

Amendment No. 124

Assembly Amendment to Assembly Bill No. 200	(BDR 54-168)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DP/WLK



Date: 4/12/2021

A.B. No. 200—Revises provisions governing veterinary medicine. (BDR 54-168)



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.

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

AN ACT relating to veterinary medicine; 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; ~~establishing certain licensing requirements for the use of veterinary telemedicine;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the practice of veterinary medicine. (Chapter 638 of NRS) **Section 3** of this bill prohibits, with certain exceptions, the practice of veterinary medicine in this State except within the context of a veterinarian-client-patient relationship. **Section 3** also sets forth: (1) the requirements to establish a veterinarian-client-patient relationship; and (2) certain activities that may be 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. ~~Section 7 of this bill requires a veterinarian in this State who uses veterinary telemedicine to be licensed in this State and in the state in which the animal which is the subject of the veterinary telemedicine is located.~~

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 ~~[shall be deemed to have]~~ 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 ~~[pursuant to an arrangement with another veterinarian who previously had been caring for or treating the animal, has agreed to provide]~~ has arranged for:

(1) Emergency or urgent care ~~[if required]~~ coverage; or

(2) Continuing ~~[reasonable and appropriate]~~ medical care and treatment ~~[and has]~~ 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. ~~[and~~

~~](f) Maintains medical records of the animal.)~~

4. A veterinarian-client-patient relationship is not established solely through veterinary telemedicine. ~~[After]~~ However, once established, ~~[through other means]~~ 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:

~~[(a)]~~ (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 ~~[(a)]~~ 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 ~~[(a)]~~ :

(1) A seminar ; or

(2) A course of continuing education for veterinarians or veterinary technicians ~~[(a)]~~ 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

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

3 Sec. 7. ~~[NRS 638.090 is hereby amended to read as follows:~~

4 ~~638.090 It is unlawful for any person to practice veterinary medicine, surgery,~~
5 ~~obstetrics or dentistry within the State of Nevada [without]:~~

6 ~~1. Without a license issued pursuant to the provisions of this chapter [.]; and~~

7 ~~2. If the person is practicing veterinary medicine using veterinary~~
8 ~~telemedicine, without a license issued by the state in which the animal which is~~
9 ~~the subject of the veterinary telemedicine is physically located.]~~ (Deleted by

10 amendment.)