

SENATE BILL NO. 427—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE BOARD OF VETERINARY  
MEDICAL EXAMINERS)

MARCH 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to veterinarians.  
(BDR 54-472)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

AN ACT relating to veterinarians; eliminating the requirement that a complaint filed with the Nevada State Board of Veterinary Medical Examiners must be verified; revising provisions governing the educational requirements for a license to practice veterinary medicine; eliminating the requirement that an application for the renewal of a license must be notarized; revising the procedure for the disposition of complaints filed with the Board; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** NRS 638.013 is hereby amended to read as follows:  
2     638.013 “Veterinary technician” means a person who is  
3     ~~formally~~:  
4     1. *Licensed by the Board pursuant to NRS 638.122; and*  
5     2. *Formally* trained for the specific purpose of assisting a  
6     licensed veterinarian in the performance of professional or technical  
7     services in the field of veterinary medicine.  
8     **Sec. 2.** NRS 638.020 is hereby amended to read as follows:  
9     638.020 1. The Nevada State Board of Veterinary Medical  
10    Examiners is hereby created.



\* S B 4 2 7 R 1 \*

1 2. The Board consists of seven members appointed by the  
2 Governor.

3 3. Six of the members must:

4 (a) Be residents of the State of Nevada.

5 (b) Be graduates of a veterinary college ~~{approved}~~ *accredited*  
6 by the American Veterinary Medical Association.

7 (c) Have been lawfully engaged in the ~~{private}~~ practice of  
8 veterinary medicine in the State of Nevada for at least 5 years next  
9 preceding the date of their appointment.

10 4. One member appointed by the Governor must be a  
11 representative of the general public.

12 5. Any member may be removed from the Board by the  
13 Governor for good cause.

14 **Sec. 3.** NRS 638.060 is hereby amended to read as follows:

15 638.060 1. The Board shall meet at least annually and on the  
16 call of the President or any four of its members.

17 2. Four members of the Board constitute a quorum ~~{}~~, *and a*  
18 *quorum is necessary to conduct the business of the Board. Any*  
19 *action taken by the Board must be approved by at least a majority*  
20 *of the members present at a hearing or meeting of the Board.*

21 **Sec. 4.** NRS 638.087 is hereby amended to read as follows:

22 638.087 1. The Board shall keep a record of:

23 (a) All charges filed against a licensee;

24 (b) The proceedings of any formal hearing conducted by the  
25 Board or a hearing officer;

26 (c) Any order filed by the Board; and

27 (d) All licenses issued by the Board including the name of the  
28 holder of the license, his business ~~{and residential addresses,}~~  
29 *address*, the date the license was issued and the ~~{serial}~~  
30 the license.

31 2. The records of the Board listed in subsection 1 must be open  
32 to the public at reasonable times and places.

33 **Sec. 5.** NRS 638.100 is hereby amended to read as follows:

34 638.100 1. Any person who desires to secure a license to  
35 practice veterinary medicine, surgery, obstetrics or dentistry in the  
36 State of Nevada must make written application to the Executive  
37 Director of the Board.

38 2. The application must include the social security number of  
39 the applicant and any other information required by the Board and  
40 must be accompanied by satisfactory proof that the applicant:

41 (a) Is of good moral character;

42 (b) Except as otherwise provided in subsection 3, has received a  
43 diploma conferring the degree of doctor of veterinary medicine or  
44 its equivalent from a school of veterinary medicine ~~{within the~~  
45 ~~United States or Canada}~~ *that is accredited by the Council on*



1 *Education of the American Veterinary Medical Association* or, if  
2 the applicant is a graduate of a school of veterinary medicine  
3 ~~located outside the United States or Canada,~~ *that is not accredited*  
4 *by the Council on Education of the American Veterinary Medical*  
5 *Association*, that he has received an educational certificate issued  
6 ~~after December 31, 1972,~~ by the Educational ~~Committee on~~  
7 *Commission for* Foreign Veterinary Graduates of the American  
8 Veterinary Medical Association ~~;~~ *or, if the Educational*  
9 *Commission for Foreign Veterinary Graduates of the American*  
10 *Veterinary Medical Association ceases to exist, by an organization*  
11 *approved by the Board that certifies that the holder of the*  
12 *certificate has demonstrated knowledge and skill of veterinary*  
13 *medicine that is equivalent to the knowledge and skill of veterinary*  
14 *medicine of a graduate of a college of veterinary medicine that is*  
15 *accredited by the Council on Education of the American*  
16 *Veterinary Medical Association;*

17 (c) Has passed each examination required by the Board pursuant  
18 to NRS 638.110; and

19 (d) Is a citizen of the United States or is lawfully entitled to  
20 remain and work in the United States.

21 3. A veterinary student in his final year at a school accredited  
22 by the American Veterinary Medical Association may submit an  
23 application to the Board and take the state examination administered  
24 by the Board, but the Board may not issue him a license until he has  
25 complied with the requirements of subsection 2.

