

STATE OF NEVADA



BOARD OF VETERINARY MEDICAL EXAMINERS

PUBLIC NOTICE

AGENDA

The Nevada State Board of Veterinary Medical Examiners will convene a meeting of a Hearing Panel on: September 29, 2022, at 8:00 am.

Pursuant to NRS 241.023(1)(c) the meeting is being conducted by means of remote technology. The public may attend the meeting via live stream remotely or in-person at the following location:

Board of Veterinary Medical Examiners
4600 Kietzke Ln. Suite O-265
Reno, NV 89502

and

Video/Teleconference Venue:
Telephone/Audio Only: 857-799-9907
Online meeting ID: nevadaveterinary

Online meeting: <https://join.freeconferencecall.com/nevadaveterinary>

Please note:

The Board of Veterinary Medical Examiners may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency and effectiveness of the meeting;

The Board of Veterinary Medical Examiners may combine two or more agenda items for consideration;

The Board of Veterinary Medical Examiners may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Public comment is welcomed by the panel but will be heard only when that item on the agenda is reached and will be limited to five minutes per person. The President may allow additional time to a given speaker as time allows and at his sole discretion.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS

233B.126. Please be aware that after the quasi-judicial board or commission had rendered a decision in the contested case and assuming this happens before adjournment, then the Board or commission may entertain public comment on the proceeding at that time.

The Hearing Panel may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

Public Comment: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item which action will be taken. (NRS 241.020)

REGULAR AGENDA

1. Consideration, discussion, and action regarding Petition for Reconsideration and Proposed Joint Stipulation and Order proposing a modification of the discipline imposed in the disciplinary matter related to Terry Muratore, D.V.M. Case No. 03-2022DVM-10. (For Possible Action)

2. Public Comment: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item which action will be taken. (NRS241.020)

3. Adjournment for Possible Action

Accommodations and Supporting Materials: Nevada State Board of Veterinary Medical Examiners will make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Should special arrangements for the meeting be necessary or to obtain supporting material, please notify the Nevada State Board of Veterinary Medical Examiners in writing as soon as possible at:

Nevada State Board of Veterinary Medical Examiners (Attn: Jennifer Pedigo)
4600 Kietzke Ln. O-265
Reno, NV 89502

Or by phone: 775-688-1788

This notice has been posted at the following locations and is available for viewing at nvvetboard.us (agendas and minutes) and nv.gov (public notices home page):

Board of Veterinary Medical Examiners, Reno, Nevada
4600 Kietzke Lane, O-265
Reno, NV

Clark County Library, 1401 E. Flamingo Rd., Las Vegas, NV 89119
Sierra View Library, 4001 S. Virginia St. Reno, NV 89502

www.notice.nv.gov and <https://www.nvvetboard.us/glsuiteweb/clients/nvbov/public/default.aspx>

Notice of Regulation Hearing to Be Held October 21, 2022

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations R082-22 and R083-22 of the Nevada State Board of Veterinary Medical Examiners

The Nevada State Board of Veterinary Medical Examiners will hold a public hearing at 8:30 am on October 21, 2022 at Fairfield Inn and Suites (Airport South) 355 E Warm Springs Rd, Las Vegas, NV 89119 or by teleconference at 1-857-799-9907. The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to Chapter 638 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed regulations or amendment.

R082-22

Section 2 provides that only a licensed veterinarian may remove and transplant an ovum surgically. Additionally, this section clarifies that an owner or a person at the direction of the owner may artificially inseminate or flush an embryo by non-surgical means.

Section 3 prohibits a veterinary technician (LVT) or veterinary technician in training (VTIT) from performing certain acts that are fraudulent or deceptive or constitute malpractice, negligence, or incompetence.

Section 4 updates the definition of emergency.

Section 5 updates the fees submitted by active members of the armed forces.

Section 6 eliminates the ability to make payment to the Board office using cash.

Section 7 updates the list of accepted continuing education courses.

Section 8 updates continuing education credit offered by the Board for attending Board meeting.

Section 9 provides that if data from monitoring a patient is gathered by an automated device, it must be noted in the medical record that the data was reviewed/analyzed at the time it was generated.

Section 10 prohibits licensees from making false or misleading statements to the Board and its staff.

Section 11 updates the definition of abandoned animals

Section 12 adds cold laser therapy to the tasks allowable to be performed by veterinary assistances. under supervision.

Section 13 updates the equipment and storage requirements of different types of mobile clinics.

Section 14 updates the definition of the practice of animal chiropractic.

R083-22

Section 1 establishes a point system by which an applicant for VTIT or LVT can obtain approval of the education requirement for licensure through obtaining additional coursework to supplement a Bachelor of Science.

Section 2 describes the training and experience required to obtain licensure or registration and how that information must be submitted to the Board. It also describes the training and experience requirement for an LVT or VTIT that must be obtained for licensure or registration.

Section 3 replaces the requirement for a BS in an animal science related field and instead requires the applicant to fall under the point system requirements. It also allows for the education requirement to be satisfied by a certificate from the PAVE for LVTs program.

