STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
Veterinary Medical Board
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MEETING NOTICE and AGENDA
VETERINARY MEDICAL BOARD
ANIMAL REHABILITATION TASK FORCE

Monday, June 20, 2016
1747 N. Market Blvd. – 1st Floor Hearing Room
Sacramento, California

10:00 a.m.

TASK FORCE MEMBERS

Board and Committee Members
Mark Nunez, DVM, President – *Veterinary Medical Board*
Lee Heller, PhD, J.D. – *Veterinary Medical Board*
Jon Klingborg, DVM, Chair – *Multidisciplinary Advisory Committee*

Licensed Professional Stakeholders
Karen Atlas – *California Association of Animal Physical Therapists (CAAPT)*
Sandy Gregory, RVT – *California Registered Veterinary Technician Association (CaRVTA)*
Kristen Hagler, RVT – *Academy of Physical Rehabilitation Veterinary Technicians*
Spring Halland, DVM – *Western University of Health Sciences, College of Veterinary Medicine*
Carrie Schlachter, DVM – *Northern Association of Equine Practitioners*
James M. Syms, PT, DSc – *California Physical Therapy Association (CPTA)*
Erin Troy, DVM – *Certified Animal Rehabilitation Therapist*
Janet Van Dyke, DVM – *Canine Rehabilitation Institute (CRI)*
Jessica Waldman, DVM – *Certified Veterinary Acupuncturist*
(UC Davis Member) – *University of California, Davis (UCD)*

Other Stakeholders
Shelah Barr – *Consumer and Animal Masseuse*
Nicole Billington – *California Senate Fellow, Business, Professions and Economic Development Committee*
Carrie Ann Calay – *Consumer*
Valerie Fenstermaker – *California Veterinary Medical Association (CVMA)*
Elissa Silva, Consultant – *California Assembly Committee on Business and Professions*

1. Call to Order

2. Welcome and Introductions

3. Opening Statement – Dr. Nunez, Chair of the Task Force

4. Review of the Objective of the Board's Task Force (Annemarie Del Mugnaio, Executive Officer, Veterinary Medical Board)

5. Review of the Mission and Vision of the Veterinary Medical Board: Consumer Protection (Executive Officer)

6. Review of Applicable Statutes and Regulations (Kurt Heppler, Supervising Counsel, Department of Consumer Affairs)

   A. Open Meeting Act

7. Discussion of the Scopes of Practice of Veterinarians, Registered Veterinary Technicians, Unlicensed Assistants and Physical Therapists

8. Discussion of Educational Requirements for Veterinarians, Registered Veterinary Technicians, and Unlicensed Assistants and Physical Therapists

   A. Additional Certifications
   B. Additional Specialties

9. Discussion of Animal Rehabilitation Program Models in Other States

10. Logistical and Operational Challenges

    A. Licensing
    B. Enforcement and Discipline
    C. Consumer Protection and Outreach
    D. Supervision
    E. Practice Settings

11. Public Comment on Items Not on the Agenda
    Note: The Task Force may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 11125.7(a)).

12. Next Steps and Items for Discussion and Consideration at the Next Task Force Meeting

13. Adjournment

This agenda can be found on the Veterinary Medical Board website at www.vmb.ca.gov. Times stated are approximate and subject to change. This meeting will conform to the Open Meeting Act. Agenda discussions and report items are subject to action being taken on them during the meeting by the Task Force at its discretion. The Task Force provides the public the opportunity at meetings to address each agenda item during the Task Force's discussion or consideration of the item. Total time allocated for public comment may be limited. Agenda items may be taken out of order.

The meeting locations are accessible to the physically disabled. Other disability-related accommodations or modifications can be provided upon request. Please make your request for disability-related accommodations by contacting the Board at (916) 515-5220 or sending a written request to 1747 N. Market St., Suite 230, Sacramento, CA 95834. Provide at least five (5) business days' notice prior to the meeting to help ensure availability of requested accommodations.

MISSION

The mission of the Veterinary Medical Board is to protect consumers and animals by regulating licensees, promoting professional standards and diligent enforcement of the practice of veterinary medicine.

ANIMAL REHABILITATION TASK FORCE
MEETING OF JUNE 20, 2016

INFORMATION SHEET: BACKGROUND AND REFERENCES

Agenda Item 3: Background – Sunset Review Recommendations

For the past four years, the Veterinary Medical Board (Board or VMB), with the help of the Multi-Disciplinary Committee (MDC), has examined the issue of persons involved in rehabilitative services for animals. The impetus for the research, and an eventual regulatory solution, was the number of concerns the Board received regarding unlicensed persons diagnosing and treating animals under the guise of "animal rehabilitation" (AR). The Board became increasingly concerned about the welfare of the animals being treated by unlicensed personnel, and ultimately learned through oral testimony at its public meetings, that animal harm has occurred.

The Board has included the issue of AR at a number of its meetings throughout 2012-2013 and the discussion has generated a great deal of interest from the public who attended the Board meetings to express their support or concern regarding the Board's role in regulating AR services. In June 2015, the Board filed its regulatory proposal for AR, and a public hearing was held September 10, 2015. The Board received several hundred comments, thousands of signatures on petitions, and heard testimony from over 60 interested parties. The testimony at that hearing included similar opposition as was raised in public meetings in 2012/2013 and highlighted the following sentiments:

- Complementary therapy, such as massage, should not be defined as AR.
- Supervision parameters are overly restrictive.
- The lack of specific training in AR for all providers poses a consumer protection problem.
- The definition of AR in the Board's proposal is too broad.

The following reflects some of the more recent concerns and feedback from interested parties in response to the Board's regulatory proposal:

- This is an attempt by the Board to restrict business competition.
- AR should be regulated to protect animal patients from incompetent providers.
- Specifically state that Musculoskeletal Manipulation (chiropractic treatment) 16 CCR. Section 2038 is not being modified by the regulatory proposal.
- Since animals are deemed property, the consumer should have a right to choose complementary services for their animals.
- Significant negative impact to jobs and businesses would result if the regulations

were to take effect.

- The supervision requirement is far too restrictive; there should be a change from the direct supervision requirement to indirect supervision.
- The level of supervision should be determined by the referring veterinarian.
- Massage should be removed from the definition of AR.
- Exercise for the prevention of disease is not medicine and should be excluded.
- Horse trainers are not licensed and yet provide most of the exercise therapy for race horses.
- There are not enough veterinarians to oversee AR services and thus the regulations present a barrier to access for the consumer.
- The regulations will drive up consumer costs for AR.

Although this issue has been considered by the Board for some time, several more recent policy and legal issues have been raised. Initially, the Board must consider the definition of the practice of veterinary medicine and whether the practice of veterinary medicine pursuant to BPC Section 4825 authorizes the Board to adopt regulations that would allow other practitioners who are not licensed by the Board to engage in aspects of veterinary medicine. If the modalities or interventions included in the regulatory proposal do not constitute the practice of veterinary medicine, it is questionable whether the Board can adopt regulations to govern areas outside its scope of practice.

In either case, concerns have been raised that the Board is attempting to limit business competition and protect the profession's financial interests, not to further its consumer protection mandate. The Board is confident that the impetus and rationale for pursuing a regulatory proposal regarding AR is purely motivated by the concerns raised before the Board regarding animal welfare and not a form of protectionism. That being said, the Board is mindful of the public perception and is taking another look at how the regulatory proposal may be modified to address the public's concerns.

At its October 20, 2015 meeting, the Board voted to withdraw its regulatory action on AR from the Office of Administrative Law (OAL) and delegate to the MDC the task of revising the proposed regulation in light of the numerous challenges raised by interested parties. The Board provided specific direction to the MDC to formulate language that would: define that AR is the practice of veterinary medicine, describe the practice of AR and eliminate the laundry list of modalities, address whether minimal education or training requirements should be specified, explore the option of an indirect supervision parameter, and include the requirement that the settings where AR is performed is subject to holding a premises registration with the oversight of a Licensee Manager (BPC Section 4853).

At the January 2016 meeting, after a lengthy discussion, the MDC decided to table consideration of the animal rehabilitation issue pending a recommendation from the legislature through the sunset process.

Legislative Staff Recommendation: ***The Board should create a task force comprised of stakeholders including veterinarians, RVTs, animal rehabilitation and related animal industry professionals, consumers, and representatives from the legislature to further examine the issue and present a recommendation to the Board by January 1, 2017.***

2016 Board Response:

The Board appreciates the complexity of the issue of animal rehabilitation and has approached the concept of regulation from the standpoint of how to most effectively protect the public and the public's animals, while considering issues such as access, as well as the vast difference in terms of the level of experience and training of individuals who provide this specialized care. Several public Board meetings and hearings have attracted interested parties to the issue, and although the Board has considered much of the input it's received from the stakeholders, the Board is eager work with a diverse task force with the charge of addressing issues related to supervision, education and training, and settings where AR services may be provided.

The Board has identified the organizations which should be represented on the AR Task Force. The composition of the task force includes industry groups, consumers, regulatory bodies, universities, practitioners specializing in rehabilitative care for animals, and representatives of the Legislature. The first of at least two AR Task Force meetings is scheduled for June 20, 2016 to be held in Sacramento.

Agenda Item 4: Mission and Vision of the VMB

Mission Statement: To protect consumers and animals by regulating licensees, promoting professional standards, and diligent enforcement of the California Veterinary Medicine Practice Act.

Vision Statement: An environment in which Californians have access to high-quality veterinary care for all animals.

Agenda Item 5: Mandate – Priority of board; Protection of the public (Business & Professions (B&P) Code Section 4800.1)

Protection of the public shall be the highest priority for the Veterinary Medical Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Agenda Item 6: Scope of Practice(s)

A. *Practice of veterinary medicine, surgery, or dentistry (B&P Code Section 4826):*

A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does any one of the following:

(a) Represents himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

(b) Diagnoses or prescribes a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.
(c) Administers a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, except where the medicine, appliance, application, or treatment is administered under the direct supervision of a licensed veterinarian subject to Article 2.5 (commencing with Section 4832) or where the drug, including, but not limited to, a drug that is a controlled substance, is administered by a registered veterinary technician or a veterinary assistant pursuant to Section 4836.1. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.

B. Regulations defining tasks of technicians and veterinarians (B&P Code Section 4836):

(a) The board shall adopt regulations establishing animal health care tasks and an appropriate degree of supervision required for those tasks that may be performed only by a registered veterinary technician or a licensed veterinarian.
(b) The board may also adopt regulations establishing animal health care tasks that may be performed by a veterinary assistant as well as by a registered veterinary technician or a licensed veterinarian. The board shall establish an appropriate degree of supervision by a registered veterinary technician or a licensed veterinarian over a veterinary assistant for any tasks established under this subdivision and the degree of supervision for any of those tasks shall be higher than, or equal to, the degree of supervision required when a registered veterinary technician performs the task.

C. Scope of practice of physical therapy (B&P Code Section 2620):

(a) Physical therapy means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. The practice of physical therapy includes the promotion and maintenance of physical fitness to enhance the bodily movement related health and wellness of individuals through the use of physical therapy interventions. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter, and a license issued pursuant to this chapter does not authorize the diagnosis of disease.
(b) Nothing in this section shall be construed to restrict or prohibit other healing arts practitioners licensed or registered under this division from practice within the scope of their license or registration.

Agenda Item 7: Training

AR is an emerging field in the veterinary profession. It became a specialty in 2010 as the American College of Veterinary Sports Medicine and Rehabilitation. This specialty just admitted 50 new veterinarians in May, 2016.

