

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

LCB File No. R116-10

September 15, 2010

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

AUTHORITY: §§1, 2 and 5, NRS 638.070; §§3, 4 and 8, NRS 453.375, 453.381, 454.213, 638.070 and 638.132; §6, NRS 638.070 and 638.1408; §7, NRS 638.070 and 638.124.

A REGULATION relating to veterinary medicine; providing for the possession, administration, prescription or dispensing of controlled substances or prescription drugs by veterinary facilities; revising certain continuing education requirements for the renewal of a license to practice veterinary medicine; revising the required contents of a medical record of an animal; revising the tasks that a licensed veterinary medical technician may perform with or without immediate or direct supervision; 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, 3 and 4 of this regulation.

Sec. 2. *“Prescription drug” means any drug, including a controlled substance as defined in NRS 0.031 or a dangerous drug as defined in NRS 454.201, that may be dispensed only upon a prescription order which is issued by a veterinarian for its use.*

Sec. 3. *1. A veterinary facility at which controlled substances are possessed, administered, prescribed or dispensed shall ensure that one or more veterinarians who practice at that veterinary facility register and maintain a registration with the Drug Enforcement Administration of the United States Department of Justice and the State Board of Pharmacy. The certificates of registration with each agency must be available for inspection at the facility.*

2. A veterinarian who is not registered with the Drug Enforcement Administration of the United States Department of Justice and the State Board of Pharmacy as described in subsection 1 may possess, administer, prescribe or dispense a controlled substance at a veterinary facility if the veterinarian:

(a) Is an employee or agent of the veterinarian who is registered pursuant to subsection 1;

(b) Practices in the same veterinary facility as the veterinarian who is registered pursuant to subsection 1;

(c) Possesses, administers, prescribes or dispenses the controlled substance in the normal course of his or her employment; and

(d) Complies with all the requirements and duties prescribed by law relating to the possession, administration, prescription and dispensing of a prescription drug.

3. A veterinary facility which maintains a stock of controlled substances for administration or dispensing shall:

(a) Secure the stock of controlled substances in a locked container that is:

(1) Affixed to the structure and located within a locked room; or

(2) Located within a second locked container which is affixed to the structure.

(b) Ensure that only a veterinarian or a veterinary technician designated by the veterinarian has the keys or combination to unlock the two separate locks at the start of a business day or 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 only.

(d) Ensure that each veterinarian or veterinary technician who accesses the secure container which stores controlled substances records in a log:

(1) The name of the veterinarian or veterinary technician who accessed the secure container and the date that he or she accessed the secure container.

(2) The name, strength and quantity of the controlled substance removed from or placed into the secure container and the total amount of all quantities of that particular controlled substance remaining inside the secure container.

(e) Ensure that a veterinarian who intends to destroy an unused portion of a controlled substance records in a log the name and quantity of the controlled substance that will be destroyed and the date and time that the controlled substance will be destroyed. An entry made pursuant to this paragraph must be verified by an employee of the veterinary facility.

(f) Ensure that the purchasing, storage and recordkeeping of controlled substances comply with all applicable state and federal laws.

(g) Ensure that any controlled substance is purchased by a veterinarian or with the knowledge of a veterinarian and that all controlled substances received by the veterinary facility are verified by a veterinarian or with the knowledge of a veterinarian.

(h) Maintain separate files for the records of the purchase of each controlled substance listed in schedule II of controlled substances in NAC 453.520 and records of the dispensing of each controlled substance listed in schedule II of controlled substances in NAC 453.520.

4. Any record made pursuant to this section must be maintained for at least 4 years and must be available for inspection by the Board or its representative, the State Board of Pharmacy or its representative or any authorized federal, state or local regulatory agency or law enforcement agency.

Sec. 4. 1. A veterinary facility that dispenses prescription drugs shall:

(a) Ensure that at least one veterinarian who practices at that veterinary facility registers and maintains a registration with the Drug Enforcement Administration of the United States Department of Justice and the State Board of Pharmacy pursuant to section 3 of this regulation.

(b) Allow only veterinarians, veterinary technicians or veterinary technicians in training at that facility to prepare the prescription drug for dispensing. If a veterinarian prepares the prescription drug for dispensing, the prescription drug may, but is not required to, be verified by another veterinarian at that facility. If a veterinary technician or veterinary technician in training prepares the prescription drug for dispensing, the prescription drug must be verified by a veterinarian at that facility before it is dispensed.

(c) Ensure that a prescription drug which is new for an animal is not dispensed unless a veterinarian is at the veterinary facility at the time the prescription drug is dispensed.

(d) Ensure that a notation is made in the medical record of the animal that contains:

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

(2) The date the prescription drug was prescribed and dispensed.