Section 4 further defines that duties of a supervising veterinarian to an LVT, VTIT, and/or VA under their supervision.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulations are 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.

Adverse effects: None

Beneficial effects: The fee amounts have not increased. The fees paid by active armed service members are being reduced.

(b) Both immediate and long-term effects: None

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 regulation does not establish or increase any fees.

Persons wishing to comment upon the proposed action of the Nevada State Board of Veterinary Medical Examiners may appear at the scheduled public hearing or may address their comments, data, views, arguments, or comment on any business impact in written form to the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno, Nevada, 89502. Written submissions must be received by the Nevada State Board of Veterinary Medical Examiners 10 days prior to the hearing date. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Veterinary Medical Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada State Board of Veterinary Medical Examiners, 4600 Kietzke Lane, O-265, Reno, Nevada, 89502 and in all counties in

which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Board of Veterinary Medical Examiners
4600 Kietzke Lane, O-265
Reno, NV

Nevada County Public Libraries
<https://nvvetboard.nv.gov/Meetings/home/>
<https://notice.nv.gov>

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

LCB File No. R082-22

July 18, 2022

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

AUTHORITY: §§ 1-4, 6-8, 10-12, 14, NRS 638.070; § 5, NRS 638.070, 638.100, 638.116, 638.122, 638.127, 638.128 and 638.132; § 9, NRS 638.070 and 638.1408; §13, NRS 638.070 and 638.132.

A REGULATION relating to veterinary medicine; setting forth certain surgical procedures which must be performed by a licensed veterinarian; prohibiting a veterinary technician or a veterinarian technician from performing certain acts; revising certain definitions; revising certain fees relating to veterinary medicine; revising certain provisions relating to fees and remittances; revising provisions relating to continuing education; revising provisions relating to medical records; prohibiting a veterinarian from making certain false or misleading statements; revising provisions relating to the abandonment of animals; revising certain tasks that may be performed by a veterinary assistant; revising provisions relating to mobile clinics; revising the definition of “animal chiropractic”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Nevada State Board of Veterinary Medical Examiners to adopt regulations necessary to carry out the provisions of law relating to veterinary medicine. (NRS 638.070)

Existing law defines the “practice of veterinary medicine,” which includes performing surgery on an animal and authorizes the Board to prescribe certain acts as accepted livestock management practices to which the provisions of chapter 638 of NRS do not apply. (NRS 638.008, 638.015) **Section 2** of this regulation provides that only a licensed veterinarian may perform surgery to remove an ovum from an animal, implant an ovum into an animal or implant an embryo into an animal. **Section 2** further provides that the owner of an animal or a person acting under the direction of the owner of an animal may use nonsurgical means to artificially inseminate an animal or remove an embryo from an animal by flushing as such practices are accepted livestock management practices.

Existing law sets forth certain acts involving fraud, deception, malpractice, negligence or incompetence that may be grounds for disciplinary action. (NRS 638.140-638.1408) **Section 3** of this regulation prohibits a veterinary technician or veterinary technician in training from performing certain acts that are fraudulent or deceptive or that constitute malpractice, negligence or incompetence.

Existing regulations define the term “emergency” to mean an animal has a condition which threatens its life and immediate treatment is necessary to sustain life. (NAC 638.007)

Section 4 of this regulation provides instead, that the term “emergency” means a situation in which the life of an animal is threatened and immediate treatment or medical advice is necessary.

Existing regulations require the Board to charge and collect certain fees relating to licensure, registration and permits to practice veterinary medicine. (NAC 638.035) **Section 5** of this regulation requires the Board to charge and collect one-half of such fees for active members of, and the spouses of active members of, the Armed Forces of the United States, a reserve component thereof or the National Guard.

Existing regulations require that fees and remittances be paid by money order, bank draft, check or in currency or coin. (NAC 638.040) **Section 6** of this regulation eliminates the option to pay by currency or coin.

Existing regulations provide that the Board will approve a course of continuing education that is provided or approved by certain organizations. (NAC 638.042) **Section 7** of this regulation provides that the Board will also approve courses provided or approved by: (1) a board that licenses veterinarians or veterinary technicians in another state; or (2) an association or organization consisting of veterinarians or veterinary technicians that is organized on a statewide basis in another state or on a regional basis.

Existing regulations provide that the Board will grant credit for continuing education to a licensed veterinarian or a licensed veterinary technician for attending a portion of a Board meeting relating to complaints before the Board. (NAC 638.0432) **Section 8** of this regulation instead provides the Board will grant credit for attending a meeting of the Board.

Existing regulations require each licensed veterinarian to maintain medical records for each animal receiving veterinary services. Existing regulations require that each medical record contain notes taken during surgery, including specific information relating to the vital signs of the animal. (NAC 638.0475) **Section 9** of this regulation requires that if the information relating to the vital signs of an animal was generated by an automated device, the medical record must contain a statement indicating that the information was reviewed and analyzed by a veterinarian or veterinary technician at the time the information was generated.

