

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

**LCB File No. R091-06**

August 3, 2006

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

AUTHORITY: §1, NRS 638.1471; §§2, 3, 6, 7 and 12-15, NRS 638.070; §§4 and 5, NRS 638.070 and 638.117; §§8-11, NRS 638.070 and 638.119.

A REGULATION relating to veterinary medicine; providing for the issuance of a citation for practicing veterinary medicine without a license; providing that the Board of Veterinary Medical Examiners will assume the duties of the Committee on Euthanasia Technicians; revising the examination requirements for euthanasia technicians; revising the provisions related to inspections of agencies which perform euthanasia; revising the procedures for euthanasia; revising the provisions relating to vaccinations; revising the provisions relating to animal therapy; revising the provisions relating to animal chiropractors; and providing other matters properly relating thereto.

**Section 1.** Chapter 638 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. In addition to any other penalty provided by law, the Board may issue a citation to a person who practices veterinary medicine without a license issued pursuant to the provisions of this chapter or chapter 638 of NRS.*
- 2. The Board may assess:*
  - (a) For a first violation, an administrative fine in an amount not to exceed \$1,000.*
  - (b) For a second violation, an administrative fine in an amount not to exceed \$1,500.*
  - (c) For a third or subsequent violation, an administrative fine in an amount not to exceed \$5,000.*

*3. A citation issued pursuant to this section must be in writing and describe with particularity the nature of the violation.*

**Sec. 2.** NAC 638.450 is hereby amended to read as follows:

638.450 As used in NAC 638.450 to 638.565, inclusive:

1. “Agency” means:

(a) A law enforcement agency;

(b) An animal control agency; or

(c) A society for the prevention of cruelty to animals which is in compliance with chapter 574 of NRS,

↳ that employs a euthanasia technician to euthanize injured, sick, homeless or unwanted domestic pets and other animals.

2. ~~“Committee” means the Committee on Euthanasia Technicians.~~

~~—3.]~~ “Euthanasia technician” has the meaning ascribed to it in NRS 638.005.

~~[4.]~~ 3. “Handler” means a person who is trained in techniques of animal handling and human safety and is not licensed as a euthanasia technician.

**Sec. 3.** NAC 638.470 is hereby amended to read as follows:

638.470 The ~~[Committee shall:]~~ *Board or its representative will:*

1. Develop a course to train euthanasia technicians.

2. Develop instructional materials and a syllabus for the training course.

3. Offer the course to persons seeking training as euthanasia technicians at least one time each year.

4. Examine each applicant for licensing as a euthanasia technician.

5. ~~[Inspect each agency serving as a site for the euthanasia of animals.]~~

~~—6.— Make recommendations to the Board concerning the issuance or renewal of licenses.~~

~~—7.]~~ Review the records and the performance of each person seeking licensure as a euthanasia technician or renewal of his license.

**Sec. 4.** NAC 638.475 is hereby amended to read as follows:

638.475 1. After each training course, the ~~[Committee or a member of the Committee shall]~~ *Board or its representative will* examine each trainee.

2. The written examination must include:

- (a) The theory and history of the methods of euthanasia;
- (b) Anatomy of animals;
- (c) Handling of animals;
- (d) Medications;
- (e) Recordkeeping; and
- (f) Techniques of injection.

3. The practical examination must include:

- (a) Intravenous injection of a dog;
- (b) ~~Intraperitoneal injection of a dog and cat;~~
- ~~—(c)]~~ Handling of an animal;
- ~~[(d)]~~ (c) Verification of death;
- ~~[(e)]~~ (d) Euthanasia of an animal;
- ~~[(f)]~~ (e) Demonstration of proper recordkeeping;
- ~~[(g)]~~ (f) Demonstration of understanding and concern for the needs of an animal;
- ~~[(h)]~~ (g) Demonstration of ability to handle difficult situations; and
- ~~[(i)]~~ (h) Communication with a handler.

4. The practical examination may include:
- (a) Intracardiac injection ~~[; and]~~ *of a dog or cat;*
  - (b) Intravenous injection of a cat ~~[;]~~ *; and*
  - (c) *Intraperitoneal injection of a dog or cat.*

**Sec. 5.** NAC 638.480 is hereby amended to read as follows:

638.480 **1.** During the practical examination, a euthanasia technician must demonstrate competence in:

- ~~[(1)]~~ (a) Giving injections by ~~[(~~
  - ~~—(a) Performance]~~ *the performance* of intravenous injections by insertion of a needle into ~~[(the vein of an animal)]~~ *a vein* in two attempts *per dog* on 90 percent of the ~~[(animals injected];~~
  - ~~(b) Performance of intraperitoneal injections by insertion of a needle into the injection site in two attempts on 95 percent of the animals injected; and~~
  - ~~—(c) Performance of intracardiac injections by insertion of a needle into the heart of an unconscious animal in two attempts on 95 percent of the animals injected.~~~~—2.]~~ *dogs injected.*

(b) Handling needles by:

- ~~[(a)]~~ (1) Keeping the cap on the needle until the injection is ready to be made;
- ~~[(b)]~~ (2) Choosing a needle of the appropriate size and length for the animal;
- ~~[(c)]~~ (3) Using a dosage of sodium pentobarbital not less than the minimum recommended by the manufacturer; and
- ~~[(d)]~~ (4) Aspirating the needle for all injections.

