
SENATE BILL NO. 336—SENATOR KIECKHEFER

MARCH 22, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing veterinary medicine.
(BDR 54-534)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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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 veterinary medicine; authorizing the Nevada State Board of Veterinary Medical Examiners to refuse to issue a registration to practice certain professions and occupations under certain circumstances; revising the persons and acts to which the provisions governing veterinary medicine apply; revising provisions governing service of process and notices; making certain provisions applicable to persons who are registered by the Board pursuant to regulations adopted by the Board; requiring a veterinary technician who is appointed to the Board to make an oath that he or she is legally qualified to practice as a veterinary technician in this State; making certain acts unlawful; revising requirements to practice veterinary medicine, surgery, obstetrics or dentistry in this State; requiring a euthanasia technician who ceases to be employed by certain entities to take certain actions; revising provisions governing the renewal of licenses and registrations; revising the requirements for the reporting of claims for malpractice or negligence; revising the persons who may administer certain vaccinations for zoonotic diseases; revising the acts which constitute grounds for disciplinary action; revising the requirements governing the investigation and disposition of a complaint by the Board; revising provisions governing the disciplinary actions which the Board may take; providing penalties; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law regulates the practice of veterinary medicine. (Chapter 638 of
2 NRS) For the purposes of the new provisions added by this bill, **sections 2-7** of this
3 bill define various new terms. **Sections 2 and 3** of this bill define the terms "animal
4 chiropractic" and "animal physical therapy," respectively. **Sections 4-6** of this bill
5 define the terms "registered," "registrant" and "registration" to refer to registrations
6 to practice certain professions and occupations which require registration with the
7 Nevada State Board of Veterinary Medical Examiners pursuant to regulations
8 adopted by that Board. **Section 7** of this bill defines the term "veterinary technician
9 in training." **Section 8** of this bill authorizes the Board to refuse to issue a
10 registration to an applicant if the applicant has committed an act which would be
11 grounds for disciplinary action. **Section 9** of this bill makes a conforming change to
12 indicate the placement of **sections 2-6** of this bill within the Nevada Revised
13 Statutes.

14 **Section 10** of this bill revises the persons and acts to which the provisions of
15 chapter 638 of NRS, governing veterinary medicine, apply.

16 Existing law requires all licensees and applicants for licenses to be given
17 service of process and notices by personal service, mail or publication in a
18 newspaper. (NRS 638.017) **Section 11** of this bill: (1) eliminates the option of
19 effecting such service or notice by publication; and (2) makes these provisions
20 applicable to registrants and applicants for registration.

21 Existing law: (1) prohibits a person from bringing or maintaining an action in
22 this State, or being awarded judgment, for the collection of compensation for
23 performing an act for which a license is required unless the person alleges and
24 proves that he or she was so licensed (NRS 638.019); (2) limits the payment of
25 salaries and expenses of members and employees of the Board to the extent that
26 sufficient money is received from licensees (NRS 638.040); (3) requires the Board
27 to adopt regulations providing for administrative fines if an applicant for a license
28 or the renewal of a license acts or fails to act in certain respects with regard to an
29 application (NRS 638.070); (4) requires the Board to keep certain records relating
30 to licensees and their licenses (NRS 638.087); (5) governs the confidentiality and
31 permissible disclosure of certain information regarding licensees and applicants for
32 licenses (NRS 638.089); (6) sets forth certain requirements for the issuance of a
33 license issued by the Board (NRS 638.103); (7) provides for a hearing on an
34 application for reinstatement of a license which has been limited, suspended or
35 revoked (638.129); (8) provides for the suspension of a license issued by the Board
36 pursuant to certain court orders relating to arrearages in the payment of child
37 support (NRS 638.1409); (9) authorizes the Board to investigate complaints against
38 licensees or applicants for a license (NRS 638.1413); (10) authorizes the Board to
39 order certain licensees to undergo certain examinations under certain circumstances
40 (NRS 638.142); (11) limits the circumstances under which the Board may refuse to
41 issue a license to an applicant or take disciplinary action against a licensee (NRS
42 638.145); (12) authorizes the Board to issue citations to, and impose administrative
43 fines against, licensees in certain circumstances (NRS 638.1471); (13) provides that
44 a certified copy of certain records constitutes conclusive evidence of a suspension,
45 limitation, modification, denial or revocation of certain licenses (NRS 638.1515);
46 (14) authorizes the Board to apply to a court to enjoin any unprofessional conduct
47 of certain licensees (NRS 638.1551); and (15) sets forth the requirements for a
48 person seeking to enjoin another person from acting as a veterinarian or veterinary
49 technician without a license (NRS 638.1555). **Sections 12, 14-17, 20, 23, 31-33,**
50 **35, 37-41** of this bill make these provisions applicable to certain registrations which
51 are issued by the Board.

52 Existing law requires each licensed veterinarian who is appointed to the Board
53 to make an oath that he or she is a graduate in veterinary medicine and legally
54 qualified to practice veterinary medicine, surgery, obstetrics and dentistry in this



55 State. (NRS 638.030) **Section 12** of this bill requires each veterinary technician
56 who is so appointed to make an oath that he or she is legally qualified to practice as
57 a veterinary technician in this State.

58 Existing law provides that it is unlawful for a person to practice veterinary
59 medicine, surgery, obstetrics or dentistry within this State without a license issued
60 by the Board. (NRS 638.090) **Section 18** of this bill makes it unlawful for a person
61 to practice in certain professions and occupations without the applicable
62 registration issued by the Board.

63 **Section 19** of this bill revises the requirements for an application for a license
64 to practice veterinary medicine, surgery, obstetrics or dentistry in this State.
65 (NRS 638.100)

66 Existing law requires a euthanasia technician to surrender his or her license to
67 the Board and notify the State Board of Pharmacy when the euthanasia technician
68 ceases to be employed by certain entities. (NRS 638.118) **Section 21** of this bill
69 requires the euthanasia technician to surrender his or her license and notify the
70 State Board of Pharmacy not later than 15 days after the date on which the
71 euthanasia technician ceases to be employed by the entity.

72 Existing law sets forth the requirements for the annual renewal of a license
73 issued by the Nevada State Board of Veterinary Medical Examiners. (NRS
74 638.127) **Section 22** of this bill: (1) provides for biennial renewals; (2) revises the
75 requirements for renewal; and (3) makes the requirements applicable to certain
76 registrations issued by the Board.

77 Existing law requires every veterinarian or veterinary technician to report to the
78 Board any claim for malpractice or negligence filed against him or her and its
79 disposition within 90 days after the claim is filed and after its disposition. (NRS
80 638.133) **Section 24** of this bill: (1) requires a finding of malpractice or negligence
81 to be reported to the Board not later than 60 days after the finding is made; and (2)
82 makes this requirement applicable to certain registrants.

83 Existing law requires certain vaccinations for zoonotic diseases to be
84 administered by a licensed veterinarian or under the direct supervision of a licensed
85 veterinarian. (NRS 638.134) **Section 25** of this bill requires such vaccinations to be
86 administered by a licensed veterinarian or a veterinary technician under the direct
87 supervision of a licensed veterinarian.

