

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

LCB FILE NO. R082-221

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

LCB File No. R*-21**

May 18, 2022

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

AUTHORITY: NRS 638.070.

A REGULATION relating to veterinary medicine. . .

Legislative Counsel’s Digest:

Existing law. . .

Sec. 1. NAC 638.007 shall be amended to read as follows:

638.007. “Emergency” ~~[means an animal has a]~~ *refers to the situation in which life is in jeopardy and the prompt summoning of medical aid is essential* ~~[condition which threatens its life and immediate treatment is necessary to sustain life.]~~

Sec. 2. NAC 638.035 shall be amended to read as follows:

638.035. **1.** The Board will charge and collect the following fees:

For an application and examination for a license to practice veterinary
medicine or a license to practice as a diplomate \$200
For an application for a license to practice as a veterinary technician 100

For an application or examination for a license to practice as a euthanasia technician	200
For a 2-year registration to practice as a veterinary technician in training	50
For a permit to operate a facility owned by a licensed veterinarian	50
For a permit to operate a facility owned by a nonlicensed veterinarian	300
For a permit to operate a nonprofit facility	100
For a registration to practice animal chiropractic	50
For a registration to practice animal physical therapy	50
For a temporary permit to practice veterinary medicine	100
For the reinstatement of a veterinary or diplomate license	200
For the reinstatement of a veterinary technician license	100
For the annual renewal of an active license to practice veterinary medicine	250
For the annual renewal of an inactive license to practice veterinary medicine	130
For the annual renewal of a license to practice as a veterinary technician	75
For the annual renewal of a license to practice as a euthanasia technician	100
For the annual renewal of a registration to practice as an animal physical therapist	25
For the annual renewal of a registration to practice as an animal chiropractor	25

For the annual renewal of a permit for a facility owned by a
licensed veterinarian 25

For the annual renewal of a permit for a facility owned by a
Nonlicensed Veterinarian 300

For the annual renewal of a permit for a nonprofit facility.....100

For a duplicate of a license, registration or permit described in this section 10

2. An applicant or licensee, or the spouse of either, who is an active member of any of the armed services of the United States, including a member of the National Guard, shall pay only one-half of any of the fees listed in section 1.

Sec. 3. NAC 638.040 shall be amended to read as follows:

638.040. 1. All communications, payments or documents must be addressed to the Board and shall be deemed to be filed on the date of the postmark on the envelope in which it was mailed, in accordance with NRS 238.100.

2. Fees and remittances to the Board must be paid by money order, bank draft or check payable to the Board of Examiners in Veterinary Medicine. ~~[Remittances]~~ *No remittances may be made* in currency or coin ~~[are made at the risk of the sender and the Board assumes no responsibility for loss]~~. Postage stamps are not accepted.

Sec. 4. NAC 638.042 shall be amended to read as follows:

638.042. A course of continuing education shall be deemed to be approved by the Board if the course is provided or approved by:

1. The American Veterinary Medical Association;
2. A specialty group of the American Veterinary Medical Association;

3. The Western Veterinary Conference, the Wild West Veterinary Conference or any other regional veterinary conference;
4. The State Department of Agriculture;
5. The United States Department of Agriculture;
6. The American Animal Hospital Association;
7. The American Association of Veterinary State Boards;
8. The Nevada Veterinary Medical Association;
9. An institution of the Nevada System of Higher Education;
10. A school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association; or
11. A program for veterinary technicians that is approved by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association.

12. The board that licenses veterinarians or veterinary technicians in another state.

13. An association or organization consisting of veterinarians or veterinary technicians on a regional or statewide basis in another state.

Sec. 5. NAC 638.046 shall be amended to read as follows:

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

2. The “Principles of Veterinary Medical Ethics” of the American Veterinary Medical Association is available from the ~~[American Veterinary Medical Association, 1931 North~~

~~Meacham Road, Suite 100, Schaumburg, Illinois 60173]~~ *the Board's office or the Board's website*, free of charge.

