

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

LCB File No. R059-01

July 5, 2001

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

AUTHORITY: §§1-4, NRS 638.070.

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

For the purposes of this chapter, a veterinarian shall be deemed to have a “veterinarian-client-patient relationship” concerning a nonhuman animal if the veterinarian satisfies all of the following conditions:

1. The veterinarian assumes the responsibility for making medical judgments concerning the health of the animal and the need for medical treatment of the animal.

2. The veterinarian has knowledge of the present care and health of the animal sufficient to provide at least a general or preliminary diagnosis of the medical condition of the animal.

This knowledge must be acquired by:

(a) Conducting a physical examination of the animal; or

(b) Visiting the premises where the animal is kept in a timely manner that is appropriate to the medical condition of the animal.

3. The veterinarian obtains the informed consent of the client for medical treatment for the animal.

4. The veterinarian obtains the agreement of the client to follow the instructions provided by the veterinarian for the care and medical treatment of the animal.

5. The veterinarian is available to administer treatment if the animal suffers an adverse reaction to medical treatment or medical treatment fails.

Sec. 2. NAC 638.820 is hereby amended to read as follows:

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

2. Each application for renewal of a certificate of registration must be:

(a) Submitted in the form established by the board;

(b) Signed by the chiropractor, notarized and accompanied by a fee of \$25;

(c) Accompanied by proof that the chiropractor completed, during the 12-month period immediately preceding the beginning of the new registration year, at least ~~5~~ 15 hours of continuing education in veterinary chiropractic approved by the board; and

(d) Accompanied by proof that his license as a chiropractor in this state is active and that he is in good standing with the chiropractic physicians' board of Nevada.

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

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

Sec. 3. NAC 638.830 is hereby amended to read as follows:

638.830 1. A chiropractor who has been issued a certificate of registration pursuant to NAC 638.810 may practice veterinary chiropractic only:

(a) ~~[On the written order of a veterinarian licensed in this state;~~

~~—(b)]~~ Under the direction of a veterinarian licensed in this state who:

(1) Has established a valid veterinarian-client-patient relationship concerning the animal receiving the veterinary chiropractic before the veterinary chiropractic is performed; ~~and~~

~~(2) Has obtained a signed acknowledgment by the owner or another caretaker of the animal receiving the veterinary chiropractic that veterinary chiropractic is considered a nontraditional therapy and maintains the signed acknowledgment in the medical record required pursuant to NAC 638.037;~~

~~—(c) If the veterinarian under whose direction the veterinary chiropractic is performed and the chiropractor assume]~~

(2) Has examined the animal and made a medical determination that veterinary chiropractic is appropriate as an optional treatment for the animal; and

(3) Has recommended to the client that veterinary chiropractic is appropriate as an optional treatment for the animal.

(b) If the chiropractor assumes individual liability for the quality of the veterinary chiropractic performed . ~~and~~

~~(d)] (c)~~ If the fee for the veterinary chiropractic is paid to the veterinarian under whose direction the veterinary chiropractic is performed or the facility in which the veterinary chiropractic is performed and the fee is not paid in violation of NRS 638.1404.

2. The veterinarian ~~[who provided the written order to perform]~~ *under whose direction the chiropractor performs* the veterinary chiropractic ~~[shall be on the premises and readily available]~~ :

(a) Is not required to supervise the chiropractor during the veterinary chiropractic.

(b) Is not liable for the acts or omissions of the chiropractor who performs veterinary chiropractic.

3. Each chiropractor who has been issued a certificate of registration shall ~~[maintain]~~ :

(a) Maintain in this state for at least 4 years a separate written medical record of each animal receiving veterinary chiropractic. ~~[The chiropractor shall send]~~

(b) Within 48 hours after the initial visit with the animal, mail or transmit by facsimile machine a complete copy of the medical record to the veterinarian ~~[who provided the written order to perform]~~ *under whose direction the chiropractor performs* the veterinary chiropractic.

(c) Within 48 hours after each subsequent visit with the animal, mail or transmit by facsimile machine a progress report to the veterinarian under whose direction the chiropractor performs the veterinary chiropractic.

4. The veterinarian shall include the copy of the medical record received pursuant to ~~[this]~~ subsection 3 in the medical record required pursuant to NAC 638.037. The written medical record must include, without limitation:

(a) The name, address and telephone number of the owner of the animal;

(b) The name or identifying number, or both, of the animal;

(c) The age, sex and breed of the animal;

(d) The dates of care, custody or treatment of the animal;

(e) The results of a basic physical examination related to musculoskeletal manipulation;

(f) The diagnosis and treatment plan related to musculoskeletal manipulation recommended

by the chiropractor for the animal; and

(g) The progress and disposition of the case.

Sec. 4. NAC 638.840 is hereby amended to read as follows:

638.840 1. A violation of a provision of chapter 634 or 638 of NRS or a regulation adopted by the chiropractic physicians' board of Nevada or the board is a ground for disciplinary action.

2. If the board determines that an applicant for a certificate of registration pursuant to NAC 638.810 or a person who has been issued a certificate of registration pursuant to NAC 638.810 has committed any act which is a ground for disciplinary action, the board may:

- (a) Refuse to issue a certificate of registration;
- (b) Refuse to renew a certificate of registration;
- (c) Revoke a certificate of registration;
- (d) Suspend a certificate of registration for a definite period or until further order of the board;
- (e) Impose a fine in an amount not to exceed \$10,000 for each act that constitutes a ground for disciplinary action;
- (f) Place a person who has been issued a certificate of registration on probation subject to any reasonable conditions imposed by the board, including, without limitation, requiring courses in continuing education or a periodic or continuous review of his veterinary chiropractic practice;
- (g) Administer a public ~~or private~~ reprimand;
- (h) Require the person who has been issued a certificate of registration to take a competency examination or a mental or physical examination; and
- (i) Require the person who has been issued a certificate of registration to pay all costs, including, without limitation, attorney's fees, incurred by the board in taking disciplinary action against him.