

LCB File No. R075-06

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

NOTICE OF INTENT TO ACT UPON A REGULATION

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

Amendment of Nevada Administrative Code 638.0525-638.057

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

- a) Clarification of who qualifies to be a veterinary technician in training.
- b) Duties a Veterinary technician can perform under immediate or direct supervision.
- c) Allowing the Board to discipline a veterinarian if he would allow unlicensed personnel to perform duties that are specific to a veterinary technician.

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 638.0603-638.068

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

- a) Providing for licensure of a veterinary mobile clinic
- b) Increasing fees for a facility owned by a veterinarian to \$50.00 per year.
- c) Defining the perimeters of an aseptic surgical room.

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.

The veterinary facility fees are increasing \$25.00 per year to facilitate an increase in hospital inspections that can be done annually by Board staff.

Amendment of Nevada Administrative Code 638.250-638.280

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

To conform to the addition of NRS 622A passed in the 2005 legislation for the purpose of consistency of regulatory disciplinary hearings.

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.

NRS 622A, a new chapter, was adopted by the legislature in 2005. Laws that were duplicated in NAC 638 have been repealed and other sections modified to be consistent with 622 A.

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.

LCB File No. R075-06

**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 amended to read as follows:

Section 1. NAC 638.0525 Veterinary technician in training: Supervision; requirements for registration; fee; issuance of letter of registration; duration of registration. (NRS 638.070, 638.124)

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 a fourth-year student of a four year program, a second-year student of a two-year program, or a student of an accelerated program who is* Be enrolled in a school or program of training that is approved by the American Veterinary Medical Association or the Board;

(g) Be a person who has graduated from a program pursuant to paragraph (f) of subsection 2 that has taken or has applied to take the Veterinary Technician National Examination but has not received the scores for that examination.

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

(i) ~~(h)~~ Pay a fee of \$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 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 the period of registration.

Sec. 2. NAC 638.053 Licensed veterinary technician: Prohibited tasks; tasks requiring immediate, direct or indirect supervision. (NRS 638.070, 638.124)

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) Monitoring of vital signs.
- (d) Application of casts for the immobilization of fractures.
- (e) Tasks listed in subsection 4, if the animal is anesthetized.
- (f) External noninvasive ultrasonography.
- (g) Cystocentesis to obtain a urine specimen.

(h) Dental prophylaxis

(i) Physical therapy

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

- (a) ~~Teeth cleaning.~~
- ~~(b)~~ (a) Administration of enemas.
- ~~(e)~~ (b) Administration of an electrocardiogram.
- ~~(d)~~ (c) Application of bandages.
- ~~(e)~~ (d) Catheterization of an unobstructed bladder.
- ~~(f)~~ (e) Introduction of a stomach tube.
- ~~(g)~~ (f) Ear flushing with pressure or suction.
- ~~(h)~~ (g) Positioning of animals for X rays.
- ~~(i)~~ (h) Operation of X-ray machines.
- ~~(j)~~ (i) Administration of oral and rectal radio-opaque materials.
- ~~(k)~~ (j) Administration of oral and topical medications, including controlled substances.
- ~~(l)~~ (k) Starting and restarting of intravenous fluids.
- ~~(m)~~ (l) Collection of a laboratory specimen for analysis, including, but not limited to, blood, urine, skin, parasites and microorganisms.

~~(m)~~ (m) Collection of tissue during or after a postmortem examination by a licensed veterinarian.

~~(n)~~ (n) Administration of intramuscular, subcutaneous or intravenous injections.

~~(o)~~ (o) Placement of an intravenous catheter.

No examination within the previous 12 hours is required for the collection of laboratory specimens.

Sec. 3. NAC 638.057 Duties of supervising veterinarian. (NRS 638.070, 638.124) The supervising veterinarian:

1. Is responsible for determining the competency of the licensed veterinary technician to perform delegated tasks of animal health care.

2. Shall ensure that the licensed veterinary technician performs the tasks of animal health care delegated to the licensed veterinary technician in a manner which is consistent with good veterinary medical practice.

3. Shall make all decisions relating to the diagnosis, treatment, management and future disposition of the animal.

4. Shall examine the animal before delegating any tasks to the licensed veterinary technician. The examination must be conducted at such time as good veterinary medical practice requires, consistent with the particular task of animal health care which is delegated.

5. That is allowing unlicensed personnel to perform duties that are specific to licensed veterinary technicians or licensed veterinarians may be subject to disciplinary action.

Sec 4. NAC 638.06025 Tasks requiring supervision. (NRS 638.070)

1. An unlicensed veterinary assistant in an animal hospital may perform the following tasks under immediate supervision:

(a) Assisting a licensed veterinarian in surgery or in monitoring anesthesia.