Sec. 6. NAC 638.0475 shall be amended to read as follows:

1. Each licensed veterinarian shall maintain in this State for at least 4 years a separate medical record of each animal receiving veterinary services, including, without limitation, an examination conducted pursuant to NAC 638.610, from the licensed veterinarian or under his or her supervision. The records must be available for inspection by the Board or its representative or the owner of the animal during normal business hours at least 5 days each week. Except as otherwise provided in this subsection, the licensed veterinarian shall provide a copy of that record to the Board or its representative or the owner of the animal receiving veterinary services not later than 48 hours after receiving a request from the Board or its representative or the owner of the animal. The licensed veterinarian is not required to provide a copy of any radiographs or other diagnostic images in the medical record to the owner of the animal receiving veterinary services.

2. The medical record must contain the following information, in legible form:

- (a) The name, address and telephone number of the animal's owner;
- (b) The name or identifying number, or both, of the animal;
- (c) The age, sex, weight and breed of the animal;
- (d) The dates of care, custody or treatment of the animal;
- (e) Documentation of the informed consent of the client for medical treatment of the animal;
- (f) A short history of the animal's condition as it pertains to the animal's medical status;
- (g) The results of and notations from an examination of the animal, including, without limitation, the temperature, pulse and respiration rate of the animal and laboratory data pertaining to the animal;

(h) The diagnosis or condition at the beginning of custody of the animal, including, without limitation, results of tests;

(i) The immunization record of the animal;

(j) All clinical information pertaining to the animal, including, without limitation, sufficient information to justify the diagnosis or determination of the medical status of the animal and to warrant any treatment recommended for or administered to the animal;

(k) The notes taken during surgery, including, without limitation:

(1) The name and quantity of any drug administered for anesthesia and preanesthesia;

(2) The procedure performed;

(3) The times at which the surgery begins and ends;

(4) If the surgery is performed in a veterinary facility using general anesthesia:

(I) The vital signs of the animal at the beginning and end of the surgery that are appropriate to the species and condition of the animal at the time of surgery, which may include, without limitation, the temperature, pulse, heart rate, respiration, blood pressure, capillary refill time and oxygen levels of the animal; and

(II) The vital signs of the animal recorded at least every 5 minutes during the surgery, including, without limitation, the pulse, heart rate and respiration of the animal;

(5) If some or all of the information derived under subsection (4) is generated by an automated device, the record must reflect that the information generated by the automated device is being regularly reviewed and analyzed by a veterinarian or veterinary technician at the time that the information is being generated by the automated device.

(l) Any medication and treatment administered, including, without limitation, the amount and frequency;

(m) The progress and disposition of the case;

(n) The name of each person who is not an employee of the veterinarian who provided professional advice or performed treatments, examinations or other services pertaining to the animal;

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

(p) Any radiographs other than intraoral dental radiographs. Each radiograph other than an intraoral dental radiograph must be labeled on the image as follows:

(1) The name of the veterinarian or facility that took the radiograph;

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

(3) The name of the animal's owner;

(4) The date on which the radiograph was taken; and

(5) The anatomical orientation depicted by the radiograph; and

(q) Any intraoral dental radiographs or other diagnostic images. For each intraoral dental radiograph or other diagnostic image, the medical record must include the information set forth in subparagraphs (1) to (5), inclusive, of paragraph (p) with regard to the intraoral dental radiograph or other diagnostic image. That information may be included:

(1) In a hard copy of the medical record if the medical record is maintained as a written record; or

(2) In the computer file which contains the intraoral dental radiograph or other diagnostic image if the medical record is maintained as a computer record.

3. The Board or its representative will evaluate each medical record inspected pursuant to subsection 1 for compliance with the provisions of this chapter and [chapter 638](#) of NRS.

4. Each radiograph or other diagnostic image is the property of the veterinarian who caused it to be prepared. A radiograph or other diagnostic image may be released to the owner of the animal. A radiograph or other diagnostic image must be released within 48 hours after the request is made to another veterinarian who has the authorization of the owner of the animal to which it pertains. The radiograph or other diagnostic image must be returned within a reasonable time to the veterinarian to whom it belongs.

5. The medical records required by this section must be written records or computer records. If the medical records are computer records:

(a) The security of the computer must be maintained.