The American Veterinary Medical Association (AVMA) notes on the *Essential and Recommended Skills List* (updated January, 2016) that Certified Veterinary Technicians know how to perform "Physical Therapy: hydrotherapy, post-operative, orthopedic, neurological, explain care of recumbent patient." (Page 6 of the AVMA CVTEA Guidelines.)

The American Association of Veterinary State Boards' (AAVSB) list of tasks for RVTs/CVTs include Task 50.03: "rehabilitation therapy". In the AAVSB topics for the Veterinary Technician National Exam (updated 2013), Item 34 is "animal nursing procedures and rehabilitation therapies".

UC Davis Veterinary School offers Course *DVM489 – Physical Rehabilitation*. Course description: "Participate in physical rehabilitation evaluation to diagnose movement dysfunction, design and effectively implement an evidence-based treatment plan to restore, maintain or enhance optimal physical function after injury, surgery, or disability. Emphasis on development of observation and manual assessment skills."

Western University also has some introductory courses on AR. It even has a faculty member (Dr. Martina Haupt, DVM) who lists her main area of interest as "Animal Rehabilitation (Physical Therapy for Small Animals.)"

Agenda Item 7A and 7B: Additional training/certification

The following programs offer certification in animal rehabilitation:

1. **The Animal Rehabilitation Institute** offers the Certified Equine Rehabilitation Assistant (CERA) program for veterinary technicians and physical therapy assistants. Classes are held in Florida. animalrehabinstitute.com
2. **The Canine Rehabilitation Institute** offers the Certified Canine Rehabilitation Assistant (CCRA) program for veterinary technicians at training facilities in Florida and Colorado. A 40-day internship is required as part of the program. caninerehabinstitute.com/CCRA.html
3. **Healing Oasis** offers the Certified Veterinary Massage and Rehabilitation Therapist (CVMRT) program for licensed or certified veterinary technicians, licensed veterinarians, licensed physical therapists, licensed nurses, and licensed or certified massage therapists at its facility in Wisconsin. healingoasis.edu/veterinary-massage-rehabilitation-therapy-program/
4. **NorthEast Seminars** offers the Certified Canine Rehabilitation Practitioner (CCRP) and Certified Equine Rehabilitation Practitioner (CERP) programs for veterinary technicians, veterinarians, and physical therapists at The University of Tennessee. vet.utk.edu/clinical/rehab/programs.php

Agenda Item 8: Other states

Eight states currently have exemptions that allow for physical therapists to provide animal rehabilitation services to animals (Colorado, Nebraska, Nevada, New Hampshire, Oregon, South Carolina, Utah, and Virginia). All of these states also recognize the authority of a veterinarian to provide animal rehabilitation without requiring additional certification by the veterinarian.

The other forty-two states have not created exemptions and therefore animal rehabilitation falls under the scope of veterinary practice. Currently, many of these states still refer to AR as a

"complementary" therapy and make a blanket assessment that all complementary therapies, unless specifically exempted, are the practice of veterinary medicine. Five of the forty-two states (Louisiana, Ohio, New York, Missouri, and Vermont) do specifically mention physical therapists in their veterinary practice acts, but they require a physical therapist to perform animal rehabilitation under the direct supervision of a veterinarian.

The relevant regulatory schemes of Colorado, Nevada, and Nebraska are similar to each other. A veterinarian writes a "medical clearance" or letter of referral that says that a patient needs AR and it is safe to perform. In each case, the PT who does the rehab must have undergone some training in animal anatomy. Colorado requires 80 hours of class instruction and 120 hours of hands-on training; Nevada requires 120 class hours and 124 hours hands-on; and Nebraska requires 160 class hours and 50 hours hands-on.

Agenda Item 9A: Licensing matters

A. Physical Therapy vs. Animal Rehabilitation

In California, we cannot use the phrase "physical therapy" when referring to animal rehabilitation, because "physical therapy" is a term protected by the California Physical Therapy Practice Act.

B. Excluding Wellness Modalities

Prior VMB decisions removed wellness modalities such as exercise, stretching, and massage from the definition of AR. These modalities do not fall within the practice of AR as currently being examined by the Board.

C. Referral and Consultation

Before a veterinarian may make a diagnosis or develop a treatment plan, he or she must establish a Veterinarian-Client-Patient Relationship (VCPR) as defined in CCR 2032.1. Veterinarians have two choices when seeking advice from other experts. They may either **refer** to another veterinarian or **consult** with an expert. When they have referred to another veterinarian, the new veterinarian establishes a VCPR with the client and the patient. "Consulting", on the other hand, does not transfer the care or responsibility for the treatment of the patient to another practitioner.

Agenda Item 9B: Enforcement and Discipline

A. Shared oversight: Shared oversight of a licensed professional, in this case, a licensed physical therapist, presents with some administrative challenges. Does the Physical Therapy Board retain disciplinary authority and enforce the provisions related to AR? If so, how will the Physical Therapy Board members determine appropriate standard of care for the practice of veterinary medicine? If the VMB assumes enforcement authority, how will the VMB discipline the license of another health board?

B. **Patient responsibility:** Who is ultimately responsible for patient care if the veterinarian and the AR "therapist" (using "therapist" to refer to a non-veterinarian) do not work at the same practice location?

Agenda Item 9C: Complaints Regarding Animal Rehabilitation Practitioners

In the past three years, the Board has received approximately 10 cases regarding unlicensed animal rehabilitation practitioners. Four complaints were filed by consumers (non-licensees), two from licensees/professional organizations, two from other regulatory boards, and the others are anonymous. While this is not a very large number, the VMB takes the position that, as a consumer protection agency, it must try and prevent harm before it happens, in addition to reacting to harm that has already happened. Testimony before the Board at the public hearing on AR on September 10, 2015 suggested harm has been documented by veterinarians who have treated animals that had been under the care of a rehabilitative therapist.

Agenda Item 9D: Supervision

Direct supervision means the veterinarian "is physically present at the location where the animal health care job tasks are to be performed." CCR 2034(e).

Indirect supervision means that the veterinarian "is not physically present…but has given either written or oral instructions ("direct orders") for treatment of the animal patient." CCR 2034(f).

Supervision is deemed necessary for animal health care tasks that are performed by registered veterinary technicians or veterinary assistants. A veterinary assistant may never have a lesser level of supervision than a licensed RVT. In other words, if an RVT must perform an animal health care task under direct supervision, then a veterinary assistant may not perform that same task under indirect supervision.

The role of the supervising veterinarian is clear in both direct and indirect supervision in that "the animal has been examined by a veterinarian at such time as good veterinary medical practice requires consistent with the particular delegated animal health care job task." Animal health care jobs may only take place in two locations: an animal hospital setting (CCR 2034(g)) or at any location where the veterinarian may legally practice, which creates room for a range or off-premises setting.

Agenda Item 9E: Practice Settings

A. Registration of place of practice (B&P Code Section 4853):

(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) Every application for registration of veterinary premises shall set forth in the application the name of the responsible licensee manager who is to act for and on behalf of the licensed premises. Substitution of the responsible licensee manager may by accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that he or she possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.
(2) No circumvention of the law is contemplated by the substitution.

B. Inspections (B&P Code Section 4809.5):

The board may at any time inspect the premises in which veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced. The board's inspection authority does not extend to premises that are not registered with the board. Nothing in this section shall be construed to affect the board's ability to investigate alleged unlicensed activity or to inspect a premises for which registration has lapsed or is delinquent.

F. The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as are required by Section D of this Rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.

G. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedures Act at § 24-4-106, C.R.S.

210. Requirements for Physical Therapists to Perform Physical Therapy on Animals

The purpose of this rule is to implement the requirements of § 12-41-103.6(2)(b)(II), C.R.S., regarding the authority of Physical Therapists to treat animals.

A. A Physical Therapist must have the knowledge, skill, ability and documented competency to perform an act that is within the scope of practice for Physical Therapists.

B. The Director shall maintain a data base of all Physical Therapists that are qualified pursuant to this rule to practice physical therapy on animals in this state.

C. All Physical Therapists that choose to practice physical therapy on animals shall provide the Board with such therapist's name, current address, education and qualifications to perform physical therapy on animals for inclusion in the data base referenced in part B of this rule. Information in the data base shall be open to public inspection at all times. Forms for Physical Therapists to provide such information shall be provided by the Board.

D. A Physical Therapist that desires to perform physical therapy on animals must comply with the following educational requirements:

1. Minimum of 80 contact hours over and above entry-level human physical therapy program course work for non-human animals, to include:

a. FOUNDATION/CLINICAL SCIENCES

i. Gross and applied non-human animal anatomy/physiology

ii. Wound healing and response of tissues to disuse and remobilization in the non-human animal

iii. Animal behavior

iv. Animal restraint

v. Zoonotic and infectious diseases

b. EXAMINATION/EVALUATION/PROGNOSIS/PT DIAGNOSIS

i. Medical and surgical management of orthopedic, neurological, critically injured, geriatric, arthritic and obese non-human animals

ii. Gait and other movement analyses

c. INTERVENTION/PLAN OF CARE/OUTCOME

i. Therapeutic exercise applied to non-human animals

ii. Therapeutic modalities

iii. Outcome assessment and documentation

d. CLINICAL EXPERIENCE

i. Documented successful completion of a minimum of 120 hours under the supervision of a licensed physical therapist listed in the data base maintained by DORA to perform physical therapy of animals or a licensed veterinarian.

E. Prior to performing physical therapy on an animal, the Physical Therapist shall obtain veterinary medical clearance of the animal by a Colorado-licensed Veterinarian and must document such clearance in the animal patient's record.

F. Veterinary medical clearance means:

1. The Veterinarian has previously examined the animal patient and has provided a differential diagnosis if appropriate.

2. The Veterinarian has cleared the animal for physical therapy.

G. It is expected that the Physical Therapist and the Veterinarian will continue professional collaboration as necessary for the well-being of the animal patient.

H. Once veterinary medical clearance has been received, the Physical Therapist is responsible for developing the plan of care for the animal patient's physical therapy.

I. The animal patient's record must include the verbal or written veterinary medical clearance. If verbal clearance is received, the Physical Therapist must document the verbal clearance in the animal patient's record, including the name of the veterinarian, date and time clearance was received.

J. Complaints against Physical Therapists alleging a violation related to animal physical therapy will be forwarded to the Colorado State Board of Veterinary Medicine for its review and advisory recommendation to the State Physical Therapy Board. The State Physical Therapy Board retains the final authority by statute for decisions related to discipline of any physical therapist.

211. Requirements for Physical Therapists to Perform Dry Needling

A. Dry needling (also known as Trigger Point Dry Needling) is a physical intervention that uses a filiform needle to stimulate trigger points, diagnose and treat neuromuscular pain and functional movement deficits; is based upon Western medical concepts; requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. Dry needling does not include the stimulation of auricular or distal points.

B. Dry needling as defined pursuant to this rule is within the scope of practice of physical therapy.

[Rev. 1/2/2015 3:32:23 PM]

This chapter of NAC has changes which have been adopted but have not been codified; you can see those changes by viewing the following regulation(s) on the Nevada Register of Administrative Regulations: R063-13

[NAC-638 Revised Date: 11-13]

CHAPTER 638 - VETERINARIANS

GENERAL PROVISIONS

638.001 Definitions.
638.005 "Board" defined.
638.006 "Direct supervision" defined.
638.007 "Emergency" defined.
638.009 "Immediate supervision" defined.
638.011 "Indirect supervision" defined.
638.0115 "Licensed veterinarian" defined.
638.012 "Licensed veterinary technician" defined.
638.013 "Mobile clinic" defined.
638.0135 "Prescription drug" defined.
638.014 "School of veterinary medicine" defined.
638.015 "Solicitation" defined.
638.016 "Supervising veterinarian" defined.
638.017 "Vaccination clinic" defined.
638.0175 "Veterinarian-client-patient relationship" interpreted.
638.0177 "Veterinary assistant" defined.
638.018 "Veterinary facility" defined.
638.0185 "Veterinary intern" defined.
638.0195 "Practice of veterinary medicine" interpreted.
638.020 Deviation from regulations.
638.030 Severability.
638.033 Notification of change of address, place of employment or telephone number.
638.035 Fees.
638.040 Communications; payment of fees.

