

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

LCB File No. R130-04

Effective January 26, 2005

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

AUTHORITY: §§1 and 3-9, NRS 638.070; §2, NRS 638.070 and 638.123; §10, NRS 453.375 and 638.124.

A REGULATION relating to veterinary medicine; revising provisions governing the licensing of veterinary technicians; revising provisions governing continuing education; expanding the scope of the tasks a veterinary technician in an animal hospital may perform under immediate or direct supervision; interpreting the term “practice of veterinary medicine”; 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. 1. *In addition to the requirements of NRS 638.122, an applicant for a license to practice as a veterinary technician must submit to the Executive Director of the Board proof that he has passed, within the 5 years immediately preceding the date on which the applicant submitted his application:*

(a) The Veterinary Technician National Examination; or

(b) Any other examination approved for this purpose by the Board pursuant to NRS 638.123.

2. *In addition to the requirements of subsection 1, an applicant for a license to practice as a veterinary technician, except an applicant who is licensed as a veterinary technician in another state, must submit to the Board satisfactory proof that the applicant has:*

(a) Received a degree as a veterinary technician from a college accredited by the American Veterinary Medical Association or the appropriate state agency in the state where the college is located;

(b) Received a bachelor of science degree in an area related to an animal science or in another area approved by the Board; or

(c) Completed an accelerated program for veterinary technicians approved by the Board.

3. Each applicant who received a bachelor of science degree in an area related to an animal science described in paragraph (b) of subsection 2 or completed an accelerated program described in paragraph (c) of subsection 2 must submit, on a form provided by the Board, proof of completion of at least 4,000 hours of supervised clinical experience in a veterinary facility that is verified by an actively practicing veterinarian. Not less than 2,001 hours of that supervised clinical experience must have been earned within the 5 years immediately preceding the date on which the applicant submitted his application.

4. Each application for a license to practice as a veterinary technician must include:

(a) Three letters of recommendation from persons associated with the practice of veterinary medicine; and

(b) A letter of good standing from the licensing agency of each state in which the applicant is licensed or has been licensed, if any. Each such letter must, if applicable, include detailed information concerning any disciplinary action which has been taken against the applicant or which is pending in that state.

Sec. 3. *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. *Truckee Meadows Community College; or*
10. *The Community College of Southern Nevada.*

Sec. 4. *1. A licensee must attest to his compliance with the requirements for continuing education set forth in NAC 638.041 at the time for the renewal of his license. The attestation must be made on a form provided by the Board.*

2. A licensee shall maintain documentation of his completion of a course of continuing education for 4 years after the completion of the course.

Sec. 5. *1. The Board may perform random audits of licensees to ensure compliance with the requirements for continuing education.*

2. If the Board chooses to conduct an audit of a licensee, the Board will notify the licensee, in writing, of its decision to conduct an audit.

3. If audited by the Board:

(a) A licensed veterinarian or a person who is licensed by the Board as a diplomate pursuant to NRS 638.105 shall, not later than 30 days after he receives written notice, provide proof that he has participated in at least 15 hours of continuing education during the 12

months immediately preceding the beginning of the new licensing year by submitting to the Board copies of the documentation of completion maintained pursuant to section 4 of this regulation.

(b) A veterinary technician shall, not later than 30 days after he receives written notice, provide proof that he has participated in at least 5 hours of continuing education during the 12 months immediately preceding the beginning of the new licensing year by submitting to the Board copies of the documentation of completion maintained pursuant to section 4 of this regulation.

4. Each copy of the documentation submitted to the Board pursuant to subsection 3 must include:

- (a) The name of the licensee;*
- (b) The number of hours of continuing education awarded for the course;*
- (c) A description of the course; and*
- (d) The date the course was conducted.*

Sec. 6. 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 education 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.

Sec. 7. NAC 638.018 is hereby amended to read as follows:

638.018 “Veterinary facility” means any facility in which veterinary medicine is practiced. The term includes a building, a kennel and a mobile veterinary clinic which is controlled by a veterinarian for the practice of veterinary medicine. The term does not include a diagnostic laboratory ~~or~~ *or educational institution.*

Sec. 8. NAC 638.037 is hereby amended to read as follows:

638.037 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 him or under his supervision. The records must be available for inspection by 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 owner of the animal receiving veterinary services not later than 48 hours after he receives a request from the owner of the animal. The licensed veterinarian is not required to provide a copy of any X rays 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 and breed of the animal;
- (d) The dates of care, custody or treatment of the animal;

- (e) A short history of the animal's condition as it pertains to the animal's medical status;
- (f) 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;
- (g) The diagnosis or condition at the beginning of custody of the animal, including, without limitation, results of tests;
- (h) The immunization record of the animal;
- (i) 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;
- (j) The surgery log, including, without limitation, anesthesia and preanesthesia, and the procedure performed;
- (k) Any medication and treatment administered, including, without limitation, *the* amount and frequency;
- (l) The progress and disposition of the case;
- (m) 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; and
- (n) Any X rays. Each X ray , other than an inter-oral dental X ray *or digital X ray*, must be labeled in the emulsion film as follows:
 - (1) The name of the veterinarian or facility that took the X ray;
 - (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 X ray was taken; and
 - (5) The anatomical orientation depicted by the X ray.
3. Each X ray is the property of the veterinarian who caused it to be prepared. An X ray ~~must~~ *may* be released ~~upon the written request of~~ *to the owner of the animal. An X ray 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 X ray must be returned within a reasonable time to the veterinarian to whom it belongs.
4. The medical records required ~~pursuant to~~ *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) ~~They~~ *The computer records* must be backed-up daily and cumulatively backed-up monthly using technology designed to store data permanently; and
 - (c) ~~They must either~~ *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.*
5. In a practice concerned with herds of animals, records must be kept on each herd and may be kept on individual animals.
6. If a veterinarian ceases his practice without providing for the continuation of treatment of the animals under his care, the President of the Board may appoint a master to supervise his records, the treatment of those animals and the mailing of notices to the owners of the animals which had been under his care.