88 **Sections 26-30** of this bill revise the acts which constitute grounds for
89 disciplinary action by the Board. (NRS 638.140-638.1408)

90 Existing law sets forth certain requirements governing the Board's investigation
91 and disposition of a complaint. (NRS 638.1429) **Section 34** of this bill revises these
92 requirements and makes them expressly applicable to complaints against a
93 registrant.

94 Existing law sets forth the actions which the Board is authorized to take against
95 a licensee or applicant for a license who has committed an act which is grounds for
96 disciplinary action. (NRS 638.147) **Section 36** of this bill: (1) makes these
97 provisions applicable to certain registrants and applicants for registration; (2)
98 authorizes the Board to refuse to renew the license or registration of an applicant
99 who has failed to comply with one or more terms of an order of the Board imposing
100 discipline; and (3) authorizes the Board to adopt regulations which provide for the
101 Board to issue nondisciplinary letters of correction for certain violations.

102 Existing law: (1) makes it unlawful to violate the provisions of chapter 638 of
103 NRS or practice veterinary medicine or practice as a veterinary technician without a
104 license; and (2) sets forth the criminal penalties for such violations. (NRS 638.170)
105 **Section 42** of this bill: (1) makes it unlawful for a person to practice any profession
106 or occupation for which registration is required without the person having such
107 registration; (2) makes it unlawful for a person to practice beyond the scope of his
108 or her license or registration; and (3) sets forth criminal penalties for those
109 violations.



110 **Section 43** of this bill repeals provisions: (1) providing for the physical
111 examination of an animal which is the subject of a complaint about the care given
112 to the animal; and (2) governing the summary suspension of a license of a
113 veterinarian or veterinary technician under certain circumstances.

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

1 **Section 1.** Chapter 638 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.

4 **Sec. 2.** *“Animal chiropractic” means the examination and*
5 *treatment of an animal through the manipulation and adjustment*
6 *of specific joints and cranial sutures of the animal.*

7 **Sec. 3.** *“Animal physical therapy” means the rehabilitation*
8 *of injuries in an animal through the use of the following*
9 *techniques, but does not include animal chiropractic:*

- 10 1. *Stretching;*
- 11 2. *Massage therapy;*
- 12 3. *Rehabilitative exercise;*
- 13 4. *Hydrotherapy;*
- 14 5. *Application of heat or cold; and*
- 15 6. *Stimulation by the use of:*
 - 16 (a) *Low-level lasers;*
 - 17 (b) *Electrical sources;*
 - 18 (c) *Magnetic fields; or*
 - 19 (d) *Noninvasive therapeutic ultrasound.*

20 **Sec. 4.** *“Registered” means holding a registration.*

21 **Sec. 5.** *“Registrant” means a person who is registered.*

22 **Sec. 6.** 1. *“Registration” means registration with the Board*
23 *pursuant to regulations adopted by the Board:*

- 24 (a) *As a veterinary technician in training;*
- 25 (b) *To practice animal physical therapy;*
- 26 (c) *To practice animal chiropractic; or*
- 27 (d) *Except as otherwise provided in subsection 2, in any other*
28 *profession or occupation for which such registration is required.*

29 2. *The term does not include:*

- 30 (a) *Registration with the Board of a veterinary facility*
31 *pursuant to regulations adopted by the Board;*
- 32 (b) *Registration with the Board of a veterinarian in charge of*
33 *a veterinary facility pursuant to regulations adopted by the Board;*
- 34 (c) *Registration with the Drug Enforcement Administration of*
35 *the United States Department of Justice and the State Board of*
36 *Pharmacy of a veterinarian at a veterinary facility at which*



1 *controlled substances are possessed, administered, prescribed or*
2 *dispensed;*

3 *(d) The registration with the State Board of Pharmacy of a*
4 *euthanasia technician; or*

5 *(e) The registration with the Drug Enforcement*
6 *Administration of the United States Department of Justice of an*
7 *agency which employs a euthanasia technician.*

8 **Sec. 7.** *“Veterinary technician in training” means a person*
9 *who is registered to perform the tasks of a veterinary technician*
10 *under the immediate supervision of a supervising veterinarian or*
11 *licensed veterinary technician while the person is receiving the*
12 *training and experience required pursuant to regulations adopted*
13 *by the Board for licensure as a veterinary technician.*

14 **Sec. 8.** *The Board may refuse to issue a registration if the*
15 *Board determines that an applicant has committed an act which*
16 *would be grounds for disciplinary action if the applicant were a*
17 *registrant.*

18 **Sec. 9.** NRS 638.001 is hereby amended to read as follows:
19 638.001 As used in this chapter, unless the context otherwise
20 requires, the words and terms defined in NRS 638.0015 to 638.013,
21 inclusive, *and sections 2 to 7, inclusive, of this act* have the
22 meanings ascribed to them in those sections.

23 **Sec. 10.** NRS 638.015 is hereby amended to read as follows:
24 638.015 Nothing in this chapter applies:

25 1. To the gratuitous castrating, dehorning or vaccinating of
26 domesticated animals nor to the gratuitous treatment of diseased
27 animals by friends or neighbors of the owner thereof, except that all
28 vaccinations for zoonotic diseases must be administered by a
29 licensed veterinarian or a ~~[person]~~ *veterinary technician* under the
30 direct supervision of a licensed veterinarian.

31 2. To debar any veterinarian in the employ of the United States
32 Government or the State of Nevada from performing official duties
33 necessary for the conduct of the business of the United States
34 Government or the State of Nevada, or a political subdivision
35 thereof, upon which the veterinarian is assigned.

36 3. ~~[To any person who is a diplomate from an approved~~
37 ~~specialty board of the American Veterinary Medical Association~~
38 ~~who is called into the State for consultation by a person licensed to~~
39 ~~practice under this chapter for a period not to exceed 30 days in any~~
40 ~~12-month period if the person practices under the auspices of a~~
41 ~~licensed veterinarian.~~

42 ~~—4.]~~ To the giving of advice with respect to or the performance
43 of acts which the Board by rule has prescribed as accepted livestock
44 management practices.



1 ~~{5.}~~ 4. To the owner of an animal or full-time regular
2 employee of the owner who is caring for and treating an animal
3 which belongs to the owner unless the ownership of the animal is
4 transferred for the purposes of circumventing this chapter, except
5 that all vaccinations for zoonotic diseases must be administered by a
6 licensed veterinarian or a ~~{person}~~ *veterinary technician* under the
7 direct supervision of a licensed veterinarian.

8 ~~{6.}~~ 5. To any person or agency that performs humane services
9 for wildlife animals without charge.

10 ~~{7.}~~ 6. To any person, other than a veterinarian, who renders
11 aid, assistance or relief to an animal in an emergency without charge
12 if the person does not represent himself or herself as holding a
13 license to practice veterinary medicine or as holding a degree in
14 veterinary medicine or other related field.

15 ~~{8.}~~ 7. To any person, other than a veterinarian, who renders
16 emergency paramedical services to an animal without charge during
17 the transportation of the animal to a veterinary facility.

