

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

LCB FILE NO. R117-23I

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

LCB File No. R*-23**

October 12, 2023

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 638.035 (as amended by R074-21) shall be amended to read as follows:

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	[\$400]	500
For an application for a license to practice as a veterinary technician	[200]	220
For an application or examination for a license to practice as a euthanasia technician	[400]	500
For a 2-year registration to practice as a veterinary technician in training	[50]	60
For a permit to operate a facility owned by a licensed veterinarian, other than a mobile clinic	[400]	500
For a permit to operate a facility owned by a non-licensed veterinarian, other than a mobile clinic	[600]	700
For a permit to operate a mobile clinic.....	[100]	150
For a permit to operate a nonprofit facility		200

For a registration to practice animal chiropractic	[100] 200
For a registration to practice animal physical therapy	[100] 200
For a registration to practice as an equine dental provider.....	[200] 220
For a temporary permit to practice veterinary medicine	[100] 150
For the reinstatement of a veterinary or diplomate license	[400] 525
For the reinstatement of a veterinary technician license	150
For the biennial renewal of an active license to practice veterinary medicine	[400] 500
For the biennial renewal of an inactive license to practice veterinary medicine	[260] 275
For the biennial renewal of a license to practice as a veterinary technician	150
For the biennial renewal of a license to practice as a euthanasia technician	[200] 250
For the biennial renewal of a registration to practice as an animal physical therapist	[50] 200
For the biennial renewal of a registration to practice as an animal chiropractor	[50] 200
For the biennial renewal of a registration to practice as an equine dental provider.....	200
For the biennial renewal of a permit for a facility owned by a licensed veterinarian, other than a mobile clinic	[200] 400
For the biennial renewal of a permit for a facility owned by a non-licensed veterinarian	[300] 700
For the biennial renewal of a permit for a nonprofit facility.....	200
For a duplicate of a license, registration or permit described in this section	[10] 20

2. The Board will reduce the fee charged and collected for the ~~[renewal]~~ **application** 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.

Sec 2. NAC 638.0405 shall be amended to read as follows:

638.0405. 1. ~~[Write all correspondence on behalf of the Board, including the minutes of all proceedings of the Board.~~

~~2.]~~ 2. Keep an account and record of all receipts and disbursements of the Board.

~~[3-]~~ 2. Keep a record of all persons currently licensed by the Board and all facilities which have been issued a permit to operate by the Board.

~~[4-]~~ 3. Employ, direct, evaluate and, if appropriate, discipline or terminate the employment of all personnel who perform clerical and administrative functions for the Board.

~~[5-]~~ 4. Approve contracts and expenditures that are for an amount less than ~~[\$1,000]~~ \$10,000 and are within the amount budgeted by the Board for that year.

~~[6-]~~ 5. Administer, in accordance with applicable laws and regulations, the operations of the Board and the policies and procedures concerning its budget.

~~[7-]~~ 6. Review each complaint before it is investigated.

~~[8-]~~ 7. Report directly to the Board.

~~[9-]~~ 8. Perform such other duties that are directed by the Board or are otherwise necessary to protect and promote the interest of the public relating to the practice of veterinary medicine.

Sec. 3. NAC 638.0433 shall be amended to read as follows:

638.0433. 1. In addition to any other penalty provided by law, the Board may issue a citation to a person who practices veterinary medicine without a license issued pursuant to the provisions of this chapter or chapter 638 of NRS.

2. The Board may assess *for each violation* [÷
~~(a) For a first violation, an administrative fine in an amount not to exceed \$1,000;~~
~~(b) For a second violation, an administrative fine in an amount not to exceed \$2,500;~~
~~(c) For a third or subsequent violation,~~] an administrative fine in an amount not to exceed \$5,000. *In determining the amount of the administrative fine in a particular matter, the Board shall consider:*

- (a) The procedure or treatment provided by the person;*
- (b) Any physical harm suffered by the patient;*
- (c) The number of previous similar complaints or violations by the person;*
- (d) The person's similar history for such violations in other jurisdictions; and*
- (e) Any other factor necessary to protect the public from similar or future harm that might be occasioned by the person.*

3. A citation issued pursuant to this section must be in writing and describe with particularity the nature of the violation.