26 4. The application must be signed by the applicant, notarized  
27 and accompanied by a fee set by the Board, not to exceed \$500.

28 5. The Board may refuse to issue a license ~~upon satisfactory~~  
29 ~~proof that the~~ *if the Board determines that an* applicant has  
30 committed an act which would be a ground for disciplinary action if  
31 the applicant were a licensee.

32 6. If an applicant brings a civil action against the Board for  
33 denial of a license and the decision of the Board is upheld, the  
34 Board may recover all administrative expenses and attorney's fees  
35 and costs incurred by the Board in defending the action brought  
36 against it.

37 **Sec. 6.** NRS 638.123 is hereby amended to read as follows:

38 638.123 1. Each applicant for a license as a veterinary  
39 technician must pass:

40 (a) The state examination administered by the Board; *and*

41 (b) The ~~national~~ *National* Veterinary Technician *National* Examination  
42 ~~administered by the American Veterinary Medical Association;~~  
43 ~~and~~



1 ~~—(e) Any~~ or any other examination ~~[required]~~ approved by the  
2 Board . ~~[which has been approved by the Board or the American~~  
3 ~~Veterinary Medical Association.]~~

4 2. The Board may supplement the written examination required  
5 by this section with oral interviews and practical demonstrations as  
6 the Board considers necessary.

7 3. The Board shall adopt regulations prescribing the  
8 requirements for examination.

9 **Sec. 7.** NRS 638.127 is hereby amended to read as follows:

10 638.127 1. On or before November 15 of each year, the  
11 Executive Director shall mail to each person licensed under the  
12 provisions of this chapter an application form for the renewal of his  
13 license.

14 2. Each applicant for renewal must complete the form and  
15 return it to the Executive Director, accompanied by the statement  
16 required pursuant to NRS 638.103, the renewal fee and full payment  
17 of all fines which he owes to the Board, on or before January 1 of  
18 each year. Each application for renewal must be signed by the  
19 applicant . ~~[and notarized.]~~ The renewal fee for licensees and  
20 persons on inactive status must be in an amount determined by the  
21 Board.

22 3. Upon receipt of the application and statement and payment  
23 of the renewal fee and all fines owed, the Board shall issue to that  
24 person a certificate of renewal.

25 4. Any person who fails to renew his license on or before  
26 March 1 of each year forfeits his license.

27 5. When a person has forfeited his license in the manner  
28 provided in subsection 4, the Board may reinstate the license and  
29 issue a certificate of renewal upon receipt of the statement required  
30 pursuant to NRS 638.103 and payment of:

31 (a) The renewal fee;

32 (b) All fines owed; and

33 (c) A delinquency penalty of \$50 for each month or fraction  
34 thereof the license was not renewed after January 1.

35 6. If a licensee does not practice for more than 12 consecutive  
36 months, the Board may require him to take an examination to  
37 determine his competency before renewing his license.

38 7. If a licensee does not renew his license and he is licensed to  
39 practice in another state or territory of the United States, the Board  
40 may not issue him a license to practice in the State by reciprocity.  
41 Such a licensee must reinstate his license in the manner prescribed  
42 by the Board.

43 **Sec. 8.** NRS 638.1413 is hereby amended to read as follows:

44 638.1413 1. The Board or any of its members who becomes  
45 aware of any fact which may be any one or a combination of the



1 grounds for initiating disciplinary action shall, and any other person  
2 who is so aware may, file with the Board a ~~[verified]~~ written  
3 complaint specifying the relevant facts.

4 2. The Board may, upon its own motion, and shall, upon  
5 receipt of such a complaint, investigate the actions of any applicant  
6 for a license or any holder of a license issued pursuant to the  
7 provisions of this chapter.

8 3. The Executive Director shall send written notice by certified  
9 mail with return receipt requested to the person being investigated.  
10 The notice must contain the name of the person who filed the  
11 complaint against the licensee, the nature of the complaint and a  
12 request for any medical records the licensee may have relating to the  
13 complaint.

14 **Sec. 9.** NRS 638.1419 is hereby amended to read as follows:

15 638.1419 ~~[1.]~~ The Board shall appoint one of its members to  
16 conduct the investigation of a complaint. The member conducting  
17 the investigation may request assistance from the Attorney General  
18 or the Executive Director of the Board, and may employ  
19 investigators, professional consultants, and any other personnel  
20 necessary to conduct the investigation.