18 **Sec. 11.** NRS 638.017 is hereby amended to read as follows:

19 638.017 Except as otherwise provided in chapter 622A of
20 NRS:

21 1. Service of process made pursuant to and all notices required
22 by this chapter must be either personal or by registered or certified
23 mail with return receipt requested, addressed to the veterinarian,
24 veterinary technician, *registrant* or applicant for a license ~~{}~~ *or*
25 *registration* at his or her last known address, as indicated on the
26 records of the Board. ~~{If personal service cannot be made and if~~
27 ~~notice by mail is returned undelivered, the Executive Director of the~~
28 ~~Board shall cause a notice of the hearing or action to be published~~
29 ~~once a week for 4 consecutive weeks in a newspaper published in~~
30 ~~the county of that person's last known address or, if no newspaper is~~
31 ~~published in that county, then in a newspaper widely distributed in~~
32 ~~that county.}~~

33 2. Proof of service of process ~~{or publication of notice}~~ made
34 pursuant to this chapter must be filed with the Executive Director
35 and recorded in the minutes of the Board.

36 **Sec. 12.** NRS 638.019 is hereby amended to read as follows:

37 638.019 1. A person engaged in any business or profession
38 for which a license is required pursuant to this chapter *or in any*
39 *profession or occupation for which registration is required*
40 *pursuant to regulations adopted by the Board* may not bring or
41 maintain an action in any court of this State, or be awarded
42 judgment, for the collection of compensation for the performance of
43 any act or contract for which such a license *or registration* is
44 required without alleging and proving that the person was licensed



1 *or registered, as applicable*, at all times during the performance of
2 the act or contract.

3 2. Proof of licensure *or registration* pursuant to this section
4 must be made by production of a verified certificate of licensure *or*
5 *registration, as applicable*, from the Board which establishes that
6 the person bringing the action was licensed *or registered, as*
7 *applicable*, as required by subsection 1.

8 **Sec. 13.** NRS 638.030 is hereby amended to read as follows:

9 638.030 1. Before entering upon the duties of office, each
10 appointed member of the Board shall take the constitutional oath of
11 office.

12 2. Each appointed member who is a licensed veterinarian shall
13 make an oath that he or she is a graduate in veterinary medicine and
14 legally qualified under the provisions of this chapter to practice
15 veterinary medicine, surgery, obstetrics and dentistry in the State of
16 Nevada.

17 3. *Each appointed member who is a veterinary technician*
18 *shall make an oath that he or she is legally qualified under the*
19 *provisions of this chapter to practice as a veterinary technician in*
20 *the State of Nevada.*

21 **Sec. 14.** NRS 638.040 is hereby amended to read as follows:

22 638.040 1. Members of the Board are entitled to receive:

23 (a) A salary of not more than \$150 per day, as fixed by the
24 Board, while engaged in the business of the Board; and

25 (b) A per diem allowance and travel expenses at a rate fixed by
26 the Board, while engaged in the business of the Board. The rate
27 must not exceed the rate provided for state officers and employees
28 generally.

29 2. While engaged in the business of the Board, each employee
30 of the Board is entitled to receive a per diem allowance and travel
31 expenses at a rate fixed by the Board. The rate must not exceed the
32 rate provided for state officers and employees generally.

33 3. Salaries and expenses may be paid only to the extent that
34 sufficient money is received from licensees ~~and~~ *and registrants.*

35 **Sec. 15.** NRS 638.070 is hereby amended to read as follows:

36 638.070 1. The Board shall adopt regulations providing an
37 administrative fine in an amount not to exceed \$500 if an applicant
38 for a license *or registration* or the renewal of a license ~~or~~ *or*
39 *registration:*

40 (a) Intentionally or knowingly makes a false or misleading
41 statement on an application;

42 (b) Knowingly fails to submit a notarized application; or

43 (c) Fails to inform the Board of any change of information
44 which was contained in an application.

45 2. The Board may adopt regulations:



- 1 (a) Necessary to carry out the provisions of this chapter;
- 2 (b) Concerning the rights and responsibilities of veterinary
3 interns and externs and graduates of schools of veterinary medicine
4 located outside the United States or Canada;
- 5 (c) Concerning the rights and responsibilities of a veterinarian's
6 employees who are not licensed ~~nor~~ *or registered nor* working
7 towards obtaining a license pursuant to this chapter *or registration*
8 *pursuant to regulations adopted by the Board* and whose duties
9 require them to spend a substantial portion of their time in direct
10 contact with animals;
- 11 (d) Concerning requirements for continuing education;
- 12 (e) Establishing procedures to approve schools which confer the
13 degree of veterinary technician or its equivalent;
- 14 (f) Concerning the disposition of animals which are abandoned
15 or left unclaimed at the office of a veterinarian;
- 16 (g) Establishing sanitary requirements for facilities in which
17 veterinary medicine is practiced, including, but not limited to,
18 precautions to be taken to prevent the creation or spread of any
19 infectious or contagious disease; and
- 20 (h) Concerning alternative veterinary medicine, including, but
21 not limited to, acupuncture, chiropractic procedures, dentistry,
22 cosmetic surgery, holistic medicine, and the provision of such
23 services by a licensed provider of health care under the direction of
24 a licensed veterinarian.

25 3. The Board may:

- 26 (a) Employ attorneys, investigators, hearing officers for
27 disciplinary hearings, and other professional consultants and clerical
28 personnel necessary to the discharge of its duties;
- 29 (b) Conduct investigations and take and record evidence as to
30 any matter cognizable by it;
- 31 (c) Maintain offices in as many localities in the State as it
32 considers necessary to carry out the provisions of this chapter; and
- 33 (d) Purchase or rent any office space, equipment and supplies
34 that it considers necessary to carry out the provisions of this chapter.

35 **Sec. 16.** NRS 638.087 is hereby amended to read as follows:

36 638.087 1. The Board shall keep a record of:

- 37 (a) All charges filed against a licensee ~~is~~ *or registrant*;
- 38 (b) The proceedings of any formal hearing conducted by the
39 Board or a hearing officer;
- 40 (c) Any order filed by the Board; and
- 41 (d) All licenses *and registrations* issued by the Board including
42 the name of the holder of the license ~~is~~ *or registration, as*
43 *applicable*, his or her business address, the date the license *or*
44 *registration* was issued and the number of the license ~~is~~ *or*
45 *registration*.



1 2. Except as otherwise provided in this section, the records of
2 the Board listed in subsection 1 must be open to the public at
3 reasonable times and places.

4 3. Except as otherwise provided in this section and NRS
5 239.0115, a complaint filed with the Board, all documents and other
6 information filed with the complaint and all documents and other
7 information compiled as a result of an investigation conducted to
8 determine whether to initiate disciplinary action against a person are
9 confidential, unless the person submits a written statement to the
10 Board requesting that such documents and information be made
11 public records.

12 4. The charging documents filed with the Board to initiate
13 disciplinary action pursuant to chapter 622A of NRS and all other
14 documents and information considered by the Board when
15 determining whether to impose discipline are public records.

