

LCB File No. R110-02

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

August 16, 2002

**Notice of Workshop and Hearing for the Adoption of Regulations
of the Nevada State Board of Veterinary Medical Examiners**

The Board of Veterinary Medical Examiners will hold a workshop and a public hearing:

**September 20, 2002 9:00 A.M.
Fairfield Inn
3850 Paradise Road
Las Vegas, NV 89109**

The purpose of this hearing is to receive comments from all interested persons regarding the adoption of regulations pertaining to Chapter 638 of the Nevada Administrative Code. If no such person appears to make an oral presentation, the Nevada State Board of Veterinary Medical Examiners may proceed immediately to act upon any written submissions. Comments will be received regarding the following:

The following information is provided pursuant to the requirements of NRS 233B.060:

NOTICE OF INTENT TO ACT UPON A REGULATION

The following information is provided pursuant to the requirements of NRS 233B.060.

I. Amendment of Nevada Administrative Code 638.800-638.840

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

This new regulation will change the present language “veterinary chiropractic” to “animal chiropractic.”

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

There will be no adverse or beneficial economic effects on the profession or the public.

(b) Both immediate and long-term effects.

This will give the public a better perception of the meaning of animal chiropractic.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7. If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.

II. Amendment of Nevada Administrative Code 638.019, Veterinary Technicians & NEW LANGUAGE.

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

Re-define the duties of a Licensed Veterinary Technicians and define an unlicensed assistant and the duties they can perform.. (RO41-02)

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Both adverse and beneficial economic effects.

There will be no adverse or beneficial economic effects on the profession or the public.

(b) Both immediate and long-term effects.

This will give the public a better perception of the meaning of animal chiropractic.

4. The estimated cost to the agency for enforcement of this regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations or other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Veterinary Medical Examiners is not aware of this regulation being required by federal law.

7. If the regulation included provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Veterinary Medical Examiners is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new increase or increase of fees.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Persons wishing to comment upon the proposed action of the Board of Veterinary Medical Examiners may appear at the scheduled workshop and public hearing or may address their comments, data, views or arguments in written form to the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno, Nevada, 89502. Written submissions must be received by the Board at least ten days before the scheduled public hearing.

A copy of this notice and the proposed regulation to be adopted will be on file at all county libraries within the state for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno, Nevada, 89502. The notice and the text of the proposed regulation is also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

The notice has been posted at the following locations:

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

All Nevada County
Public Libraries

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

NEVADA STATE BOARD OF VETERINARY MEDICAL EXAMINERS
4600 KIETZKE LANE, O-265
Reno, Nevada 89502

SECTION 1. CHAPTER 638 OF NAC IS HEREBY AMENDED TO READ AS FOLLOWS:

EXPLANATION-Matters *italicized* are new; matter in brackets ~~[]~~ is material to be omitted.

~~[VETERINARY]~~ *ANIMAL* CHIROPRACTIC

NAC 638.800 “~~[Veterinary]~~ *Animal* chiropractic” defined. (NRS 638.070) As used in NAC 638.800 to 638.840, inclusive, “~~[veterinary]~~ *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.

NAC 638.810 Requirements to practice; application for registration certificate; fee. (NRS 638.070)

1. A person shall not practice ~~[veterinary]~~ *animal* chiropractic in this state unless he is:
 - (a) A veterinarian; or
 - (b) A chiropractor who has obtained a registration certificate pursuant to this section and complies with the provisions of NAC 638.830.
2. A chiropractor who desires to secure a registration certificate to practice ~~[veterinary]~~ *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 this state for at least 1 year;
 - (c) Is in good standing with the chiropractic physicians’ board of Nevada; and
 - (d) Is certified by the American Veterinary Chiropractic Association.
4. The application must be signed by the applicant, notarized and accompanied by a fee of \$50.
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, the board will issue to the chiropractor a certificate of registration.