Sec 4. NAC 638.045 shall be amended to read as follows:

638.045. 1. The Board adopts by reference the November 2003 revision of the “Principles of Veterinary Medical Ethics” of the American Veterinary Medical Association as a standard for professional conduct. A violation of the provisions of the principles constitutes cause for disciplinary action.

2. The November 2003 revision of the “Principles of Veterinary Medical Ethics” of the American Veterinary Medical Association is available from the Board at its office, or at the Internet address <https://nvvetboard.nv.gov>, free of charge.

3. A veterinarian will not be deemed to have violated the “Principles of Veterinary Medical Ethics” where the veterinarian:

(a) Has declined to treat an animal or has treated the animal without the owner’s consent where the owner or presenter of the animal to a veterinary facility has spoken or exhibited conduct that is deemed by the veterinarian to be threatening, harmful, dangerous, or abusive to the veterinarian or any member of the staff at the veterinary facility; and

(b) Had notified the owner orally or in writing that the owner’s conduct would result in a decline of treatment or treatment without the owner’s consent.

↪ A declination of treatment can be made for a singular event or ongoing as deemed necessary and appropriate by the veterinarian.

Sec. 5. NAC 638.0475 shall be amended to read as follows:

638.0475. 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]** :

*(a) Be available for inspection by the Board or its representative or the owner of the animal during normal business hours at least 5 **business** days each week **[-]** ;*

*(b) Provided as soon as possible to another facility that requests them under emergent or urgent circumstances, in which case the veterinarian shall provide the **relevant** medical records in whatever state of completion and whatever is available at **the time of transfer or as soon as possible thereafter** and indicate to the requesting facility the limitations of what is being provided;*

(c) ~~[Except as otherwise provided in this subsection, the licensed veterinarian shall provide]~~

Provided as a copy of that record to the Board or its representative or the owner of the animal receiving veterinary services not later than 48 *business* 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]~~ *Except as otherwise provided in subsection 1(b), a completed* 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 pre-anesthesia;
- (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;

(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. If a medical record is a written record, information contained in the medical record must not be removed, erased, redacted or otherwise made unreadable. Any addition, supplementation or other alteration to a written record must include, without limitation, the date on which the addition, supplementation or other alteration was made and the signature, initials or other identifying mark of the person who made the addition, supplementation or other alteration to the written record.

7. 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.

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

9. 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.

10. 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.

11. 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.

12. 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. 6. NAC 638.049 shall be amended to read as follows:

638.049. As used in NRS 638.1408, the Board will not interpret “willfully committing any inhumane or cruel act on any animal” to include:

1. Any emergency treatment given to an ill or injured animal without the consent of an owner if the owner is not available; ~~[or]~~

2. The performance of euthanasia on such an animal if necessary to relieve pain and suffering ~~[-]~~; *or*

3. The declination to treat or the treatment without an owner’s consent of an animal pursuant to NAC 638.045(3).

Sec. 7. NAC 638.0525 shall be amended to read as follows:

638.0525. 1. A person may perform the tasks of a veterinary technician under the immediate supervision of a supervising veterinarian or licensed veterinary technician while the person is receiving the training and experience required by paragraph (h) of subsection 2 if he or she is registered with the Board pursuant to this section.

2. To be registered as a veterinary technician in training, a person must:

(a) Submit to the Board an application on a form prescribed by the Board;

(b) Submit to the Board a letter of recommendation written by the veterinarian in charge of the facility where the person is employed or will be employed;

(c) Be 18 years of age or older;

(d) Have a high school diploma or equivalent certificate;

(e) Be of good moral character;

(f) Be a citizen of the United States or lawfully entitled to remain and work in the United States;

(g) Be:

(1) A fourth-year student enrolled in a 4-year program, a second-year student enrolled in a 2-year program or a student enrolled in an accelerated program and the program of training must be accredited by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association or be approved by the Board; or

(2) A person who has graduated from a program of training described in subparagraph (1) and is scheduled to take, or has taken but not yet received a score for, the Veterinary Technician National Examination;

(h) Participate in training while on the job and acquire experience that is commensurate with the duties of his or her employment; and

(i) Pay to the Board the fee required pursuant to NAC 638.035.