Existing law and regulations provide a list of specific acts a veterinarian is prohibited from performing. (NRS 638.070; NAC 638.048) **Section 10** of this regulation prohibits a veterinarian from: (1) making a false or misleading statement on an application for licensure or registration with the Board, including renewal applications; and (2) making a false or misleading statement to a staff member of the Board, a member of the Board or the Board during an investigation or disciplinary action.

Existing regulations provide that an animal is deemed abandoned when the animal is delivered to a veterinarian pursuant to a written or oral agreement between the veterinarian and the owner of the animal or person delivering the animal and the animal is not claimed within 10 days after the day on which the animal was due to be claimed. Existing regulations authorize veterinarians to dispose of abandoned animals in a humane manner after sending notice to the owner of the animal or person who delivered the animal. (NAC 638.051) **Section 11** of this regulation provides that an animal is deemed abandoned if: (1) the animal is left with the veterinarian or veterinary facility by a person whose identity is unknown or who cannot be contacted; (2) the owner or person who delivered the animal has not paid or claimed the animal; or (3) the owner or person who delivered the animal relinquishes ownership of the animal. **Section 11** also: (1) provides that a veterinarian or veterinary facility may treat or decline to treat an abandoned animal and dispose of an abandoned animal in a humane manner; (2) requires the

veterinarian or veterinary facility to notify the owner or person who delivered the animal before disposing of the animals if the identity of the owner or person is known; and (3) requires a veterinarian or veterinary facility to maintain a record for each abandoned animal that contains certain information about the animal.

Existing regulations provide a list of tasks that a veterinary assistant is authorized to perform under the supervision of a supervising veterinarian or a licensed veterinary technician. (NAC 638.06025) **Section 12** of this regulation adds cold laser therapy to the list of such tasks.

Existing regulations require a mobile clinic, to have certain equipment and storage areas depending on whether the mobile clinic is used by a veterinarian whose practice is limited to large animals. (NAC 638.0635) **Section 13** of this regulation instead provides that the equipment and storage areas that a mobile clinic must have or must have access to depends on whether the mobile clinic will be used as an examination and treatment site.

Existing regulations define the term “animal chiropractic” to mean the examination and treatment of a nonhuman animal through the manipulation and adjustment of specific joints and cranial sutures of the animal. (NAC 638.800) **Section 14** of this regulation revises this definition to mean the examination and treatment of a nonhuman animal that is noninvasive, nonsurgical, drug-free and which seeks to treat and manage musculoskeletal disorders that affect the joints, discs, soft tissue and nerves that are biomechanical in nature.

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. *Only a licensed veterinarian may perform surgery to remove an ovum from an animal, implant an ovum into an animal or implant a potentially viable embryo into an animal.*

2. The provisions of subsection 1 do not prohibit the owner of an animal or any person acting under the direction of the owner from using nonsurgical means to artificially inseminate an animal, or remove an embryo from an animal by flushing as accepted livestock management practices.

Sec. 3. *A veterinary technician or veterinary technician in training shall not:*

1. Falsify records of health care;

2. Falsify records so as to indicate his or her presence at a time when he or she was not in attendance or that procedures were performed by the veterinary technician or veterinary technician in training which were in fact not performed by him or her;

3. Render professional services to an animal while the veterinary technician or veterinary technician in training is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

4. Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

5. Perform or fail to perform any service in a manner that violates a provision of chapter 574 of NRS;

6. Perform services which are not authorized by this chapter or chapter 638 of NRS for a veterinary technician or veterinary technician in training or that exceed the training or competence of the veterinary technician or veterinary technician in training;

7. Make a false or misleading statement on an application for a license or registration with the Board, including an application to renew such a license or registration; or

8. Make a false or misleading statement to a staff member of the Board, a member of the Board or the Board during an investigation or disciplinary action.

Sec. 4. NAC 638.007 is hereby amended to read as follows:

638.007 “Emergency” means ~~[an animal has a condition which threatens its]~~ *a situation in which the life of an animal is threatened* and immediate treatment *or medical* **[advice] aid** is necessary . ~~[to sustain life.]~~

Sec. 5. NAC 638.035 is hereby amended to read as follows:

638.035 1. ~~The~~ *Except as otherwise provided in subsection 2, the* Board will charge and collect the following fees:

For an application and examination for a license to practice veterinary medicine or a license to practice as a diplomate	\$200
For an application for a license to practice as a veterinary technician	100
For an application or examination for a license to practice as a euthanasia technician	200
For a 2-year registration to practice as a veterinary technician in training	50
For a permit to operate a facility owned by a licensed veterinarian, other than a mobile clinic	200
For a permit to operate a facility not owned by a licensed veterinarian, other than a mobile clinic	300
For a permit to operate a mobile clinic	50
For a permit to operate a nonprofit facility	100
For a registration to practice animal chiropractic	50
For a registration to practice animal physical therap	50
For a registration to practice as an equine dental provider	100
For a temporary license to practice veterinary medicine	100
For the reinstatement of a veterinary or diplomate license	200
For the reinstatement of a veterinary technician license	100
For the annual renewal of an active license to practice veterinary medicine	250
For the annual renewal of an inactive license to practice veterinary medicine	130
For the annual renewal of a license to practice as a veterinary technician	75
For the annual renewal of a license to practice as a euthanasia technician	100