(b) Application of bandages.

(c) Collection of a laboratory specimen for analysis of blood.

(d) Collection of tissue during or after a postmortem examination by a licensed veterinarian.

2. An unlicensed veterinary assistant in an animal hospital may perform the following tasks under immediate or direct supervision:

(a) Blood administration with a preplaced catheter.

(b) Monitoring of vital signs.

(c) Administration of an electrocardiogram.

(d) Introduction of food into the stomach through a preplaced tube.

(e) Ear cleaning.

(f) Positioning of animals for X rays.

(g) Operation of X-ray machines.

(h) Starting and restarting of intravenous fluids through a preplaced intravenous catheter.

(i) Administration of intramuscular, subcutaneous or intravenous injections, except anesthetics and sedatives, with a preplaced catheter, *or vaccinations for zoonotic diseases.*

(j) *The taking of temperature, pulse, respiration & weight* ~~[Physical examination]~~.

3. An unlicensed veterinary assistant in an animal hospital may perform the following tasks under immediate, direct or indirect supervision:

(a) Administration of oral and topical medications, except controlled substances.

(b) Collection of a laboratory specimen for analysis of free catch urine or feces, skin, parasites and microorganisms.

Sec. 5. NAC 638.0603 Permit to operate: Application; fee; issuance; display; change in ownership. (NRS 638.070, 638.132)

1. It is unlawful for a person to operate a veterinary facility *or mobile clinic* unless the facility is registered with the Board and the Board has issued a permit for its operation.

2. The veterinarian who will be in charge of the veterinary facility which seeks a permit to operate must submit to the Board:

(a) A notarized application for registration in the form provided by the Board.

(b) A completed self-inspection form as set forth in NAC 638.0604.

(c) A fee of:

(1) ~~Twenty five~~ *Fifty* dollars for a facility in which the person with the highest percentage of ownership interest, or an interest equaling that percentage, is a licensed veterinarian.

(2) Three hundred dollars for a facility in which the person with the highest percentage of ownership interest is not a licensed veterinarian.

3. Upon receipt of a completed application for registration, the applicable fee and the completed self-inspection form, the Board will issue a permit to operate the facility. The Board will act upon an application for such a permit within 90 days after receipt of the application.

4. The permit issued to a facility by the Board must be displayed in a conspicuous place within the facility.

5. If a change in the ownership of a facility is anticipated, the veterinarian in charge of the facility for which the permit was issued shall notify the Board, in writing, of the anticipated change 30 days before the date on which the change in ownership is to become effective. The new owner shall register with the Board and apply for a permit to operate the facility pursuant to this section at least ~~90~~ *30* days before the date on which the change in ownership is to become effective. The facility shall not, under changed ownership, provide any veterinary services until its permit to operate has been approved.

Sec. 6. NAC 638.061 Examination room and room for surgery required; exemption. (NRS 638.070, 638.132)

1. A veterinary facility where animals are housed must contain:

(a) An examination room separate from the reception room or office and other areas of the facility which is of sufficient size to accommodate the doctor, assistant, animal and client.

~~[(b) A room for surgery separate from all other rooms.]~~

2. A veterinary facility which provides aseptic surgical services shall comply with the following:

(a) A room, separate and distinct from all other rooms shall be reserved for aseptic surgical procedures which require aseptic preparation.

3. The following attire shall be required for aseptic surgery:

(a) Each member of the surgical team shall put on an appropriate sanitary cap and sanitary mask. All members of the surgical team who will be handling the instruments or touching the surgical site shall wear sterilized surgical gowns and sterilized gloves.

4. When performing clean surgery the instruments used to perform such surgery shall have been sterilized and the surgeon and surgery staff shall wear clean attire and gloves.

For purpose of this chapter “aseptic surgery” means surgery performed under sterilized conditions to prevent the introduction of infectious microorganisms. “Clean surgery” means the performance of a surgical operation for the treatment of a condition and under circumstances which are consistent with the standards of good veterinary medicine, do not warrant the use of aseptic surgical procedures.

~~[2.]~~ 5. A veterinarian whose practice is restricted to large animals is exempt from the provisions of this section.

Sec. 7. NAC 638.0625 Safety and sanitation; medical capacity. (NRS 638.070, 638.132)

1. A safe and sanitary environment must be maintained in each veterinary facility which:

(a) Protects the health of the animals and ~~[avoids]~~ *minimizes the possibility of* the transmission of infection;

Sec. 8. NAC 638.063 Equipment; sterilization. (NRS 638.070, 638.132)

1. A veterinary facility must maintain the following equipment at all times:

(a) Surgical packs including drapes, sponges and proper instrumentation.