3. After confirming that an applicant complies with all the requirements of subsection 2, the Executive Director of the Board shall, unless he or she has good cause to deny the registration, issue a letter of registration for a veterinary technician in training to the veterinarian in charge of the facility where the trainee is employed or will be employed.

4. A registration issued pursuant to this section between:

(a) January 1 and August 31 of any year expires on September 1 of the next subsequent year; and

(b) September 1 and December 31 of any year expires on September 1 of the year immediately following the next subsequent year.

↪ unless the Board grants an extension *of one year* of the ~~[period-of]~~ registration *pursuant to subsection 5.*

5. To extend the registration for an additional year for a trainee who has completed the educational requirements per NAC 638.0527, the trainee must:

(a) Apply to the Board on a form provided by the Board for such an extension at least 30 days before the expiration;

(b) Provide written evidence that the trainee has scheduled the taking of the Veterinary Technician National Examination prior to applying for the extension or has taken the Veterinary Technician National Examination and is awaiting receipt of an official score at the time of applying for the extension;

(c) Provide written evidence of having taken and successfully completed at least ten hours of continuing education related to the practice of a veterinary technician, which hours must be completed before the time of application for extension.

↪ *If, after three extensions, the trainee has not completed the requirements for licensure as a licensed veterinary technician or where the trainee has not yet completed the educational requirements per NAC 638.0527, the trainee may apply for additional extensions only in an appearance before the Board.*

Sec. 7. NAC 638.520 shall be amended to read as follows:

638.520. 1. If, within 30 seconds after an intravenous injection, 15 minutes after an intraperitoneal injection or 60 minutes after an oral administration of ~~[sodium-pentobarbital]~~ *a euthanasic agent*, an animal demonstrates:

(a) Consciousness;

(b) Indications of breathing or a heartbeat;

- (c) Capillary response in the gums; or
- (d) Corneal or pupillary reflexes;

↪ the euthanasia technician shall administer another dose of ~~[sodium-pentobarbital]~~, *a euthanasic agent*

2. The euthanasia technician may inject an animal with ~~[sodium-pentobarbital]~~ *a euthanasic agent* if the animal is unconscious.

3. To verify death, the euthanasia technician shall examine each animal and find:

- (a) Rigor mortis; or
- (b) Lack of heartbeat, respiration, pupillary reflex and corneal reflex.

Sec. 8. NAC 638.525 shall be amended to read as follows:

638.525. A euthanasia technician may orally administer ~~[sodium-pentobarbital]~~ *euthanasic agents* in accordance with the instructions of the manufacturer to an animal that can be captured or restrained only with serious danger to human safety.

Sec. 9. NAC 638.530 shall be amended to read as follows:

628.530. 1. An agency shall provide for the storage and security of ~~[sodium-pentobarbital]~~ *all euthanasic agents*, needles, and syringes.

2. If a euthanasia technician is not on duty, ~~[sodium-pentobarbital]~~ *all euthanasic agents*, needles, and syringes must be kept in a metal safe which is securely attached to the building in which it is housed.

3. If ~~[sodium-pentobarbital]~~ *euthanasic agents*, needles, and syringes are stored in a safe that can be opened by an employee other than the euthanasia technician, ~~[sodium-pentobarbital]~~ *euthanasic agents* must be kept in the safe in a separate locked container made of metal that is accessible only by the euthanasia technician.

4. The temperature and environment in the safe must be adequate to assure the proper storage of the ~~[sodium-pentobarbital]~~ *euthanasic agents*.

5. The euthanasia technician shall label each container of ~~[sodium-pentobarbital]~~ *euthanasic agent* with the name of the drug, the strength, the date that the ~~[sodium-pentobarbital]~~ *euthanasic agent* was received or prepared, and the expiration date of the drug.

6. If a euthanasia technician is on duty and an animal is being euthanized, the euthanasia technician may keep ~~[sodium-pentobarbital]~~ *euthanasic agents*, needles, and syringes in a temporary storage cabinet that is constructed of strong material and locked. Only the euthanasia technician may have the key to the cabinet.