(3) The directions for use.

(4) The name, signature or initials of the veterinarian who prescribed the prescription drug.

(5) The name, signature or initials of the veterinarian, veterinary technician or veterinary technician in training who prepared the prescription drug for dispensing.

(6) The name, signature or initials of the veterinarian who verified the prescription before the prescription drug was dispensed, if applicable.

(e) Ensure that each vial or container which contains a prescription drug has affixed to the vial or container a label that contains:

(1) Except as otherwise provided in subsection 2, the name or unique identifier of the animal and the name of the owner of the animal for which the drug is prescribed.

(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 prescribed the prescription drug.

(5) The expiration date of the prescription drug.

(6) A unique number identifying the prescription drug dispensed.

(7) The directions for use.

(f) Maintain a stock of prescription drugs necessary to serve the foreseeable needs of the veterinary practice.

(g) Ensure that drugs which are inappropriate or unlawful to the practice of veterinary medicine are not ordered or maintained in the stock of prescription drugs of the veterinary facility.

2. A label affixed to a vial or container that contains a prescription drug may contain a generic identifier for a group of animals of the same species in place of the name or unique identifier of one animal if:

(a) The group of animals identified on the label is owned by the same person;

(b) The prescription drug is dispensed for more than one of the animals in the group; and

(c) The directions for use of the prescription drug are the same for each animal in the group for which the prescription drug is dispensed.

3. The authorization to possess a drug is not transferrable upon the sale or other transfer of the animal or animals for which the drug was dispensed.

4. Any record made pursuant to this section must be maintained for at least 4 years and must be available for inspection by the Board or its representative, the State Board of Pharmacy or its representative or any authorized federal, state or local regulatory agency or law enforcement agency.

Sec. 5. NAC 638.041 is hereby amended to read as follows:

638.041 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~~ **Not** more than 5 hours may be completed in distance learning or correspondence courses.

2. A licensed veterinary technician must annually complete at least 10 hours of continuing education approved by the Board as a prerequisite for renewal of his license. Not more than 5 hours may be completed in distance learning or correspondence courses.

3. A licensee who does not comply with the requirements of this section may be subject to disciplinary action.

Sec. 6. NAC 638.0475 is hereby amended to read as follows:

638.0475 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 surgery log, including, without limitation ~~[, anesthesia]~~ :
 - (1) *Anesthesia* and preanesthesia ~~[, and the]~~ ;
 - (2) *The* procedure performed;

(3) The time at which the surgery begins and ends;

(4) The vital signs of the animal at the beginning and end of the surgery, including, without limitation, the temperature, pulse, heart rate, respiration, blood pressure, capillary refill time and oxygen levels of the animal; and

(5) The vital signs of the animal recorded at least every 15 minutes during the surgery, including, without limitation, the pulse, heart rate and respiration of the animal;

(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.

3. Each X ray is the property of the veterinarian who caused it to be prepared. An X ray may be released to the owner of the animal. An X ray must be released within 48 hours after the request is made to another veterinarian who has the authorization of the owner of the animal to

which it pertains. The X ray must be returned within a reasonable time to the veterinarian to whom it belongs.

4. The medical records required by this section must be written records or computer records.

If the medical records are computer records:

(a) The security of the computer must be maintained;

(b) The computer records must be backed-up daily and cumulatively backed-up monthly using technology designed to store data permanently;

(c) The computer records must be inalterable or clearly indicate when they have been altered and the manner in which they have been altered; and

(d) The computer records must not contain information relating to a physical examination that is automatically generated by the computer.

5. In a practice concerned with herds of animals, records must be kept on each herd and may be kept on individual animals.

6. If a veterinarian ceases his practice without providing for the continuation of treatment of the animals under his care, the President of the Board may appoint a master to supervise his records, the treatment of those animals and the mailing of notices to the owners of the animals which had been under his care.

7. The medical record of an animal is confidential and may not be released except:

(a) As otherwise provided in subsection 1;

(b) In response to a court order; or

(c) As required to ensure compliance with any federal, state and local statutes, regulations or ordinances.

8. Nothing in this section is intended to prevent the sharing of veterinary medical information among veterinarians, law enforcement officials, and members, agents or officers of a society for the prevention of cruelty to animals who are acting to protect the welfare of an animal.

Sec. 7. 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 , *prepare to dispense* 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 an existing surgical skin incision.

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.~~ *Internal anal gland expression.*
- (d) Application of casts and splints.
- (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 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) Implantation of a subcutaneous identification microchip into the animal.
- (q) Monitoring of vital signs.*
- (r) External anal gland expression.*

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

Sec. 8. 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 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.