For the annual renewal of a registration to practice as an animal physical therapist25

For the annual renewal of a registration to practice as an animal chiropractor25

For the annual renewal of a registration to practice as an equine dental provider100

For the annual renewal of a permit for a facility owned by a licensed veterinarian,
 other than a mobile clinic100

For the annual renewal of a permit for a facility not owned by a licensed veterinarian,
 other than a mobile clinic300

For the annual renewal of a permit to operate a mobile clinic50

For the annual renewal of a permit for a nonprofit facility100

For a duplicate of a license, registration or permit described in this section10

2. *If an applicant or licensee is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a reserve component thereof or the National Guard, the Board will charge and collect one-half of the fee established pursuant to subsection 1.*

3. For the purposes of this section, a facility is “owned by a licensed veterinarian” if one or more licensed veterinarians hold at least 10 percent of the total ownership interest, solely or jointly, of the facility.

Sec. 6. NAC 638.040 is hereby amended to read as follows:

638.040 1. All communications, payments or documents must be addressed to the Board and shall be deemed to be filed on the date of the postmark on the envelope in which it was mailed, in accordance with NRS 238.100.

2. Fees and remittances to the Board ~~[must]~~ :

(a) *Must* be paid by money order, bank draft or check payable to the Board of Examiners in Veterinary Medicine ~~[-Remittances in]~~ ; and

(b) May not be paid by currency , ~~[or]~~ coin ~~[are made at the risk of the sender and the Board assumes no responsibility for loss. Postage]~~ *or postage* stamps . ~~[are not accepted.]~~

Sec. 7. NAC 638.042 is hereby amended to read as follows:

638.042 A course of continuing education shall be deemed to be approved by the Board if the course is provided or approved by:

1. The American Veterinary Medical Association;
2. A specialty group of the American Veterinary Medical Association;
3. The Western Veterinary Conference, the Wild West Veterinary Conference or any other regional veterinary conference;
4. The State Department of Agriculture;
5. The United States Department of Agriculture;
6. The American Animal Hospital Association;
7. The American Association of Veterinary State Boards;
8. The Nevada Veterinary Medical Association;
9. An institution of the Nevada System of Higher Education;
10. A school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association; ~~[or]~~
11. A program for veterinary technicians that is approved by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association ~~[.];~~ ;
- 12. A board that licenses veterinarians or veterinary technicians in another state; or*
- 13. An association or organization consisting of veterinarians or veterinary technicians that is organized on a statewide basis in another state or on a regional basis.*

Sec. 8. NAC 638.0432 is hereby amended to read as follows:

638.0432 1. Except as otherwise provided in subsection 2, the Board will grant credit for continuing education, not to exceed:

(a) Four hours during a period of licensing toward the hours of continuing education required by subsection 1 of NAC 638.041, to a licensed veterinarian for attending ~~[the portion of]~~ a meeting of the Board ; ~~[relating to complaints before the Board;]~~ and

(b) Two hours during a period of licensing toward the hours of continuing education required by subsection 2 of NAC 638.041, to a licensed veterinary technician for attending ~~[the portion of]~~ a meeting of the Board . ~~[relating to complaints before the Board.]~~

2. The Board will grant credit pursuant to subsection 1 if the meeting of the Board for which credit for continuing education is being sought is not a hearing in which the licensed veterinarian or licensed veterinary technician is participating as the result of a disciplinary action.

3. One hour of credit will be given for each hour spent attending ~~[the relevant portion of the]~~ *a* meeting of the Board as described in subsection 1.

Sec. 9. 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 the licensed veterinarian or under his or her supervision. The records must be available for inspection by the Board or its representative or 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 Board or its representative or the owner of the animal receiving veterinary services not later than 48 hours after receiving a request from the Board or its representative or the owner of the animal. The licensed veterinarian is not required to provide a

copy of any radiographs or other diagnostic images 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) Documentation of the informed consent of the client for medical treatment of the animal;

(f) A short history of the animal's condition as it pertains to the animal's medical status;

(g) 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;

(h) The diagnosis or condition at the beginning of custody of the animal, including, without limitation, results of tests;

(i) The immunization record of the animal;

(j) 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;

(k) The notes taken during surgery, including, without limitation:

(1) The name and quantity of any drug administered for anesthesia and preanesthesia;

(2) The procedure performed;

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

(4) If the surgery is performed in a veterinary facility using general anesthesia:

(I) The vital signs of the animal at the beginning and end of the surgery that are appropriate to the species and condition of the animal at the time of surgery, which may include, without limitation, the temperature, pulse, heart rate, respiration, blood pressure, capillary refill time and oxygen levels of the animal; ~~and~~

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

(III) If any of the information required pursuant to this subparagraph is generated by an automated device, ~~a statement indicating~~ the medical record must indicate that the information generated by the automated device was regularly reviewed and analyzed by a veterinarian ~~or~~, veterinary technician, or veterinary assistant ~~at the time that the information was generated~~ contemporaneously;

