

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 180

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 180 PRACTICE OF VETERINARY MEDICINE AND SURGERY

001. SCOPE AND AUTHORITY. These regulations apply to licensure of veterinarians and veterinary technicians as defined by the Veterinary Medicine and Surgery Practice Act, Nebraska Revised Statutes (Neb. Rev. Stats.) §§ 38-3301 to 38-3335 and the Uniform Credentialing Act.

002. DEFINITIONS. Definitions set out in the Veterinary Medicine and Surgery Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and the following apply to this chapter.

002.01 ADEQUATE RECORDS. Legible medical records containing, at a minimum, sufficient information to identify the patient, support the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings provided to the patient and provide sufficient information for another practitioner to assume continuity of the patient's care at any point in the course of treatment, and, when investigative or unproven therapies are utilized, the records must include written informed client consent.

002.02 ANGOFF METHOD. A method of determining passing scores based on aggregate information obtained by having judges predict the probability that a hypothetical minimally competent candidate will correctly answer items in a test.

002.03 APPROVED CONTINUING EDUCATION. Consists of courses, clinics, forums, lectures, training programs or seminars that pertain to veterinary medicine and surgery or veterinary technology and are approved by the Board.

002.04 APPROVED CONTINUING COMPETENCY. Activities that ensure the maintenance of knowledge and skills necessary to competently practice veterinary medicine and surgery; the utilization of new techniques based on scientific and clinical advances; and the promotion of research to assure expansive and comprehensive services to the public. The activities must meet the criteria for approval established by the Board to be recognized for licensure renewal.

002.05 APPROVED PROGRAM THAT DETERMINES EDUCATIONAL EQUIVALENCE. A program which issues certificates based on specific standards indicating that the holder of such a certificate has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine. Such programs include the American Veterinary Medical Association (AVMA), Education Commission for Foreign

Veterinary Graduates (ECFVG), the American Association of Veterinary State Boards (AAVSB) Program for the Assessment of Veterinary Education Equivalence (PAVE); or another entity that maintains the same standards for determining educational equivalence as the American Veterinary Medical Association, Education Commission for Foreign Veterinary Graduates, or the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence.

002.06 HOUR. A period of 50 minutes of formal instruction, otherwise known as a "contact hour."

002.07 PROVIDER. An institution or individual that presents continuing education programs to licensees.

002.08 SURGERY. The treatment, through revision, destruction, incision, closure or other structural alteration of animal tissue.

003. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets all statutory requirements, 172 NAC 10, and this chapter.

003.01 VETERINARY LICENSURE BY EXAMINATION. An applicant for a license to practice veterinary medicine and surgery based on examination must have attained at least the age of 21, and:

- (A) Submit an official transcript directly from the issuing institution verifying graduation from an accredited school of veterinary medicine or a certificate directly from an approved program that determines educational equivalence;
- (B) Submit score reports directly from the issuing institutions showing:
 - (i) Passage of the National Board Examination with a converted score of at least 70 and the Clinical Competency Test with a converted score of at least 70 within the last 5 years, which are administered by the National Board of Veterinary Medical Examiners (NBVME); or pass the North American Veterinary Licensing Examination (NAVLE) given by the National Board of Veterinary Medical Examiners with a converted score of at least 70 within the last 5 years; and
- (C) Pass the Nebraska Jurisprudence Examination, which relates to the statutes that govern veterinary medicine and surgery, with an average score of at least 70.

003.02 VETERINARY LICENSE BY RECIPROCITY. An applicant for a license to practice veterinary medicine and surgery based on reciprocity must have attained at least the age of 21, and:

- (A) Submit an official transcript directly from the issuing institution verifying graduation from an accredited school of veterinary medicine or a certificate directly from an approved program that determines educational equivalence;
- (B) Submit score reports directly from the issuing institutions showing:
 - (i) Passage of the National Board Examination with a converted score of at least 70 and the Clinical Competency Test with a converted score of at least 70 within the last 5 years, which are administered by the NBVME; or pass the North American Veterinary Licensing Examination given by the National Board of Veterinary

- Medical Examiners with a converted score of at least 70 within the last 5 years;
or
- (ii) Passage of one of the following examinations administered by the NBVME:
 - (1) The National Board Examination with a converted score of at least 70; or
 - (2) The NAVLE with a converted score of at least 70;
 - (C) Pass the Nebraska Jurisprudence Examination, which relates to the statutes that govern veterinary medicine and surgery, with an average score of at least 70; and
 - (D) Submit direct source verification of the credential the applicant holds in another state or territory of the United States or the District of Columbia which maintains standards regulating the profession equal to those maintained in this State.