NEVADA STATE BOARD OF VETERINARY MEDICAL EXAMINERS

638.0405 Duties of Executive Director.

CONTINUING EDUCATION

638.041 Prerequisites for renewal of license; effect of noncompliance.
638.042 Courses deemed approved by Board.
638.0423 Attestation to compliance with requirements; maintenance of documentation of completion.
638.0425 Audits of licensees to ensure compliance with requirements.
638.043 Renewal of license without meeting requirements.

LICENSING

638.0433 Practice without license: Issuance of citation; assessment of administrative fine.
638.0435 Additional requirements for licensure.
638.0437 Display of license.
638.044 Renewal of inactive license.
638.0445 Restoration of inactive license to active status; ground for revocation of license.
638.0447 Reinstatement of forfeited license; ground for revocation of license.

PROFESSIONAL AND ETHICAL STANDARDS

638.045 Malpractice, negligence and incompetence.
638.046 Adoption by reference of "Principles of Veterinary Medical Ethics"; effect of violation.
638.047 Neglect or discontinuance of services.
638.0475 Maintenance and availability of records; required contents of records; cessation of practice without providing for continuation of treatment.

638.048 Prohibited acts.
638.0485 Alteration of or failure to maintain records: Rebuttable presumption of violation.
638.049 Grounds for disciplinary action: "Willfully committing any inhumane or cruel act on any animal" interpreted.
638.051 Abandoned animals.
638.052 Retaining possession of animals.
VETERINARY TECHNICIANS
638.0525 Veterinary technician in training: Supervision; requirements for registration; fee; issuance of letter of registration; duration of registration.
638.0527 Additional requirements for licensure.
638.053 Licensed veterinary technician: Prohibited tasks; tasks requiring immediate, direct or indirect supervision.
638.057 Duties of supervising veterinarian; effect of noncompliance.
638.059 Licensed veterinary technician employed by animal control agency or society for prevention of cruelty to animals.
638.060 Performance of certain tasks in emergency.
VETERINARY INTERNS
638.0601 Identification as intern; supervision.
VETERINARY ASSISTANTS
638.0602 Requirements for supervision.
638.06025 Tasks requiring supervision.
VETERINARY FACILITIES
638.0603 Permit to operate: Prerequisite to operation of facility; application; fee; issuance; display; change in ownership of facility.
638.0604 Failure to meet minimum standards of practice.
638.0605 Permit to operate: Expiration date; renewal; fee; effect of failure to renew.
638.0606 Written notice to Board of change in veterinarian in charge or roster of veterinarians.
638.0607 Certain persons with ownership interest responsible for maintenance of minimum standard of practice.
638.061 Examination room required; exemption.
638.0615 Requirements if animals are retained for treatment or hospitalization.
638.062 Lighting.
638.0625 Safety and sanitation; radiological services; laboratories and prescription drugs.
638.0628 Controlled substances: Requirements for registration; limitations on possession, administration, prescribing and dispensing; maintenance of stock; recordkeeping; maintenance and inspection of records.
638.0629 Prescription drugs: Requirements for registration; limitations on dispensing; recordkeeping; labeling of vials or containers; maintenance of stock; maintenance and inspection of records.
638.063 Equipment; sterilization.
638.0635 Mobile clinics: General requirements.
638.064 Mobile clinics: Operation and use.
638.065 Inspection of facility by Board.
638.0655 Notice required if animal will be left unattended.
638.067 Emergency facility: Requirements for advertising; disbursement of medical records.
638.068 Facility that provides on-call emergency service; requirements for advertising.
638.069 Use of term "24 hours."
PRACTICE BEFORE NEVADA STATE BOARD OF VETERINARY MEDICAL EXAMINERS
General Provisions
638.070 Scope.
638.080 Construction.
Parties
638.090 Classification of parties.
638.100 Staff of Board may be party to proceeding.
638.110 Appearances.
638.120 Representation of parties; qualifications of attorneys.
638.130 Service of process on attorney.
638.140 Withdrawal of attorney.
638.150 Conduct required.
Pleadings, Motions and Other Papers

638.160 Captions, amendments and construction of pleadings.
638.170 Applications.
638.180 Petitions.
638.190 Verification.
638.200 Motions.
638.210 Filing.
638.220 Service of process.
638.230 Proof of service.
Complaints
638.240 General requirements.
638.245 Confidentiality of proceedings after filing of complaint; investigations.
Hearings
638.250 Request for hearing; filing of answer.
638.260 Notice; location.
638.271 Continuance.
638.280 Failure of party to appear.
638.290 Conduct at hearings.
638.300 Preliminary procedure.
638.310 Testimony must be under oath.
638.315 Testimony of expert witness.
638.340 Consolidation.
638.350 Stipulations.
638.360 Official notice of Board.
638.370 Briefs.
638.380 Decision by Board.
638.390 Rehearings.
638.400 Records of hearings.
Miscellaneous Petitions
638.410 Petitions for declaratory orders or advisory opinions.
638.420 Petitions for adoption, amendment or repeal of regulations.
EUTHANASIA TECHNICIANS
638.450 Definitions.
638.470 Duties of Board concerning training, examination and licensure.
638.475 Examination of trainees.
638.480 Demonstration of competence during practical examination of trainees.
638.485 Inspection of agencies; notification and correction of deficiencies.
638.490 Additional inspection of agency after discovery of deficiency; failure to correct deficiency.
638.495 Fees required for licensure; refunding of fees prohibited under certain circumstances.
638.500 List of euthanasia technicians employed by agency; notice of termination of employment.
638.505 Duties of euthanasia technicians.
638.508 Implantation of subcutaneous identification microchip.
638.510 Prerequisites to possession and administration of sodium pentobarbital.
638.515 Standards for injection of animals.
638.520 Injection of sodium pentobarbital; verification of death.
638.525 Oral administration of sodium pentobarbital.
638.530 Storage and security of sodium pentobarbital, needles and syringes.
638.535 Records of receipt and use of sodium pentobarbital.
638.540 Area used for euthanasia: General requirements.
638.545 Area used for euthanasia: Required equipment.
638.550 Area used for euthanasia: Duties of euthanasia technicians.
638.555 Suspension or revocation of license for abuse of sodium pentobarbital or failure to perform duties properly.
638.560 Grounds for disciplinary action.
638.565 Authorized forms of disciplinary action.
VACCINATION OF ANIMALS
638.600 Vaccination clinics: General requirements.
638.610 Conduct and record of examination to determine whether animal may be vaccinated.
638.620 Duties of veterinarian before administration of vaccine.
STANDARDS FOR TREATMENT

638.700 Appropriate use of anesthesia, analgesia and sedation.
638.710 Requirements for use of general anesthesia.
638.715 Requirements for performance of aseptic surgery.
638.720 Requirements for performance of clean surgery.
638.725 Disposal of hypodermic devices.
ANIMAL PHYSICAL THERAPY
638.750 "Animal physical therapy" defined.
638.760 Requirements to practice; application for certificate of registration; fee.
638.770 Expiration and renewal of certificate; fee.
638.780 Standards of practice for physical therapist holding certificate; maintenance of records.
638.790 Disciplinary action.
ANIMAL CHIROPRACTIC
638.800 "Animal chiropractic" defined.
638.810 Requirements to practice; application for registration certificate; fee.
638.820 Expiration and renewal of certificate; fee.
638.830 Standards of practice for chiropractor holding certificate; maintenance of records.
638.840 Disciplinary action.
MISCELLANEOUS PROVISIONS
638.850 Inspection of veterinary facilities and vaccination clinics: Authorization and procedure.

GENERAL PROVISIONS

NAC 638.001 Definitions. (NRS 638.070) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 638.005 to 638.0185, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Veterinary Med. Exam'rs, eff. 3-19-86; A 7-7-94; R069-01, 10-12-2001; R041-02, 8-7-2003; R074-06, 6-28-2006)

NAC 638.005 "Board" defined. (NRS 638.070) "Board" means the Nevada State Board of Veterinary Medical Examiners.

(Added to NAC by Bd. of Veterinary Med. Exam'rs, eff. 3-19-86)

NAC 638.006 "Direct supervision" defined. (NRS 638.070) "Direct supervision" means that the supervising veterinarian or licensed veterinary technician is on the premises with or in the same area as the animal and the person treating the animal and is quickly and easily available.

(Added to NAC by Bd. of Veterinary Med. Exam'rs, eff. 3-19-86; A by R074-06, 6-28-2006)

NAC 638.007 "Emergency" defined. (NRS 638.070) "Emergency" means an animal has a condition which threatens its life and immediate treatment is necessary to sustain life.

(Added to NAC by Bd. of Veterinary Med. Exam'rs, eff. 3-19-86)

NAC 638.009 "Immediate supervision" defined. (NRS 638.070) "Immediate supervision" means the supervising veterinarian or licensed veterinary technician is in the immediate area and within visual and audible range of the animal and the person treating the animal.

(Added to NAC by Bd. of Veterinary Med. Exam'rs, eff. 3-19-86; A 7-7-94; 11-26-96; R069-01, 10-12-2001; R074-06, 6-28-2006)

NAC 638.011 "Indirect supervision" defined. (NRS 638.070) "Indirect supervision" means the supervising veterinarian is not on the premises with the animal and the person treating the animal, but has given written or oral instructions for treatment of the animal.

(Added to NAC by Bd. of Veterinary Med. Exam'rs, eff. 3-19-86; A 7-7-94; R074-06, 6-28-2006)

NAC 638.0115 "Licensed veterinarian" defined. (NRS 638.070) "Licensed veterinarian" has the meaning ascribed to it in NRS 638.007.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R074-06, eff. 6-28-2006)

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R220-97, eff. 8-5-98; A by R069-01, 10-12-2001)

NAC 638.715 Requirements for performance of aseptic surgery. (NRS 638.070)

1. A veterinary facility which provides aseptic surgical services must reserve a room, separate and distinct from all other rooms, for aseptic surgical procedures.
2. When performing aseptic surgery:
(a) Each member of a surgical team shall wear the appropriate sanitary cap and sanitary mask;
(b) Any instrument used to perform aseptic surgery must be sterilized; and
(c) Each member of the surgical team who will be handling an instrument or touching the surgical site shall wear a sterilized surgical gown and sterilized gloves.
3. As used in this section, "aseptic surgery" means surgery performed under sterilized conditions to prevent the introduction of infectious microorganisms.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R075-06, eff. 11-13-2006)

NAC 638.720 Requirements for performance of clean surgery. (NRS 638.070)

1. When performing clean surgery:
(a) Any instrument used to perform clean surgery must be sterilized; and
(b) Each member of the surgical team who will be handling an instrument or touching the surgical site shall wear clean attire and gloves.
2. As used in this section, "clean surgery" means a surgical procedure which does not warrant the use of aseptic surgical procedures and which is conducted in a manner that is consistent with the prevailing standards of acceptable veterinary medical practice.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R075-06, eff. 11-13-2006)

NAC 638.725 Disposal of hypodermic devices. (NRS 638.070) Any person who is authorized to use hypodermic devices pursuant to the provisions of this chapter shall dispose of each hypodermic device he or she uses by placing the device directly into a rigid, labeled, leak-proof, puncture-resistant container. Needles must not be purposely bent or broken by hand or recapped.