(l) Any medication and treatment administered, including, without limitation, the amount and frequency;

(m) The progress and disposition of the case;

(n) 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;

(o) The signature, initials or other identifying mark of the person who made the entry in the medical record;

(p) Any radiographs other than intraoral dental radiographs. Each radiograph other than an intraoral dental radiograph must be labeled on the image as follows:

(1) The name of the veterinarian or facility that took the radiograph;

- (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 radiograph was taken; and
- (5) The anatomical orientation depicted by the radiograph; and

(q) Any intraoral dental radiographs or other diagnostic images. For each intraoral dental radiograph or other diagnostic image, the medical record must include the information set forth in subparagraphs (1) to (5), inclusive, of paragraph (p) with regard to the intraoral dental radiograph or other diagnostic image. That information may be included:

(1) In a hard copy of the medical record if the medical record is maintained as a written record; or

(2) In the computer file which contains the intraoral dental radiograph or other diagnostic image if the medical record is maintained as a computer record.

3. The Board or its representative will evaluate each medical record inspected pursuant to subsection 1 for compliance with the provisions of this chapter and chapter 638 of NRS.

4. Each radiograph or other diagnostic image is the property of the veterinarian who caused it to be prepared. A radiograph or other diagnostic image may be released to the owner of the animal. A radiograph or other diagnostic image 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 radiograph or other diagnostic image must be returned within a reasonable time to the veterinarian to whom it belongs.

5. 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.

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

(e) Any such computer records relating to the administration, prescribing or dispensing of a prescription drug must contain the initials of the person who administered, prescribed or dispensed the prescription drug. The initials of the person who administered, prescribed or dispensed the prescription drug may be manually entered into the computer record or automatically generated by the computer.

6. If a medical record is a written record, information contained in the medical record must not be removed, erased, redacted or otherwise made unreadable. Any addition, supplementation or other alteration to a written record must include, without limitation, the date on which the addition, supplementation or other alteration was made and the signature, initials or other identifying mark of the person who made the addition, supplementation or other alteration to the written record.

7. In addition to the requirements of subsection 2, if a licensed veterinarian is not associated with a veterinary facility, and any controlled substances or prescription drugs are administered to the animal, the medical record required by this section must include the same information that a veterinary facility which:

(a) Maintains a stock of controlled substances for administration and dispensing is required to ensure is contained in a log for the veterinary facility pursuant to paragraphs (d) and (e) of subsection 3 of NAC 638.0628; and

(b) Dispenses prescription drugs is required to ensure is contained in the medical records of the animal pursuant to paragraph (e) of subsection 1 of NAC 638.0629.

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

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

10. 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.

11. 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.

12. As used in this section, "other diagnostic image":

(a) Includes, without limitation, an ultrasound, magnetic resonance imaging and computerized axial tomography scan; and

(b) Does not include a radiograph.

Sec. 10. NAC 638.048 is hereby amended to read as follows:

1.48 veterinarian shall not:

1. Falsify records of health care;
2. Falsify records so as to indicate his or her presence at a time when he or she was not in attendance or that procedures were performed by the veterinarian which were in fact not performed by him or her;
3. Write a prescription for a controlled substance in such an excessive amount as to constitute a departure from prevailing standards of acceptable veterinary medical practice;
4. Consistently use veterinary medical procedures, services or treatments which constitute a departure from the prevailing standards of acceptable veterinary medical practice;
5. Render professional services to an animal while the veterinarian is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;
6. Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;
7. Operate a veterinary facility in a manner that violates a provision of chapter 574 of NRS;
- ~~8.~~
8. Prescribe, dispense, deliver or order another person to deliver any prescription drug, including, without limitation, any controlled substance in schedules I to V, inclusive, as described in chapter 453 of NRS, and any dangerous drug, referred to in NRS 454.181 to 454.371, inclusive, unless the veterinarian first:

(a) Establishes a veterinarian-client-patient relationship; and

(b) Makes a medical determination that the prescription drug is therapeutically indicated for the health and well-being of the animal [-];

9. Intentionally or knowingly make a false or misleading statement on an application for a license or registration with the Board, including an application to renew such a license or registration; or

10. Make a false or misleading statement to a staff member of the Board, a member of the Board or the Board during an investigation or disciplinary action.

Sec. 11. NAC 638.051 is hereby amended to read as follows:

638.051 1. ~~[If an]~~ *An animal [is delivered to any] in the possession of a veterinarian [pursuant to any written or oral agreement between the veterinarian and the owner of the animal or the person delivering the animal, and the owner or person delivering the animal does not claim the animal within 10 days after the day the animal was due to be claimed, the animal] or veterinary facility shall be deemed abandoned [-] if:*

(a) The animal is left with the veterinarian or veterinary facility by a person whose identity is unknown or who cannot be reasonably contacted;

(b) The animal is left with the veterinarian or veterinary facility by the owner or person delivering the animal, the veterinarian or veterinary facility has provided the notice required pursuant to subsection 3 and the owner or person has not:

(1) Paid for the services provided by the veterinarian or veterinary facility; or

(2) Claimed the animal; or

(c) The owner or person delivering the animal relinquishes ownership of the animal in writing to the veterinarian or veterinary facility.