16 5. The provisions of this section do not prohibit the Board from
17 communicating or cooperating with or providing any documents or
18 other information to any other licensing board or any other agency
19 that is investigating a person, including, without limitation, a law
20 enforcement agency.

21 **Sec. 17.** NRS 638.089 is hereby amended to read as follows:

22 638.089 1. Except as provided in this section and NRS
23 239.0115, all information received by the Board concerning an
24 applicant for a license *or registration* or a licensee ~~[-]~~ *or registrant*,
25 including the results of an investigation, is confidential.

26 2. If the Board takes disciplinary action against an applicant ,
27 ~~[-]~~ licensee ~~[-]~~ *or registrant*, the complaint and the action taken are
28 no longer required to be confidential.

29 3. If the Board conducts any proceeding other than a
30 disciplinary action regarding an applicant , ~~[-]~~ licensee ~~[-]~~ *or*
31 *registrant*, its statement of findings and any order issued relating
32 thereto are no longer required to be confidential.

33 4. Information concerning an applicant , ~~[-a]~~ licensee *or*
34 *registrant* may be disclosed, pursuant to procedures established by
35 regulation of the Board, to a court or an agency of the Federal
36 Government, any state or any political subdivision of this State.
37 Notice of the disclosure and the contents of the information must be
38 given to the applicant , ~~[-]~~ licensee *or registrant* within 3 business
39 days before the disclosure.

40 **Sec. 18.** NRS 638.090 is hereby amended to read as follows:

41 638.090 1. It is unlawful for any person to practice veterinary
42 medicine, surgery, obstetrics or dentistry within the State of Nevada
43 without a license issued pursuant to the provisions of this chapter.

44 2. *It is unlawful for any person to practice:*

45 (a) *As a veterinary technician in training;*



1 (b) *Animal physical therapy;*
2 (c) *Animal chiropractic; or*
3 (d) *In any other profession or occupation for which*
4 *registration is required pursuant to regulations adopted by the*
5 *Board,*
6 *↪ without the applicable registration issued by the Board.*

7 **Sec. 19.** NRS 638.100 is hereby amended to read as follows:

8 638.100 1. Any person who desires to secure a license to
9 practice veterinary medicine, surgery, obstetrics or dentistry in the
10 State of Nevada must make written application to the Executive
11 Director of the Board.

12 2. The application must include all information required to
13 complete the application and any other information required by the
14 Board and must be accompanied by satisfactory proof that the
15 applicant:

16 (a) Is of good moral character . ~~[-]~~

17 (b) Except as otherwise provided in subsection 3, has received
18 ~~[a]~~:

19 (1) *A diploma conferring the degree of doctor of veterinary*
20 *medicine or its equivalent from a school of veterinary medicine that*
21 *is accredited by the Council on Education of the American*
22 *Veterinary Medical Association ~~for, if the applicant is a graduate of~~*
23 *~~a school of veterinary medicine that is not accredited by the Council~~*
24 *~~on Education of the American Veterinary Medical Association, that~~*
25 *~~the applicant has received an]~~ ;*

26 (2) *An educational certificate issued by the Educational*
27 *Commission for Foreign Veterinary Graduates of the American*
28 *Veterinary Medical Association ; or ~~[-, if the Educational~~*
29 *~~Commission for Foreign Veterinary Graduates of the American~~*
30 *~~Veterinary Medical Association ceases to exist,]~~*

31 (3) *A certificate* by an organization approved by the Board
32 that certifies that the holder of the certificate has demonstrated
33 knowledge and skill of veterinary medicine that is equivalent to the
34 knowledge and skill of veterinary medicine of a graduate of a
35 college of veterinary medicine that is accredited by the Council on
36 Education of the American Veterinary Medical Association . ~~[-; and]~~

37 (c) Has passed each examination required by the Board pursuant
38 to NRS 638.110.

39 3. A veterinary student in his or her final year at a school
40 accredited by the American Veterinary Medical Association may
41 submit an application to the Board and take the state examination
42 administered by the Board, but the Board may not issue a license
43 until the student has complied with the requirements of subsection 2.

44 4. The application must be signed by the applicant ~~[-, notarized]~~
45 and accompanied by a fee set by the Board, not to exceed \$500.



1 5. The Board may refuse to issue a license if the Board
2 determines that an applicant has committed an act which would be a
3 ground for disciplinary action if the applicant were a licensee.

4 **Sec. 20.** NRS 638.103 is hereby amended to read as follows:

5 638.103 1. In addition to any other requirements set forth in
6 this chapter:

7 (a) An applicant for the issuance of a license to practice as a
8 veterinarian, euthanasia technician or veterinary technician *or for*
9 *the issuance of any registration pursuant to regulations adopted*
10 *by the Board* shall include the social security number of the
11 applicant in the application submitted to the Board.

12 (b) An applicant for the issuance or renewal of a license to
13 practice as a veterinarian, euthanasia technician or veterinary
14 technician *or for the issuance or renewal of any registration*
15 *pursuant to regulations adopted by the Board* shall submit to the
16 Board the statement prescribed by the Division of Welfare and
17 Supportive Services of the Department of Health and Human
18 Services pursuant to NRS 425.520. The statement must be
19 completed and signed by the applicant.

20 2. The Board shall include the statement required pursuant to
21 subsection 1 in:

22 (a) The application or any other forms that must be submitted
23 for the issuance or renewal of the license ~~or~~ *or registration*; or

24 (b) A separate form prescribed by the Board.

25 3. A license to practice as a veterinarian, euthanasia technician
26 or veterinary technician *or any registration issued pursuant to*
27 *regulations adopted by the Board* may not be issued or renewed by
28 the Board if the applicant:

29 (a) Fails to submit the statement required pursuant to subsection
30 1; or

31 (b) Indicates on the statement submitted pursuant to subsection
32 1 that the applicant is subject to a court order for the support of a
33 child and is not in compliance with the order or a plan approved by
34 the district attorney or other public agency enforcing the order for
35 the repayment of the amount owed pursuant to the order.

36 4. If an applicant indicates on the statement submitted pursuant
37 to subsection 1 that the applicant is subject to a court order for the
38 support of a child and is not in compliance with the order or a plan
39 approved by the district attorney or other public agency enforcing
40 the order for the repayment of the amount owed pursuant to the
41 order, the Board shall advise the applicant to contact the district
42 attorney or other public agency enforcing the order to determine the
43 actions that the applicant may take to satisfy the arrearage.



1 **Sec. 21.** NRS 638.118 is hereby amended to read as follows:
2 638.118 A euthanasia technician shall surrender his or her
3 license to the Board, and notify the State Board of Pharmacy,
4 ~~[when]~~ *not later than 15 days after the date on which* the
5 euthanasia technician ceases to be employed by a law enforcement
6 agency, an animal control agency, or by a society for the prevention
7 of cruelty to animals that is in compliance with the provisions of
8 chapter 574 of NRS.