Sec. 10. NAC 638.535 shall be amended to read as follows:

1. An agency or a euthanasia technician shall keep a record of all ~~[sodium-pentobarbital]~~ *euthanasic agents* received and used by the agency.

2. The record must contain:

(a) A weekly verification of the stock of ~~[sodium-pentobarbital]~~ *euthanasic agents*, signed by the euthanasia technician.

(b) A notation of the date and amount of ~~[sodium-pentobarbital]~~ *a euthanasic agent* in a container each time that the drug is removed from secure storage.

(c) The species and weight of each animal to which ~~[sodium-pentobarbital]~~ *euthanasic agent are* administered.

(d) The amount of ~~[sodium-pentobarbital]~~ *each euthanasic agent* used for each administration.

(e) The name or initials of the euthanasia technician who administered ~~[sodium-pentobarbital]~~ *the euthanasic agents*.

(f) A notation of any waste of [~~sodium-pentobarbital~~] *a euthanasic agent*, signed by the euthanasia technician who administered the drug.

(g) A notation of the disposal of expired or unwanted [~~sodium-pentobarbital~~] *euthanasic agents*.

3. A euthanasia technician shall file all records in chronological order in a binder that is labeled with the name of the agency. The binder must remain at the agency and be available to the Board or its representative for inspection.

4. An agency shall keep all records for not less than 4 years.

Sec. 11. NAC ch. 638 shall be amended to add the following new language:

“Euthanasic agents” mean any prescription drug intended to terminate the life of an animal or ease suffering during or at the time of termination of life regardless of route of administration and includes, without limitation, sodium pentobarbital, Alpha 2 agonists, ketamine, and phenothiazines.

Sec. 12. NAC ch. 638 shall be amended to add the following new language:

“Animal transportation service” means a business that transports an animal for an owner for a fee to a veterinary facility at the direction of the owner. An animal transportation service may not possess any prescription or non-prescription drug except oxygen and may administer supplemental oxygen by exogenous application such as by a mask or flow-by as directed by the referring veterinarian and as needed.

Sec. 13. NAC 638.0605 shall be amended as follows:

638.0605. 1. Each permit to operate a veterinary facility expires on *June 30* of each *odd* 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. 14. NAC 638.0606 shall be amended as follows:

638.0606. The veterinarian who is in charge of a facility shall notify the Board in writing if ~~[:~~

~~1.—The]~~ *the* person registered with the Board as the veterinarian who is in charge of the facility resigns or otherwise leaves that position ~~];~~~~or~~

~~2.—The roster of veterinarians who are permanently employed and practice veterinary medicine at the facility changes.]~~

The written notice must be submitted to the Board not more than 20 days after any such change is made.

Sec. 15. NAC 638.475 shall be amended as follows:

638.475 ~~[1.]~~ After each training course, the Board or its representative will examine each trainee.

~~[2.—The written examination must include:~~

- ~~(a) The theory and history of the methods of euthanasia;~~
- ~~(b) Anatomy of animals;~~
- ~~(c) Handling of animals;~~
- ~~(d) Medications;~~
- ~~(e) Recordkeeping; and~~

~~(f) Techniques of injection;~~

~~3.—The practical examination must include:~~

~~(a) Intravenous injection of an animal;~~

~~(b) Handling of an animal;~~

~~(c) Verification of death;~~

~~(d) Euthanasia of an animal;~~

~~(e) Demonstration of proper recordkeeping;~~

~~(f) Demonstration of understanding and concern for the needs of an animal;~~

~~(g) Demonstration of ability to handle difficult situations; and~~

~~(h) Communication with a handler.~~

~~4.—The practical examination may include:~~

~~(a) Intracardiac injection of an animal; or~~

~~(b) Intraperitoneal injection of an animal.]~~

Sec. 16. NAC chapter 638 shall be amended to add the following new language:

1. Except as otherwise provided in subsection 2, the Board will issue a license by endorsement pursuant to NRS 622.530 to an applicant for licensure as a veterinarian who:

(a) Holds a corresponding valid and unrestricted license to engage in the practice of veterinary medicine in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in the practice of veterinary medicine in this State;