~~[(3)]~~ (c) The following areas by:

~~[(a)]~~ (1) Handling animals with care and regard for human safety. Use of devices for control must be limited to fractious or potentially dangerous animals.

~~[(b)]~~ (2) Communicating effectively with a handler.

~~[(c)]~~ (3) Lowering an animal that has been injected to a surface after the animal collapses.

*2. During the practical examination, a euthanasia technician may demonstrate competence in giving injections by:*

*(a) The performance of intraperitoneal injections by insertion of a needle into the injection site in two attempts per dog or cat in 90 percent of the animals injected;*

*(b) The performance of intracardiac injections by insertion of a needle into the heart in two attempts per unconscious dog or cat in 90 percent of the animals injected; and*

*(c) The performance of intravenous injections on a cat by insertion of a needle into a vein in two attempts per cat in 90 percent of the cats injected.*

**Sec. 6.** NAC 638.485 is hereby amended to read as follows:

638.485 1. *The Board or its representative may inspect any agency.*

2. During the inspection of an agency, the ~~[(Committee shall)]~~ *Board or its representative may* examine:

(a) The area and equipment used for euthanasia;

(b) Security and storage of drugs;

(c) Recordkeeping;

(d) Sanitation; and

(e) Any other condition of the agency that is relevant to the proper euthanasia of animals.

~~[2.]~~ 3. If a deficiency is found, ~~[a member of the Committee shall describe the deficiency on the form provided by the Board and notify]~~ the agency ~~[.]~~ *must be notified*. The Executive Director of the Board may notify the State Board of Pharmacy.

~~[3.]~~ 4. The agency shall correct any deficiency within 30 days after the inspection.

**Sec. 7.** NAC 638.490 is hereby amended to read as follows:

638.490 1. If a deficiency is found during an inspection of an agency, ~~[a member of the Committee shall]~~ *the Board or its representative will* conduct a second inspection at the expense of the agency after the time given to correct the deficiency.

2. If the deficiency is not corrected:

(a) The ~~[Committee may recommend that the]~~ Board *may* revoke or refuse to renew the license of *any euthanasia technician employed by* the agency; and

(b) The Executive Director of the Board will notify the State Board of Pharmacy and the Drug Enforcement Administration of the Department of Justice.

**Sec. 8.** NAC 638.520 is hereby amended to read as follows:

638.520 1. If, within 30 seconds after an intravenous injection, 15 minutes after an intraperitoneal injection or 60 minutes after an oral administration of sodium pentobarbital, an animal ~~[fails to demonstrate:]~~ *demonstrates:*

(a) ~~[Lack of consciousness;]~~ *Consciousness;*

(b) ~~[No indications]~~ *Indications* of breathing or *a* heartbeat;

(c) ~~[No capillary]~~ *Capillary* response in the gums; or

(d) ~~[Lack of corneal]~~ *Corneal* or pupillary reflexes,

↳ the euthanasia technician shall administer another dose of sodium pentobarbital.

2. The euthanasia technician may inject an animal with sodium pentobarbital if the animal is unconscious.

3. To verify death, the euthanasia technician shall examine each animal and find:

(a) Rigor mortis; or

(b) Lack of heartbeat, respiration, corneal palpebral, pupillary reflex and corneal reflex.

**Sec. 9.** NAC 638.535 is hereby amended to read as follows:

638.535 1. An agency or a euthanasia technician shall keep a record of all sodium pentobarbital received and used by the agency.

2. The record must contain:

(a) A weekly verification of the stock of sodium pentobarbital, signed by the euthanasia technician.

(b) A notation of the date and amount of sodium pentobarbital in a container each time that the drug is removed from secure storage.

(c) The species and weight of each animal to which sodium pentobarbital is administered.

(d) The amount of sodium pentobarbital used for each administration.

(e) The name or initials of the euthanasia technician who administered sodium pentobarbital.

(f) A notation of any waste of sodium pentobarbital, signed by the euthanasia technician who administered the drug.

(g) A notation of the disposal of expired or unwanted sodium pentobarbital.

3. A euthanasia technician shall file all records in chronological order in a binder that is labeled with the name of the agency. The binder must remain at the agency and be available to the ~~[Committee]~~ *Board or its representative* for inspection.

4. An agency shall keep all records for not less than 4 years.

**Sec. 10.** NAC 638.550 is hereby amended to read as follows:

638.550 The euthanasia technician shall:

1. Have the following materials in the area used for euthanasia:
  - (a) A first-aid kit;
  - (b) At least one tourniquet;
  - (c) Standard electric clippers with number 40 blade;
  - (d) A control *or rabies* stick for dogs;
  - (e) A net for cats;
  - (f) A stethoscope;
  - (g) Towels;
  - (h) Sponges;
  - (i) Disinfectant; and
  - (j) Any other equipment necessary for the proper euthanasia of an animal.
2. Keep all equipment in good working order.
3. Store all equipment safely.
4. Label all drugs and chemicals used in the area.