9 **Sec. 22.** NRS 638.127 is hereby amended to read as follows:
10 638.127 1. On or before ~~[November]~~ *May* 15 of each *odd-*
11 *numbered* year, ~~[the Executive Director shall mail to each person~~
12 ~~licensed under the provisions of this chapter an application form for~~
13 ~~renewal of the license.~~

14 ~~—2.—~~ *Each* applicant for renewal *of a license issued*
15 *pursuant to this chapter or any registration issued pursuant to*
16 *regulations adopted by the Board* must ~~[complete the form and~~
17 ~~return it to the Executive Director, accompanied by all information~~
18 ~~required to complete the]~~ :

19 (a) *Submit an application for* renewal ~~[]~~ *to the Board;*

20 (b) *Pay* the renewal fee and *make* full payment of all fines *and*
21 *money* which the applicant owes to the Board ~~[, on or before~~
22 ~~January 1 of each year. Each application for renewal must be signed~~
23 ~~by the applicant. The renewal fee for licensees and persons on~~
24 ~~inactive status must be in an amount determined by the Board.] ;~~

25 (c) *Submit evidence to the Board of compliance with any*
26 *requirements for continuing education; and*

27 (d) *Submit to the Board all other information required by the*
28 *Board to complete the application for renewal.*

29 ~~[3.]~~ 2. Upon receipt of the application and all required
30 information and payment of the renewal fee and all fines *and money*
31 owed, the Board shall issue to that person a certificate of renewal.

32 ~~[4.]~~ 3. Any person who fails to renew a license *or registration*
33 on or before ~~[March 1]~~ *August 31* of each *odd-numbered* year
34 forfeits the license ~~[]~~ *or registration, as applicable.*

35 ~~[5.]~~ 4. When a person has forfeited his or her license *or*
36 *registration* in the manner provided in subsection ~~[4.]~~ 3, the Board
37 may reinstate the license *or registration, as applicable*, and issue a
38 certificate of renewal upon receipt of all information required to
39 complete the renewal and payment of:

40 (a) The renewal fee;

41 (b) All fines *and money* owed ~~[]~~ *to the Board;* and

42 (c) A delinquency penalty of \$50 for each month or fraction
43 thereof the license *or registration, as applicable*, was not renewed
44 after ~~[January 1.]~~ *June 30.*



1 ~~[6.]~~ 5. If a licensee does not practice for more than 12
2 consecutive months, the Board may require the licensee to take an
3 examination to determine his or her competency before renewing
4 the license.

5 ~~[7.— If a licensee does not renew his or her license and is
6 licensed to practice in another state or territory of the United States,
7 the Board may not issue the licensee a license to practice in the State
8 by reciprocity. Such a licensee must reinstate the license in the
9 manner prescribed by the Board.]~~

10 **Sec. 23.** NRS 638.129 is hereby amended to read as follows:

11 638.129 1. Any person:

12 (a) Whose practice of veterinary medicine has been limited; ~~[or]~~

13 (b) Whose license to practice veterinary medicine has been
14 suspended until further order or revoked ~~[;]~~ *or*

15 *(c) Whose registration has been limited, suspended until
16 further order or revoked,*

17 *↪ may apply to the Board after a reasonable period for removal of
18 the limitation or suspension or may apply to the Board pursuant to
19 the provisions of chapter 622A of NRS for reinstatement of the
20 revoked license ~~[;]~~ *or registration, as applicable.**

21 2. In hearing the application, the Board:

22 (a) May require the person to submit to a mental or physical
23 examination by physicians whom it designates or to an examination
24 testing the person's competence by other persons whom it
25 designates, and submit such other evidence of changed conditions
26 and of fitness as it considers proper;

27 (b) Shall determine whether under all the circumstances the time
28 of the application is reasonable; and

29 (c) May deny the application or modify or rescind its order as
30 the evidence warrants.

31 **Sec. 24.** NRS 638.133 is hereby amended to read as follows:

32 638.133 Every veterinarian or veterinary technician licensed
33 pursuant to this chapter *and every registrant* shall report to the
34 Board ~~[any claim for]~~ *a finding of* malpractice or negligence ~~[filed]~~
35 *made* against him or her ~~[and its disposition within 90]~~ *not later*
36 *than 60* days after the ~~[claim is filed and after its disposition.]~~
37 *finding is made.*

38 **Sec. 25.** NRS 638.134 is hereby amended to read as follows:

39 638.134 1. Each licensed veterinarian to whom an animal is
40 brought for treatment shall recommend to the owner of the animal or
41 to the person delivering the animal for treatment that the animal
42 receive the vaccinations for zoonotic diseases that are recommended
43 by the Centers for Disease Control and Prevention of the United
44 States Department of Health and Human Services. The vaccinations
45 must be administered by a licensed veterinarian or *a veterinary*



1 *technician* under the direct supervision of a licensed veterinarian.
2 The Board may adopt regulations to ensure compliance with the
3 provisions of this subsection.

4 2. A licensed veterinarian who agrees to perform veterinary
5 services on an animal shall provide the services at the level of
6 quality required by this chapter regardless of the fee, if any, which
7 the veterinarian charges for his or her services. A violation of this
8 subsection is a ground for disciplinary action.

9 **Sec. 26.** NRS 638.140 is hereby amended to read as follows:

10 638.140 The following acts, among others, are grounds for
11 disciplinary action:

12 1. Violation of a regulation adopted by the State Board of
13 Pharmacy or the Nevada State Board of Veterinary Medical
14 Examiners;

15 2. An alcohol or other substance use disorder;

16 3. Conviction of or a plea of *nolo contendere* to a felony related
17 to the practice of veterinary medicine, or any offense involving
18 moral turpitude;

19 4. Incompetence;

20 5. Negligence;

21 6. Malpractice pertaining to veterinary medicine as evidenced
22 by an action for malpractice in which the holder of a license *or*
23 *registration* is found liable for damages;

24 7. Conviction of a violation of any law concerning the
25 possession, distribution or use of a controlled substance or a
26 dangerous drug as defined in chapter 454 of NRS;

27 8. Willful failure to comply with any provision of this chapter,
28 a regulation, subpoena or order of the Board, the standard of care
29 established by the American Veterinary Medical Association or an
30 order of a court;

31 9. Prescribing, administering or dispensing a controlled
32 substance to an animal to influence the outcome of a competitive
33 event in which the animal is a competitor;

34 10. Willful failure to comply with a request by the Board for
35 medical records within 14 days after receipt of a demand letter
36 issued by the Board;

37 11. Willful failure to accept service by mail or in person from
38 the Board;

39 12. Failure of a supervising veterinarian to provide immediate
40 or direct supervision to licensed, *registered* or unlicensed personnel
41 if the failure results in malpractice or the death of an animal; and

42 13. Failure of a supervising veterinarian to ensure that a
43 licensed veterinarian is on the premises of a facility or agency when
44 medical treatment is administered to an animal if the treatment
45 requires direct or immediate supervision by a licensed veterinarian.