(Added to NAC by Bd. of Veterinary Med. Exam'rs, eff. 7-7-94)—(Substituted in revision for NAC 638.0627)

ANIMAL PHYSICAL THERAPY

NAC 638.750 "Animal physical therapy" defined. (NRS 638.070) As used in NAC 638.750 to 638.790, inclusive, "animal physical therapy" means the rehabilitation of injuries in a nonhuman animal through the use of the following techniques, but does not include animal chiropractic:

1. Stretching;
2. Massage therapy;
3. Rehabilitative exercise;
4. Hydrotherapy;
5. Application of heat or cold; and
6. Stimulation by the use of:
(a) Low-level lasers;
(b) Electrical sources;
(c) Magnetic fields; or
(d) Noninvasive therapeutic ultrasound.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R009-04, eff. 4-26-2004; A by R091-06, 11-13-2006)

NAC 638.760 Requirements to practice; application for certificate of registration; fee. (NRS 638.070)

1. A person shall not practice animal physical therapy in this State unless he or she is:
(a) A veterinarian;
(b) A licensed veterinary technician who complies with the provisions of NAC 638.053; or
(c) A physical therapist who has obtained a certificate of registration pursuant to this section and complies with the provisions of NAC 638.780.

2. A physical therapist who desires to secure a certificate of registration to practice animal physical therapy in this State must make 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) Has been an active licensed physical therapist in this State for at least 1 year;

(c) Is in good standing with the State Board of Physical Therapy Examiners;

(d) Has successfully completed at least 100 hours of instruction or course work, or a combination of both, in the area of animal physical therapy, which must include, without limitation, assessment and planning of treatment, behavior, biomechanics, common orthopedic and neurological conditions, comparative anatomy, neurology, and therapeutic modalities and exercises; and

(e) Has completed at least 125 hours of supervised clinical experience in animal physical therapy with a licensed veterinarian.

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

5. Except as otherwise provided in NAC 638.790, 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 physical therapist a certificate of registration.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R009-04, eff. 4-26-2004; A by R075-06, 11-13-2006; R072-09, 4-20-2010)

NAC 638.770 Expiration and renewal of certificate; fee. (NRS 638.070)

1. Each certificate of registration issued pursuant to NAC 638.760 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 physical therapist;

(c) Accompanied by proof that the physical therapist completed, during the 12-month period immediately preceding the beginning of the new registration year, at least 5 hours of continuing education in animal physical therapy approved by the Board; and

(d) Accompanied by proof that his or her license as a physical therapist in this State is active and that he or she is in good standing with the State Board of Physical Therapy Examiners.

3. A physical therapist who fails to renew his or her certificate of registration before it expires forfeits the certificate of registration.

4. Except as otherwise provided in NAC 638.790, upon receipt of the application for renewal and the information required by subsection 2 and payment of the renewal fee required pursuant to NAC 638.035, the Board will renew the certificate of registration of the physical therapist.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R009-04, eff. 4-26-2004; A by R072-09, 4-20-2010)

NAC 638.780 Standards of practice for physical therapist holding certificate; maintenance of records. (NRS 638.070)

1. A physical therapist who has been issued a certificate of registration pursuant to NAC 638.760 may practice animal physical therapy only:

(a) Under the direction of a veterinarian licensed in this State who has established a valid veterinarian-client-patient relationship concerning the animal receiving the animal physical therapy before the animal physical therapy is performed; and

(b) If the physical therapist assumes individual liability for the quality of the animal physical therapy performed.

2. The veterinarian under whose direction the physical therapist performs the animal physical therapy:

(a) Is not required to supervise the physical therapist during the animal physical therapy.

(b) Is not liable for the acts or omissions of the physical therapist who performs the animal physical therapy.

3. Each physical therapist who has been issued a certificate of registration shall:

(a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving animal physical therapy from the physical therapist.

(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 under whose direction the physical therapist performs the animal physical therapy.

(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 physical therapist performs the animal physical therapy.

4. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. 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 rehabilitation examination related to physical therapy;

(f) The diagnosis and treatment plan related to physical therapy recommended by the physical therapist for the animal; and

(g) The progress and disposition of the case.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R009-04, eff. 4-26-2004)

NAC 638.790 Disciplinary action. (NRS 638.070)

1. A violation of a provision of chapter 638 or 640 of NRS or a regulation adopted by the State Board of Physical Therapy Examiners or the Nevada State Board of Veterinary Medical Examiners is a ground for disciplinary action.

2. If the Nevada State Board of Veterinary Medical Examiners determines that an applicant for a certificate of registration pursuant to NAC 638.760 or a physical therapist who has been issued a certificate of registration pursuant to NAC 638.760 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 physical therapist 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 or her animal physical therapy practice;

(g) Administer a public reprimand;

(h) Require the physical therapist who has been issued a certificate of registration to take a competency examination or a mental or physical examination; and

(i) Require the physical therapist 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 or her.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R009-04, eff. 4-26-2004)

ANIMAL CHIROPRACTIC

NAC 638.800 "Animal chiropractic" defined. (NRS 638.070) As used in NAC 638.800 to 638.840, inclusive, "animal chiropractic" means the examination and treatment of a nonhuman animal through the manipulation and adjustment of specific joints and cranial sutures of the animal.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R115-99, eff. 12-7-99; A by R110-02, 11-6-2002)

NAC 638.810 Requirements to practice; application for registration certificate; fee. (NRS 638.070)

1. A person shall not practice animal chiropractic in this State unless he or she is:

(a) A veterinarian; or

(b) A chiropractor who has obtained a registration certificate pursuant to this section and complies with the provisions of NAC 638.830.

2. A chiropractor who desires to secure a registration certificate to practice animal chiropractic in this State must make 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) Has been an active licensed chiropractor in this State for at least 1 year;

(c) Is in good standing with the Chiropractic Physicians' Board of Nevada; and

(d) Is certified by the American Veterinary Chiropractic Association.

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

5. Except as otherwise provided in NAC 638.840, 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 chiropractor a certificate of registration.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R115-99, eff. 12-7-99; A by R110-02, 11-6-2002; R072-09, 4-20-2010)

NAC 638.820 Expiration and renewal of certificate; fee. (NRS 638.070)

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;

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

(d) Accompanied by proof that his or her license as a chiropractor in this State is active and that he or she is in good standing with the Chiropractic Physicians' Board of Nevada.

3. A chiropractor who fails to renew his or her certificate of registration before it expires forfeits his or her 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 required pursuant to NAC 638.035, the Board will renew the certificate of registration of the chiropractor.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R115-99, eff. 12-7-99; A by R059-01, 10-12-2001; R110-02, 11-6-2002; R091-06, 11-13-2006; R072-09, 4-20-2010)

NAC 638.830 Standards of practice for chiropractor holding certificate; maintenance of records. (NRS 638.070)

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

(a) Under the direction of a veterinarian licensed in this State who has established a valid veterinarian-client-patient relationship concerning the animal receiving the animal chiropractic before the animal chiropractic is performed; and

(b) If the chiropractor assumes individual liability for the quality of the animal chiropractic performed.

2. The veterinarian under whose direction the chiropractor performs the animal chiropractic:

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

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

3. Each chiropractor who has been issued a certificate of registration shall:

(a) Maintain in this State for at least 4 years a separate written medical record of each animal receiving animal chiropractic.

(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 under whose direction the chiropractor performs the animal 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 animal chiropractic.

4. The veterinarian shall include the copy of the medical record received pursuant to subsection 3 in the medical record required pursuant to NAC 638.0475. 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.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R115-99, eff. 12-7-99; A by R059-01, 10-12-2001; R110-02, 11-6-2002)

NAC 638.840 Disciplinary action. (NRS 638.070)

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 Nevada State Board of Veterinary Medical Examiners is a ground for disciplinary action.

2. If the Nevada State Board of Veterinary Medical Examiners 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 or her animal chiropractic practice;
(g) Administer a public 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 or her.

(Added to NAC by Bd. of Veterinary Med. Exam'rs by R115-99, eff. 12-7-99; A by R059-01, 10-12-2001; R110-02, 11-6-2002)

MISCELLANEOUS PROVISIONS

NAC 638.850 Inspection of veterinary facilities and vaccination clinics: Authorization and procedure. (NRS 638.070, 638.077, 638.132)

1. An inspector approved by the Board may conduct inspections of veterinary facilities and vaccination clinics.

2. Each inspector shall evaluate a veterinary facility or vaccination clinic for compliance with the practice of veterinary medicine pursuant to the provisions of this chapter and chapter 638 of NRS.

3. Each inspector shall:

(a) During an inspection, use a form for inspection approved by the Board. The form must include:
(1) A description of the nature of any violation;
(2) The specifications for any changes required to be made to correct the violation; and
(3) The time allowed to correct the violation.

UT
VMB
Practice Act

West's Utah Code Annotated
Title 58. Occupations and Professions
Chapter 28. Veterinary Practice Act (Refs & Annos)
Part 3. Licensing

U.C.A. 1953 § 58-28-307

§ 58-28-307. Exemptions from chapter

Currentness

In addition to the exemptions from licensure in Section 58-1-307 this chapter does not apply to:

(1) any person who practices veterinary medicine, surgery, or dentistry upon any animal owned by him, and the employee of that person when the practice is upon an animal owned by his employer, and incidental to his employment, except:

(a) this exemption does not apply to any person, or his employee, when the ownership of an animal was acquired for the purpose of circumventing this chapter; and

(b) this exemption does not apply to the administration, dispensing, or prescribing of a prescription drug, or nonprescription drug intended for off label use, unless the administration, dispensing, or prescribing of the drug is obtained through an existing veterinarian-patient relationship;

(2) any person who as a student at a veterinary college approved by the board engages in the practice of veterinary medicine, surgery, and dentistry as part of his academic training and under the direct supervision and control of a licensed veterinarian, if that practice is during the last two years of the college course of instruction and does not exceed an 18-month duration;

(3) a veterinarian who is an officer or employee of the government of the United States, or the state, or its political subdivisions, and technicians under his supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that government;

(4) any person while engaged in the vaccination of poultry, pullorum testing, typhoid testing of poultry, and related poultry disease control activity;

(5) any person who is engaged in bona fide and legitimate medical, dental, pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or dentistry is directly related to, and a necessary part of, that research;

(6) veterinarians licensed under the laws of another state rendering professional services in association with licensed veterinarians of this state for a period not to exceed 90 days;

(7) registered pharmacists of this state engaged in the sale of veterinary supplies, instruments, and medicines, if the sale is at his regular place of business;

(8) any person in this state engaged in the sale of veterinary supplies, instruments, and medicines, except prescription drugs which must be sold in compliance with state and federal regulations, if the supplies, instruments, and medicines are sold in original packages bearing adequate identification and directions for application and administration and the sale is made in the regular course of, and at the regular place of business;

(9) any person rendering emergency first aid to animals in those areas where a licensed veterinarian is not available, and if suspicious reportable diseases are reported immediately to the state veterinarian;

(10) any person performing or teaching nonsurgical bovine artificial insemination;

(11) any person affiliated with an institution of higher education who teaches nonsurgical bovine embryo transfer or any technician trained by or approved by an institution of higher education who performs nonsurgical bovine embryo transfer, but only if any prescription drug used in the procedure is prescribed and administered under the direction of a veterinarian licensed to practice in Utah;

(12)(a) upon written referral by a licensed veterinarian, the practice of animal chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, who has completed an animal chiropractic course approved by the American Veterinary Chiropractic Association or the division;

(b) upon written referral by a licensed veterinarian, the practice of animal physical **therapy** by a physical therapist licensed under Chapter 24b, Physical **Therapy** Practice Act, who has completed at least 100 hours of animal physical **therapy** training, including quadruped anatomy and hands-on training, approved by the division;

(c) upon written referral by a licensed veterinarian, the practice of animal massage **therapy** by a massage therapist licensed under Chapter 47b, Massage **Therapy** Practice Act, who has completed at least 60 hours of animal massage **therapy** training, including quadruped anatomy and hands-on training, approved by the division; and

(d) upon written referral by a licensed veterinarian, the practice of acupuncture by an acupuncturist licensed under Chapter

72, Acupuncture Licensing Act, who has completed a course of study on animal acupuncture approved by the division;

(13) unlicensed assistive personnel performing duties appropriately delegated to the unlicensed assistive personnel in accordance with Section 58-28-502;

(14) an animal shelter employee who is:

(a)(i) acting under the indirect supervision of a licensed veterinarian; and

(ii) performing animal euthanasia in the course and scope of employment; and

(b) acting under the indirect supervision of a veterinarian who is under contract with the animal shelter, administering a rabies vaccine to a shelter animal in accordance with the Compendium of Animal Rabies Prevention and Control; and

(15) an individual providing appropriate training for animals; however, this exception does not include diagnosing any medical condition, or prescribing or dispensing any prescription drugs or therapeutics.