2. Unless otherwise provided in a contract between a veterinarian *or veterinary facility* and

the owner of an animal or the person delivering the animal, the veterinarian *or veterinary facility* may ~~[dispose]~~ :

(a) *Treat or decline to treat the animal* ~~[]~~ *in the manner the veterinarian or veterinary facility determines appropriate* ~~[, including, without limitation, providing emergency care or humane euthanasia to relieve suffering; and]~~ ;

(b) *Dispose* of an abandoned animal if the animal is not claimed within the period set forth in the notice ~~[]~~ , *if required, pursuant to subsection 3* ~~[]~~ ; *or*

~~(c) Where the animal experiences an emergency, provide emergency care or humane euthanasia to relieve suffering as the veterinarian determines appropriate in conformance with a veterinarian's obligation under the "Principles of Veterinary Medical Ethics" of the American Veterinary Medical Association.~~

3. ~~[Before]~~ *Except as otherwise provided in this subsection, before* a veterinarian ~~[disposes]~~ *or veterinary facility may dispose* of an abandoned animal ~~[, he or she must send, by certified mail, a notice]~~ , *the veterinarian or veterinary facility:*

(a) ~~[If the identity of the owner of the animal or the person who delivered the animal is known or may be determined by scanning a microchip, must]~~ *Must* *notify the owner of the animal or the person who delivered the animal by telephone, electronic mail, text message or mail* to the last known *contact information or* address of the owner of the animal or the person who delivered the animal ~~where the identity of the owner of the animal or the person who delivered the animal is known or may be determined by scanning a microchip.~~ ~~[to the veterinarian.]~~ The notice must state that the veterinarian *or*

veterinary facility will dispose of the animal if it is not claimed ~~[within 10 days after]~~ *by the date specified in the notice ~~[is mailed.]~~, which must not be sooner than 5 days after the animal was left with the veterinarian or the veterinary facility.*

(b) If the owner of the animal or person who delivered the animal cannot be identified or if ownership of the animal was relinquished pursuant to paragraph (c) of subsection 1, may dispose of the animal pursuant to subsection 4.

4. The veterinarian *or veterinary facility* shall dispose of the animal in a humane manner ~~[-]~~, *which may include, without limitation, euthanasia, adoption, fostering or sending the animal to an animal rescue organization.*

5. *For each animal disposed of pursuant to subsection 4, the veterinarian or veterinary facility shall maintain a separate record in accordance with the requirements of NRS 638.0475 that contains:*

(a) A physical description of the animal, which may include, without limitation, a photograph;

(b) The date the animal was delivered to the veterinarian or at the veterinary facility;

(c) A description of the attempts made by the veterinarian or veterinary facility to contact the owner, if applicable;

(d) A list of any treatments or care provided by the veterinarian or veterinary facility; and

(e) A description of the disposition of the animal and the date of the disposition.

6. As used in this section, ~~["claim"]~~ *"claimed"* means to remove the animal from the custody of the veterinarian.

Sec. 12. NAC 638.06025 is hereby amended to read as follows:

638.06025 1. A veterinary assistant may perform the following tasks under the immediate supervision of a supervising veterinarian or a licensed veterinary technician:

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

- (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 radiographs or other diagnostic images.
- (g) Operation of radiographic or other diagnostic imaging machines.
- (h) Starting and restarting of intravenous fluids through a preplaced intravenous catheter.
- (i) Taking readings of the temperature, pulse, respiration or weight of an animal.

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

- (a) Administration of oral and topical medications, including controlled substances dispensed by prescription, if the client has authorized, in a written agreement, the veterinary assistant to

administer such medications as the client's agent while the animal is retained at the veterinary facility for hospitalization or otherwise housed at the veterinary facility.

(b) Collection of free catch urine or feces.

(c) External anal gland expression.

4. A veterinary assistant may perform the following tasks at the direction of a supervising veterinarian:

(a) Administration of intramuscular, subcutaneous or intravenous injections through a preplaced catheter, except anesthetics, controlled substances or vaccinations for zoonotic diseases.

(b) Preparation of a prescription drug, other than a controlled substance, for dispensing.

(c) Cold laser therapy.

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,]~~ *used as an examination and treatment site*, must have:

(a) Hot and cold water;

(b) A 110-volt power source for diagnostic equipment;

(c) A collecting tank for disposal of waste material;

(d) Adequate lighting;

(e) Tabletops and countertops, 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]~~ *that will not be used as an examination and treatment site* must be equipped with ~~[cold]~~, *or have access to, clean* water and a secure and sanitary area for the storage of *any* instruments and drugs ~~[:]~~ *that the veterinarian determines may be necessary for a veterinary appointment.*

Sec. 14. NAC 638.800 is hereby amended to read as follows:

638.800 As used in NAC 638.800 to 638.840, inclusive, “animal chiropractic” means the examination and treatment of a nonhuman animal ~~[through the manipulation and adjustment of specific joints and cranial sutures of the animal.]~~ *that is noninvasive, nonsurgical, drug-free and which seeks to treat and manage musculoskeletal disorders that affect the joints, discs, soft tissue and nerves that are biomechanical in nature.*

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

LCB File No. R083-22

August 16, 2022

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

AUTHORITY: §§ 1, 2 and 4, NRS 638.070 and 638.124; § 3, NRS 638.070, 638.122 and 638.124.