1 **Sec. 27.** NRS 638.1402 is hereby amended to read as follows:
2 638.1402 The following acts, among others, are grounds for
3 disciplinary action:

4 1. Fraud or misrepresentation to secure a license ~~or~~ *or*
5 *registration;*

6 2. Conspiring to commit fraud, forgery or deception in
7 connection with an examination for a license;

8 3. Swearing falsely in any testimony or affidavit relating to or
9 in the course of the practice of veterinary medicine; and

10 4. Engaging in any conduct likely to deceive, defraud or harm
11 the public, including the dissemination of information by a
12 veterinarian, licensee of a facility or agency or an employee of
13 either, concerning the services of the licensee which is false or
14 misleading and which the person knew or should have known was
15 false or misleading.

16 **Sec. 28.** NRS 638.1404 is hereby amended to read as follows:
17 638.1404 The following acts, among others, are grounds for
18 disciplinary action:

19 1. Claiming or implying professional superiority over other
20 licensees *or registrants.* ~~and~~

21 2. Accepting money to cure permanently a manifestly incurable
22 disease. ~~and~~

23 3. Participating in an agreement with other veterinarians, ~~or~~
24 licensees of a facility or agency *or registrants* if:

25 (a) The agreement is to split fees or provide rebates in
26 connection with the referral of a client; and

27 (b) The client has not been informed of the agreement.

28 4. *Referring an animal under treatment to another practice*
29 *affiliated with or owned in any percentage by the referring*
30 *veterinarian or the facility in which he or she practices unless the*
31 *referring veterinarian first informs the owner of the animal:*

32 (a) *Of the veterinarian's affiliation with or ownership of the*
33 *practice to which the referral is being made; and*

34 (b) *That the continuation of the veterinarian's treatment of the*
35 *animal is not contingent upon the owner's usage of the practice to*
36 *which the referral is being made.*

37 ↪ *This subsection applies regardless of the legal form of*
38 *ownership of the practice from which the veterinarian is making*
39 *the referral or the legal form of ownership of the practice to which*
40 *the referral is being made.*

41 **Sec. 29.** NRS 638.1406 is hereby amended to read as follows:
42 638.1406 The following acts, among others, are grounds for
43 disciplinary action:

44 1. Allowing one's name to be used as a veterinarian, ~~or~~ as a
45 veterinary technician *or as a practitioner of a profession or*



1 *occupation for which registration is required pursuant to*
2 *regulations adopted by the Board* by another person who is not
3 licensed, ~~or~~ permitted to practice *or registered, as applicable*, in
4 this State;

5 2. Having professional association with or employing any
6 person claiming to be a veterinarian or veterinary technician
7 unlawfully; and

8 3. Failure to report, within 30 days, the revocation of a license
9 to practice veterinary medicine or as a veterinary technician, *or of a*
10 *registration to engage in a profession or occupation relating to*
11 *veterinary medicine*, in another state, territory or district of the
12 United States on grounds other than nonpayment of a fee.

13 **Sec. 30.** NRS 638.1408 is hereby amended to read as follows:

14 638.1408 The following acts, among others, are grounds for
15 disciplinary action:

16 1. Failure of a licensee to maintain his or her facilities and
17 premises in a clean and sanitary condition;

18 2. Failure to maintain records relating to the diagnosis,
19 treatment and care of an animal;

20 3. Altering the records of an animal;

21 4. Making or filing a report which the licensee *or registrant*
22 knows to be false;

23 5. Willful failure to report any dangerous, infectious or
24 contagious disease or the results of any medical test as required by
25 law; or

26 6. Willfully committing any inhumane or cruel act on any
27 animal.

28 **Sec. 31.** NRS 638.1409 is hereby amended to read as follows:

29 638.1409 1. If the Board receives a copy of a court order
30 issued pursuant to NRS 425.540 that provides for the suspension of
31 all professional, occupational and recreational licenses, certificates
32 and permits issued to a person who is the holder of a license to
33 practice as a veterinarian, euthanasia technician or veterinary
34 technician, *or a registration issued pursuant to regulations adopted*
35 *by the Board*, the Board shall deem the license *or registration, as*
36 *applicable*, issued to that person to be suspended at the end of the
37 30th day after the date on which the court order was issued unless
38 the Board receives a letter issued to the holder of the license *or*
39 *registration, as applicable*, by the district attorney or other public
40 agency pursuant to NRS 425.550 stating that the holder of the
41 license *or registration* has complied with the subpoena or warrant or
42 has satisfied the arrearage pursuant to NRS 425.560.

43 2. The Board shall reinstate a license to practice as a
44 veterinarian, euthanasia technician or veterinary technician *or*
45 *registration issued pursuant to regulations adopted by the Board*



1 that has been suspended by a district court pursuant to NRS 425.540
2 if the Board receives a letter issued by the district attorney or other
3 public agency pursuant to NRS 425.550 to the person whose license
4 *or registration, as applicable*, was suspended stating that the person
5 whose license *or registration* was suspended has complied with the
6 subpoena or warrant or has satisfied the arrearage pursuant to
7 NRS 425.560.

8 **Sec. 32.** NRS 638.1413 is hereby amended to read as follows:

9 638.1413 1. The Board or any of its members who becomes
10 aware of any fact which may be any one or a combination of the
11 grounds for initiating disciplinary action shall, and any other person
12 who is so aware may, file with the Board a written complaint
13 specifying the relevant facts.

14 2. The Board may, upon its own motion, and shall, upon
15 receipt of such a complaint, investigate the actions of any applicant
16 for a license *or registration* or any holder of a license *or*
17 *registration* issued pursuant to the provisions of this chapter ~~or~~ *or*
18 *any regulations adopted pursuant thereto*.

19 3. The Executive Director shall send written notice by certified
20 mail with return receipt requested to the person being investigated.
21 The notice must contain the name of the person who filed the
22 complaint against the licensee ~~or~~ *or registrant, as applicable*, the
23 nature of the complaint and a request for any medical records
24 the licensee *or registrant* may have relating to the complaint.

25 **Sec. 33.** NRS 638.142 is hereby amended to read as follows:

26 638.142 1. If the Board has reason to believe that the conduct
27 of any veterinarian , ~~or~~ veterinary technician *or registrant* has
28 raised a reasonable question as to his or her competence to practice
29 veterinary medicine or to act as a veterinary technician *or registrant*
30 with reasonable skill and safety to animals, it may order that person
31 to undergo a mental or physical examination or an examination
32 testing his or her competence to practice veterinary medicine or to
33 act as a veterinary technician ~~or~~ *or registrant*. The examination
34 must be conducted by physicians or other persons designated by the
35 Board to assist it in determining the fitness of that person to practice
36 veterinary medicine or to act as a veterinary technician ~~or~~ *or*
37 *registrant*.

38 2. Every veterinarian , ~~or~~ veterinary technician *or registrant*
39 who accepts a license *or registration* issued pursuant to this chapter
40 *or any regulations adopted pursuant thereto* shall be deemed to
41 have given consent to submit to a mental or physical examination or
42 an examination testing his or her competence when directed to do so
43 in writing by the Board.

44 3. If the Board directs a licensee *or registrant* to submit to a
45 mental or physical examination or an examination testing his or her



1 competence, the examination must be held and the results returned
2 to the Board not later than 60 days after the Board issues the order.

3 4. The testimony or reports of the examining physicians or
4 other persons designated by the Board are privileged
5 communication, except as to proceedings conducted pursuant to this
6 chapter.