(c) Except as otherwise provided in NAC 638.0435, has successfully completed the North American Veterinary Licensing administered by the International Council for Veterinary Assessment, or its successor organization, or the similar examination in effect at the time that the

applicant obtained his or her initial licensure to engage in the practice of veterinary medicine in the District of Columbia or any state or territory of the United States;

(d) Has actively engaged in the practice of veterinary medicine in another state for not less than 5 years immediately preceding the date of submission of the application;

(e) Provides an affidavit stating that the information contained in the application and any accompanying material is true and complete;

(f) Completes the application for endorsement provided by the Board; and

(g) Pays the fees prescribed in NAC 634.200 for an application for a license to practice veterinary medicine and the issuance of such a license.

2. The Board will not issue a license by endorsement to engage in the practice of veterinary medicine in this State if:

(a) The Board is prohibited from issuing the license by subsection 2 of NRS 622.530; or

(b) The report from the Federal Bureau of Investigation pursuant to paragraph (g) of subsection 2 of NRS 622.530 indicates that the applicant has been convicted of a crime described in subsection 3 of NRS 634.140 and the Board has not previously taken disciplinary action against the licensee based on that conviction.

3. A license by endorsement to engage in the practice of veterinary medicine issued pursuant to this section may be issued at a meeting of the Board or between meetings of the Board by the President and Executive Director of the Board. Such an issuance is deemed to be an action of the Board.

Sec. 17. NAC ch. 638 shall be amended to add thereto the following new language:

“Owner of an animal” as that term is used in NRS 638015(5) means, without limitation:

1. A person who owns an animal as a pet, for the purposes of breeding, or as livestock;

2. *A not-for-profit corporation or local government that possesses animals temporarily for the purposes of adoption to members of the public;*

3. *A facility or business engaged in clinical or other research.*

Sec. 18. NAC ch. 638 shall be amended to add thereto the following new language:

“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.

Sec. 19. NAC sections 638.015, 638.0195, 638.0197, 638.090, 638.100, 638.110, 638.160, 638.180, 638.200, 638.230, 638.240, 638.260, 638.300, 638.310, 638.390, 638.400, 638.480, 638.495, and 638.732 are repealed.

TEXT OF REPEALED SECTIONS

NAC 638.015 “Solicitation” defined. “Solicitation” means the use of direct-mail advertising which is directed to persons other than clients, or the use or employment of solicitors to contact persons, other than clients, directly to solicit animals for treatment by the veterinarian.

NAC 638.0195 “Practice of veterinary medicine” interpreted. 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.

NAC 638.0197 “Veterinarian-client-patient relationship” interpreted.

1. For the purposes of this chapter, a veterinarian shall be deemed to have a “veterinarian-client-patient relationship” concerning a nonhuman 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.

NAC 638.090 Classification of parties.

1. Parties to proceedings before the Board must be styled petitioner, complainant, respondent, intervener or interested party, according to the nature of the proceedings and the relationship of the parties.

2. Any person who petitions for affirmative relief, other than a complainant, must be styled “petitioner.”

3. A person who complains to the Board of any act or of any person must be styled “complainant.”

4. Any person against whom any complaint is filed or investigation initiated must be styled “respondent.”

5. Any person, other than the original parties to the proceeding, who may be directly and substantially affected by the proceeding must, upon securing an order from the Board or presiding officer granting leave to intervene, be styled “intervener.” The granting of leave to intervene, or otherwise appear, in any matter or proceeding, is not construed to be a finding or determination of the Board that the party will or may be a party aggrieved by any ruling, order or decision of the Board for purposes of a court review or appeal.

6. Any person who believes that he or she may be affected by a proceeding, but who does not seek to participate in a proceeding, must be styled “interested party.”

NAC 638.100 Staff of Board may be party to proceeding. Members of the Board's staff may appear at any hearing. The staff has all the rights of participation as a party to the proceeding.

NAC 638.110 Appearances.

1. At any hearing, all parties named in NAC 638.090, except interested parties, are entitled to enter an appearance, to introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceeding. Interested parties may be acknowledged to state their possible interest.

