

ASSEMBLY BILL NO. 200—ASSEMBLYWOMAN BILBRAY-AXELROD

MARCH 4, 2021

JOINT SPONSOR: SENATOR SCHEIBLE

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing veterinary medicine.
(BDR 54-168)

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; prohibiting the practice of veterinary medicine except within the context of a veterinarian-client-patient relationship except in certain circumstances; authorizing a veterinarian to supervise a veterinary technician via veterinary telemedicine under certain circumstances; revising which acts constitute the practice of veterinary medicine; revising provisions governing service of process; eliminating the requirement for notarization of applications for certain licenses; revising provisions governing the renewal of certain licenses; authorizing veterinary technicians to administer certain vaccinations under certain circumstances; revising certain procedures required in response to complaints against a licensee; authorizing the Nevada State Board of Veterinary Medical Examiners to issue nondisciplinary letters of correction under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law governs the practice of veterinary medicine. (Chapter 638 of NRS)
2 **Section 3** of this bill prohibits, with certain exceptions, the practice of veterinary
3 medicine in this State except within the context of a veterinarian-client-patient
4 relationship. **Section 3** also sets forth: (1) the requirements to establish a
5 veterinarian-client-patient relationship; and (2) certain activities that may be
6 conducted in the absence of such a relationship. **Section 6** of this bill revises the



definition of the "practice of veterinary medicine" to include the rendering of advice or recommendation by any means, including, without limitation, veterinary telemedicine. **Section 6** also excludes certain activities conducted by certain persons from that definition.

Section 2 of this bill defines the term "veterinary telemedicine." **Section 4** of this bill authorizes a veterinarian to supervise a veterinary technician via veterinary telemedicine under certain circumstances. **Section 5** of this bill makes a conforming change to indicate the placement of **section 2** within the Nevada Revised Statutes.

Existing law requires that service of process be made by personal service or by registered or certified mail or, if personal service cannot be made, by publication in certain newspapers. (NRS 638.017) **Section 9** of this bill revises the methods of service of process that the Nevada State Board of Veterinary Medical Examiners may use if personal service cannot be made to include any method set forth in the Nevada Rules of Civil Procedure for the service of process in a civil action.

Existing law requires applicants for a license to practice veterinary medicine, surgery, obstetrics or dentistry in this State to submit a written application that is signed by the applicant and notarized. (NRS 638.100) **Section 11** of this bill eliminates the requirement that such an application be notarized. **Section 10** of this bill eliminates a provision of existing law that authorizes the Board to impose an administrative fine on an applicant for a license who knowingly fails to submit a notarized application. (NRS 638.070)

Existing law requires each person licensed under the chapter to submit to the Board annually an application for renewal of the license. Existing law also establishes the dates for the submission and expiration of such a license and other requirements for renewal of the license. (NRS 638.127) **Section 12** of this bill requires instead that a license be renewed biennially and also revises the dates for submission, expiration and other requirements applicable to the renewal of such licenses.

Existing law requires the vaccination of an animal for a zoonotic disease to be administered by a licensed veterinarian or under the direct supervision of a licensed veterinarian. (NRS 638.134) **Section 13** of this bill limits this provision by authorizing only a veterinary technician to administer such a vaccination under the direct supervision of a licensed veterinarian. **Section 8** of this bill makes a conforming change by similarly revising certain exemptions to the provisions of chapter 638 of NRS.

Existing law establishes the procedures that the Board is required to use in response to a complaint concerning a person licensed by the Board. These procedures include the determination of whether there is sufficient evidence to believe that the licensee has committed an act which constitutes a ground for disciplinary action. If the Board determines that there is such evidence, existing law authorizes the Board to enter into a settlement agreement with the licensee. (NRS 638.1429) **Section 14** of this bill authorizes a committee designated by the Board and consisting of members on the Board to take certain actions of the Board's behalf. **Section 14** also authorizes the Board or committee to commence a disciplinary action against a licensee as an alternative to entering into a settlement agreement.