7 5. Except in extraordinary circumstances, as determined by the
8 Board, the failure of a person licensed under this chapter *or*
9 *registered pursuant to regulations adopted by the Board* to submit
10 to an examination when directed as provided in this section
11 constitutes a ground for the immediate suspension of the license ~~[-]~~
12 *or registration, as applicable.*

13 **Sec. 34.** NRS 638.1429 is hereby amended to read as follows:

14 638.1429 1. After the investigation of the complaint is
15 completed, the member of the Board who conducted the
16 investigation shall submit to the Board *or a committee thereof* a
17 written report of his or her findings and recommendations
18 concerning the disposition of the complaint.

19 2. If the Board *or a committee thereof, as applicable,*
20 determines that there is not sufficient evidence to believe that a
21 licensee *or registrant, as applicable,* has committed an act which
22 constitutes a cause for disciplinary action, the Board *or committee*
23 shall dismiss the complaint and send a written notice to the person
24 who filed the complaint and the licensee *or registrant* who was the
25 subject of the investigation that the complaint was dismissed.

26 3. If the Board *or a committee thereof, as applicable,*
27 determines that there is sufficient evidence to believe that a licensee
28 *or registrant, as applicable,* has committed an act which constitutes
29 a ground for disciplinary action, the Board *or committee* may
30 *commence a disciplinary action or* enter into a settlement
31 agreement with the licensee ~~[-The]~~ *or registrant.*

32 4. *If the Board or a committee thereof enters into a* settlement
33 agreement *with a licensee or registrant, the agreement* must be
34 signed by the licensee *or registrant, as applicable,* and the President
35 of the Board. The Board shall send a written notice of the settlement
36 to the person who filed the complaint against the licensee ~~[-]~~ *or*
37 *registrant.* The notice must include a copy of the settlement
38 agreement. ~~[The complaint]~~

39 5. *A document initiating a disciplinary action* and ~~[the]~~ *any*
40 settlement agreement are public records.

41 **Sec. 35.** NRS 638.145 is hereby amended to read as follows:

42 638.145 1. The Board shall not refuse to issue a license *or*
43 *registration* to an applicant or take any disciplinary action against a
44 licensee *or registrant* unless the Board finds, by a preponderance of
45 the evidence, that the applicant , ~~[-or]~~ licensee *or registrant, as*



1 *applicable*, has engaged in one or more of the practices prohibited
2 by the provisions of this chapter.

3 2. As used in this section, “preponderance of the evidence” has
4 the meaning ascribed to it in NRS 233B.0375.

5 **Sec. 36.** NRS 638.147 is hereby amended to read as follows:

6 638.147 1. If the Board determines that any applicant for a
7 license *or registration* or any person licensed *or registered* pursuant
8 to this chapter *or the regulations adopted pursuant thereto* has
9 committed any of the acts which are grounds for disciplinary action,
10 the Board may:

11 (a) Refuse to issue a license ~~[]~~ *or registration*.

12 (b) Refuse to renew a license ~~[]~~ *or registration*.

13 (c) Revoke a license ~~[]~~ *or registration*.

14 (d) Suspend a license *or registration* for a definite period or
15 until further order of the Board.

16 (e) Impose a fine in an amount not to exceed \$10,000 for each
17 act which constitutes a ground for disciplinary action.

18 (f) Place a licensee *or registrant* on probation subject to any
19 reasonable conditions imposed by the Board, including requiring
20 courses in continuing education or a periodic or continuous review
21 of the ~~[licensee's]~~ practice ~~[]~~ *of the licensee or registrant*.

22 (g) Administer a public reprimand.

23 (h) Limit the practice of the licensee *or registrant* to specified
24 branches of veterinary medicine.

25 (i) Require the licensee *or registrant* to take a competency
26 examination or a mental or physical examination.

27 2. *The Board may refuse to renew a license or registration if,
28 at the time of application for renewal, the applicant has failed to
29 comply with one or more terms of an order that imposes discipline.*

30 3. The Board shall not administer a private reprimand.

31 ~~[3-]~~ 4. An order that imposes discipline and the findings of fact
32 and conclusions of law supporting that order are public records.

33 5. *The Board may adopt regulations which provide for the
34 Board to issue nondisciplinary letters of correction for violations
35 of provisions of this chapter and the regulations adopted pursuant
36 thereto as those provisions relate to recordkeeping, inspections of
37 veterinary facilities and continuing education.*

38 **Sec. 37.** NRS 638.1471 is hereby amended to read as follows:

39 638.1471 Notwithstanding the provisions of chapter 622A of
40 NRS:

41 1. The Board may issue to a licensee *or registrant* a citation
42 which may contain an order of abatement or an order to pay an
43 administrative fine assessed by the Board when the licensee *or
44 registrant, as applicable*, is in violation of any provision of this
45 chapter or any regulation adopted by the Board.



1 2. A citation must be in writing and describe with particularity
2 the nature of the violation, including specific reference to the
3 provision of law or the regulation determined to have been violated,
4 and the amount of the fine, if any. A citation must be issued for each
5 violation of this chapter or any regulation adopted by the Board.

6 3. Where appropriate, the citation must contain an order of
7 abatement fixing a reasonable time for abatement of the violation.

8 4. The administrative fine assessed by the Board must not
9 exceed \$5,000 for each violation. In assessing a fine the Board shall
10 give consideration to the appropriateness of the amount of the fine
11 with respect to such factors as the gravity of the violation, the good
12 faith of the licensee *or registrant* and the history of previous
13 violations.

14 5. A citation must inform the licensee *or registrant, as*
15 *applicable*, that if he or she desires a hearing to contest the finding
16 of a violation or the amount of the fine assessed, the hearing must be
17 requested by written notice to the Board within 30 days after the
18 date of issuance of the citation. If a hearing is not requested pursuant
19 to this section, a settlement does not constitute an admission of the
20 violation charged unless the settlement agreement stipulates to such
21 an admission.

22 6. Failure of a licensee *or registrant* to pay a fine within 30
23 days after the date of assessment, unless the citation is being
24 appealed, may result in disciplinary action being taken by the Board.
25 Where a citation is not contested and a fine is not paid, the full
26 amount of the fine that is assessed must be added to the fee for
27 renewal of the license ~~or~~ *or registration, as applicable*. A license *or*
28 *registration* must not be renewed without payment of the renewal
29 fee and fine.

30 7. Notwithstanding any other provision of law, where a fine is
31 paid to satisfy an assessment based on the finding of a violation,
32 payment of the fine constitutes a satisfactory resolution of the matter
33 for purposes of public disclosure of the disposition of the violation.

34 8. The Board may adopt regulations to carry out this section. It
35 may also adopt regulations to establish similar provisions for the
36 issuance of a citation to ~~the~~:

37 (a) A person who is practicing veterinary medicine without a
38 license ~~or~~; *or*

39 (b) *A person who is in engaging in a profession or occupation*
40 *for which registration is required pursuant to regulations adopted*
41 *by the Board without a registration issued pursuant to those*
42 *regulations.*

43 **Sec. 38.** NRS 638.1515 is hereby amended to read as follows:

44 638.1515 1. Notwithstanding the provisions of chapter 622A
45 of NRS, in any disciplinary proceeding:



1 (a) Proof of actual injury need not be established where the
2 charge is deceptive or unethical professional conduct.

