

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

## LCB File No. R116-10

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

AUTHORITY: NRS 638.070(2)(a) and 638.132.

A REGULATION relating to veterinary facilities and the recordkeeping, inventory, possession, administration, prescribing, and dispensing of prescription drugs by veterinary facilities and matters related thereto.

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

*“Prescription drug” means any drug that requires a prescription or order from a veterinarian for its use and includes controlled substances as defined in NRS chapter 453 and dangerous drugs as defined in NRS chapter 454.*

**Section 2. NAC 639.041 is hereby amended to read as follows:**

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 20 hours of continuing education approved by the Board. ~~[Except for courses offered by the Veterinary Information Network, not]~~ *No* 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 requirements of this section may be subject to disciplinary action.

**Section 3. NAC 638.0475 is hereby amended to read as follows:**

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 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 *anesthesia*/surgery log, including, without limitation, anesthesia and preanesthesia, the procedure performed, *surgery start and finish time, vitals sign, including but not limited to temperature, pulse, respiration, blood pressure, capillary refill time and oxygen levels.*

(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.

**Section 4. NAC 638.053 is hereby amended to read as follows:**

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, *prepare for dispensing*, 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 may perform the following tasks under the immediate supervision of a supervising veterinarian:

(a) Application of casts for the immobilization of fractures.

(b) Removal of:

(1) Teeth that have extreme mobility and stage 4 periodontal disease; and

(2) Retained deciduous teeth other than retained deciduous canine teeth.

(c) Induction of anesthesia.

(d) Assisting a licensed veterinarian in surgery.

(e) Euthanasia.

(f) Fluid aspiration from a body cavity.

*(g) Suturing existing surgical skin incisions.*

3. A licensed veterinary technician may perform the following tasks under the immediate or direct supervision of a supervising veterinarian:

(a) Endotracheal intubation.

(b) Blood administration.

~~(c) Monitoring of vital signs.~~

~~(d)~~ (c) Application of casts and splints.

~~(e)~~ (d) Tasks listed in subsection 4, if the animal is anesthetized.

~~(f)~~ (e) External noninvasive ultrasonography.

~~(g)~~ (f) Cystocentesis to obtain a urine specimen.

~~(h)~~ (g) Dental prophylaxis.

~~(i)~~ (h) Physical therapy.

4. A licensed veterinary technician may perform the following tasks under the immediate, direct or indirect supervision of a supervising veterinarian:

(a) Administration of enemas.

(b) Administration of an electrocardiogram.

(c) Application of bandages.

(d) Catheterization of an unobstructed bladder.

(e) Introduction of a stomach tube.

(f) Ear flushing with pressure or suction.

(g) Positioning of animals for X rays.

(h) Operation of X-ray machines.

(i) Administration of oral and rectal radio-opaque materials.

(j) Administration of oral and topical medications, including controlled substances.

(k) Starting and restarting of intravenous fluids.

(l) Collection of a laboratory specimen for analysis, including, but not limited to, blood, urine, skin, parasites and microorganisms.

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

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

(o) Placement of an intravenous catheter.

*(p) Monitoring of vital signs.*

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

**Section 5. NAC 638.0625 is hereby amended to read as follows:**

1. A safe and sanitary environment must be maintained in each veterinary facility which:
  - (a) Protects the health of the animals and 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]~~ *prescription drugs* must be available in the facility or through another commercial facility.
3. *A veterinary facility at which controlled substances are possessed, administered, prescribed, and dispensed shall ensure that one or more of the veterinarians who practice at the veterinary facility is registered with the Federal Drug Enforcement Agency and the*

*Nevada State Board of Pharmacy and that the certificates from these two agencies are readily available at the facility. A veterinarian who is not registered with the Federal Drug Enforcement Agency and the Nevada State Board of Pharmacy may possess, administer, prescribe, or dispense a controlled substance at a veterinary facility where:*

*(a) He is an employee or agent of the registered veterinarian at the facility;*

*(b) He practices in the same veterinary facility as the registered veterinarian;*