A REGULATION relating to veterinary medicine; establishing requirements relating to college and continuing education coursework for certain applicants for registration as a veterinary technician in training or for a license to practice as a veterinary technician; revising certain requirements relating to the qualification of certain applicants for registration as a veterinary technician in training or for a license to practice as a veterinary technician; extending certain duties imposed on supervising veterinarians regarding the supervision of licensed veterinary technicians to the supervision of veterinary technicians in training and veterinary assistants; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Nevada State Board of Veterinary Medical Examiners to adopt regulations necessary to carry out the provisions of law relating to veterinary medicine and requires the Board to adopt regulations pertaining to and limiting the activities of veterinary technicians. (NRS 638.070, 638.124)

Section 1 of this regulation requires an applicant for registration as a veterinary technician in training or an applicant for a license to practice as a veterinary technician, who qualifies to apply for such registration or licensure, in part because he or she received a bachelor of science degree, to receive a score of 300 points or more as determined by a review of his or her official transcripts and proof of satisfactory completion of any qualifying in-person continuing education courses the applicant completed. **Section 1** establishes: (1) the number of points an applicant will receive for each semester unit completed, each quarter unit completed and each hour of continuing education completed; and (2) additional requirements relating to such courses and the number of points an applicant is eligible to receive. **Section 1** additionally requires an applicant to provide with his or her application: (1) an official transcript from each school at which the applicant completed a college course as part of his or her bachelor of science degree; (2) the course description or syllabus for each college course or continuing education course to be considered for scoring; and (3) proof of satisfactory completion for each qualifying continuing education course the applicant completed.

Existing regulations require a person who wishes to be registered as a veterinary technician in training to satisfy certain requirements, including participating in training while on the job and acquiring experience that is commensurate with the duties of his or her employment. (NAC 638.0525) **Section 2** of this regulation provides that such training and experience must be documented in writing by each supervising veterinarian or licensed veterinary technician who supervises the person while he or she is participating in such training and acquiring such experience. **Section 2** also newly authorizes a person to be registered as a veterinary technician in training if he or she has received a bachelor of science degree and: (1) completed at least 1,000 hours of work experience at one or more veterinary facilities; and (2) satisfied the requirements set forth in **section 1**.

Existing regulations require an applicant for a license to practice as a veterinary technician to submit to the Executive Director of the Board satisfactory proof that he or she has: (1) received a degree as a veterinary technician from certain accredited colleges; (2) received a bachelor of science degree in an area related to animal science or another approved area; or (3) completed an approved accelerated program for veterinary technicians. (NAC 638.0527) **Section 3** of this regulation removes the requirement that a bachelor of science degree must have been in an area related to animal science or another approved area and instead requires the applicant to satisfy the requirements set forth in **section 1**. **Section 3** also newly authorizes an applicant to submit satisfactory proof that he or she received a degree from outside the United States that has been reviewed and approved by the Program for the Assessment of Veterinary Education Equivalence.

Existing regulations require an applicant for a license to practice as a veterinary technician who received a bachelor of science degree or completed an approved accelerated program for veterinary technicians to submit proof of having completed at least 4,000 hours of supervised clinical experience in a veterinary facility that is verified by an actively practicing veterinarian. (NAC 638.0527) **Section 3** specifies that a veterinary facility in which such supervised clinical experience was completed must be located in the United States, and the verification of such supervised clinical experience must be made by one or more actively practicing veterinarians who supervised the applicant.

Existing regulations impose certain duties on supervising veterinarians regarding the supervision of licensed veterinary technicians. (NAC 638.057) **Section 4** of this regulation extends such duties imposed on supervising veterinarians to the supervision of veterinary technicians in training and veterinary assistants.

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

1. An applicant for registration as a veterinary technician in training or an applicant for a license to practice as a veterinary technician who has received a bachelor of science degree in accordance with subparagraph (3) of paragraph (g) of subsection 2 of NAC 638.0525 or paragraph (b) of subsection 2 of NAC 638.0527, as applicable, must:

(a) Receive a score of 300 points or more, as determined pursuant to this section, based upon a review of his or her official transcripts and proof of satisfactory completion of any continuing education courses that meet the requirements of subparagraph (3) of paragraph (b) of subsection 1; and

(b) Include with his or her application:

(1) An official transcript from each school at which the applicant completed a college course as part of his or her bachelor of science degree.

(2) The course description or syllabus for each college course or continuing education course to be considered for scoring. For a college course to be considered for scoring, the applicant must have earned a grade of not less than a C- in the course.

(3) Proof of satisfactory completion for each in-person continuing education course the applicant completed that was offered by a provider approved by the Registry of Approved Continuing Education of the American Association of Veterinary State Boards.