3 (b) If proof of actual injury is an issue, proof of actual injury
4 may be established by the testimony and opinion of a witness who is
5 not an expert witness.

6 (c) A certified copy of the record of a court or a licensing
7 agency showing a conviction or the suspension, limitation,
8 modification, denial or revocation of a license of a veterinarian or
9 veterinary technician *or of a registration to engage in a profession*
10 *or occupation relating to veterinary medicine* is conclusive
11 evidence of its occurrence. A plea of nolo contendere is a conviction
12 for the purpose of this section.

13 2. As used in this section, "actual injury" means any type of
14 injury, abuse or mistreatment, whether or not the injury, abuse or
15 mistreatment results in substantial or permanent physical harm or
16 death.

17 **Sec. 39.** NRS 638.1525 is hereby amended to read as follows:

18 638.1525 1. Except as otherwise provided in NRS 41.500, a
19 person licensed pursuant to the provisions of this chapter *or*
20 *registered pursuant to regulations adopted by the Board* shall not
21 provide medical assistance, treatment or counsel to a human being.
22 Such conduct is a ground for disciplinary action.

23 2. The Board shall immediately suspend the license *or*
24 *registration, as applicable*, of a person who violates the provisions
25 of this section.

26 3. Any person who violates the provisions of this section is
27 guilty of a category D felony and shall be punished as provided in
28 NRS 193.130.

29 4. The Board may report an alleged violation of this section to
30 the Attorney General or any district attorney. Upon receiving a
31 report from the Board, the Attorney General or district attorney shall
32 institute necessary proceedings in a court of competent jurisdiction
33 against the person responsible for the alleged violation of this
34 section.

35 **Sec. 40.** NRS 638.1551 is hereby amended to read as follows:

36 638.1551 1. In addition to any other remedy provided by law,
37 the Board, through its President or the Attorney General, may apply
38 to a court to enjoin any unprofessional conduct of a veterinarian ,
39 ~~or~~ veterinary technician ~~or~~ *or registrant*, or to limit his or her
40 practice or suspend his or her license ~~or~~ *or registration, as*
41 *applicable*.

42 2. The court may issue a temporary restraining order or a
43 preliminary injunction for such purposes:

44 (a) Without proof of actual damage sustained by any person, this
45 provision being a preventive as well as punitive measure; and



1 (b) Pending proceedings for disciplinary action by the Board.
2 Such proceedings must be instituted and determined as promptly as
3 practicable.

4 **Sec. 41.** NRS 638.1555 is hereby amended to read as follows:

5 638.1555 Any person seeking to enjoin another person from
6 acting as a veterinarian , ~~or~~ veterinary technician *or registrant*
7 without a license *or registration, as applicable*, need allege only
8 that the other person did, on a specified date in this State, so act
9 without having a license ~~or~~ *or registration, as applicable*.

10 **Sec. 42.** NRS 638.170 is hereby amended to read as follows:

11 638.170 1. Except as otherwise provided in ~~subsections 2~~
12 ~~and 3 of~~ this section and NRS 638.1525, a person who violates any
13 of the provisions of this chapter is guilty of a misdemeanor.

14 2. A person who practices veterinary medicine without a
15 license issued pursuant to the provisions of this chapter is guilty of a
16 category D felony and shall be punished as provided in
17 NRS 193.130.

18 3. A person who practices as a veterinary technician *or*
19 *euthanasia technician* without a license issued pursuant to the
20 provisions of this chapter is guilty of a gross misdemeanor and shall
21 be punished by imprisonment in the county jail for not more than
22 364 days, or by a fine of not more than \$2,000, or by both fine and
23 imprisonment.

24 4. *A person who practices animal chiropractic, animal*
25 *physical therapy or any other profession or occupation for which*
26 *registration is required pursuant to regulations adopted by the*
27 *Board without such registration is guilty of a gross misdemeanor*
28 *and shall be punished by imprisonment in the county jail for not*
29 *more than 364 days, or by a fine of not more than \$2,000, or by*
30 *both fine and imprisonment.*

31 5. *A veterinary technician or euthanasia technician who:*

32 (a) *Practices beyond the scope of his or her license; and*

33 (b) *Performs acts that would constitute the practice of*
34 *veterinary medicine,*

35 *is guilty of a category D felony and shall be punished as*
36 *provided in NRS 193.130.*

37 6. *A person who:*

38 (a) *Is registered by the Board to practice animal chiropractic,*
39 *animal physical therapy or any other profession or occupation for*
40 *which registration is required pursuant to regulations adopted by*
41 *the Board;*

42 (b) *Practices beyond the scope of his or her registration; and*

43 (c) *Performs acts that would constitute the practice of*
44 *veterinary medicine,*



1 *↪ is guilty of a category D felony and shall be punished as*
2 *provided in NRS 193.130.*

3 **Sec. 43.** NRS 638.1416 and 638.1423 are hereby repealed.

4 **Sec. 44.** 1. This section becomes effective upon passage and
5 approval.

6 2. Sections 1 to 42, inclusive, of this act become effective:

7 (a) Upon passage and approval for the purpose of adopting any
8 regulations and performing any other preparatory administrative
9 tasks that are necessary to carry out the provisions of this act; and

10 (b) On October 1, 2021, for all other purposes.

TEXT OF REPEALED SECTIONS

638.1416 Physical examination of animal after filing of complaint concerning care of animal. Any person who files with the Board a verified complaint about the care given to his or her animal by a licensee may present the animal for a physical examination. The Board may:

1. Schedule the examination at a reasonable time and place;

2. Notify the complainant at least 5 days before the examination; and

3. Pay the cost of the examination.

638.1423 Summary order of suspension of license of veterinarian or veterinary technician or prohibition of procedures or activities: Grounds; notice; hearing; investigation; order; formal hearing. Notwithstanding the provisions of chapter 622A of NRS:

1. If the Board receives information that a veterinarian or veterinary technician is causing, allowing or maintaining any condition or activity which is an immediate threat to the welfare of an animal, it may, without a hearing, suspend his or her license or prohibit the use of certain procedures or any dangerous activity. The Board shall notify the veterinarian or veterinary technician within 2 days after taking the action.

2. The Board shall, within 14 days after notifying the veterinarian or veterinary technician, hold an informal hearing to determine if cause exists to extend the order. The veterinarian or veterinary technician may present evidence at that hearing. After the hearing the Board may extend the order for no more than 60 days.

3. The issuance or extension of the order is not an adjudication on the merits. During the period of suspension, the Board shall investigate further and if it decides it is necessary, hold a formal



hearing which must take priority over any other proceeding before the Board. If the Board finds, after the formal hearing, that the licensee is causing, allowing or maintaining any condition or activity which is an immediate threat to the welfare of an animal, it shall issue an order stating its findings and the action taken.

