

Amendment No. 506

Senate Amendment to Senate Bill No. 57 First Reprint (BDR 54-419)

Proposed by: Senator Horsford**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an appropriation where one does not currently exist in S.B. 57.

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	☐	Lost	☐	Adopted	☐	Lost	☐
Concurred In	☐	Not	☐	Concurred In	☐	Not	☐
Receded	☐	Not	☐	Receded	☐	Not	☐

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold dashed underlining** is newly added transitory language.

EGO



Date: 4/16/2009

S.B. No. 57—Makes various changes relating to veterinary medicine.
(BDR 54-419)



SENATE BILL NO. 57—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE NEVADA STATE BOARD OF
VETERINARY MEDICAL EXAMINERS)

PREFILED DECEMBER 7, 2008

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to veterinary medicine.
(BDR 54-419)

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

~

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

AN ACT relating to veterinary medicine; authorizing the Nevada State Board of Veterinary Medical Examiners to grant a license without examination to veterinarians licensed in another state; revising the list of activities that may be performed without a veterinary license; requiring the renewal of licenses and certificates of registration biennially rather than annually; authorizing the Board to adopt regulations establishing grounds for disciplinary action against certain facilities and veterinarians; ***making an appropriation;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Nevada State Board of Veterinary Medical Examiners to grant a license to a veterinarian licensed in another state under certain circumstances.

Section 2 of this bill limits the gratuitous acts that friends or neighbors may perform to only livestock, rather than all domesticated animals, and requires that certain vaccines be administered by a licensed veterinarian or someone under a veterinarian's direction. **Section 2** also allows nonveterinarians and veterinarians from other states to consult with a veterinarian licensed in this State without requiring that person to comply with the laws governing veterinary practice in this State. (NRS 638.015)

Section 5 of this bill revises the renewal period for all licenses and certificates of registration issued by the Board so that they must be renewed biennially rather than annually. **Section 5** also establishes statutory limits for the renewal fees for such licenses and certificates of registration, which currently have no limit in existing statutes. (NRS 638.127)

Section 6 of this bill allows the Board to adopt regulations prescribing grounds for disciplinary action against facilities in which veterinary medicine is practiced and against the veterinarian in charge of such facilities. (NRS 638.132)

Section 8 of this bill makes an appropriation of \$15,000 to the Audit Division of the Legislative Counsel Bureau to conduct an audit of the budget of the Board, specifically with respect to the fees collected by the Board.

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

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

1. Notwithstanding any other provision of this chapter to the contrary, the Board shall issue a license to practice veterinary medicine to a person who:

(a) Has a license to practice veterinary medicine issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Has actively practiced veterinary medicine pursuant to the laws of another state or territory of the United States, or the District of Columbia for a minimum of 5 years;

(c) Has not had his license to practice veterinary medicine revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(d) Has not been refused a license to practice veterinary medicine in this State, another state or territory of the United States, or the District of Columbia;

(e) Is not involved in and does not have pending a disciplinary action concerning his license to practice veterinary medicine in this State, another state or territory of the United States, or the District of Columbia;

(f) Pays the application and renewal fees set forth in NRS 638.100 and 638.127 in the same manner as a person licensed pursuant to NRS 638.100;

(g) Submits the statement required by NRS 638.103; and

(h) Submits a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The provisions of this section do not limit a person from obtaining a license to practice veterinary medicine pursuant to any other provision of law.

Sec. 2. NRS 638.015 is hereby amended to read as follows:

638.015 **1.** Nothing in this chapter applies:

~~1-1~~ **(a)** To the gratuitous castrating, dehorning or vaccinating of ~~domesticated animals~~ **livestock** nor to the gratuitous treatment of diseased animals by friends or neighbors of the owner thereof, except that all vaccinations for zoonotic diseases **utilizing vaccines that are conditionally licensed pursuant to 9 C.F.R. § 102.6** must be administered by a licensed veterinarian or a person under the direct supervision of a licensed veterinarian.

~~2-1~~ **(b)** To debar any veterinarian in the employ of the United States Government or the State of Nevada from performing official duties necessary for the conduct of the business of the United States Government or the State of Nevada, or a political subdivision thereof, upon which he is assigned.

~~3-1~~ **(c)** To any person who is a diplomate from an approved specialty board of the American Veterinary Medical Association who is called into the State for consultation by a person licensed to practice under this chapter for a period not to exceed 30 days in any 12-month period if he practices under the auspices of a licensed veterinarian.

~~4-1~~ **(d)** To the giving of advice with respect to , or the performance of acts which the Board by rule has prescribed as , accepted livestock management practices.

~~5-1~~ **(e)** To the owner of an animal or full-time regular employee of the owner who is caring for and treating an animal which belongs to the owner unless the ownership of the animal is transferred for the purposes of circumventing this

chapter, except that all vaccinations for zoonotic diseases *utilizing vaccines that are conditionally licensed pursuant to 9 C.F.R. § 102.6* must be administered by a licensed veterinarian or a person under the direct supervision of a licensed veterinarian.

~~§6.1~~ (f) To any person or agency that performs humane services for wildlife animals without charge.

~~§7.1~~ (g) To any person, other than a veterinarian, who renders aid, assistance or relief to an animal in an emergency without charge if he does not represent himself as holding a license to practice veterinary medicine or as holding a degree in veterinary medicine or other related field.

~~§8.1~~ (h) To any person, other than a veterinarian, who renders emergency paramedical services to an animal without charge during the transportation of the animal to a veterinary facility.