**Sec. 11.** NAC 638.560 is hereby amended to read as follows:

638.560 The ~~{Committee may recommend that}~~ *Board may discipline* a euthanasia technician ~~{be disciplined}~~ for:

1. Violation of a regulation adopted by the Board, the State Board of Pharmacy or the Drug Enforcement Administration of the Department of Justice.
2. Habitual drunkenness.
3. Addiction to the use of a controlled substance.



4. Incompetence, gross negligence or other malpractice pertaining to veterinary medicine as evidenced by a claim of malpractice settled against the euthanasia technician.

5. Conviction of a violation of a law governing the possession, distribution or use of any controlled substance or dangerous drug defined in NRS 454.201.

6. Willful failure to comply with:

(a) A subpoena;

(b) An order of the Board;

(c) An order of a court of competent jurisdiction; or

(d) A rule of an agency.

7. Euthanasia of an animal without supervision while on probationary status.

8. Committing fraud or misrepresentation to secure a license.

9. Committing fraud or forgery or any deception relating to an examination for a license.

10. Perjury relating to the euthanasia of animals.

11. Engaging in professional conduct that is likely to deceive, defraud or harm the public.

**Sec. 12.** NAC 638.620 is hereby amended to read as follows:

638.620 1. A veterinarian who administers vaccines at a vaccination clinic shall, before he administers a vaccination to an animal, conduct ~~an~~ *a physical* examination of that animal pursuant to NAC 638.610.

2. If, after conducting an examination of the animal, the veterinarian determines that a condition exists that would cause harm to the animal if the vaccine were administered, he shall:

(a) Not administer the vaccine; and

(b) Direct the owner of the animal to contact a veterinarian for treatment of the animal.

**Sec. 13.** NAC 638.750 is hereby amended to read as follows:

638.750 As used in NAC 638.750 to 638.790, inclusive, “animal physical therapy” means the rehabilitation of injuries in a nonhuman animal through the use of the following techniques, but does not include animal chiropractic:

1. Stretching;
2. Massage therapy;
3. Rehabilitative exercise;
4. Hydrotherapy;
5. Application of heat or cold; and
6. Stimulation by the use of:
  - (a) Low-level lasers;
  - (b) Electrical sources;
  - (c) Magnetic fields; or
  - (d) Noninvasive *therapeutic* ultrasound.

**Sec. 14.** NAC 638.820 is hereby amended to read as follows:

638.820 1. Each certificate of registration issued pursuant to NAC 638.810 or renewed pursuant to this section expires on January 1 of each year.

2. Each application for renewal of a certificate of registration must be:
  - (a) Submitted in the form established by the Board;
  - (b) Signed by the chiropractor ~~[, notarized]~~ and accompanied by a fee of \$25;
  - (c) Accompanied by proof that the chiropractor completed, during the 12-month period immediately preceding the beginning of the new registration year, at least 15 hours of continuing education in animal chiropractic approved by the Board; and

(d) Accompanied by proof that his license as a chiropractor in this State is active and that he is in good standing with the Chiropractic Physicians' Board of Nevada.

3. A chiropractor who fails to renew his certificate of registration before it expires forfeits his certificate of registration.

4. Except as otherwise provided in NAC 638.840, upon receipt of the application for renewal and information required by subsection 2 and payment of the fee, the Board will renew the certificate of registration of the chiropractor.

**Sec. 15.** NAC 638.455, 638.460 and 638.465 are hereby repealed.

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### **TEXT OF REPEALED SECTIONS**

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**NAC 638.455    Committee on Euthanasia Technicians: Creation; membership; terms of members.**

1. The Committee on Euthanasia Technicians is hereby created.
2. The Committee consists of:
  - (a) The Executive Director of the Board;
  - (b) Two members of the Board designated by the Board; and
  - (c) Not more than four euthanasia technicians or veterinarians appointed by the Board.
3. Each member of the Committee serves for 2 years, at the pleasure of the Board.

**NAC 638.460 Committee on Euthanasia Technicians: Nomination and selection of members; vacancies.**

1. Except as otherwise provided in subsection 2, a member of the Board or Committee may nominate a person to serve as a member of the Committee and the Board will select a nominee to serve as a member.

2. If a vacancy occurs during the term of a member, the Committee shall nominate and the Board will select a nominee to replace that member for the remainder of the unexpired term.

3. Before selecting a nominee, the Board must receive a letter from the nominee stating his experience or a letter of recommendation from a member of the Committee.

**NAC 638.465 Committee on Euthanasia Technicians: Requirements for membership.**

1. The Committee shall determine the requirements for membership on the Committee and submit the requirements to the Board for approval.

2. The Board will:

(a) Review and approve the requirements for membership on the Committee; and

(b) Keep a copy of the requirements on file at the office of the Board.

3. Each member of the Committee shall keep a copy of the requirements for membership at his place of employment.