Credits

Laws 2006, c. 109, § 11, eff. May 1, 2006; Laws 2009, c. 220, § 21, eff. July 1, 2009; Laws 2013, c. 278, § 36, eff. May 14, 2013; Laws 2014, c. 191, § 2, eff. May 13, 2014.

Editors' Notes

CROSS REFERENCES

Animal physical **therapy**, see § 58-24b-405.
Practice of massage **therapy**, definitions, see § 58-47b-102.

U.C.A. 1953 § 58-28-307, UT ST § 58-28-307
Current through 2015 First Special Session

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West's Utah Code Annotated
Title 58. Occupations and Professions
Chapter 28. Veterinary Practice Act (Refs & Annos)
Part 1. General Provisions

U.C.A. 1953 § 58-28-102

§ 58-28-102. Definitions

Currentness

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Abandonment" means to forsake entirely or to refuse to provide care and support for an animal placed in the custody of a licensed veterinarian.

(2) "Administer" means:

(a) the direct application by a person of a prescription drug or device by injection, inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a research subject; or

(b) a veterinarian providing to the owner or caretaker of an animal a prescription drug for application by injection, inhalation, ingestion, or any other means to the body of the animal by the owner or caretaker in accordance with the veterinarian's written directions.

(3) "Animal" means any animal other than a human.

(4) "AVMA" means American Veterinary Medical Association.

(5) "Board" means the Veterinary Board established in Section 58-28-201.

(6) "Client" means the patient's owner, the owner's agent, or other person responsible for the patient.

(7) "Direct supervision" means a veterinarian licensed under this chapter is present and available for face-to-face contact with the patient and person being supervised, at the time the patient is receiving veterinary care.

(8) "Extra-label use" means actual use or intended use of a drug in an animal in a manner that is not in accordance with approved labeling.

(9) "Immediate supervision" means the veterinarian licensed under this chapter is present with the individual being supervised, while the individual is performing the delegated tasks.

(10) "Indirect supervision" means a veterinarian licensed under this chapter:

(a) has given either written or verbal instructions for veterinary care of a patient to the person being supervised; and

(b) is available to the person being supervised by telephone or other electronic means of communication during the period of time in which the veterinary care is given to the patient.

(11) "Practice of veterinary medicine, surgery, and dentistry" means to:

(a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or physical condition of any animal;

(b) administer, prescribe or dispense any drug, medicine, treatment, method, or practice, perform any operation or manipulation, apply any apparatus or appliance for the cure, relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise practice any veterinary medicine, dentistry, or surgery on any animal;

(c) represent by verbal or written claim, sign, word, title, letterhead, card, or any other manner that one is a licensed veterinarian or qualified to practice veterinary medicine, surgery, or dentistry;

(d) hold oneself out as able to practice veterinary medicine, surgery, or dentistry;

(e) solicit, sell, or furnish any parenterally administered animal disease cures, preventions, or treatments, with or without the necessary instruments for the administration of them, or any and all worm and other internal parasitic remedies, upon any agreement, express or implied, to administer these cures, preventions, treatments, or remedies; or

(f) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor," "animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or device tending to indicate that such person is qualified to practice veterinary medicine, surgery, or dentistry.

(12) "Unlawful conduct" is defined in Sections 58-1-501 and 58-28-501.

(13) "Unlicensed assistive personnel":

(a) means any unlicensed person, regardless of title, to whom tasks are delegated by a veterinarian licensed under this chapter as permitted by administrative rule and in accordance with the standards of the profession; and

(b) includes:

(i) a veterinary assistant, if working under immediate supervision;

(ii) a veterinary technician who:

(A) has graduated from a program of veterinary technology accredited by the AVMA that is at least a two-year program; and

(B) who is working under direct supervision; and

(iii) a veterinary technologist who:

(A) has graduated from a four-year program of veterinary technology accredited by the AVMA; and

(B) is working under indirect supervision.

(14) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-28-502 and may be further defined by rule.

(15) "Veterinarian-client-patient relationship" means:

(a) a veterinarian licensed under this chapter has assumed responsibility for making clinical judgements regarding the health of an animal and the need for medical treatment of an animal, and the client has agreed to follow the veterinarian's instructions;

(b) the veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, including knowledge of the keeping and care of the animal as a result of recent personal examination of the animal or by medically appropriate visits to the premises where the animal is housed; and

(c) the veterinarian has arranged for emergency coverage for follow-up evaluation in the event of adverse reaction or the failure of the treatment regimen.

Credits

Laws 2006, c. 109, § 3, eff. May 1, 2006; Laws 2010, c. 189, § 1, eff. May 11, 2010.

U.C.A. 1953 § 58-28-102, UT ST § 58-28-102
Current through 2015 First Special Session

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UT PT practice Act

West's Utah Code Annotated
Title 58. Occupations and Professions
Chapter 24B. Physical Therapy Practice Act (Refs & Annos)
Part 1. General Provisions

U.C.A. 1953 § 58-24b-102

§ 58-24b-102. Definitions

Currentness

As used in this chapter:

(1) "**Animal** physical therapy" means practicing physical therapy or physiotherapy on an **animal**.

(2) "Board" means the Utah Physical Therapy Licensing Board, created in Section 58-24b-201.

(3) "Consultation by telecommunication" means the provision of expert or professional advice by a physical therapist who is licensed outside of Utah to a licensed physical therapist or a health care provider by telecommunication or electronic communication.

(4) "General supervision" means supervision and oversight of a person by a licensed physical therapist when the licensed physical therapist is immediately available in person, by telephone, or by electronic communication to assist the person.

(5) "Licensed physical therapist" means a person licensed under this chapter to engage in the practice of physical therapy.

(6) "Licensed physical therapist assistant" means a person licensed under this chapter to engage in the practice of physical therapy, subject to the provisions of Subsection 58-24b-401(2)(a).

(7) "Licensing examination" means a nationally recognized physical therapy examination that is approved by the division, in consultation with the board.

(8) "On-site supervision" means supervision and oversight of a person by a licensed physical therapist or a licensed physical therapist assistant when the licensed physical therapist or licensed physical therapist assistant is:

(a) continuously present at the facility where the person is providing services;

(b) immediately available to assist the person; and

(c) regularly involved in the services being provided by the person.

(9) "Physical impairment" means:

(a) a mechanical impairment;

(b) a physiological impairment;

(c) a developmental impairment;

(d) a functional limitation;

(e) a disability;

(f) a mobility impairment; or

(g) a bodily malfunction.

(10)(a) "Physical therapy" or "physiotherapy" means:

(i) examining, evaluating, and testing an individual who has a physical impairment or injury;

(ii) identifying or labeling a physical impairment or injury;

(iii) formulating a therapeutic intervention plan for the treatment of a physical impairment, injury, or pain;

(iv) assessing the ongoing effects of therapeutic intervention for the treatment of a physical impairment or injury;

(v) treating or alleviating a physical impairment by designing, modifying, or implementing a therapeutic intervention;

(vi) reducing the risk of an injury or physical impairment;

(vii) providing instruction on the use of physical measures, activities, or devices for preventative and therapeutic purposes;

(viii) promoting and maintaining health and fitness;

(ix) the administration of a prescription drug pursuant to Section 58-24b-403;

(x) subject to Subsection 58-28-307(12)(b), engaging in the functions described in Subsections (10)(a)(i) through (ix) in relation to an **animal**, in accordance with the requirements of Section 58-24b-405; and

(xi) engaging in administration, consultation, education, and research relating to the practices described in this Subsection (10)(a).

(b) "Physical therapy" or "physiotherapy" does not include:

(i) diagnosing disease;

(ii) performing surgery;

(iii) performing acupuncture;

(iv) taking x-rays; or

(v) prescribing or dispensing a drug, as defined in Section 58-37-2.

(11) "Physical therapy aide" means a person who:

(a) is trained, on-the-job, by a licensed physical therapist; and

(b) provides routine assistance to a licensed physical therapist or licensed physical therapist assistant, while the licensed physical therapist or licensed physical therapist assistant practices physical therapy, within the scope of the licensed physical therapist's or licensed physical therapist assistant's license.

(12) "Recognized accreditation agency" means an accreditation agency that:

(a) grants accreditation, nationally, in the United States of America; and

(b) is approved by the division, in consultation with the board.

(13)(a) "Testing" means a standard method or technique used to gather data regarding a patient that is generally and nationally accepted by physical therapists for the practice of physical therapy.

(b) "Testing" includes measurement or evaluation of:

(i) muscle strength, force, endurance, or tone;

(ii) cardiovascular fitness;

(iii) physical work capacity;

(iv) joint motion, mobility, or stability;

(v) reflexes or autonomic reactions;

(vi) movement skill or accuracy;

(vii) sensation;

(viii) perception;

(ix) peripheral nerve integrity;

(x) locomotor skills, stability, and endurance;

(xi) the fit, function, and comfort of prosthetic, orthotic, or other assistive devices;

(xii) posture;

(xiii) body mechanics;

(xiv) limb length, circumference, and volume;

(xv) thoracic excursion and breathing patterns;

(xvi) activities of daily living related to physical movement and mobility;

(xvii) functioning in the physical environment at home or work, as it relates to physical movement and mobility; and

(xviii) neural muscular responses.

(14)(a) "Trigger point dry needling" means the stimulation of a trigger point using a dry needle to treat neuromuscular pain and functional movement deficits.

(b) "Trigger point dry needling" does not include the stimulation of auricular or distal points.

(15) "Therapeutic intervention" includes:

(a) therapeutic exercise, with or without the use of a device;

(b) functional training in self-care, as it relates to physical movement and mobility;

(c) community or work integration, as it relates to physical movement and mobility;

(d) manual therapy, including:

(i) soft tissue mobilization;

(ii) therapeutic massage; or

(iii) joint mobilization, as defined by the division, by rule;

(e) prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic, protective, or supportive device;

(f) airway clearance techniques, including postural drainage;

(g) integumentary protection and repair techniques;

(h) wound debridement, cleansing, and dressing;

(i) the application of a physical agent, including:

(i) light;

(ii) heat;

(iii) cold;

(iv) water;

(v) air;

(vi) sound;

(vii) compression;

(viii) electricity; and

(ix) electromagnetic radiation;

(j) mechanical or electrotherapeutic modalities;

(k) positioning;

(*l*) instructing or training a patient in locomotion or other functional activities, with or without an assistive device;

(m) manual or mechanical traction;

(n) correction of posture, body mechanics, or gait; and

(o) trigger point dry needling, under the conditions described in Section 58-24b-505.