003.03 VETERINARY TECHNICIAN LICENSE. An applicant for licensure as a veterinary technician must:

- (A) Submit an official transcript directly from the issuing institution verifying graduation from an American Veterinary Medical Association (AVMA) accredited veterinary technician program; and
- (B) Submit score reports directly from the issuing institution showing passage of the Veterinary Technician National Examination (VTNE) with a passing score as determined by the Angoff Method or other comparable criterion referenced scoring method.

004. STANDARDS OF SUPERVISION. The following delegated tasks may be performed under the indicated level of veterinarian supervision.

004.01 LICENSED VETERINARY TECHNICIANS. Veterinary technicians may perform the following tasks provided the supervising veterinarian makes a physical examination of the patient being treated.

004.01(A) TASKS WHICH REQUIRE IMMEDIATE SUPERVISION.

- (i) Dental extraction not requiring sectioning of a tooth or the resectioning of bone; or
- (ii) Assist veterinarian in surgery by tissue handling and instrument handling.

004.01(B) TASKS WHICH REQUIRE DIRECT SUPERVISION.

- (i) Induction of anesthesia;
- (ii) Euthanasia;
- (iii) Blood or blood component collection, preparation and administration for blood transfusions; or
- (iv) Dental procedures limited to the following procedures only:
 - (1) Removal of calculus, soft deposits, plaque, and stains;
 - (2) Smoothing, filing, and polishing of teeth; or
 - (3) Flotation or dressing of equine teeth.

004.01(C) TASKS WHICH REQUIRE INDIRECT SUPERVISION.

- (i) Perform preliminary physical examination;
- (ii) Obtain history regarding an animal patient;
- (iii) Client education;
- (iv) Administration and application of treatments, drugs, oxygen therapy, medications and immunological agents by parenteral and injectable routes (subcutaneous,

- intramuscular, intraperitoneal, and intravenous), except when in conflict with government regulations;
- (v) Initiation of parenteral fluid administration;
 - (vi) Intravenous catheterizations;
 - (vii) Radiography including settings, positioning, processing and safety procedures;
 - (viii) Electrocardiogram (EKG);
 - (ix) Collection of urine by expression, cystocentesis, or catheterization;
 - (x) Collection and preparation of tissues, cellular, or microbiological samples by skin scraping, impressions, or other non-surgical methods, except when in conflict with government regulations;
 - (xi) Routine laboratory test procedures;
 - (xii) Supervision of the handling of biohazardous waste materials;
 - (xiii) Application of bandages and wound management; or
 - (xiv) Patient vital sign monitoring.

004.02 UNLICENSED VETERINARY ASSISTANTS. An unlicensed veterinary assistant may perform under the indicated level of supervision the following tasks provided the supervising veterinarian makes a physical examination of the patient being treated.

004.02(A) TASKS WHICH REQUIRE IMMEDIATE SUPERVISION.

- (i) Assist veterinarian in surgery by tissue handling and instrument handling.

004.02(B) TASKS WHICH REQUIRE DIRECT SUPERVISION.

- (i) Assist with the following radiology procedures:
 - (1) Patient positioning; or
 - (2) Operation of x-ray machine after obtaining training in radiation safety as required by 172 NAC 93.
- (ii) Administer crystalloid fluid therapy through an established IV catheter;
- (iii) Collection of blood specimens; or
- (iv) Patient vital sign monitoring.

004.02(C) TASKS WHICH REQUIRE INDIRECT SUPERVISION.

- (i) Collection of voided urine specimens;
- (ii) Collection of fecal specimens;
- (iii) Perform automated blood tests or commercial ELISA tests;
- (iv) Obtain history regarding an animal patient;
- (v) Perform preliminary physical examination;
- (vi) Client education; or
- (vii) Administration and application of treatment and drugs, medications and immunological agents by topical, oral, rectal, intramuscular and subcutaneous injectable routes, except when otherwise prohibited by law.

004.03 EMERGENCY AID OR TREATMENT. During an emergency a licensed veterinary technician or unlicensed veterinary assistant may render the following life-saving aid and treatment:

- (A) Application of tourniquets or pressure bandages to control hemorrhage;

- (B) Administration of pharmacological agents and parenteral fluids only when performed after direct communication with a licensed veterinarian and the veterinarian is either present or enroute to the location of the distressed animal;
- (C) Resuscitative procedures;
- (D) Application of temporary splints or bandages to prevent further injury to bones or soft tissues;
- (E) Application of bandages, appropriate wound dressings and external supportive treatment in severe wound and burn cases; or
- (F) External supportive treatment in heat prostration cases.

004.04 TASKS RESERVED FOR A VETERINARIAN. Licensed veterinary technicians or unlicensed veterinary assistants are not permitted to do any of the following:

- (A) Make a diagnosis or prognosis;
- (B) Prescribe any treatment, drugs, medications or appliances;
- (C) Perform surgery; or
- (D) Administer rabies vaccine.

005. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10. All licenses expire on April 1 of each even-numbered year.

006. CONTINUING COMPETENCY. On or before the expiration date, individuals holding an active license must complete the following number of hours for professional certification.

- (A) Veterinarians – 32 hours of approved Continuous Competency.
- (B) Veterinary Technicians –16 hours of approved Continuous Competency.

006.01 GENERAL REQUIREMENTS FOR LICENSEE. As a condition for renewal of license, each veterinarian and veterinary technician must complete one or a combination of the following continuing competency requirements within the renewal period immediately preceding the license renewal date:

006.01(A) INITIAL OR RE-CERTIFICATION. Initial Board Certification or Re-Certification by an AVMA recognized veterinary specialty organization, obtained during the renewal period immediately preceding the license renewal date, meets the entire requirement for continuing competency for that renewal period.

006.01(B) PROFESSIONAL CERTIFICATION. Professional Certification, as approved in advance by the Board, obtained during the renewal period immediately preceding the license renewal date. Professional certification meets the requirement for continuing competency according to the number of hours of classwork, study time, or other time required to be completed by the practitioner in order to obtain the certification, to be determined in advance by the Board.

006.01(C) REFRESHER COURSES. As approved in advance by the Board, meet the requirement for continuing competency according to the number of hours attended.

006.01(D) IN-SERVICE TRAINING. As approved in advance by the Board, meets the requirement for continuing competency according to the number of hours attended.

006.01(E) CLINICAL ROTATIONS. As approved in advance by the Board, meet the requirement for continuing competency according to the number of hours attended.

006.01(F) ACCEPTABLE CONTINUING EDUCATION PROGRAMS. Types of continuing education programs acceptable for continuing competency credit include, but are not limited to:

- (i) State, National, and District meetings, i.e., a meeting of the Nebraska Veterinary Medical Association (NVMA) or a veterinary association in any other state, the Nebraska Veterinary Technician Association (NVTAs), or a veterinary technician association in any other state, the Nebraska Academy of Veterinary Medicine (NAVMA), the AVMA, the American Association of Bovine Practitioners (AABP), the American Association of Equine Practitioners (AAEP), the American Association of Swine Practitioners (AASP), the American Association of Laboratory Animal Practitioners (AALAP), the American Animal Hospital Association (AAHA), or any satellite organization related to any of the associations listed above.
 - (1) One hour credit for each hour of attendance, and only the portion of such meeting which is applicable to the credential holders practice of either veterinary medicine and surgery or veterinary technician, can be approved for credit.
- (ii) Formal education courses which relate directly to the practice of veterinary medicine and surgery or veterinary technology.
 - (1) One hour credit for each hour of attendance.
- (iii) Veterinary and veterinary technology continuing education courses sponsored by accredited colleges of veterinary medicine and surgery or veterinary technology:
 - (1) One hour credit for each hour of attendance.
- (iv) Home study courses with a testing mechanism that is scored by the provider or their designee. Licensee will be given credit for home study courses for a maximum of one quarter of the total number of hours required for each renewal period.
 - (1) One hour credit for each hour of study; no more than one quarter of the total number of hours required for each renewal period.
- (v) Programs approved by the American Association of Veterinary State Boards Registry of Approved Continuing Education (RACE) which are related to the practice of veterinary medicine and surgery or veterinary technology.
 - (1) One hour credit for each hour of attendance.
- (vi) Practice management programs. Licensee will be given credit for practice management programs for a maximum of one quarter of the total number of hours required for each renewal period.
 - (1) One hour credit for each hour of attendance; no more than one quarter of the total number of hours required for each renewal period.
- (vii) A presenter may receive credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program.

006.02 APPROVAL OF CONTINUING COMPETENCY ACTIVITIES. Either a provider or a licensee may apply for approval of a continuing competency activity. The approval is granted by the Department and means that the activity has been determined by the Board to meet the

criteria for acceptable continuing competency. Approval prior to the renewal date is optional for continuing education, but is provided by the Board as a service to providers and licensees who wish to determine if a program meets the criteria for acceptable continuing education. All continuing competency activities must include:

- (1) The activity must be at least one hour in duration;
- (2) The topic and/or objectives must relate directly to the practice of veterinary medicine and surgery or veterinary technology;
- (3) The presenter of the activity must be qualified by education, experience or training; and
- (4) Activities must be open to all veterinarians or veterinary technicians licensed in Nebraska.

006.02(A) REQUESTING APPROVAL. A provider or licensee may submit information about the continuing competency activity to the Board on an application provided by the Department. Only applications which are complete will be considered.