2. Parties shall enter their appearance at the beginning of a hearing or at any time as may be designated by the presiding officer by giving their names and addresses and stating their position or interest to the presiding officer. This information must be recorded in the record of the hearing.

NAC 638.160 Captions, amendments and construction of pleadings.

1. Pleadings before the Board must be styled petitions, accusations, answers, motions, oppositions and replies.

2. The Board may, when substantial rights of the parties are not violated, allow any pleading to be amended or corrected or allow any omission to be supplied.

3. All pleadings must be liberally construed with a view to effect justice between the parties. The Board or presiding officer will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of the parties.

NAC 638.180 Petitions. All pleadings praying for affirmative relief, other than accusations or answers, including requests for declaratory orders, advisory opinions, and requests for the adoption, filing, amendment or repeal of any regulation, must be styled "petitions." All petitions must set forth the full name and post office address of the petitioner and must be signed by the petitioner.

NAC 638.200 Motions.

1. A motion is a request directed at the Board's authority to act on a given subject.

2. All motions, unless made during a hearing, must be in writing.

3. All written motions must set forth the nature of relief sought and the grounds for the relief requested.

4. Except as otherwise provided in NAC 638.271, a motion related to a hearing must be filed not later than 20 days before the scheduled date of the hearing.

5. A party desiring to oppose a motion may serve and file a written response to the motion not later than 10 days after the motion was served on the party.

6. The moving party may serve and file a written reply only if an opposition to the motion has been served and filed.

7. A decision must be rendered without oral argument unless oral argument is requested by the Board, in which event the Board will set a date and time for hearing.

NAC 638.230 Proof of service. There must appear on all documents required to be served by the Board, other than decisions or orders, an acknowledgment of service or the following certificate:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy in person to) (by mailing a copy, properly addressed, with postage prepaid, to).

Dated atthis(day) of (month) of (year)

.....
Signature

NAC 638.240 General requirements.

1. Upon its own initiative, or following receipt of a verified complaint, the Board may cause an accusation to be filed alleging one or more grounds for disciplinary action arising pursuant to NRS 638.140. Facts constituting grounds for disciplinary action must be stated with such particularity to enable the respondent to identify the actions in question.
2. All applicable citations, statutes, regulations or orders of the Board must be stated together with the dates on which the acts or omissions occurred.
3. If more than one cause of action is alleged, each cause of action must be stated and numbered separately.

NAC 638.260 Notice; location.

1. Hearings must be held before the Board. A quorum of the Board is sufficient to convene any hearing.
2. Notice of the hearing will include:
 - (a) A statement of the time, place and nature of the hearing.
 - (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
 - (c) A reference to the particular sections of the statutes and regulations involved.
 - (d) A short and plain statement of the matters asserted.
3. Notice of the hearing will be served at least 20 days before the time set for it. A hearing which has previously been continued may be reset on notice of not less than 10 days.
4. Hearings will be held at such place in the State as may be designated by the Board in the notice of hearing.

NAC 638.300 Preliminary procedure. The presiding member of the Board shall call the proceeding to order and proceed to take the appearances, and act upon any pending motions or petitions. The parties may then make opening statements.

NAC 638.310 Testimony must be under oath. All testimony to be considered by the Board in any hearing, except matters noticed officially or entered by stipulation, must be sworn testimony. Before taking the witness stand, each person shall swear or affirm that the testimony he or she is about to give is the truth, the whole truth, and nothing but the truth.

NAC 638.390 Rehearings.

1. Within 15 days of the rendering of a decision or order by the Board, the aggrieved party may apply for a rehearing by filing a written petition for rehearing setting forth the grounds for the petition.

2. The Board will act upon the petition within 30 days after the effective date of the order or decision upon which the rehearing is requested. If no action is taken by the Board within the time specified, the petition shall be deemed denied and the Board's decision is final.

3. The Board, on its own motion, may order a rehearing within 30 days of its decision if mistake, fraud or misconception of facts existed in the forming of its original decision.

4. Rehearings must be conducted in accordance with the procedure at hearings.

5. The filing of a petition for rehearing does not excuse compliance with the order or decision nor suspend the effectiveness of the order unless otherwise ordered by the Board.