Credits

Laws 2009, c. 220, § 5, eff. July 1, 2009; Laws 2012, c. 117, § 1, eff. May 8, 2012; Laws 2014, c. 354, § 1, eff. May 13, 2014.

U.C.A. 1953 § 58-24b-102, UT ST § 58-24b-102
Current through 2015 First Special Session

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West's Utah Code Annotated
Title 58. Occupations and Professions
Chapter 24B. Physical Therapy Practice Act (Refs & Annos)
Part 4. Practice of Physical Therapy

U.C.A. 1953 § 58-24b-405

§ 58-24b-405. Animal physical therapy

Currentness

(1) Subject to Subsection 58-28-307 (12)(b), a licensed physical therapist may practice **animal** physical therapy if the licensed physical therapist completes at least 100 hours of **animal** physical therapy training and education, which shall include:

(a) 50 hours of on-the-job training under the supervision of a licensed veterinarian;

(b) completion of a quadruped anatomy course; and

(c) continuing education for the required hours remaining.

(2) Subject to Subsection 58-28-307(12)(b), a licensed physical therapist assistant may practice **animal** physical therapy, within the scope of the licensed physical therapist assistant's practice, if the licensed physical therapist assistant:

(a) is under the on-site supervision or general supervision of a physical therapist who has complied with the requirements of Subsection (1); and

(b) completes at least 100 hours of **animal** physical therapy training and education, which shall include:

(i) 50 hours of on-the-job training under the supervision of a licensed veterinarian;

(ii) completion of a quadruped anatomy course; and

(iii) continuing education for the required hours remaining.

Credits

Laws 2009, c. 220, § 16, eff. July 1, 2009.

U.C.A. 1953 § 58-24b-405, UT ST § 58-24b-405
Current through 2015 First Special Session

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West's Utah Code Annotated
Title 58. Occupations and Professions
Chapter 24B. Physical Therapy Practice Act (Refs & Annos)
Part 3. Licensing

U.C.A. 1953 § 58-24b-304

§ 58-24b-304. Exemptions from licensure

Currentness

(1) In addition to the exemptions from licensure described in Section 58-1-307, as modified by Subsection 58-24b-302(5), a person may engage in acts that constitute the practice of physical therapy without a license issued under this chapter if:

(a) the person is licensed under another law of the state to engage in acts that constitute the practice of physical therapy if that person does not:

(i) claim to be a physical therapist;

(ii) claim to be a provider of any type of physical therapy that is outside of the scope of practice of the license that is issued to the person; or

(iii) engage in any acts that constitute the practice of physical therapy that are outside of the scope of practice of the license that is issued to the person;

(b) the person practices physical therapy, under federal law, in:

(i) the United States armed services;

(ii) the United States Public Health Service; or

(iii) the Veteran's Administration;

(c) the person is:

(i) licensed as a physical therapist in:

(A) a state, district, or territory of the United States, other than Utah; or

(B) a country other than the United States; and

(ii)(A) teaching, demonstrating, or providing physical therapy in connection with an educational seminar, if the person engages in this conduct in Utah no more than 60 days per calendar year;

(B) practicing physical therapy directly related to the person's employment with, or contract with, an established athletic team, athletic organization, or performing arts company that plays, practices, competes, or performs in Utah no more than 60 days per calendar year; or

(C) providing consultation by telecommunication to a physical therapist;

(d) the person:

(i)(A) is licensed as a physical therapist assistant under federal law; and

(B) practices within the scope of practice authorized by federal law for a physical therapist assistant; or

(ii)(A) is licensed as a physical therapist assistant in:

(I) a state, district, or territory of the United States, other than Utah; or

(II) a country other than the United States; and

(B)(I) practices within the scope of practice authorized for a physical therapist assistant by the jurisdiction described in Subsection (1)(d)(ii)(A); and

(II) within the limitations for the practice of physical therapy described in Subsection (1)(c)(ii); or

(e) the person:

(i) is a physician, licensed under Title 58, Chapter 67, Utah Medical Practice Act;

(ii) is a physician, licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(iii) is a chiropractic physician, licensed under Title 58, Chapter 73, Chiropractic Physician Practice Act.

(2) A person who is exempted from licensure under Subsection (1)(b) may practice **animal** physical therapy without a license under this section if the person:

(a) is authorized to practice **animal** physical therapy under federal law; and

(b) practices **animal** physical therapy within the scope of practice authorized by federal law.

(3) A person who is exempted from licensure under Subsection (1)(c) may practice **animal** physical therapy without a license under this section if the person:

(a) is authorized to practice **animal** physical therapy in:

(i) a state, district, or territory of the United States, other than Utah; or

(ii) a country other than the United States; and

(b) practices **animal** physical therapy:

(i) within the scope of practice for the jurisdiction described in Subsection (3)(a) where the person is authorized to practice **animal** physical therapy; and

(ii) within the limitations for the practice of physical therapy described in Subsection (1)(c)(ii).

Credits

Laws 2009, c. 220, § 10, eff. July 1, 2009.

U.C.A. 1953 § 58-24b-304, UT ST § 58-24b-304
Current through 2015 First Special Session

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West's Utah Code Annotated
Title 58. Occupations and Professions
Chapter 24B. Physical Therapy Practice Act (Refs & Annos)
Part 5. Unlawful and Unprofessional Conduct

U.C.A. 1953 § 58-24b-501

§ 58-24b-501. Unlawful conduct

Currentness

In addition to the conduct described in Subsection 58-1-501(1), "unlawful conduct" includes:

(1) practicing physical therapy, unless the person:

(a) is licensed under this chapter to practice physical therapy and practices within the scope of that license; or

(b) is exempt from licensure under Section 58-24b-304;

(2) practicing **animal** physical therapy, unless the person is:

(a) authorized to practice **animal** physical therapy under Section 58-24b-405; or

(b) authorized to practice **animal** physical therapy under Subsection 58-24b-304(1)(a), (2), or (3);

(3) representing oneself as, or using the title of, a physical therapist, unless the person is:

(a) a licensed physical therapist; or

(b)(i) licensed as a physical therapist in a jurisdiction other than Utah;

(ii) does not represent oneself as being a physical therapist licensed in Utah; and

(iii) exempt from licensure under Section 58-24b-304;

(4) representing oneself as, or using the title of, a physical therapist assistant, unless the person:

(a) is a licensed physical therapist assistant; or

(b)(i) is licensed as a physical therapist assistant in a jurisdiction other than Utah;

(ii) does not represent oneself as being a physical therapist assistant licensed in Utah; and

(iii) is exempt from licensure under Section 58-24b-304; and

(5) conduct designated as "unlawful conduct" by the division, by rule.

Credits

Laws 2009, c. 220, § 17, eff. July 1, 2009.

U.C.A. 1953 § 58-24b-501, UT ST § 58-24b-501
Current through 2015 First Special Session

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2013

STATE OF NEBRASKA

STATUTES RELATING TO VETERINARY MEDICINE AND SURGERY PRACTICE ACT

Department of Health & Human Services
DHHS
NEBRASKA

Department of Health and Human Services
Division of Public Health
Licensure Unit

301 Centennial Mall South, Third Floor
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INDEX

VETERINARY MEDICINE AND SURGERY PRACTICE ACT

38-3301. Act, how cited.
38-3302. Definitions, where found.
38-3303. Accredited school of veterinary medicine, defined.
38-3304. Animal, defined.
38-3305. Approved veterinary technician program, defined.
38-3306. Board, defined.
38-3307. Direct supervision, defined.
38-3307.01 Health care therapy, defined.
38-3308. Immediate supervision, defined.
38-3309. Indirect supervision, defined.
38-3309.01 Licensed animal therapist, defined.
38-3310. Licensed veterinarian, defined.
38-3311. Licensed veterinary technician, defined.
38-3312. Practice of veterinary medicine and surgery, defined.
38-3313. Supervision, defined.
38-3314. Unlicensed assistant, defined.
38-3315. Veterinarian, defined.
38-3316. Veterinarian-client-patient relationship, defined.
38-3317. Veterinary medicine and surgery, defined.
38-3318. Veterinary technician, defined.
38-3319. Board; membership; qualifications.
38-3320. Board; purpose.
38-3321. Veterinarian; veterinary technician; animal therapist; license; required; exceptions.
38-3322. Veterinary medicine and surgery; license; application; qualifications.
38-3323. Veterinary medicine and surgery; license; validity.
38-3324. Board; disciplinary actions; grounds.
38-3325. Veterinary technician; license; requirements.
38-3326. Veterinary technicians; rules and regulations.
38-3327. Applicant; reciprocity; requirements.
38-3328. Fees.
38-3329. Advertising; offer of services; limitation.
38-3330. Disclosure of information; restrictions.
38-3331 Civil penalty; recovery; lien.
38-3332 Animal therapist; license; application; qualifications.
38-3333 Animal therapist; health care therapy; conditions; letter of referral; liability.
38-3334 Animal therapist; additional disciplinary grounds.
38-3335. Veterinarian locum tenens; issuance; requirements; term.

71-1,152. Repealed. Laws 1967, c. 439, §18.
71-1,152.01. Transferred to section 38-3320.
71-1,153. Transferred to section 38-3301.
71-1,154. Repealed. Laws 2007, LB 463, § 1319.
71-1,155. Transferred to section 38-3321.
71-1,156. Repealed. Laws 1987, LB 473, §63.
71-1,157. Transferred to section 38-3323.
71-1,158. Transferred to section 38-3322.
71-1,159. Repealed. Laws 1987, LB 473, §63.
71-1,160. Repealed. Laws 2007, LB 463, § 1319.
71-1,161. Repealed. Laws 2005, LB 301, s. 78.
71-1,162. Repealed. Laws 2007, LB 463, § 1319.
71-1,163. Transferred to section 38-3324.
71-1,164. Transferred to section 38-3330.
71-1,165 and 71-1,166. Transferred to section 38-3325 and 38-3326.
71-1,167. Repealed. Laws 1988, LB 1100, §185.
71-1,168 to 71-1,176. Repealed. Laws 2000, LB 833, § 12.
71-1,177. Repealed. Laws 1988, LB 1100, §185.

VETERINARY MEDICINE AND SURGERY PRACTICE ACT

38-3301. Act, how cited. Sections 38-3301 to 38-3335 shall be known and may be cited as the Veterinary Medicine and Surgery Practice Act.

Source: Laws 1967, c. 439, § 1, p. 1353; Laws 1988, LB 1100, § 54; Laws 2000, LB 833, § 3; R.S.1943, (2003), § 71-1,153; Laws 2007, LB463, § 1083; Laws 2009, LB463, § 2; Laws 2011, LB687, § 2. Effective Date: May 19, 2011.

38-3302 Definitions, where found. For purposes of the Veterinary Medicine and Surgery Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-3303 to 38-3318 apply.

Source: Laws 2007, LB463, § 1084; Laws 2009, LB463, § 3. Effective Date: August 30, 2009.

38-3303. Accredited school of veterinary medicine, defined. Accredited school of veterinary medicine means:

(1) One approved by the board;

(2) A veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent; and

(3) One that conforms to the standards required for accreditation by the American Veterinary Medical Association.