(b) The computer records must be backed-up daily and cumulatively backed-up monthly using technology designed to store data permanently.

(c) The computer records must be inalterable or clearly indicate when they have been altered and the manner in which they have been altered.

(d) The computer records must not contain information relating to a physical examination that is automatically generated by the computer.

(e) Any such computer records relating to the administration, prescribing or dispensing of a prescription drug must contain the initials of the person who administered, prescribed or dispensed the prescription drug. The initials of the person who administered, prescribed or dispensed the prescription drug may be manually entered into the computer record or automatically generated by the computer.

6. In addition to the requirements of subsection 2, if a licensed veterinarian is not associated with a veterinary facility, and any controlled substances or prescription drugs are administered to

the animal, the medical record required by this section must include the same information that a veterinary facility which:

(a) Maintains a stock of controlled substances for administration and dispensing is required to ensure is contained in a log for the veterinary facility pursuant to paragraphs (d) and (e) of subsection 3 of NAC 638.0628; and

(b) Dispenses prescription drugs is required to ensure is contained in the medical records of the animal pursuant to paragraph (e) of subsection 1 of NAC 638.0629.

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

8. If a veterinarian ceases his or her practice without providing for the continuation of treatment of the animals under the veterinarian's care, the President of the Board may appoint a master to supervise his or her records, the treatment of those animals and the mailing of notices to the owners of the animals which had been under his or her care.

9. The medical record of an animal is confidential and may not be released except:

(a) As otherwise provided in subsection 1;

(b) In response to a court order; or

(c) As required to ensure compliance with any federal, state and local statutes, regulations or ordinances.

10. Nothing in this section is intended to prevent the sharing of veterinary medical information among veterinarians, law enforcement officials, and members, agents or officers of a society for the prevention of cruelty to animals who are acting to protect the welfare of an animal.

11. As used in this section, "other diagnostic image":

(a) Includes, without limitation, an ultrasound, magnetic resonance imaging and computerized axial tomography scan; and

(b) Does not include a radiograph.

Sec. 7. NAC 638.048 shall be amended to read as follows:

638.048. A veterinarian shall not:

1. Falsify records of health care;
2. Falsify records so as to indicate his or her presence at a time when he or she was not in attendance or that procedures were performed by the veterinarian which were in fact not performed by him or her;
3. Write a prescription for a controlled substance in such an excessive amount as to constitute a departure from prevailing standards of acceptable veterinary medical practice;
4. Consistently use veterinary medical procedures, services or treatments which constitute a departure from the prevailing standards of acceptable veterinary medical practice;
5. Render professional services to an animal while the veterinarian is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;
6. Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;
7. Operate a veterinary facility in a manner that violates a provision of chapter 574 of NRS;
or
8. Prescribe, dispense, deliver or order another person to deliver any prescription drug, including, without limitation, any controlled substance in schedules I to V, inclusive, as described in chapter 453 of NRS, and any dangerous drug, referred to in NRS 454.181 to 454.371, inclusive, unless the veterinarian first:

(a) Establishes a veterinarian-client-patient relationship; and

(b) Makes a medical determination that the prescription drug is therapeutically indicated for the health and well-being of the animal.

9. Make or provide false or misleading information on any application for a license or registration with the Board, including any application to renew such license or registration.

10. Make or provide false or misleading information to any Board member, any member of the Board's staff, or the Board relating to any investigation or disciplinary action.

Sec. 8. NAC 638.051 shall be amended to read as follows:

638.051. 1. ~~[If an animal is delivered to any veterinarian pursuant to any written or oral agreement between the veterinarian and the owner of the animal or the person delivering the animal, and the owner or person delivering the animal does not claim the animal within [10] 5 days after the day the animal was due to be claimed or the animal was left, whichever is sooner, the animal shall be deemed abandoned.]~~ *An animal in the possession of a veterinary facility shall be deemed abandoned when:*

(a) The animal was left at the facility by a person whose identity cannot be determined or who cannot reasonably be contacted;

(b) The animal was left at the facility by a client for examination, treatment, or boarding and the client has not paid for or has not picked up the animal and the veterinary facility has provided the notice as set out in paragraph 3; or

(c) The client has provided in writing an unequivocal intention to relinquish the animal to the custody and possession of the veterinary facility.