(b) Anesthetic equipment in accordance with the level of surgery performed.

(c) Oxygen.

(d) A library of current journals or textbooks which provides readily accessible reference materials.

2. All appropriate equipment must be sterilized and surgical packs must be properly prepared for sterilization by heat or gas which is sufficient to kill bacterial spores for each sterile surgical procedure. Separate sterile surgical packs must be used for each sterile procedure.

3. ~~[Clean attire and sterile gloves are required for any sterile procedure.]~~

Sec. 9. NAC 638.0635 Mobile clinics: General requirements. (NRS 638.070, 638.132)

1. In addition to the requirements of NAC 638.063, a mobile clinic, except one used only by a veterinarian whose practice is limited to large animals, must have:

(a) Hot and cold water;

(b) A ~~[100]~~ 110-volt power source for diagnostic equipment;

Sec. 10. NAC 638.065 Inspection of facility by Board. (NRS 638.070, 638.077, 638.132) The Board may ~~[at any time]~~ inspect any veterinary facility *at any time during which the facility is open for business*. The inspector must be accompanied by a licensed veterinarian or employee associated with the facility, unless permission is provided by a licensed veterinarian associated with the facility for the inspector to proceed unaccompanied.

Sec. 11. NAC 638.066 Inspection: Authorization and procedure. (NRS 638.070, 638.132)

1. The President of the Board ~~[shall]~~ *may* order the inspection of veterinary facilities, ~~[and]~~ vaccination clinics, *and agencies*, on a random basis.

2. An inspector approved by the Board may conduct inspections of veterinary facilities and vaccination clinics.

Sec. 12. NAC 638.068 Facility that provides on-call emergency service; requirements for advertising. (NRS 638.070, 638.132)

1. A veterinary facility that provides on-call emergency service shall have a licensed veterinarian on-call who is able to respond within a reasonable time to a request for emergency service ~~[at the facility].~~

Sec. 13. NAC 638.250 Request for hearing; filing of answer. (NRS 638.070, 638.146)

1. A party or parties against whom an accusation is filed ~~[must,] may~~ within ~~[15] 20~~ days of receipt of the accusation, notify the Board in writing whether a hearing on the accusation is requested. ~~[Failure to request a hearing is a waiver of the right to hearing. The Board may allow a hearing notwithstanding the fact that it was not requested within 15 days.~~

~~—2. If a hearing is requested, the respondent shall file an answer within 20 days of receipt thereof.]~~

Sec. 14. NAC 638.260 Notice; location. (NRS 638.070)

1. Hearings must be held before the Board. A quorum of the Board is sufficient to convene any hearing.

2. Notice of the hearing will include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the statutes and regulations involved.

(d) A short and plain statement of the matters asserted.

3. Notice of the hearing will be served *pursuant to NRS 241*. ~~[at least 20 days before the time set for it. A hearing which has previously been continued may be reset on notice of not less than 10 days.]~~

4. Hearings will be held at such place in the State as may be designated by the Board in the notice of hearing.

Sec. 15. NAC 638.280 Failure of party to appear. (NRS 638.070, 638.146)

1. If a party fails to appear at a hearing scheduled by the Board and no continuance has been requested or granted, the Board may hear the evidence of such witnesses as may have appeared and the Board may proceed to consider the matter and dispose of it on the basis of the evidence before it.

~~2. [If, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing scheduled by the Board or fails to request a continuance, the person may, within a reasonable time not to exceed 15 days from the date of the hearing, apply to the Secretary of the Board to reopen the proceedings. The Board, upon finding cause sufficient and reasonable, will immediately fix a time and place for hearing and give the person notice thereof. At the time and place fixed, a hearing must be held at which the person may testify in his own behalf or present such other evidence as may be beneficial to his cause.~~

~~—3. Witnesses who have previously testified are not required to appear at the second hearing unless so directed by the Board.]~~

Sec. 15. ~~[NAC 638.320 Presentation of evidence. (NRS 638.070)~~

~~—1. Evidence will be received in the following order:~~

~~—(a) Upon applications and petitions:~~

~~—(1) Applicant or petitioner.~~

~~—(2) Board's staff.~~

- ~~——(3) Intervener.~~
- ~~——(4) Rebuttal by applicant or petitioner.~~
- ~~——(b) Upon accusations:~~
 - ~~——(1) The Board.~~
 - ~~——(2) Respondent.~~
 - ~~——(3) Rebuttal by Board.~~
- ~~——2. This procedure may be modified by the Board or presiding member.~~
- ~~——3. Closing statements by the parties may be allowed at the discretion of the presiding member of the Board.}]~~