

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

LCB File No. R075-06

August 3, 2006

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

AUTHORITY: §§1-3, 17 and 18, NRS 638.070; §§4-6, NRS 638.070 and 638.124; §7, NRS 638.070 and 638.134; §§8-13, 15 and 16, NRS 638.070 and 638.132; §14, NRS 638.070, 638.077 and 638.132.

A REGULATION relating to veterinarians; establishing requirements for aseptic surgery; establishing requirements for clean surgery; revising the requirements for registration as a veterinary technician in training; revising the tasks that a licensed veterinary technician may perform; revising the responsibilities of a supervising veterinarian; revising the tasks that an unlicensed veterinary assistant may perform; increasing the fee for a permit to operate a veterinary facility; revising the provisions governing the permits, inspection and practice requirements of veterinary facilities; repealing the provisions governing the presentation of evidence at hearings; 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 and 3 of this regulation.

Sec. 2. 1. *A veterinary facility which provides aseptic surgical services must reserve a room, separate and distinct from all other rooms, for aseptic surgical procedures.*

2. *When performing aseptic surgery:*

(a) Each member of a surgical team shall wear the appropriate sanitary cap and sanitary mask;

(b) Any instrument used to perform aseptic surgery must be sterilized; and

(c) Each member of the surgical team who will be handling an instrument or touching the surgical site shall wear a sterilized surgical gown and sterilized gloves.

3. As used in this section, “aseptic surgery” means surgery performed under sterilized conditions to prevent the introduction of infectious microorganisms.

Sec. 3. 1. When performing clean surgery:

(a) Any instrument used to perform clean surgery must be sterilized; and

(b) Each member of the surgical team who will be handling an instrument or touching the surgical site shall wear clean attire and gloves.

2. As used in this section, “clean surgery” means a surgical procedure which does not warrant the use of aseptic surgical procedures and which is conducted in a manner that is consistent with the prevailing standards of acceptable veterinary medical practice.

Sec. 4. 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 :

*(1) A fourth-year student enrolled in a 4-year program, a second-year student enrolled in a 2-year program or a student enrolled in an accelerated program and the ~~enrolled in a school or~~ program of training ~~that is approved~~ must be accredited by the *Committee on Veterinary Technician Education and Activities of the* American Veterinary Medical Association or *be approved by* the Board; or*

(2) A person who has graduated from a program of training described in subparagraph (1) and is scheduled to take, or has taken but not yet received a score for, the Veterinary Technician National Examination;

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

(h) Pay *to the Board* 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. 5. 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) 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)~~ 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.
- ~~(n)~~ (m) Collection of tissue during or after a postmortem examination by a licensed veterinarian.
- ~~(o)~~ (n) Administration of intramuscular, subcutaneous or intravenous injections.

~~[(p)]~~ (o) Placement of an intravenous catheter.

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

Sec. 6. NAC 638.057 is hereby amended to read as follows:

638.057 **1.** The supervising veterinarian:

~~[(1)]~~ (a) Is responsible for determining the competency of the licensed veterinary technician to perform delegated tasks of animal health care.

~~[(2)]~~ (b) 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)]~~ (c) Shall make all decisions relating to the diagnosis, treatment, management and future disposition of the animal.

~~[(4)]~~ (d) 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.

(e) Is responsible for ensuring that unlicensed personnel do not perform duties that are specific to licensed veterinary technicians or licensed veterinarians.

2. A supervising veterinarian who does not comply with the requirements of this section may be subject to disciplinary action.

Sec. 7. NAC 638.06025 is hereby amended to read as follows:

638.06025 **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.

(j) ~~Physical examination.~~ *Taking readings of the temperature, pulse, respiration or weight of an animal.*

3. *An unlicensed veterinary assistant in an animal hospital may administer vaccinations for zoonotic diseases under direct supervision.*

4. 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. 8. NAC 638.0603 is hereby amended to read as follows:

638.0603 1. It is unlawful for a person to operate a veterinary facility 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. 9. 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]~~ *The veterinarian who is in charge of 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. 10. NAC 638.061 is hereby amended to read as follows:

638.061 1. A veterinary facility where animals are housed must contain ~~f~~
~~—(a) An~~ *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 veterinarian whose practice is restricted to large animals is exempt from the provisions of this section.

Sec. 11. NAC 638.0625 is hereby amended to read as follows:

638.0625 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;
- (b) Includes the proper routine disposal of waste materials and proper sterilization or sanitation of all equipment used in diagnosis, treatment or surgery;
- (c) Meets the requirements of local and state fire prevention codes;
- (d) Ensures the maintenance of a proper temperature and ventilation of the facility for the comfort of all animals;
- (e) Includes sanitary methods for the disposal of deceased animals; and
- (f) Includes a freezer to be used when an owner has not given permission for the disposal of a carcass.

2. The veterinary facility must have the capacity to perform an adequate diagnostic radiological series, in the facility or through another commercial facility. Radiological procedures must be in accordance with standards for the protection of the public health. Laboratories and pharmaceutical facilities must be available in the facility or through another commercial facility.

Sec. 12. NAC 638.063 is hereby amended to read as follows:

638.063 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. 13. NAC 638.0635 is hereby amended to read as follows:

638.0635 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-volt}~~ **110-volt** power source for diagnostic equipment;
- (c) A collecting tank for disposal of waste material;
- (d) Adequate lighting;
- (e) Table tops and counter tops, such as formica or stainless steel, which can be cleaned and disinfected;
- (f) Floor coverings which can be cleaned and disinfected;
- (g) Adequate heating, cooling, and ventilation;
- (h) Instruments which meet the requirements of the level of surgery to be performed; and
- (i) Separate compartments for the transportation or holding of animals.

2. A mobile clinic used only by a veterinarian whose practice is limited to large animals must be equipped with cold water and a secure and sanitary area for the storage of instruments and drugs.

Sec. 14. NAC 638.065 is hereby amended to read as follows:

638.065 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. 15. NAC 638.066 is hereby amended to read as follows:

638.066 1. ~~[The President of the Board shall order the inspection of veterinary facilities and vaccination clinics on a random basis.~~

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

~~[3.]~~ 2. Each inspector shall evaluate a veterinary facility or vaccination clinic for compliance with the practice of veterinary medicine pursuant to the provisions of this chapter and chapter 638 of NRS.

~~[4.]~~ 3. Each inspector shall:

(a) During an inspection, use a form for inspection approved by the Board. The form must include:

- (1) A description of the nature of any violation;
- (2) The specifications for any changes required to be made to correct the violation; and
- (3) The time allowed to correct the violation.

(b) Submit to the Board the form for inspection for each veterinary facility or vaccination clinic he inspects not later than 10 days after he conducts the inspection.

Sec. 16. NAC 638.068 is hereby amended to read as follows:

638.068 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.]~~

2. A veterinary facility that advertises or otherwise represents to the public that it provides on-call emergency service must state in its advertising in a clear and conspicuous manner:

- (a) The term “on-call”;
- (b) The hours that the facility provides on-call emergency service; and
- (c) The address and telephone number of the facility.

Sec. 17. NAC 638.760 is hereby amended to read as follows:

638.760 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;]~~ *complies with the provisions of NAC 638.053;* or

(c) A physical therapist who has obtained a certificate of registration pursuant to this section and complies with the provisions of NAC 638.780.

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 NAC 638.790, 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. 18. NAC 638.320 is hereby repealed.

TEXT OF REPEALED SECTION

NAC 638.320 Presentation of evidence.

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.