2. Unless otherwise provided in a contract between a veterinarian and the owner of an animal or the person delivering the animal, the veterinarian may *treat or decline to treat the animal as*

the veterinarian deems appropriate, including but not limited to providing emergency care or humane euthanasia to relieve suffering, and may dispose of an abandoned animal if the animal is not claimed within the period set forth in the notice.

3. *Except as otherwise provided in this paragraph, ~~Before~~ before* a ~~veterinarian~~ *veterinary facility* disposes of an abandoned animal, ~~he or she~~ *where the owner of the animal is known or might be identified through the scanning of a microchip, it* must ~~send, by certified mail, a notice~~ *attempt to notify the owner by whatever means may be then possible, including but not limited to telephone, e-mail, text, or mail* to the last known address of the owner of the animal or the person who delivered the animal to the veterinarian. The notice must state that the ~~veterinarian~~ *veterinary facility* will dispose of the animal if it is not claimed ~~within 10 days after the notice is mailed~~ *by a date and time specified by the ~~veterinarian~~ veterinary facility, which shall not be sooner than 5 days after the animal was left with the ~~veterinarian~~ veterinary facility. If the animal's owner cannot be identified or notified or if the animal has been relinquished pursuant to subparagraph (c) of paragraph 1, then the veterinary facility may be dispose of the animal as soon thereafter as it determines so to do and pursuant to paragraph 4.*

4. The ~~veterinarian~~ *veterinary facility* shall dispose of the animal in a humane manner , *which may be by euthanasia, by arranging for the adoption or fostering of the animal until adoption, or by delivering the animal to an animal rescue organization. Before disposing of the animal, the ~~veterinarian~~ veterinary facility shall make a record of the physical description of the animal (which may include a photograph), the date the animal was received, the attempts made to contact the owner, any treatments or care rendered, and the disposition of the animal, including the date of the disposition.*

5. As used in this section, “claim” means to remove the animal from the custody of the veterinarian.

Sec. 9. NAC 638.06025 shall be amended to read as follows:

638.06025. 1. A veterinary assistant may perform the following tasks under the immediate supervision of a supervising veterinarian or a licensed veterinary technician:

- (a) Assisting a licensed veterinarian in surgery or in monitoring anesthesia.
- (b) Application of bandages.
- (c) Collection of a laboratory specimen for analysis of blood.
- (d) Collection of tissue during or after a postmortem examination by a licensed veterinarian.

2. A veterinary assistant may perform the following tasks under the immediate or direct supervision of a supervising veterinarian or a licensed veterinary technician:

- (a) Blood administration with a preplaced catheter.
- (b) Monitoring of vital signs.
- (c) Administration of an electrocardiogram.
- (d) Introduction of food into the stomach through a preplaced tube.
- (e) Ear cleaning.
- (f) Positioning of animals for radiographs or other diagnostic images.
- (g) Operation of radiographic or other diagnostic imaging machines.
- (h) Starting and restarting of intravenous fluids through a preplaced intravenous catheter.
- (i) Taking readings of the temperature, pulse, respiration or weight of an animal.

3. A veterinary assistant may perform the following tasks under the immediate or direct supervision of a supervising veterinarian or a licensed veterinary technician or the indirect supervision of a supervising veterinarian:

(a) Administration of oral and topical medications, including controlled substances dispensed by prescription, if the client has authorized, in a written agreement, the veterinary assistant to administer such medications as the client's agent while the animal is retained at the veterinary facility for hospitalization or otherwise housed at the veterinary facility.

(b) Collection of free catch urine or feces.

(c) External anal gland expression.

4. A veterinary assistant may perform the following tasks at the direction of a supervising veterinarian:

(a) Administration of intramuscular, subcutaneous or intravenous injections through a preplaced catheter, except anesthetics, controlled substances or vaccinations for zoonotic diseases.