Existing law establishes the actions that the Board is authorized to take if it determines that a person licensed by the Board or an applicant for a license has committed an act which is grounds for disciplinary action. (NRS 638.147) **Section 15** of this bill requires the Board to adopt regulations for the optional issuance of a nondisciplinary letter of correction, in lieu of other authorized discipline, to a licensee or applicant for a license who violates a statute or regulation concerning: (1) recordkeeping; (2) inspection of a veterinary facility; or (3) continuing education.



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 the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Veterinary telemedicine” means the use of medical information exchanged from one site to another via electronic communications regarding the health status of an animal or a group of animals and includes, without limitation, communication via telephone, video, a mobile application or an online platform on an Internet website.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, a person may not practice veterinary medicine in this State except within the context of a veterinarian-client-patient relationship.*

2. *A licensed veterinarian may, in good faith and without the establishment of a veterinarian-client-patient relationship, provide emergency or urgent care to an animal when a client cannot be identified.*

3. *A veterinarian has a veterinarian-client-patient relationship concerning an animal if the veterinarian:*

(a) Assumes responsibility for making medical judgments concerning the health of the animal and the need for medical treatment of the animal;

(b) Has knowledge of the present care and health of the animal sufficient to provide at least a general or preliminary diagnosis of the medical condition of the animal, which knowledge must have been acquired by:

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

(2) Visiting, within a period of time that is appropriate for the medical issue in question, the premises where the animal is kept;

(c) Obtains an agreement with the client to follow the instructions provided by the veterinarian for the care and medical treatment of the animal;

(d) Is readily available for follow-up evaluation or has arranged for:

(1) Emergency or urgent care coverage; or

(2) Continuing medical care and treatment which has been designated by the veterinarian to be provided by another licensed veterinarian who:

(I) Has access to the medical records of the animal; or

(II) Can provide reasonable and appropriate medical care; and

(e) Provides oversight of treatment.



4. A veterinarian-client-patient relationship is not established solely through veterinary telemedicine. However, once established, a veterinarian-client-patient relationship may be maintained via veterinary telemedicine between:

(a) Medically necessary examinations; or

(b) Visits, within periods of time that are appropriate for the medical issue in question, to the premises where the animal is kept.

5. In the absence of a veterinarian-client-patient relationship:

(a) Except as otherwise provided in paragraph (b), any advice which is provided through electronic means must be general and not specific to a particular animal or its diagnosis or treatment.

(b) Advice and recommendations may be provided via veterinary telemedicine in an emergency, but only until the animal can be examined in person by a licensed veterinarian.

Sec. 4. A supervising veterinarian who has established a veterinarian-client-patient relationship may provide the supervision and control required by this chapter and the regulations adopted pursuant to NRS 638.124 over a veterinary technician who is not located at the same site as the supervising veterinarian via veterinary telemedicine if:

1. The supervising veterinarian and the veterinary technician are both employees of the same veterinary facility; and

2. The veterinary facility is located in Nevada.

Sec. 5. NRS 638.001 is hereby amended to read as follows:

638.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 638.0015 to 638.013, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 638.008 is hereby amended to read as follows:

638.008 1. "Practice of veterinary medicine" means:

~~[(1)]~~ (a) To diagnose, treat, correct, change, relieve or prevent animal disease, deformity, defect, injury or other physical or mental conditions, including, but not limited to:

~~[(a)]~~ (1) The prescription or the administration of any drug, medicine, biologic, apparatus, application, anesthetic or other therapeutic or diagnostic substance or technique;

~~[(b)]~~ (2) The collection of embryos;

~~[(c)]~~ (3) Testing for pregnancy or for correcting sterility or infertility;

~~[(d)]~~ (4) Acupuncture;

~~[(e)]~~ (5) Dentistry;

~~[(f)]~~ (6) Chiropractic procedures;

~~[(g)]~~ (7) Surgery, including cosmetic surgery; or



~~[(h)]~~ (8) Rendering advice or recommendation with regard to any of these ~~[(i)]~~ *by any means, including, without limitation, veterinary telemedicine.*

~~[(2)]~~ (b) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in ~~subsection 1.~~

~~—3.]~~ *paragraph (a).*

(c) 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 ~~subsection 1.]~~ *paragraph (a),* except if the person is a veterinarian.