Source: Laws 2007, LB463, § 1085. Operative date December 1, 2008.

38-3304. Animal, defined. Animal means any animal other than man and includes birds, fish, and reptiles, wild or domestic, living or dead, except domestic poultry.

Source: Laws 2007, LB463, § 1086. Operative date December 1, 2008.

38-3305. Approved veterinary technician program, defined. Approved veterinary technician program means:

(1) One approved by the board;

(2) A school or college that offers the degree of Veterinary Technician, a degree in veterinary technology, or the equivalent; and

(3) One that conforms to the standards required for accreditation by the American Veterinary Medical Association.

Source: Laws 2007, LB463, § 1087. Operative date December 1, 2008.

38-3306. Board, defined. Board means the Board of Veterinary Medicine and Surgery.

Source: Laws 2007, LB463, § 1088. Operative date December 1, 2008.

38-3307. Direct supervision, defined. Direct supervision means that the supervisor is on the premises and is available to the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

Source: Laws 2007, LB463, § 1089. Operative date December 1, 2008.

38-3307.01 Health care therapy, defined. Health care therapy means health care activities that require the exercise of judgment for which licensure is required under the Uniform Credentialing Act.

Source: Laws 2009, LB463, § 4. Effective Date: August 30, 2009.

38-3308. Immediate supervision, defined. Immediate supervision means that the supervisor is on the premises and is in direct eyesight and hearing range of the animal and the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

Source: Laws 2007, LB463, § 1090. Operative date December 1, 2008.

38-3309. Indirect supervision, defined. Indirect supervision means that the supervisor is not on the premises but is easily accessible and has given written or oral instructions for treatment of the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

Source: Laws 2007, LB463, § 1091. Operative date December 1, 2008.

38-3309.01 Licensed animal therapist, defined. Licensed animal therapist means an individual who (1) has and maintains an undisciplined license under the Uniform Credentialing Act for a health care profession other than veterinary medicine and surgery, (2) has met the standards for additional training regarding the performance of that health care profession on animals as required by rules and regulations adopted and promulgated by the department upon the recommendation of the board, and (3) is licensed as an animal therapist by the department.

Source: Laws 2009, LB463, § 5. Effective Date: August 30, 2009.

38-3310. Licensed veterinarian, defined. Licensed veterinarian means a person who is validly and currently licensed to practice veterinary medicine and surgery in this state.

Source: Laws 2007, LB463, § 1092. Operative date December 1, 2008.

38-3311. Licensed veterinary technician, defined. Licensed veterinary technician means an individual who is validly and currently licensed as a veterinary technician in this state.

Source: Laws 2007, LB463, § 1093. Operative date December 1, 2008.

38-3312. Practice of veterinary medicine and surgery, defined. Practice of veterinary medicine and surgery means:

(1) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy or fertility or for correcting sterility or infertility. The acts described in this subdivision shall not be done without a valid veterinarian-client-patient relationship;

(2) To render advice or recommendation with regard to any act described in subdivision (1) of this section;

(3) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subdivision (1) of this section; and

(4) To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subdivision (1) of this section.

Source: Laws 2007, LB463, § 1094. Operative date December 1, 2008.

38-3313. Supervision, defined. Supervisor means a licensed veterinarian or licensed veterinary technician as required by statute or rule or regulation for the particular delegated task being performed by a veterinary technician or unlicensed assistant.

Source: Laws 2007, LB463, § 1095. Operative date December 1, 2008.

38-3314 Unlicensed assistant, defined. Unlicensed assistant means an individual who is not a licensed veterinarian, a licensed veterinary technician, or a licensed animal therapist and who is working in veterinary medicine.

Source: Laws 2007, LB463, § 1096; Laws 2009, LB463, § 6. Effective Date: August 30, 2009.

38-3315. Veterinarian, defined. Veterinarian means a person who has received a degree of Doctor of Veterinary Medicine from an accredited school of veterinary medicine or its equivalent.

Source: Laws 2007, LB463, § 1097. Operative date December 1, 2008.

38-3316. Veterinarian-client-patient relationship, defined. Veterinarian-client-patient relationship means that:

(1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions;

(2) The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and

(3) The veterinarian is readily available or has arranged for emergency coverage and for followup evaluation in the event of adverse reactions or the failure of the treatment regimen.

Source: Laws 2007, LB463, § 1098. Operative date December 1, 2008.

38-3317. Veterinary medicine and surgery, defined. Veterinary medicine and surgery includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.

Source: Laws 2007, LB463, § 1099. Operative date December 1, 2008.

38-3318. Veterinary technician, defined. Veterinary technician means an individual who has received a degree in veterinary technology from an approved veterinary technician program or its equivalent.

Source: Laws 2007, LB463, § 1100. Operative date December 1, 2008.

38-3319. Board; membership; qualifications. The board shall consist of five members, including three licensed veterinarians, one licensed veterinary technician, and one public member.

Source: Laws 2007, LB463, § 1101. Operative date December 1, 2008.

38-3320. Board; purpose. The purpose of the board is to: (1) Provide for the health, safety, and welfare of the citizens; (2) insure that veterinarians and veterinary technicians serving the public meet minimum standards of proficiency and competency; (3) insure that schools of veterinary medicine and surgery and veterinary technician programs meet the educational needs of the students and qualify students to serve the public in a safe and efficient manner; and (4) control the field of veterinary medicine and surgery in the interest of consumer protection.

Source: Laws 1979, LB 96, § 1; Laws 1999, LB 828, § 127; Laws 2000, LB 833, § 2; R.S.1943, (2003) § 71-1,152.01; Laws 2007, LB463, § 1102. Operative date December 1, 2008.

38-3321. Veterinarian; veterinary technician; animal therapist; license; required; exceptions. No person may practice veterinary medicine and surgery in the state who is not a licensed veterinarian, no person may perform delegated animal health care tasks in the state who is not a licensed veterinary technician or an unlicensed assistant performing such tasks within the limits established under subdivision (2) of section 38-3326, and no person may perform health care therapy on animals in the state who is not a licensed animal therapist. The Veterinary Medicine and Surgery Practice Act shall not be construed to prohibit:

(1) An employee of the federal, state, or local government from performing his or her official duties;

(2) A person who is a student in a veterinary school from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian;

(3) A person who is a student in an approved veterinary technician program from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian or a licensed veterinary technician;

(4) Any merchant or manufacturer from selling feed or feeds whether medicated or nonmedicated;

(5) A veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state;

(6) Any merchant or manufacturer from selling from his or her established place of business medicines, appliances, or other products used in the prevention or treatment of animal diseases or any merchant or manufacturer's representative from conducting educational meetings to explain the use of his or her products or from investigating and advising on problems developing from the use of his or her products;

(7) An owner of livestock or a bona fide farm or ranch employee from performing any act of vaccination, surgery, pregnancy testing, retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovine, or the administration of drugs in the treatment of domestic animals under his or her custody or ownership nor the exchange of services between persons or bona fide employees who are principally farm or ranch operators or employees in the performance of these acts;

(8) A member of the faculty of a veterinary school or veterinary science department from performing his or her regular functions, or a person lecturing or giving instructions or demonstrations at a veterinary school or veterinary science department or in connection with a continuing competency activity;

(9) Any person from selling or applying any pesticide, insecticide, or herbicide;

(10) Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals;

(11) Any person from treating or in any manner caring for domestic chickens, turkeys, or waterfowl, which are specifically exempted from the Veterinary Medicine and Surgery Practice Act;

(12) Any person from performing dehorning or castrating livestock, not to include equidae.

For purposes of the Veterinary Medicine and Surgery Practice Act, castration shall be limited to the removal or destruction of male testes;

(13) Any person who holds a valid credential in the State of Nebraska in a health care profession or occupation regulated under the Uniform Credentialing Act from consulting with a licensed veterinarian or performing collaborative animal health care tasks on an animal under the care of such veterinarian if all such tasks are performed under the immediate supervision of such veterinarian; or

(14) A person from performing a retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovine, if the procedure is being performed by a person who (a) holds a doctorate degree in animal science with an emphasis in reproductive physiology from an accredited college or university and (b) has and can show proof of valid professional liability insurance.

(2) An applicant for a license to practice as a licensed veterinary technician based on a license in another state or territory of the United States, the District of Columbia, or a Canadian province shall meet the standards set by the board pursuant to section 38-126 and shall have been actively engaged in the practice of such profession at least one of the three years immediately preceding the application under a license in another state or territory of the United States, the District of Columbia, or a Canadian province.

Source: Laws 2007, LB463, § 1109. Operative date December 1, 2008.

38-3328. Fees. The department shall establish and collect fees for credentialing under the Veterinary Medicine and Surgery Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 1110. Operative date December 1, 2008.

38-3329. Advertising; offer of services; limitation. (1) Only a licensed veterinarian may advertise or offer his or her services in a manner calculated to lead others to believe that he or she is a licensed veterinarian.

(2) Only a licensed veterinary technician may advertise or offer his or her services in a manner calculated to lead others to believe that he or she is a licensed veterinary technician.

Source: Laws 2007, LB463, § 1111. Operative date December 1, 2008.

38-3330. Disclosure of information; restrictions. (1) Unless required by any state or local law for contagious or infectious disease reporting or other public health and safety purpose, no veterinarian licensed under the Veterinary Medicine and Surgery Practice Act shall be required to disclose any information concerning the veterinarian's care of an animal except under a written authorization or other waiver by the veterinarian's client or pursuant to a court order or a subpoena. A veterinarian who releases information under a written authorization or other waiver by the client or pursuant to a court order or a subpoena is not liable to the client or any other person.

(2) The privilege provided by this section is waived to the extent that the veterinarian's client or the owner of the animal places the veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding.

(3) The privilege provided by this section is waived to the extent and for purposes of notifying any owner or manager of cattle that have a significant risk for exposure to bovine trichomoniasis. A veterinarian who releases information about the risk for exposure to bovine trichomoniasis is not liable to the client or any other person.

(4) For purposes of this section, veterinarian includes the employees or agents of the licensed veterinarian while acting for or on behalf of such veterinarian.

Source: Laws 2000, LB 833, § 5; R.S.1943, (2003), § 71-1,164; Laws 2007, LB463, § 1112; Laws 2013, LB423, § 3. Effective Date: September 6, 2013.

38-3331 Civil penalty; recovery; lien. (1) In addition to the remedies authorized in section 38-140 or 38-1,124, a person who engages in the practice of veterinary medicine and surgery without being licensed or otherwise authorized to do so under the Veterinary Medicine and Surgery Practice Act shall be subject to a civil penalty of not less than one thousand dollars nor more than five thousand dollars for the first offense and not less than five thousand dollars nor more than ten thousand dollars for the second or subsequent offense. If a violation continues after notification, this constitutes a separate offense.

(2) The civil penalties shall be assessed in a civil action brought for such purpose by the Attorney General in the district court of the county in which the violation occurred.

(3) Any civil penalty assessed and unpaid under this section shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of the State of Nebraska in the district court of the county in which the violator resides or owns property. The department may also collect in such action attorney's fees and costs incurred in the collection of the civil penalty. The department shall, within thirty days after receipt, transmit any collected civil penalty to the State Treasurer to be disposed of in accordance with Article VII, section 5, of the Constitution of Nebraska.