(b) Preparation of a prescription drug, other than a controlled substance, for dispensing.

(c) Cold laser therapy.

Sec. 10. NAC 638.0635 shall be amended to read as follows:

638.0635. 1. In addition to the requirements of NAC 638.063, a mobile clinic *which shall be the site at which examination and treatment is rendered*, except one used only by a veterinarian whose practice is limited to large animals, must have:

(a) Hot and cold water;

(b) A 110-volt power source for diagnostic equipment;

(c) A collecting tank for disposal of waste material;

(d) Adequate lighting;

(e) Tabletops and countertops, such as Formica or stainless steel, which can be cleaned and disinfected;

(f) Floor coverings which can be cleaned and disinfected;

- (g) Adequate heating, cooling and ventilation;
- (h) Instruments which meet the requirements of the level of surgery to be performed; and
- (i) Separate compartments for the transportation or holding of animals.

2. A mobile clinic ~~[used only by a veterinarian whose practice is limited to large animals]~~ *that will not be used as the site at which examination and treatment will be rendered* must be equipped with *or must otherwise assure that it will have access to clean* ~~[cold]~~ water and a secure and sanitary area for the storage of *such* instruments and drugs *as the veterinarian reasonably determines might be needed for the treatments he or she might anticipate for a particular visit.*

Sec. 11. NAC 638.800 shall be amended to read as follows:

638.800. As used in NAC 638.800 to 638.840, inclusive, “animal chiropractic” means the examination and treatment of a nonhuman animal ~~[through the manipulation and adjustment of specific joints and cranial sutures of the animal]~~ *that is non-invasive, non-surgical, drug-free, and which seeks to treat and manage musculoskeletal disorders that affect the joints, discs, soft-tissue, and nerves that are of a biomechanical nature.*

Sec. 12. NAC chapter 638 shall be amended by adding the following new language:

1. Only a veterinarian may surgically remove an ovum from an animal, surgically implant an ovum into an animal, or implant a potentially viable embryo into an animal.

2. An animal may be artificially inseminated or have an embryo removed by flushing by an animal’s owner or a person acting at the direction of an owner, including but not limited to, a veterinarian, a veterinary technician at the direction of a veterinarian, or any other person.

Sec. 13. NAC chapter 638 shall be amended by adding the following new language:

A veterinary technician or veterinary technician in training shall not:

1. Falsify records of health care;

2. Falsify records so as to indicate his or her presence at a time when he or she was not in attendance or that procedures were performed by the veterinary technician or veterinary technician in training which were in fact not performed by him or her;

3. Render professional services to an animal while the veterinarian is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

4. Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

5. Perform any services or fail to perform any services in a manner that violates a provision of chapter 574 of NRS;

6. Perform services not authorized by Nevada Revised Statutes or the Nevada Administrative Code for the veterinary technician or veterinary technician in training or that exceed the training or competence of the veterinary technician or veterinary technician in training; or

9. Make or provide false or misleading information on any application for a license or registration with the Board, including any application to renew such license or registration.

10. Make or provide false or misleading information to any Board member, any member of the Board's staff, or the Board relating to any investigation or disciplinary action.

Section 14. NAC 638.0432 shall be amended to read as follows:

638.0432. 1. Except as otherwise provided in subsection 2, the Board will grant credit for continuing education, not to exceed:

(a) Four hours during a period of licensing toward the hours of continuing education required by subsection 1 of NAC 638.041, to a licensed veterinarian for attending [~~the portion of~~] a meeting of the Board [~~relating to complaints before the Board~~]; and

(b) Two hours during a period of licensing toward the hours of continuing education required by subsection 2 of NAC 638.041, to a licensed veterinary technician for attending ~~[the portion of]~~ a meeting of the Board ~~[relating to complaints before the Board]~~.

2. The Board will grant credit pursuant to subsection 1 if the meeting of the Board for which credit for continuing education is being sought is not a hearing in which the licensed veterinarian or licensed veterinary technician is participating as the result of a disciplinary action.

3. One hour of credit will be given for each hour spent attending the ~~[relevant portion of the]~~ meeting of the Board as described in subsection 1.