2. Except as otherwise provided in subsection 3, the total points an applicant receives for the purposes of paragraph (a) of subsection 1 will be determined as follows:

(a) For each semester unit completed, the applicant will receive 15 points.

(b) For each quarter unit completed, the applicant will receive 10 points.

(c) For each continuing education course that meets the requirements of subparagraph (3) of paragraph (b) of subsection 1, the applicant will receive 1 point for each hour of continuing education completed.

3. Of the 300 or more points an applicant is required to receive pursuant to paragraph (a) of subsection 1, the applicant:

(a) Must receive at least 100 points for courses specifically related to animal sciences; and

(b) May not receive more than 200 points for courses in the basic sciences.

Sec. 2. 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 supervising veterinarian or licensed veterinary technician while the person is receiving the training and experience required by paragraph (h) of subsection 2 if he or she 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 *veterinary* facility where the person 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 citizen of the United States or lawfully entitled to remain and work in the United States;

(g) 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 program of training must be accredited by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association or be approved by the Board; ~~for~~

(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; *or*

(3) A person who has received a bachelor of science degree and has:

(I) Completed at least 1,000 hours of work experience at one or more veterinary facilities; and

(II) Satisfied the requirements of section 1 of this regulation;

(h) Participate in training while on the job and acquire experience that is commensurate with the duties of his or her employment ~~†~~, *which must be documented in writing, on a form provided by the Board, by each supervising veterinarian or licensed veterinary technician who supervises the person while he or she is participating in such training and acquiring such experience;* and

(i) Pay to the Board the fee required pursuant to NAC 638.035.

3. After confirming that an applicant complies with all the requirements of subsection 2, the Executive Director of the Board shall, unless he or she 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 *veterinary* 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. 3. NAC 638.0527 is hereby amended to read as follows:

638.0527 1. In addition to the requirements of NRS 638.122, an applicant for a license to practice as a veterinary technician must submit to the Executive Director of the Board proof that he or she has passed:

- (a) The Veterinary Technician National Examination; or
- (b) Any other examination approved for this purpose by the Board pursuant to NRS 638.123.

2. In addition to the requirements of subsection 1, an applicant for a license to practice as a veterinary technician must submit to the Board satisfactory proof that the applicant has:

(a) Received a degree as a veterinary technician from a college accredited by the American Veterinary Medical Association or the appropriate state agency in the state where the college is located;

(b) Received a bachelor of science degree ; ~~in an area related to an animal science or in another area approved by the Board; or~~

(c) *Received a degree from outside the United States that has been reviewed and approved by the Program for the Assessment of Veterinary Education Equivalence administered by the American Association of Veterinary State Boards; or*

(d) Completed an accelerated program for veterinary technicians approved by the Board.

3. Each applicant who received ~~fa~~ :

(a) *A* bachelor of science degree ~~in an area related to an animal science described in~~ *pursuant to* paragraph (b) of subsection 2 or completed an accelerated program *as* described in paragraph ~~(e)~~ *(d)* of subsection 2 must submit, on a form provided by the Board, proof of completion of at least 4,000 hours of supervised clinical experience in a veterinary facility *located in the United States* that is verified by ~~an~~ *one or more* actively practicing ~~veterinarian~~ *veterinarians who supervised the applicant*. Not less than 2,001 hours of that

supervised clinical experience must have been earned within the 5 years immediately preceding the date on which the applicant submitted his or her application.

(b) A bachelor of science degree pursuant to paragraph (b) of subsection 2 must satisfy the requirements of section 1 of this regulation.

4. Each application for a license to practice as a veterinary technician must include:

(a) One letter of recommendation from a person associated with the practice of veterinary medicine; and

(b) A letter of good standing from the licensing agency of each state in which the applicant is licensed or has been licensed, if any. Each such letter must, if applicable, include detailed information concerning any disciplinary action which has been taken against the applicant or which is pending in that state.

Sec. 4. NAC 638.057 is hereby amended to read as follows:

638.057 1. ~~The~~ *A* supervising veterinarian:

(a) Is responsible for determining the competency of the licensed veterinary technician , *veterinary technician in training or veterinary assistant under his or her supervision* to perform delegated tasks of animal health care.

(b) Shall ensure that the licensed veterinary technician , *veterinary technician in training or veterinary assistant* performs the tasks of animal health care delegated to the licensed veterinary technician , *veterinary technician in training or veterinary assistant* in a manner which is consistent with good veterinary medical practice.

(c) Shall make all decisions relating to the diagnosis, treatment, management and future disposition of ~~the~~ *an* animal.

(d) Shall examine ~~the~~ *an* animal before delegating any tasks to the licensed veterinary technician ~~+~~, *veterinary technician in training or veterinary assistant*. 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~~ :

(1) Unlicensed personnel do not perform duties that are specific to licensed veterinary technicians or licensed veterinarians ~~+~~ ;

(2) A person does not perform tasks as a veterinary technician in training unless the person is registered pursuant to NAC 638.0525; and

(3) A person does not perform tasks as a veterinary assistant except as provided in NAC 638.0602 and 638.06025.

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