

1. A veterinarian or veterinary technician who lectures, teaches, administers a practical examination or conducts a laboratory demonstration in a facility in connection with a seminar or course of continuing education for veterinarians or veterinary technicians.

2. A person who is a graduate of a school of veterinary medicine that is not accredited by the Council on Education of the American Veterinary Medical Association and who is preparing for a clinical proficiency examination administered by the American Veterinary Medical Association for the purpose of acquiring an educational certificate issued by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association or its successor organization as described in paragraph (b) of subsection 2 of NRS 638.100.