(i) *To any person whose service is limited to consulting with a veterinarian licensed in this State and who:*

(1) *Is a veterinarian who is licensed in another state or country; or*

(2) *Has expertise, in the opinion of the veterinarian, that would benefit an animal.*

2. *For the purposes of this section:*

(a) *“Alternative livestock” means the following species, including subspecies, of the family Cervidae, if they are born and reared in captivity and raised on private property to produce meat or other by-products of animals or as breeding stock to produce alternative livestock:*

(1) *Fallow deer (Dama dama).*

(2) *Reindeer (Rangifer tarandus).*

(b) *“Livestock” means:*

(1) *All cattle or animals of the bovine species.*

(2) *All horses, mules, burros and asses or animals of the equine species.*

(3) *All swine or animals of the porcine species.*

(4) *All goats or animals of the caprine species.*

(5) *All sheep or animals of the ovine species.*

(6) *All poultry or domesticated fowl or birds.*

(7) *All alternative livestock.*

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 638.105 is hereby amended to read as follows:

638.105 ~~1. The Board may in its discretion license an applicant solely on the basis of oral interviews and practical demonstrations upon sufficient proof that the applicant has, within the previous 5 years, successfully passed any examination approved by:~~

~~—(a) The Board; and~~

~~—(b) A national testing service for veterinary medicine that has been approved by the Board.~~

~~2. The Board may, upon payment of the fee prescribed under~~ *pursuant to NRS 638.100* ~~or 638.122, as applicable,~~ *or 638.122, as applicable,* license without examination any person who is a diplomate from an approved specialty board of the American Veterinary Medical Association ~~1. The veterinary practice of any person who is licensed pursuant to this subsection is limited to the specialty in which the person is certified.~~ *or any veterinary technician who is a credentialed specialist recognized by the National Association of Veterinary Technicians in America.* If an applicant for a license under this section is denied a license, any fee tendered by him may be returned to him at the discretion of the Board.

Sec. 5. NRS 638.127 is hereby amended to read as follows:

638.127 1. *To renew a license or certificate of registration issued pursuant to this chapter, each person must, ~~{On}~~ on or before ~~{November 15}~~ February 1 of each even-numbered year ~~{the Executive Director shall mail to each person licensed under the provisions of this chapter an application form for the renewal of his license.}~~ :*

(a) *Submit an application for renewal to the Board;*

(b) *Pay the fee for renewal and make full payment of all fines and money owed to the Board;*

(c) *Submit evidence to the Board of his completion of any requirement for continuing education; and*

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

2. ~~{Each applicant for renewal must complete the form and return it to the Executive Director, accompanied by all information required to complete the renewal, the renewal fee and full payment of all fines which he owes to the Board, on or before January 1 of each year. Each application for renewal must be signed by the applicant. The renewal fee for licensees and persons on inactive status must be in an amount determined by the Board.} The Board may charge and collect fees for renewals not to exceed the following amounts:~~

<i>For the biennial renewal of an active license to practice veterinary medicine</i>	<i>\$750</i>
<i>For the biennial renewal of an inactive license to practice veterinary medicine</i>	<i>400</i>
<i>For the biennial renewal of a license to practice as a veterinary technician</i>	<i>300</i>
<i>For the biennial renewal of a license to practice as a euthanasia technician</i>	<i>300</i>
<i>For the biennial renewal of a certificate of registration to practice animal physical therapy</i>	<i>200</i>
<i>For the biennial renewal of a certificate of registration to practice animal chiropractic</i>	<i>200</i>
<i>For the biennial renewal of a license issued to a facility owned by a licensed veterinarian</i>	<i>200</i>
<i>For the biennial renewal of a license issued to a facility owned by an unlicensed veterinarian</i>	<i>750</i>

3. Upon receipt of the application and all required information and payment of the renewal fee and all fines *and money* owed, the Board shall issue to that person a certificate of renewal.

4. Any person who fails to renew his license on or before ~~{March}~~ *April* 1 of ~~{each}~~ *the renewal* year forfeits his license.

5. When a person has forfeited his license in the manner provided in subsection 4, the Board may reinstate the license and issue a certificate of renewal upon receipt of all information required to complete the renewal and payment of:

(a) The renewal fee;

(b) All fines *or money* owed ~~{}~~ *to the Board;* and

(c) A delinquency penalty of \$50 for each month or fraction thereof the license was not renewed after ~~{January}~~ *February* 1.

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

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

Sec. 6. NRS 638.132 is hereby amended to read as follows:

638.132 The Board shall adopt regulations which prescribe the requirements for the licensure of a facility in which veterinary medicine is practiced, including, without limitation, the fee for the issuance and renewal of a license ~~{}~~ *and the grounds for disciplinary action to be taken against the facility or the veterinarian in charge of the facility.*

Sec. 7. Notwithstanding the provisions of section 5 of this act, a license or certificate of registration issued pursuant to chapter 638 of NRS or the regulations adopted pursuant thereto which:

1. Was issued or renewed before July 1, 2009; and

2. Is active and in good standing as of December 31, 2009,
➤ expires on January 31, 2010, unless suspended, revoked or otherwise rendered inactive pursuant to chapter 638 of NRS or the regulations adopted pursuant thereto.

Sec. 8. 1. There is hereby appropriated from the State General Fund to the Audit Division of the Legislative Counsel Bureau the sum of \$15,000 for an audit of the budget of the Nevada State Board of Veterinary Medical Examiners, including, without limitation, the use of the fees collected by the Board.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2011, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2011.

~~{Sec. 8.}~~ **Sec. 9.** This act becomes effective on July 1, 2009.