

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

LCB File No. R009-04

Effective April 26, 2004

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

AUTHORITY: §§1-9 and 11, NRS 638.070; §10, NRS 638.132.

A REGULATION relating to veterinary medicine; regulating the practice of animal physical therapy; revising provisions regarding licensure by the Nevada State Board of Veterinary Medical Examiners; and providing other matters properly relating thereto.

Section 1. Chapter 638 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 6, inclusive, of this regulation, “animal physical therapy” means the rehabilitation of injuries in a nonhuman animal through the use of the following techniques, but does not include animal chiropractic:*

- 1. Stretching;*
- 2. Massage therapy;*
- 3. Rehabilitative exercise;*
- 4. Hydrotherapy;*
- 5. Application of heat or cold; and*
- 6. Stimulation by the use of:*
 - (a) Low-level lasers;*

- (b) Electrical sources;*
- (c) Magnetic fields; or*
- (d) Noninvasive ultrasound.*

Sec. 3. 1. *A person shall not practice animal physical therapy in this state unless he is:*

- (a) A veterinarian;*
- (b) A licensed veterinary technician who has received training in animal physical therapy and is working under the direction of a veterinarian licensed in this state; or*
- (c) A physical therapist who has obtained a certificate of registration pursuant to this section and complies with the provisions of section 5 of this regulation.*

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 this state for at least 3 years;*
- (c) Is in good standing with the State Board of Physical Therapy Examiners;*
- (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, notarized and accompanied by a fee of \$50.

5. Except as otherwise provided in section 6 of this regulation, upon receipt of the application and information required by subsection 3 and payment of the fee, the Board will issue to the physical therapist a certificate of registration.

Sec. 4. *1. Each certificate of registration issued pursuant to section 3 of this regulation 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 physical therapist and accompanied by a renewal fee of \$25;

(c) Accompanied by proof that the physical therapist completed, during the 12-month period immediately preceding the beginning of the new registration year, at least 5 hours of continuing education in animal physical therapy approved by the Board; and

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

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

4. Except as otherwise provided in section 6 of this regulation, upon receipt of the application for renewal and the information required by subsection 2 and payment of the renewal fee, the Board will renew the certificate of registration of the physical therapist.

Sec. 5. *1. A physical therapist who has been issued a certificate of registration pursuant to section 3 of this regulation may practice animal physical therapy 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 animal physical therapy before the animal physical therapy is performed; and

(b) If the physical therapist assumes individual liability for the quality of the animal physical therapy performed.

2. The veterinarian under whose direction the physical therapist performs the animal physical therapy:

(a) Is not required to supervise the physical therapist during the animal physical therapy.

(b) Is not liable for the acts or omissions of the physical therapist who performs the animal physical therapy.

3. Each physical therapist 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 animal physical therapy from the physical therapist.

(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 physical therapist performs the animal physical therapy.

(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 physical therapist performs the animal physical therapy.

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 rehabilitation examination related to physical therapy;*
- (f) The diagnosis and treatment plan related to physical therapy recommended by the physical therapist for the animal; and*
- (g) The progress and disposition of the case.*

Sec. 6. 1. *A violation of a provision of chapter 638 or 640 of NRS or a regulation adopted by the State Board of Physical Therapy Examiners 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 section 3 of this regulation or a physical therapist who has been issued a certificate of registration pursuant to section 3 of this regulation 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 physical therapist 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 animal physical therapy practice;

(g) Administer a public reprimand;

(h) Require the physical therapist who has been issued a certificate of registration to take a competency examination or a mental or physical examination; and

(i) Require the physical therapist 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.

Sec. 7. NAC 638.033 is hereby amended to read as follows:

638.033 ~~[Every veterinarian and veterinary technician]~~ *Each person who is registered or licensed by the Board shall notify the Board, in writing, of any change of business address, place of employment, **mailing address** or telephone number within 20 days after the change.*

Sec. 8. 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 license restored to active status by submitting to the Executive Director of the Board:

(a) An application for the restoration of his license, signed by the licensed veterinarian and notarized;

(b) A fee of ~~[\$145;]~~ **\$120;**

(c) Proof that he has completed at least ~~[20]~~ **15** hours of continuing education *approved by the Board* in the ~~[2-years]~~ **year** immediately preceding the filing of the application; and

(d) If he 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 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 license.

