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Mark Krmpotic, *Fiscal Analyst*

August 26, 2020

Ms. Jennifer Pedigo
Executive Director
Nevada Board of Veterinary Medical Examiners
4600 Kietzke Lane, Suite O-265
Reno, Nevada 89502

Re: LCB File No. R099-19

Dear Ms. Pedigo,

A regulation adopted by the Nevada State Board of Veterinary Medical Examiners has been filed today with the Secretary of State pursuant to NRS 233B.067 or 233B.0675 as appropriate. As provided in NRS 233B.070, this regulation becomes effective upon filing, unless otherwise indicated.

Enclosed are two copies of the regulation bearing the stamp of the Secretary of State which indicates that it has been filed. One copy is for your records and the other is for delivery to the State Library and Archives Administrator pursuant to subsection 6 of NRS 233B.070.

Sincerely,

A handwritten signature in blue ink that reads "Bryan J. Fernley".

Bryan J. Fernley
Legislative Counsel

Rae Brown Abbott
Deputy Legislative Counsel
Heidi A. Chlarson
Senior Principal Deputy Legislative Counsel

BJF/slj
Enclosure

AUG 27 2020

SECRETARY OF STATE
FILING DATA

**Form For Filing
Administrative Regulations**

FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____

Agency: Board of Veterinary

Medical Examiners

Governor's signature

Classification: PROPOSED **ADOPTED BY AGENCY** EMERGENCY

Brief description of action: The regulation removes the requirement for insurance for Equine Dental Providers (EDP)

Authority citation other than 233B _____

Notice date March 12, 2020

Date of Adoption by Agency

Hearing date April 15, 2020

April 15, 2020

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

LCB File No. R099-19

Filed August 26, 2020

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

AUTHORITY: §1, NRS 638.070.

A REGULATION relating to veterinary medicine; removing the requirement that a person applying for a certificate of registration to practice as an equine dental provider provide proof the applicant is covered by liability insurance for the practice as an equine dental provider; 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 concerning veterinary dentistry and the provision of such services by licensed providers of health care under the supervision of a licensed veterinarian. (NRS 638.070) Existing regulations prohibit a person from practicing equine dentistry in this State unless he or she: (1) is a licensed veterinarian; (2) is a licensed veterinary technician or veterinary technician in training and meets certain requirements; or (3) holds a certificate of registration to practice as an equine dental provider issued by the Board. Existing regulations further require each applicant for a certificate of registration to practice as an equine dental provider to submit proof to the Board that he or she is covered by liability insurance for the practice as an equine dental provider. (Section 5 of LCB File No. R110-16) This regulation removes the requirement that an applicant submit proof of such liability insurance.

Section 1. Section 5 of LCB File No. R110-16 is hereby amended to read as follows:

1. A person shall not practice equine dentistry in this State unless he or she is:
 - (a) A licensed veterinarian;
 - (b) A licensed veterinary technician who complies with the provisions of NAC 638.053;

(c) A veterinary technician in training who complies with the provisions of NAC 638.0525;
or

(d) An equine dental provider who has obtained a certificate of registration to practice as an equine dental provider pursuant to this section and complies with the provisions of section 7 of this regulation.

2. A person who desires to secure a certificate of registration to practice as an equine dental provider in this State must submit a written application to the Board.

3. The application must be on a form provided by the Board, include any information required by the Board and be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character;

(b) Is a citizen of the United States or lawfully entitled to remain and work in the United States;

(c) Holds a current certification from a professional equine dentistry organization approved by the Board; *and*

(d) Has obtained a written statement from a licensed veterinarian experienced in large animal medicine that the applicant will be under direct supervision of the licensed veterinarian . ~~}; and~~

~~—(e) Is covered by liability insurance for the practice as an equine dental provider.]~~

4. The application must be signed by the applicant and notarized.

5. Except as otherwise provided in section 8 of this regulation, upon receipt of the application and information required by subsection 3 and payment of the fee required pursuant to NAC 638.035, the Board will issue to the applicant a certificate of registration to practice as an equine dental provider.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R099-19**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 638.

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is necessary to update the regulations to remove a requirement for licensure that was determined by the Board to be an unnecessary regulation.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were email to licensees and facilities as well as those who requested such notice. The public response was in support of the proposed amendment to the regulations. These documents were also made available at the website of the Board of Veterinary Medical Examiners and mailed to all county libraries in Nevada and posted at the following locations:

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

www.notice.nv.gov

www.nvvetboard.us

All Nevada County
Public Libraries

A workshop was held in conjunction with a meeting of the Board on October 17, 2019 in Las Vegas, NV to provide advice on proposed regulatory changes. The minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments. There was 1 individual who gave testimony regarding regulations R099-19

An additional workshop was held October 23, 2019 at the bi-annual meeting of the Nevada Veterinary Medical Association in Reno, NV. The NVMA Board and Executive Director Michelle Wagner were in attendance.

A hearing to adopt regulations occurred April 15, 2020.

3. The number persons who:

- (a) **Attended each hearing:** April 15, 2020: No public was in attendance
- (b) **Testified at each hearing:** April 15, 2020: No testimony was given
- (c) **Submitted to the agency written comments:** No written comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on April 15, 2020 and included the only suggested change that was in the regulation and that did not have objections from previous workshops.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects

There are no predicted adverse effects. This should allow Equine Dental Practitioners to become registered with the Board more easily and remove possible barriers to licensure that are unnecessary for the safety of the public.

(b) Both immediate and long-term effects.

We foresee the possibility of increased registration both in the immediate and long-term.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide a new fee or increase an existing fee.