NAC 638.400 Records of hearings.

1. Upon the filing of a petition for judicial review of a final decision in a contested case, the Board will cause a record to be made in accordance with subsection 7 of NRS 233B.121 and transmit the record to the reviewing court in accordance with subsection 2 of NRS 233B.131.

2. Persons desiring copies of the record may obtain them from the office of the Board upon payment of the fees assessed by the Board.

NAC 638.480 Demonstration of competence during practical examination of trainees.

1. During the practical examination, a euthanasia technician must demonstrate competence in:

(a) Giving injections by the performance of intravenous injections by insertion of a needle into the vein of an animal.

(b) Handling needles by:

(1) Keeping the cap on the needle until the injection is ready to be made;

(2) Choosing a needle of the appropriate size and length for the animal;

(3) Using a dosage of sodium pentobarbital not less than the minimum recommended by the manufacturer; and

(4) Aspirating the needle for all injections.

(c) The following areas by:

(1) Handling animals with care and regard for human safety. Use of devices for control must be limited to fractious or potentially dangerous animals.

(2) Communicating effectively with a handler.

(3) Lowering an animal that has been injected to a surface after the animal collapses.

2. During the practical examination, a euthanasia technician may demonstrate competence in giving injections by:

(a) The performance of intracardiac injections by insertion of a needle into the heart of an unconscious animal; or

(b) The performance of intraperitoneal injections by insertion of a needle into the injection site of an animal.

NAC 638.495 Fees required for licensure; refunding of fees prohibited under certain circumstances.

1. The Board will not refund any fee collected pursuant to NRS 638.116 or 638.127 if a euthanasia technician is terminated from employment by an agency.

2. The Board will issue a license to a euthanasia technician only after payment of the appropriate fee pursuant to NAC 638.035.

NAC 638.732 Restrictions applicable to ordering, dispensing and administering compounded drug product.

1. A licensed veterinarian may order from a pharmacy a compounded drug product for the treatment of an animal receiving veterinary service and may dispense or administer such a compounded drug product subject to the following restrictions:

(a) The licensed veterinarian must order the compounded drug product from a pharmacy pursuant to an order or invoice and, except as otherwise provided in paragraph (d), may not order the compounded drug product pursuant to this section by a prescription.

(b) The quantity of the compounded drug product ordered by the licensed veterinarian and prepared by the pharmacy must not exceed the quantity reasonably needed by the licensed veterinarian to treat his or her patients within the period of time that the compounded drug product will be effective and safe for use.

(c) There is not available a similar, commercially manufactured product that is approved by the Food and Drug Administration or there is a documented shortage of such a product.

(d) The compounded drug product is:

(1) Administered to the animal by a licensed veterinarian, veterinary technician or veterinary technician in training at a veterinary facility in accordance with the person's scope of practice; or

(2) Dispensed to the owner of the animal, or his or her authorized agent, by the licensed veterinarian for the immediate commencement of a necessary therapy and in a quantity of the lesser of:

(I) The amount sufficient to complete the course of treatment for the animal; or

(II) A 14-day supply.

➔ If a 14-day supply is insufficient to treat the animal, the licensed veterinarian may issue a prescription to the owner of the animal, or his or her authorized agent, for the quantity that exceeds the 14-day supply and is needed to treat the animal.

(e) The licensed veterinarian may not dispense or otherwise provide the compounded drug product to any person other than the owner of the animal, or his or her authorized agent, for the treatment of the animal.

(f) The compounded drug product must have a label that complies with all applicable laws and regulations.

(g) The licensed veterinarian, veterinary technician or veterinary technician in training must properly label the compounded drug product if it is to be dispensed to the owner of an animal, or his or her authorized agent.

2. As used in this section, "compounded drug product":

(a) Means a drug that has been substantively changed to address the therapeutic needs of a patient or to comply with an ordered therapy.

(b) Includes, without limitation, a combination of two drugs or a drug which has been altered to change the form of its administration, its strength or other substantive change to the active ingredient of the drug.

(c) Does not include an existing drug or drug product to which a coloring or flavoring agent was added.