21 ~~[2.—Immediately after his appointment, the member conducting  
22 the investigation shall notify the person being investigated by  
23 telephone or by certified mail with return receipt requested. The  
24 member conducting the investigation shall describe the reasons for  
25 the investigation.]~~

26 **Sec. 10.** NRS 638.1429 is hereby amended to read as follows:

27 638.1429 1. ~~[1.]~~ *After the investigation of the complaint is  
28 completed,* the member of the Board ~~[conducting]~~ *who conducted*  
29 *the investigation shall submit to the Board a written report of his  
30 findings and recommendations concerning the disposition of the  
31 complaint.*

32 2. *If the Board* determines that there ~~[is a reasonable basis for  
33 the complaint, he shall submit to the Board a written statement of  
34 his findings.~~

35 ~~—2.— If the member conducting the investigation] is not sufficient  
36 evidence to believe that a licensee has committed an act which  
37 constitutes a cause for disciplinary action, the Board shall dismiss  
38 the complaint and send a written notice to the person who filed the  
39 complaint and the licensee who was the subject of the  
40 investigation that the complaint was dismissed.~~

41 3. *If the Board* determines that there ~~[is a reasonable basis for  
42 the complaint, he may:~~

43 ~~—(a) Recommend a formal hearing. If the Board agrees with this  
44 recommendation it shall, by motion, fix] is sufficient evidence to  
45 believe that a licensee has committed an act which constitutes a~~



1 *ground for disciplinary action, the Board may enter into a*  
2 *settlement agreement with the licensee. The settlement agreement*  
3 *must be signed by the licensee and the President of the Board. The*  
4 *Board shall send a written notice of the settlement to the person*  
5 *who filed the complaint against the licensee. The notice must*  
6 *include a copy of the settlement agreement. The complaint and the*  
7 *settlement agreement are public records.*

8 *4. If the Board does not enter into a settlement agreement*  
9 *with the licensee, the Board shall:*

10 *(a) Cause an accusation to be filed against the licensee. The*  
11 *accusation must:*

- 12 *(1) Include a written statement of the charges alleged;*
- 13 *(2) Set forth in ordinary and concise language the acts or*  
14 *omissions with which the licensee is charged;*
- 15 *(3) Specify the statutes and regulations which the licensee*  
16 *is alleged to have violated; and*
- 17 *(4) Be signed by the President of the Board.*

18 *(b) Fix a time and place for a hearing and so notify the [person]*  
19 *licensee at least [20] 30 days before the date of the hearing. The*  
20 *notice must include a copy of the [statement of findings].*

21 ~~*(b) Recommend that the Board conduct an informal hearing*~~  
22 ~~*based on the allegations in the verified complaint and the results of*~~  
23 ~~*the investigation.*~~

24 ~~*(c) Submit his statement of findings to the person under*~~  
25 ~~*investigation.*~~

26 ~~*If he agrees in writing to the findings of the member conducting the*~~  
27 ~~*investigation, the Board may adopt that report and take such*~~  
28 ~~*disciplinary action as is necessary without conducting a hearing.]*~~  
29 ~~*accusation and any disciplinary action the Board may impose*~~  
30 ~~*pursuant to NRS 638.147.*~~

31 **Sec. 11.** NRS 638.145 is hereby amended to read as follows:

32 638.145 The Board shall not refuse to issue a license to an  
33 applicant or take any disciplinary action ~~[except upon satisfactory~~  
34 ~~proof]~~ *against a licensee unless the Board finds, by a*  
35 *preponderance of the evidence,* that the applicant or licensee has  
36 engaged in one or more of the practices prohibited by the provisions  
37 of this chapter.

38 **Sec. 12.** NRS 638.148 is hereby amended to read as follows:

39 638.148 1. Any person against whom disciplinary action has  
40 been taken by the Board is entitled to judicial review of the Board's  
41 order.

42 2. Every order of the Board imposing a sanction pursuant to  
43 NRS 638.147 is effective from the date the President and Executive  
44 Director certify the order until the date the order is modified or  
45 reversed by a final judgment of the court.



1 ~~[3. The district court shall give priority to a petition for judicial~~  
2 ~~review of the Board's order over other civil matters which are not~~  
3 ~~expressly given priority by law.]~~

4 **Sec. 13.** NRS 638.1515 is hereby amended to read as follows:  
5 638.1515 **1.** In any proceeding before the Board:

6 ~~[1.]~~ *(a)* Proof of actual injury need not be established where the  
7 ~~[statement of findings charges]~~ *charge is* deceptive or unethical  
8 professional conduct.

9 ~~[2.]~~ *(b) If proof of actual injury is an issue, proof of actual*  
10 *injury may be established by the testimony and opinion of a*  
11 *witness who is not an expert witness.*

12 *(c)* A certified copy of the record of a court or a licensing  
13 agency showing a conviction or the suspension, limitation,  
14 modification, denial or revocation of a license of a veterinarian or  
15 veterinary technician is conclusive evidence of its occurrence. A  
16 plea of nolo contendere is a conviction for the purpose of this  
17 section.

18 **2.** *As used in this section, "actual injury" means any type of*  
19 *injury, abuse or mistreatment, whether or not the injury, abuse or*  
20 *mistreatment results in substantial or permanent physical harm or*  
21 *death.*

22 **Sec. 14.** NRS 638.1426 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**638.1426 Stay by court of Board's summary order for suspension prohibited; exception.** If the Board issues an order summarily suspending the license of a veterinarian or veterinary technician pending proceedings for disciplinary action, the court shall not stay that order unless the Board fails to institute and determine such proceedings as promptly as practicable.