NAC 638.820 Expiration and renewal of certificate; fee. (NRS 638.070)

1. Each certificate of registration issued pursuant to NAC 638.810 or renewed pursuant to this section expires on January 1 of each year.
2. Each application for renewal of a certificate of registration must be:
 - (a) Submitted in the form established by the board;
 - (b) Signed by the chiropractor, notarized and accompanied by a fee of \$25;

(c) Accompanied by proof that the chiropractor completed, during the 12-month period immediately preceding the beginning of the new registration year, at least 15 hours of continuing education in veterinary chiropractic approved by the board; and

(d) Accompanied by proof that his license as a chiropractor in this state is active and that he is in good standing with the chiropractic physicians' board of Nevada.

3. A chiropractor who fails to renew his certificate of registration before it expires forfeits his 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, the board will renew the certificate of registration of the chiropractor.

NAC 638.830 Standards of practice for chiropractor holding certificate; maintenance of records. (NRS 638.070)

1. A chiropractor who has been issued a certificate of registration pursuant to NAC 638.810 may practice ~~veterinary~~ *animal* chiropractic only:

(a) Under the direction of a veterinarian licensed in this state who has established a valid veterinarian-client-patient relationship concerning the animal receiving the ~~veterinary~~ *animal* chiropractic before the ~~veterinary~~ *animal* chiropractic is performed; and

(b) If the chiropractor assumes individual liability for the quality of the ~~veterinary~~ *animal* chiropractic performed.

2. The veterinarian under whose direction the chiropractor performs the ~~veterinary~~ *animal* chiropractic:

(a) Is not required to supervise the chiropractor during the ~~veterinary~~ *animal* chiropractic.

(b) Is not liable for the acts or omissions of the chiropractor who performs ~~veterinary~~ *animal* chiropractic.

3. Each chiropractor who has been issued a certificate of registration shall:

(a) Maintain in this state for at least 4 years a separate written medical record of each animal receiving ~~veterinary~~ *animal* chiropractic.

(b) Within 48 hours after the initial visit with the animal, mail or transmit by facsimile machine a complete copy of the medical record to the veterinarian under whose direction the chiropractor performs the ~~veterinary~~ *animal* chiropractic.

(c) Within 48 hours after each subsequent visit with the animal, mail or transmit by facsimile machine a progress report to the veterinarian under whose direction the chiropractor performs the ~~veterinary~~ *animal* chiropractic.

4. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.037. The written medical record must include, without limitation:

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

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

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

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

(e) The results of a basic physical examination related to musculoskeletal manipulation;

(f) The diagnosis and treatment plan related to musculoskeletal manipulation recommended by the chiropractor for the animal; and

(g) The progress and disposition of the case.

NAC 638.840 Disciplinary action. (NRS 638.070)

1. A violation of a provision of chapter 634 or 638 of NRS or a regulation adopted by the chiropractic physicians' board of Nevada or the Nevada state board of veterinary medical examiners is a ground for disciplinary action.

2. If the Nevada state board of veterinary medical examiners determines that an applicant for a certificate of registration pursuant to NAC 638.810 or a person who has been issued a certificate of registration pursuant to NAC 638.810 has committed any act which is a ground for disciplinary action, the board may:

- (a) Refuse to issue a certificate of registration;
- (b) Refuse to renew a certificate of registration;
- (c) Revoke a certificate of registration;
- (d) Suspend a certificate of registration for a definite period or until further order of the board;
- (e) Impose a fine in an amount not to exceed \$10,000 for each act that constitutes a ground for disciplinary action;
- (f) Place a person who has been issued a certificate of registration on probation subject to any reasonable conditions imposed by the board, including, without limitation, requiring courses in continuing education or a periodic or continuous review of his ~~[/veterinary]~~ *animal* chiropractic practice;
- (g) Administer a public reprimand;
- (h) Require the person who has been issued a certificate of registration to take a competency examination or a mental or physical examination; and
- (i) Require the person who has been issued a certificate of registration to pay all costs, including, without limitation, attorney's fees, incurred by the board in taking disciplinary action against him.