2. The term does not include:

(a) *The practice of a veterinarian or veterinary technician while he or she lectures, teaches, administers a practical examination or conducts a laboratory demonstration in a facility in connection with:*

(1) *A seminar; or*

(2) *A course of continuing education for veterinarians or veterinary technicians that has been approved by the Board;*

(b) *The practice of a person who is a graduate from a school of veterinary medicine that is not accredited by the Council on Education of the American Veterinary Medical Association while he or she is preparing to take a clinical proficiency examination administered by the American Veterinary Medical Association for the purpose of acquiring an educational certificate issued by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association or its successor organization as described in paragraph (b) of subsection 2 of NRS 638.100; or*

(c) *Emergency advice or recommendations given by a poison control center until the animal can be examined in person by a licensed veterinarian.*

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 638.015 is hereby amended to read as follows:

638.015 Nothing in this chapter applies:

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

2. 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 the veterinarian is assigned.

3. 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 the person practices under the auspices of a licensed veterinarian.

4. 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. 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 must be administered by a licensed veterinarian or a person under the direct supervision of a licensed veterinarian.

6. To any person or agency that performs humane services for wildlife animals without charge.

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

8. 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.

Sec. 9. NRS 638.017 is hereby amended to read as follows:

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

1. Service of process made pursuant to and all notices *of hearings* required by this chapter must be ~~either personal or by registered or certified mail with return receipt requested, addressed to~~ *personally served upon* the veterinarian, veterinary technician or applicant for a license, at his or her last known address, as indicated on the records of the Board. If personal service cannot be made ~~and if notice by mail is returned undelivered, the Executive Director of the Board shall cause a notice of the hearing or action to be published once a week for 4 consecutive weeks in a newspaper published in the county of that person's last known address or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.]~~ *, the Board may use any other method of service set forth in the Nevada Rules of Civil Procedure for the service of process in a civil action.*



2. Proof of service of process ~~for publication of notice~~ made pursuant to this chapter must be filed with the Executive Director and recorded in the minutes of the Board.

Sec. 10. NRS 638.070 is hereby amended to read as follows:

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

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

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

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

2. The Board may adopt regulations:

(a) Necessary to carry out the provisions of this chapter;

(b) Concerning the rights and responsibilities of veterinary interns and externs and graduates of schools of veterinary medicine located outside the United States or Canada;

(c) Concerning the rights and responsibilities of a veterinarian's employees who are not licensed nor working towards obtaining a license pursuant to this chapter and whose duties require them to spend a substantial portion of their time in direct contact with animals;

(d) Concerning requirements for continuing education;

(e) Establishing procedures to approve schools which confer the degree of veterinary technician or its equivalent;

(f) Concerning the disposition of animals which are abandoned or left unclaimed at the office of a veterinarian;

(g) Establishing sanitary requirements for facilities in which veterinary medicine is practiced, including, but not limited to, precautions to be taken to prevent the creation or spread of any infectious or contagious disease; and

(h) Concerning alternative veterinary medicine, including, but not limited to, acupuncture, chiropractic procedures, dentistry, cosmetic surgery, holistic medicine, and the provision of such services by a licensed provider of health care under the direction of a licensed veterinarian.