*(c) He possesses, administers, prescribes, and dispenses the controlled substance in the normal course of his employment; and*

*(d) He complies with the other requirements and duties prescribed by law related to his possession, administration, prescription, and dispensing of prescription drugs, including controlled substances.*

*4. A veterinary facility that dispenses prescription drugs to clients shall:*

*(a) Ensure that at least one veterinarian at the veterinary facility has and maintains the registrations required by section 3;*

*(b) Ensure that all prescription vials or other containers have affixed thereto a label that contains:*

*(1) The name of the animal and the name of the animal's owner;*

*(2) The name, strength and quantity of the prescription drug;*

*(3) The date the prescription drug was dispensed;*

*(4) The name of the veterinarian who ordered the prescription drug;*

*(5) The expiration date for the dispensed prescription drug;*

*(6) A unique number by which the dispensed prescription can be identified; and*

*(7) The directions for use;*

*(c) Allow only veterinarians or veterinary technicians to prepare the prescription for dispensing; and*

*(d) Require that a notation be made in the medical record, either in a paper form maintained in a paper file or in the computer record for that animal, that contains:*

*(1) The name, strength and quantity of the prescription drug;*

*(2) The date the prescription drug was prescribed or dispensed;*

*(3) The directions for use;*

*(4) The name, signature or initials of the veterinarian who ordered the prescription drug;*

*(5) The name, signature or initials of the veterinarian or veterinary technician who prepared the prescription for dispensing; and*

*(6) If the prescription was prepared by a veterinary technician, the name, signature or initials of the veterinarian or veterinary technician who verified the prescription before it is dispensed, which veterinarian or veterinary technician cannot be the same person as the person who prepared the prescription for dispensing. If the prescription was prepared by a veterinarian, the prescription is not required to be verified by another veterinarian or a veterinary technician, but if it is verified by another veterinarian or a veterinary technician, then the record should include the name, signature, or initials of the veterinarian or veterinary technician who verified the prescription before it is dispensed;*

*(7) Ensure that prescriptions that are new to a particular animal are not dispensed to a client unless a veterinarian is on the premises at the time of dispensing; and*

*(8) Maintain a stock of drugs necessary to serve the foreseeable needs of the practice and ensure that no drugs inappropriate or unlawful to the practice are ordered or maintained in*

*the stock of the veterinary facility.*

*5. If a veterinary facility maintains a stock of controlled substances for administration or dispensing, it shall:*

*(a) Secure the controlled substances in a locked container that is located within either a locked room or a second locked container;*

*(b) Ensure that only a veterinarian or a veterinary technician has the keys or combinations that will unlock the two locks at the beginning of operation for a given day or at the beginning of a shift if the veterinary facility has veterinarians on successive shifts;*

*(c) Restrict access to the controlled substances to veterinarians or veterinary technicians;*

*(d) Require and maintain a log on which every person who accesses the controlled substances container records:*

*(1) The date that he accessed the controlled substances container;*

*(2) The name, strength and quantity of controlled substance removed or put into the container; and*

*(3) A running total for the controlled substance removed or put into the container;*

*(e) For controlled substances used in a procedure where the entire amount removed was not used in the procedure, require and maintain a log in which a veterinarian and either another veterinarian or veterinary technician record the date and time that the controlled substances was destroyed and the name and quantity of the controlled substance that was destroyed;*

*(f) Ensure that the purchasing, storage, and recordkeeping regarding the controlled substances complies with all applicable state and federal law;*

*(g) Ensure that all controlled substances are ordered by or with the knowledge of a*

*veterinarian and that all controlled substances received by the veterinary facility are verified by or with the knowledge of a veterinarian; and*

*(h) Maintain a separate file for the records concerning the purchase of each controlled substance listed in schedule II and a separate file for the records concerning the dispensing of each controlled substance listed in schedule II.*

*6. All records made pursuant to this section shall:*

*(a) Be kept for at least four years; and*

*(b) Be readily available for inspection and copying by the Board or its representative, the Board of Pharmacy or its representative, or any other authorized federal, state or local law enforcement or regulatory agency.*