

LCB File No. R130-04

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

**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 30, 2004
1:00 P.M.
Las Vegas Chamber of Commerce
3720 Howard Hughes Parkway
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.

Amendment of Nevada Administrative Code 638 NEW LANGUAGE.

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

This new regulation will specify the requirements for the licensing of veterinary technicians.

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 new regulation will ultimately raise the standard of care in veterinary medicine.

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.

Amendment of Nevada Administrative Code 638 NEW LANGUAGE.

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

This amendment will allow the Board to randomly audit the required continuing education for both veterinarians, diplomates, and veterinary technicians.

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 (Sections 3-5).

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.

The auditing of yearly required continuing education will confirm that veterinarians and veterinary technicians are furthering their education in veterinary medicine.

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

There will be some staff time involved in communicating with the licensee and monitoring the audit.

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.

Amendment of Nevada Administrative Code 638.037

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

This amendment will allow the owner of an animal to obtain the x-rays of their animal from the veterinarian who prepared them.

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 (Section 7).

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.

There will be no long-term effect or immediate benefit.

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.

Amendment of Nevada Administrative Code 638.053.

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

This amendment will allow veterinary technicians under immediate or direct supervision to perform external noninvasive ultrasonography, *with the exception of obtaining a urine specimen via cystocentesis.*

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 (Section 9).

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.

There will be no long-term effect or immediate benefit.

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. The Board must receive written submissions 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 89502

All Nevada County
Public Libraries

LCB File No. R130-04

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

Explanation-Matter in *italics* and **bold** is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: NRS638.070

Veterinary Technicians Licensing

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

Sec. 2. *Additional Requirements for licensure (NRS638.122, 638.123)*

1. In addition to the requirements of NRS 638.122, an applicant for a license to practice as a licensed 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 he 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, except for veterinary technicians licensed in another state, must provide satisfactory proof that the applicant has:

- (a) Graduated from an AVMA accredited veterinary technician school or a school that has either been accredited by the State Education Department, or its equivalent, in the state where the college is located; or*
- (b) Graduated with a Bachelor of Science degree in an animal science related field; or*
- (c) Graduated from an accelerated program for veterinary technicians; or*

(d) An educational institute approved by the board.

1. Applicants that graduated from an accelerated program or an educational institute approved by the board must also provide satisfactory proof that they have:

(a) Successfully completed at least 4000 hours of supervised clinical experience in a veterinary facility or an educational institute. The majority of experience must be within five years preceding the date of application. This proof must be submitted on a form provided by the board.

3. The application must also be accompanied by the following documentation:

(a) Three letters of recommendation; and

(b) Letters of good standing from all states in which the applicant has been or is currently licensed in; and

(c) Verification that he has passed the National Veterinary Technician Examination.

4. All applicants must take and pass the Nevada State Jurisprudence Examination.

Sec. 3. Chapter 638 NAC is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this regulation.

Sec. 4. *Attestation of compliance; audits of licensees; certificates of completion.*

1. Each Licensee shall attest to his compliance with the requirements for continuing education pursuant to NAC 638.041 at the time for the renewal of his license. The attestation must be made on the form provided by the board.

2. Each Licensee shall retain a certificate of completion or other documentation for 4 years after the completion of a course of study or training for continuing education.

3. The board may perform random audits of licensees for compliance with the requirements for continuing education.

4. If audited by the board, an active veterinarian or diplomate shall prove that he has participated in 15 hours of continuing education during the 12 months which immediately precedes the yearly renewal by presenting photocopies of original certificates of completion to the board.

5. A licensed veterinary technician shall prove that he has participated in 5 hours of continuing education during the 12 months which immediately precedes the yearly renewal by presenting photocopies of original certificates of completion to the board.

Sec. 5. Courses: Approval; employment of coordinator; review; audits; expiration of approval.

1. A course of continuing education shall be deemed to be approved by the board if the course is provided by:

- (a) The American Veterinary Medical Association (AVMA)*
- (b) A Specialty groups of the AVMA;*
- (c) Western States Veterinary Conference, Wild West Veterinary Conference or any other regional veterinary conference;*
- (d) The Nevada Department of Agriculture and/or the United States Department of Agriculture;*
- (e) The American Animal Hospital Association (AAHA);*
- (f) The Registry of Approved Continuing Education (RACE) by the American Association of Veterinary State Boards (AAVSB);*
- (g) The Nevada Veterinary Medical Association (NVMA);*
- (h) Truckee Meadows Community College (TMCC) and the Community College of Southern Nevada (CCSN) Veterinary Technician Programs; and*
- (i) Other programs receiving prior approval from the Board.*

2. The board will perform random audits of courses of continuing education.

(a) A licensee selected for audit will be notified in writing.

(b) Within 30 days of the notification, the licensee shall submit documentation to verify completion of the continuing education that was claimed on the statement submitted by the licensee with the yearly license renewal.

(c) A copy of the continuing education documentation must include a copy of the certificate or similar verification of satisfactory completion of the continuing education that provides:

- 1. The name of the licensee;*
- 2. The amount of CE awarded;*
- 3. A description of the CE activity; and*
- 4. The dates of participation.*

Sec. 6. NAC 638.037 is hereby amended to read as follows:

Sec. 7. 1. Each licensed veterinarian shall maintain in this state for at least 4 years a separate medical record for 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 a week. Except as otherwise provided in this subsection, the licensed veterinarian shall provide a copy of that record to the owner 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.]~~

3. Each x ray is the property of the veterinarian who caused it to be prepared. An x ray must be released upon the written request of another veterinarian who has the authorization of the owner of the animal it which it pertains. The medical record must be returned within a reasonable time to the veterinarian to whom it belongs.

Sec. 8. NAC 638.053 is hereby amended to read as follows:

Sec. 9. A licensed veterinary technician in an animal hospital may perform the following tasks under immediate or direct supervision:

(g) External noninvasive ultrasonography

(h) A cystocentesis for the purpose of obtaining a urine specimen.