3. The Board may:

(a) Employ attorneys, investigators, hearing officers for disciplinary hearings, and other professional consultants and clerical personnel necessary to the discharge of its duties;

(b) Conduct investigations and take and record evidence as to any matter cognizable by it;

(c) Maintain offices in as many localities in the State as it considers necessary to carry out the provisions of this chapter; and



(d) Purchase or rent any office space, equipment and supplies that it considers necessary to carry out the provisions of this chapter.

Sec. 11. NRS 638.100 is hereby amended to read as follows:

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

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

(a) Is of good moral character;

(b) Except as otherwise provided in subsection 3, has received a diploma conferring the degree of doctor of veterinary medicine or its equivalent from a school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association or, if the applicant is a graduate of a school of veterinary medicine that is not accredited by the Council on Education of the American Veterinary Medical Association, that the applicant has received an educational certificate issued by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association or, if the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association ceases to exist, by an organization approved by the Board that certifies that the holder of the certificate has demonstrated knowledge and skill of veterinary medicine that is equivalent to the knowledge and skill of veterinary medicine of a graduate of a college of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association; and

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

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

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

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



Sec. 12. NRS 638.127 is hereby amended to read as follows:

638.127 1. On or before ~~[November]~~ **May** 15 of each **odd-numbered** year, ~~[the Executive Director shall mail to]~~ each person licensed under the provisions of this chapter ~~[an]~~ **must:**

(a) **Submit to the Board an** application ~~[form]~~ for renewal of the license.

~~[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.]~~

(b) **Pay** the renewal fee and full payment of all fines **and any other money** which the applicant 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.

~~[3.]~~ (c) **Submit evidence satisfactory to the Board of the applicant's compliance with any requirements for continuing education.**

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

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

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

~~[5.]~~ 4. When a person has forfeited his or her license in the manner provided in subsection ~~[4.]~~ 3, 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 **and any other 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 1]~~ **June 30.**

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

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

Sec. 13. NRS 638.134 is hereby amended to read as follows:

638.134 1. Each licensed veterinarian to whom an animal is brought for treatment shall recommend to the owner of the animal or



1 to the person delivering the animal for treatment that the animal
2 receive the vaccinations for zoonotic diseases that are recommended
3 by the Centers for Disease Control and Prevention of the United
4 States Department of Health and Human Services. The vaccinations
5 must be administered by a licensed veterinarian or *a veterinary*
6 *technician* under the direct supervision of a licensed veterinarian.
7 The Board may adopt regulations to ensure compliance with the
8 provisions of this subsection.

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

14 **Sec. 14.** NRS 638.1429 is hereby amended to read as follows:

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

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

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

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

38 5. *A document used to commence a disciplinary action or a*
39 *settlement agreement* are public records.

40 6. *As used in this section, "committee" means a committee*
41 *designated by the Board and consisting of members of the Board.*

42 **Sec. 15.** NRS 638.147 is hereby amended to read as follows:

43 638.147 1. If the Board determines that any applicant for a
44 license or any person licensed pursuant to this chapter has



committed any of the acts which are grounds for disciplinary action, the Board may:

(a) Refuse to issue a license.

(b) Refuse to renew a license.

(c) Revoke a license.

(d) Suspend a license 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 which constitutes a ground for disciplinary action.

(f) Place a licensee on probation subject to any reasonable conditions imposed by the Board, including requiring courses in continuing education or a periodic or continuous review of the licensee's practice.

(g) Administer a public reprimand.

(h) Limit the practice of the licensee to specified branches of veterinary medicine.

(i) Require the licensee to take a competency examination or a mental or physical examination.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. If the Board determines that a person licensed pursuant to this chapter has violated a provision of this chapter, or a regulation adopted by the Board, concerning recordkeeping, inspection of a veterinary facility or continuing education, the Board may, in lieu of any remedy set forth in subsection 1 or NRS 638.1471, issue a nondisciplinary letter of correction. The Board shall adopt regulations to carry out this subsection.

Sec. 16. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 15, inclusive, of this act become effective:

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

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

