

**LCB File No. R074-06**

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

**NOTICE OF INTENT TO ACT UPON A REGULATION**  
Notice of Workshop/Hearing for the Adoption of Regulations of the  
Nevada State Board of Veterinary Medical Examiners

The Nevada State Board of Veterinary Medical Examiners will hold a public hearing via videoconference at 1:00 pm on June 1, 2006 at the Office of the Attorney General, Nevada Department of Justice, Carson City Office, 100 North Carson Street, Carson City, Nevada 89701-4717 and the Office of the Attorney General, Nevada Department of Justice, Las Vegas Office, 555 E. Washington Ave Suite 4500, Las Vegas, Nevada 89101. The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to chapter 638 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 633B.0603:

**Amendment of Nevada Administrative Code 638.003-638.0185**

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

Terms have been re-defined to clarify the levels of supervision a veterinary technician and veterinary technician in training have to have in order to perform veterinary health tasks.

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.

There should not be any immediate or long-term effects.

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 638.0185-638.041**

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

This amendment will allow the Board to discipline licensees who do not comply with the continuing education requirement and specifies approved continuing education sponsors.

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.

There should not be any immediate or long-term effects.

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 638.0435-638.0475**

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

This amendment will provide confidentiality of medical records.

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.

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.

Persons wishing to comment upon the proposed action of the Nevada State 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 Nevada State Board of Veterinary Medical Examiners on or before May 18, 2006. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Veterinary Medical Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno,

Nevada, 89502 and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are 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 of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

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

This notice of hearing 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. R074-06

PROPOSED REGULATION OF THE STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

Explanation-Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted

AUTHORITY: NRS 638.070

Chapter 638 of NAC is hereby repealed as follows:

**Section 1. Repealed** ~~[NAC 638.003 “Animal hospital” defined. (NRS 638.070) “Animal hospital” means all veterinary facilities at which the practice of veterinary medicine occurs, including mobile clinics.]~~

Chapter 638 of NAC is hereby amended to read as follows:

**Sec. 2.** NAC 638.006 “Direct supervision” defined. (NRS 638.070) “Direct supervision” means ~~[that a]~~ *the supervising* veterinarian is on the premises ~~[of an animal hospital]~~ or in the same area on a range and is quickly and easily available. ~~[, and the animal has been examined by the veterinarian within the previous 12 hours or at such time as good veterinary medical practice requires consistent with the particular delegated task of animal health care.]~~

**Sec. 3.** NAC 638.009 “Immediate supervision” defined. (NRS 638.070) “Immediate supervision” means the supervising veterinarian is in *the immediate area and within* visual and audible range of the animal and the *person treating the animal.* ~~[licensed veterinary technician or veterinary technician in training treating the animal., and the animal has been examined by the supervising veterinarian before treatment by the licensed veterinary technician or veterinary technician in training.]~~

**Sec. 4.** NAC 638.011 “Indirect supervision” defined. (NRS 638.070) “Indirect supervision” means the ~~[supervisor]~~ *supervising veterinarian* is not on the premises, but has given written or oral instructions for treatment of the animal. ~~[, the animal has been examined by [a] the supervising veterinarian within the previous 12 hours or at such time as good veterinary medical practice requires, consistent with the particular delegated task of animal health care, and the animal is not anesthetized.]~~

**Sec. 5.** NAC 638.013 “Mobile clinic” defined. (NRS 638.070) “Mobile clinic” means a vehicle used as a veterinary facility and includes a trailer or mobile home set up to function as a *veterinary facility* ~~[hospital].~~

**Sec. 6.** NAC 638.016 “Supervising veterinarian” defined. (NRS 638.070) “Supervising veterinarian” means a veterinarian licensed to practice in this State who employs, supervises, or employs and supervises a licensed veterinary technician, a veterinary technician in training or an unlicensed veterinary assistant. *The supervising veterinarian must have examined the animal at*

*such time as acceptable veterinary medical practice requires consistent with the particular delegated animal healthcare task.*

**Sec. 7.** NAC 638.0165 “Unlicensed veterinary assistant” defined. (NRS 638.070) “Unlicensed veterinary assistant” means a person who has less training, knowledge and skills than a licensed veterinary technician and whose basic tasks *are set forth in NAC 638.0625.* ~~[include, without limitation, feeding, watering, bathing, restraining, transporting and exercising animals.]~~

**Sec. 8.** NAC 638.0185 “Veterinary intern” defined. (NRS 638.070) “Veterinary intern” means:  
1. A third-year or fourth-year veterinary student who is enrolled in an internship program that is administered by a school of veterinary medicine; or

2. A person who has graduated from a school of veterinary medicine and has taken the North American Veterinary Licensing Examination of the National Board of Veterinary Medical Examiners but has not received the scores for that examination.

*3. A currently enrolled ECFVG student who is completing the postgraduate evaluated clinical year at a school of veterinary medicine or who is scheduled to take the clinical proficiency examination or has taken the examination and has not received the score for that examination.*

**Sec. 9.** NAC 638.041 Prerequisites for renewal of license.  
NAC 638.041 Prerequisites for renewal of license.

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. 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.

*3. A licensee who does not comply with the continuing education requirements may be subject to disciplinary action by the Board.*

**Sec 10.** NAC 638.042 Courses deemed approved by Board. (NRS 638.070) 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]~~ *The Nevada System of Higher Education*; or

10. ~~[The Community College of Southern Nevada]~~ *An AVMA accredited veterinary or veterinary technician school.*

**Sec. 11.** NAC 638.0435 Additional requirements for licensure. (NRS 638.070, 638.100, 638.110)

*3. All licensees must display their license in a conspicuous place within their place of employment.*

**Sec. 12.** NAC 638.0475 Maintenance and availability of records; cessation of practice without providing for continuation of treatment. (NRS 638.070, 638.1408)

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, *weight or approximation of*, 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.

**Sec 13. *NAC 638.0475 Maintenance and availability of records; cessation of practice without providing for continuation of treatment. (NRS 638.070, 638.1408)***

***7. Medical record information is considered privileged and confidential to the client responsible for the animal receiving veterinary services. It must not be released except as otherwise provided in subsection 1 or under any of the following circumstances:***

***(1) In response to a court order or subpoena.***

***(2) As may be required to ensure compliance with any federal, state, county, or city laws or regulations;***

***(3) Nothing in this section is intended to prevent the sharing of veterinary medical information between veterinarians and peace officers, human society officers, or animal control officers who are acting to protect the welfare of animals.***