Sec. 9. NAC 638.0525 is hereby amended to read as follows:

638.0525 1. A person may perform the tasks of a veterinary technician under the immediate supervision of a licensed veterinarian or licensed veterinary technician while the person is receiving the training and experience required by paragraph (g) of subsection 2 if he 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 he 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 enrolled in a school or program of training that is approved by the American Veterinary Medical Association or the Board;

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

(h) Pay a fee of ~~[\$25.]~~ \$50.

3. After confirming that an applicant complies with all the requirements of subsection 2, the Executive Director of the Board shall, unless he 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 ~~[is effective for 18 months after the date the registration is issued]~~ *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 ~~[such effective date.]~~ *the period of registration.*

Sec. 10. NAC 638.0604 is hereby amended to read as follows:

638.0604 1. The Board will provide a form for the self-inspection of veterinary facilities. The purpose of the form is to assist the veterinarian in charge of the facility seeking a permit to operate in determining whether the facility complies with:

(a) The minimum standards of practice of veterinary medicine established in this chapter and chapter 638 of NRS; and

(b) The regulations adopted by the State Board of Pharmacy.

2. The veterinarian who is in charge of a facility seeking a permit to operate shall complete the self-inspection form and return the form to the Board.

3. The Board may, at any time, inspect a facility pursuant to the provisions of NAC 638.065.

4. A facility that does not meet the minimum standards of practice for veterinary medicine set forth in this chapter and chapter 638 of NRS may be subject to disciplinary action pursuant to the provisions of NRS 638.147.

Sec. 11. NAC 638.245 is hereby amended to read as follows:

638.245 1. All proceedings and investigations after the filing of a complaint are confidential, except to the extent necessary for the conduct of an investigation, until the Board determines to proceed with disciplinary action. If the Board dismisses the complaint, the proceedings remain confidential. If the Board proceeds with disciplinary action, confidentiality concerning the proceedings is no longer required.

2. If the Board conducts an investigation upon a complaint against a licensee, the Board will not limit the scope of its investigation to the matters set forth in the complaint but may extend the investigation to any additional matters which appear to constitute a violation of any provision of *this chapter or* chapter 638 of NRS . ~~[or of this chapter.]~~

3. If, after its investigation, the Board dismisses the complaint, the dismissal does not operate as a limitation on or a deterrent to any subsequent investigation or other action by the Board.

~~[4.—Whenever the Board directs that an investigation be conducted into a disciplinary matter, the results of the investigation or any information relating to the investigation will not be examined by and must not be disclosed to, the members of the Board before the Board's hearing on the matter.]~~

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R009-04**

The Nevada State Board of Veterinary Medical Examiners adopted regulations assigned LCB File No. R009-04 which pertain to chapter 638 of the Nevada Administrative Code on March 12, 2004.

Notice date: 2/11/2004
Hearing date: 3/12/2004

Date of adoption by agency: 3/12/2004
Filing date: 4/26/2004

INFORMATIONAL STATEMENT

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

The proposed regulations were noticed with all Nevada County Public Libraries and at the office of the State Board of Veterinary Medical Examiners. Public response focused on the continuing education and the fee distribution of the regulation. Minutes of the hearing and written comments can be obtained by calling the Nevada Board of Veterinary Medical Examiners at (775) 688-1788, or writing to the Board at 4600 Kietzke Lane, Bldg. O, #265, Reno, Nevada 89502.

2. The number of persons who:	Hearing & Workshop date: March 12, 2004
(a) Attended each hearing:	5
(b) Testified at each hearing:	2
(c) Submitted to the agency written comments:	0

3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices as outlined in #1, and by direct mail to interested persons that are on the Board's mailing list.

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

The regulation was adopted with non-substantial changes to the renewal process and fee distribution at the public hearing on March 12, 2004.

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

There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long term.

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

The estimated cost is \$25.00 per licensee.

7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates.

The Board is now aware of any state or government agency regulations that the proposed amendments duplicate.

8. Does the regulation include provisions which are more stringent than a federal regulation which regulates the same activity?

The Board is not aware of any regulations that are more stringent than any federal regulation that regulates the same activity.

9. Does the regulation provide a new fee or increase an existing fee?

There is a new fee to all registered physical therapists of \$50.00 application fee and a yearly renewal fee of \$25.00. The total fees collected will be approximately \$200.00 per year.