Sec. 9. NAC 638.041 is hereby amended to read as follows:

638.041 1. As a prerequisite for each renewal of his license to practice veterinary medicine ~~[.]~~ *or to practice veterinary medicine as a diplomate licensed pursuant to NRS 638.105*, a licensee must complete, during the 12-month period immediately preceding the beginning of the new licensing year, at least 15 hours of continuing education approved by the Board. Except for courses offered by the Veterinary Information Network, not more than 5 hours may be completed in distance learning or correspondence courses.

2. ~~[The licensee may attach to his application for a renewal:~~

~~—(a) A summary of the educational activities which he engaged in or completed during the preceding licensing period; and~~

~~—(b) Evidence of the engagement or completion.~~

~~—3.]~~ A licensed veterinary technician must annually complete at least 5 hours of continuing education approved by the Board as a prerequisite for renewal of his license.

Sec. 10. NAC 638.053 is hereby amended to read as follows:

638.053 1. A licensed veterinary technician may not perform the following tasks of animal health care:

(a) Surgery.

(b) Diagnosis and prognosis of animal diseases.

(c) Except as authorized by a veterinarian, prescribe, administer or dispense drugs, medicines or appliances.

(d) Any other activity which represents the practice of veterinary medicine or which requires the knowledge, skill and training of a licensed veterinarian.

2. A licensed veterinary technician in an animal hospital may perform the following tasks under immediate supervision:

- (a) Application of casts and splints.
- (b) Dental extractions.
- (c) Induction of anesthesia.
- (d) Assisting a licensed veterinarian in surgery.
- (e) Euthanasia.

(f) Fluid aspiration from a body cavity.

3. A licensed veterinary technician in an animal hospital may perform the following tasks under immediate or direct supervision:

- (a) Endotracheal intubation.
- (b) Blood administration.
- (c) ~~Fluid aspiration from a body cavity.~~
- ~~(d)~~ Monitoring of vital signs.
- ~~(e)~~ (d) Application of casts for the immobilization of fractures.
- ~~(f)~~ (e) Tasks listed in subsection 4, if the animal is anesthetized.
- ~~(g)~~ (f) External noninvasive ultrasonography.
- (g) Cystocentesis to obtain a urine specimen.***

4. A licensed veterinary technician in an animal hospital may perform the following tasks under immediate, direct or indirect supervision:

- (a) Teeth cleaning.
- (b) Administration of enemas.
- (c) Administration of an electrocardiogram.
- (d) Application of bandages.
- (e) Catheterization of an unobstructed bladder.

- (f) Introduction of a stomach tube.
 - (g) Ear flushing with pressure or suction.
 - (h) Positioning of animals for X rays.
 - (i) Operation of X-ray machines.
 - (j) Administration of oral and rectal radio-opaque materials.
 - (k) Administration of oral and topical medications, including controlled substances.
 - (l) Starting and restarting of intravenous fluids.
 - (m) Collection of a laboratory specimen for analysis, including, but not limited to, blood, urine, skin, parasites and microorganisms.
 - (n) Collection of tissue during or after a postmortem examination by a licensed veterinarian.
 - (o) Administration of intramuscular, subcutaneous or intravenous injections.
 - (p) Placement of an intravenous catheter.
- ↪ No examination within the previous 12 hours is required for the collection of laboratory specimens.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R130-04**

The Nevada State Board of Veterinary Medical Examiners adopted regulations assigned LCB File No. R130-04 which pertain to chapter 638 of the Nevada Administrative Code on December 9, 2004.

Notice date: 8/27/2004

Date of adoption by agency: 12/9/2004

Hearing date: 9/30/2004; 12/9/2004

Filing date: 1/26/2005

INFORMATIONAL STATEMENT

1. PUBLIC COMMENT SOLICITED:

As per NRS 233B.0607 a copy of the regulation and aht eNotice of Hearing was posted at all Nevada County Public Libraries. As indicated on the Notice of Hearing, a copy of any of these proceedings could be obtained at the State Board of Veterinary Medical Examiners office at 4600 Kietzke Lane, Bldg. O-265, Reno, Nevada 89502. There was a workshop and public hearing held on September 30, 2004 in Las Vegas and December 9, 2004 in Reno.

2. ATTENDANCE:

There were four veterinarians, two veterinary technicians and the Executive Direcotr of the State Association present at the workshop and hearing. Two letters were also submitted for Board review.

3. REASONS FOR ADOPTING REGULATION WITHOUT CHANGE:

The permanent regulation was adopted at the State Board of Veterinary Medical Examiners meeting on December 9, 2004 with only non-substantive changes made to the proposed regulaiton.

4. ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS:

There would be no economic effect of these new regulations on the business of veterinary medicine.

5. ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT:

There are no costs to this agency for enforcement of these regulations.

6. OVERLAP OR DUPLICATION OF PROPOSED REGULATION:

To our knowledge, there is no other state or government agency, which the proposed regulations duplicate.

7. REGULATION PROVIDES A NEW FEE OR INCREASES EXISTING FEE:

These regulations do not provide a new fee or increase existing fees.