Source: Laws 2009, LB463, § 8. Effective Date: August 30, 2009

38-3332 Animal therapist; license; application; qualifications. Each applicant for a license as an animal therapist in this state shall present to the department:

(1) Proof that the applicant holds and maintains an undisciplined license under the Uniform Credentialing Act for a health care profession other than veterinary medicine and surgery;

(2) Proof that the applicant has met the standards for additional training regarding the performance of that health care profession on animals as required by rules and regulations adopted and promulgated by the department upon the recommendation of the board; and

(3) Such other information and proof as the department, with the recommendation of the board, may require

by rule and regulation.

Source: Laws 2009, LB463, § 9. Effective Date: August 30, 2009

38-3333 Animal therapist; health care therapy; conditions; letter of referral; liability. (1) A licensed animal therapist may perform health care therapy on an animal only if:

(a) The health care therapy is consistent with the licensed animal therapist's training required for the license referred to under subdivision (1) of section 38-3332;

(b) The owner of the animal presents to the licensed animal therapist a prior letter of referral for health care therapy that includes a veterinary medical diagnosis and evaluation completed by a licensed veterinarian who has a veterinarian-client-patient relationship with the owner and the animal and has made the diagnosis and evaluation within ninety days immediately preceding the date of the initiation of the health care therapy; and

(c) The licensed animal therapist provides health care therapy reports at least monthly to the referring veterinarian, except that a report is not required for any month in which health care therapy was not provided.

(2) A licensed veterinarian who prepares a letter of referral for health care therapy by a licensed animal therapist shall not be liable for damages caused to the animal as a result of the health care therapy performed by the licensed animal therapist.

Source: Laws 2009, LB463, § 10. Effective Date: August 30, 2009

38-3334 Animal therapist; additional disciplinary grounds. In addition to the grounds for disciplinary action found in sections 38-178 and 38-179, a license to practice as a licensed animal therapist may be denied, refused renewal, limited, revoked, or suspended or have other disciplinary measures taken against it in accordance with section 38-196 when the applicant or licensee is subjected to disciplinary measures with regard to his or her license referred to under subdivision (1) of section 38-3332.

Source: Laws 2009, LB463, § 11. Effective Date: August 30, 2009

38-3335. Veterinarian locum tenens; issuance; requirements; term. When circumstances indicate a need for the issuance of a veterinarian locum tenens in the State of Nebraska, the department, with the recommendation of the board, may issue a veterinarian locum tenens to an individual who holds an active license to practice veterinary medicine and surgery in another state if the requirements regarding education and examination for licensure in that state are equal to or exceed the requirements regarding education and examination for licensure in Nebraska. A veterinarian locum tenens may be issued for a period not to exceed ninety days in any twelve-month period.

Source: Laws 2011, LB687, § 3. Effective Date: May 19, 2011.

71-1,152. Repealed. Laws 1967, c. 439, §18.
71-1,152.01. Transferred to section 38-3320.
71-1,153. Transferred to section 38-3301.
71-1,154. Repealed. Laws 2007, LB 463, § 1319.
71-1,155. Transferred to section 38-3321.
71-1,156. Repealed. Laws 1987, LB 473, §63.
71-1,157. Transferred to section 38-3323.
71-1,158. Transferred to section 38-3322.
71-1,159. Repealed. Laws 1987, LB 473, §63.
71-1,160. Repealed. Laws 2007, LB 463, § 1319.
71-1,161. Repealed. Laws 2005, LB 301, s. 78.
71-1,162. Repealed. Laws 2007, LB 463, § 1319.
71-1,163. Transferred to section 38-3324.
71-1,164. Transferred to section 38-3330.
71-1,165 and 71-1,166. Transferred to section 38-3325 and 38-3326.
71-1,167. Repealed. Laws 1988, LB 1100, §185.
71-1,168 to 71-1,176. Repealed. Laws 2000, LB 833, § 12.
71-1,177. Repealed. Laws 1988, LB 1100, §185.
71-1,178. Repealed. Laws 2000, LB 833, § 12.
71-1,179. Repealed. Laws 1988, LB 1100, §185.
71-1,180 and 71-1,181. Repealed. Laws 2000, LB 833, § 12.
71-1,182. Repealed. Laws 1988, LB 1100, §185.
71-1,183 to 71-1,185. Repealed. Laws 2000, LB 833, § 12.

Links to the Ohio and Louisiana Veterinary Practice Acts:

Ohio Laws and Rules: (link is below)

http://codes.ohio.gov/orc/4741.01

4741.01 Veterinary Defn.:

L) "Allied medical support" means a licensed dentist, physician, chiropractor, or physical therapist who is in good standing as determined under Chapter 4715., 4731., 4734., or 4755. of the Revised Code, as applicable.

4741.19 *[Effective Until 9/29/2015]* Practice without license - student interns.

(F) Allied medical support may assist a licensed veterinarian to the extent to which the law that governs the individual providing the support permits, if all of the following apply:
(1) A valid veterinary-client-patient-relationship exists.
(2) The individual acts under direct veterinary supervision.
(3) The allied medical support individual receives informed, written, client consent.
(4) The veterinarian maintains responsibility for the patient and keeps the patient's medical records. The board may inspect the facilities of an allied medical support individual in connection with an investigation based on a complaint received in accordance with section 4741.26 of the Revised Code involving that individual.

Louisiana Veterinary Practice Act: (link below)

http://www.lsbvm.org/docs/Practice%20Act%20thru%20%20Nov%202014.pdf

§712. Alternative Therapy and Collaborative Treatment
A. Alternative therapy and/or collaborative treatment may be performed by a layperson (a person not licensed, registered, or certified by the board) only with an order or prescription from a Louisiana licensed, supervising veterinarian who has first established the veterinarian-client patient relationship, and can be performed only under such supervising veterinarian's direct supervision and with the written

informed consent of the owner of the animal (client) or his duly authorized agent. The layperson must possess a license, registration, or certification issued by another Louisiana regulatory authority, or he must possess verification of an educational level acceptable by the board, in the subject matter of the alternative therapy and/or collaborative treatment at issue.
B. Direct supervision as used in this Section means the supervising veterinarian must be on the premises where the alternative therapy and/or collaborative treatment are being performed and is directly responsible for the on-going evaluation and/or diagnosis. A lay person (a person not licensed, registered, or certified by the board) cannot perform surgery, on-going evaluation and/or diagnosis, prognosis, or prescribe treatment, medicines, or appliances as set forth in §702.A.2.
C. The supervising veterinarian will be held accountable for the proper diagnosis and treatment of the animal, including the work delegated to the layperson, as well as compliance with proper documentation in the patient's medical record as set forth in §701, including the written informed consent for the alternative therapy and/or collaborative treatment obtained from the client or his duly authorized agent. The supervising veterinarian will also be held accountable for the maintenance of the confidential relationship with the client and patient.
D. Alternative therapy as used in this Section includes, but is not limited to, ultrasonography, magnetic field therapy, holistic medicine, homeopathy, animal chiropractic treatment, animal acupuncture, animal physical therapy, animal massage therapy, and laser therapy.
E. Collaborative treatment as used in this Section includes, but is not limited to, ophthalmology, cardiology, neurology, radiology, and oncology.
F. Written informed consent as used in this Section means the supervising veterinarian has informed the client or his duly authorized agent, in a manner that would be understood by a reasonable person, of the diagnostic and treatment options, risk assessment, and prognosis, and the client or his duly authorized agent has consented in writing to the recommended alternative therapy and/or collaborative treatment.

NEVADA - NAC 638.053 Licensed veterinary technician: Prohibited tasks; tasks requiring immediate, direct or indirect supervision. (NRS 638.070, 638.124)

3. A licensed veterinary technician may perform the following tasks under the immediate or direct supervision of a supervising veterinarian:
   (a) Induction of anesthesia.
   (b) Endotracheal intubation.
   (c) Blood administration.
   (d) Internal anal gland expression.
   (e) Application of casts and splints.
   (f) Tasks listed in subsection 4, if the animal is anesthetized.

(g) External noninvasive ultrasonography and ultrasonography for the purpose described in paragraph (h).

(h) Cystocentesis to obtain a urine specimen, performed with or without the aid of ultrasonography.

(i) Dental prophylaxis.

(j) Physical therapy.

4741.01 Veterinarian definitions.

As used in this chapter:

(A) "Animal" means any animal other than a human being and includes fowl, birds, fish, and reptiles, wild or domestic, living or dead.

(B) The "practice of veterinary medicine" means the practice of any person who performs any of the following actions:

(1) Diagnoses, prevents, or treats any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal;

(2) Administers to or performs any medical or surgical technique on any animal that has any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition or performs a surgical procedure on any animal;

(3) Prescribes, applies, or dispenses any drug, medicine, biologic, anesthetic, or other therapeutic or diagnostic substance, or applies any apparatus for any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal;

(4) Uses complementary, alternative, and integrative therapies on animals;

(5) Renders professional advice or recommendation by any means, including telephonic or other electronic communication with regard to any activity described in divisions (B)(1) to (4) of this section;

(6) Represents the person's self, directly or indirectly, publicly or privately, as having the ability and willingness to perform an act described in divisions (B)(1) to (4) of this section;

(7) Uses any words, letters, abbreviations, or titles in such connection and under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine.

(C) "Specialist" means a licensed veterinarian who is certified by a veterinary specialty board of a professional veterinary association recognized by rule of the state veterinary medical licensing board.

(D) "Veterinary supervision" means instruction and directions by a licensed veterinarian on the premises or by a licensed veterinarian who is readily available to communicate with a person requiring supervision .

(E) "Veterinary student" means a student enrolled in a college of veterinary medicine or a veterinary technology college approved by the board and who is working with a licensed veterinarian.

(F) "Registered veterinary technician" means a person who is a graduate of a veterinary technology college approved by the state veterinary medical licensing board , has successfully passed an examination approved by the board, and maintains registration eligibility status in accordance with rules adopted by the board.

(G) "Animal aide" means a person who is employed by a licensed veterinarian and supervised by a licensed veterinarian or a registered veterinary technician to perform duties such as record keeping, animal restraint, and such other duties that the board, by rule, establishes. In adopting the rules, the board shall include rules regarding the degree of supervision required for each duty. The rules shall be consistent with generally accepted standards of veterinary medical practice.

(H) "Advertising" means any manner, method, means, or activity by which a practicing veterinarian, a practicing veterinarian's partners, or associates, or any information in reference to veterinary science, is made known to the public through any use of motion pictures, newspapers, magazines, books, radio, television announcements, or any other manner, method, means, or activity which commercially publicizes the professional image of the veterinarian.

(I) "Embryo transfer" means the removal of an embryo ovum from the reproductive tract of an animal and its transfer to the reproductive tract of another animal for the purpose of gestation and birth.

(J) "Veterinary consultant" means a veterinarian who is not licensed in this state and who provides advice and counsel to a requesting veterinarian licensed in this state in regard to the treatment, diagnosis, or health care of an animal or animals in a specific case.

(K) "Direct veterinary supervision" means a licensed veterinarian is in the immediate area and within audible range, visual range, or both, of a patient and the person administering to the patient.

(L) "Allied medical support" means a licensed dentist, physician, chiropractor, or physical therapist who is in good standing as determined under Chapter 4715., 4731., 4734., or 4755. of the Revised Code, as applicable.

(M) "Veterinary-client-patient-relationship" means a relationship that meets the requirements of section 4741.04 of the Revised Code.

(N) "Licensed veterinarian" means a person licensed by the board to practice veterinary medicine.

(O) "Client" means the patient's owner, owner's agent, or other person responsible for the patient.

(P) "Veterinary technology" means the science and art of providing professional support to veterinarians.

(Q) "Patient" means an animal that is examined or treated by a licensed veterinarian.

Effective Date: 03-02-1992; 10-12-2006