- (i) The following information must be included in the application:
 - (1) A description of activity content and/or objectives;
 - (2) A general description of the qualifications of each presenter;
 - (3) The number of hours for which approval is requested, if applicable;
 - (4) The name, address, and telephone number of the provider's program planner;
 - (5) A description of the process the provider uses to verify attendance by the licensee;
 - (6) A sample copy of the documentation the provider issues to the licensee as proof of attendance at the activity;
 - (a) Certificates verifying attendance at approved activities must contain at least the following information:
 - (i) Name of the activity;
 - (ii) Name of the provider;
 - (iii) Name of the licensee who attended the course;
 - (iv) Number of credit hours earned (actually attended) by the licensee, if applicable; and
 - (v) Date(s) the course was attended by the licensee; and
 - (7) Location of program.
- (ii) The provider may submit additional documents or information as considered relevant to the application and in compliance with the provisions of this chapter.
- (iii) The provider must submit a complete application to the Department at least 45 days prior to the date on which the program is to be given to gain approval before the activity is presented.
- (iv) Once a provider is granted approval for a continuing competency activity, re-approval is not required for each subsequent occasion on which the activity is administered so long as the program is not changed or the laws and regulations governing continuing competency are not changed. If any portion of the activity is changed, re-application must be made in accordance with this chapter if continued approval is desired.
- (v) After being granted written approval of the application, the provider is entitled to state upon any publication which advertises or announces the program, the following statement: "This program is approved for ___ hours of continuing

competency by the Nebraska Department of Health and Human Services, Division of Public Health.”

- (vi) Post-Program Approval Applications for approval of a continuing education program may be made after the program has occurred. Activities that are not continuing education programs require approval prior to the completion of the activity.

006.02(B) DENIAL OF CONTINUING COMPETENCY ACTIVITIES. The Board may deny an application for approval of a continuing competency activity or suspend or revoke approval of a continuing competency activity on any of the following grounds:

- (1) Fraud or misrepresentation of information in an application; or
- (2) The program fails to meet the criteria for acceptable continuing competency set forth in this chapter.

006.02(B)(i) NOTICE OF DENIAL. An application for approval of continuing competency activities may be approved or denied. Should an application for a continuing competency activity be denied, the applicant will be sent a notice setting forth the reasons for the determination to the last address of record in the Department. Denial of an application will become final 15 days after the mailing of the notice unless the provider, within such 15-day period, will give written notice to the Board of a desire for hearing. The hearing will be conducted before the Board in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

007. UNPROFESSIONAL CONDUCT. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. § 38-179 and the following:

- (A) Commission of any act of sexual abuse, misconduct, or exploitation related to the practice of the profession of the applicant or credential holder. Sexual misconduct in the practice of veterinary medicine means violation of the practitioner-client-patient relationship through which the applicant or credential holder uses said relationship to induce or attempt to induce the client-patient to engage or to attempt to engage the client or patient, in sexual activity; committing any act which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the client or patient, or both;
- (B) Failure to keep and maintain adequate records of treatment or service for 3 years after the veterinarian’s most recent contact with the client or patient;
- (C) Disruptive veterinarian behavior as manifested by a veterinarian’s aberrant behavior which interferes with patient care or could reasonably be expected to interfere with patient care, including, but not limited to, the following:
 - (i) Outbursts of rage or violent behavior;
 - (ii) Repeated failure to respond to calls;
 - (iii) Throwing instruments, charts, or objects;
 - (iv) Insulting comments to a client, client’s family, veterinarians, or healthcare staff;
 - (v) Striking or assaulting a client, client’s family, patient, veterinarians, or healthcare staff;or
- (vi) Poor hygiene;
- (D) Making a false or misleading statement regarding his or her skill as a veterinarian, or as a veterinary technician;

- (E) Making a false or misleading statement regarding the efficacy or value of the medicine, device, treatment, or remedy prescribed by the veterinarian or used at the veterinarians direction in the practice of veterinary medicine and surgery;
- (F) Practice or other behavior that demonstrates a willful rendering of substandard care, either individually or as a part of a third-party reimbursement agreement or other agreement;
- (G) The use of any false, fraudulent, deceptive or misleading statement in any document pertaining to the practice of veterinary medicine and surgery, or practice as a veterinary technician;
- (H) Prescribing, selling, administering, or distributing, any drug legally classified as a controlled substance, other than with proper registration to prescribe controlled substances;
- (I) Failure to furnish the Board, its investigators or representatives, information legally requested by the Board;
- (J) To advertise in a manner that deceives, misleads, or defrauds the public. The following advertising practices will be considered to be deceptive:
 - (i) To advertise or promote any veterinary service as free or below the advertiser's or promoter's own cost without revealing in the advertising or promotion the minimum expenditure the consumer must incur in order to receive the service. If the consumer need not incur any expense to obtain the service, then the advertising or promotion must state that there is no minimum purchase required;
 - (ii) To fail to inform the consumer of any time schedule within which a fee is to be effective, if the fee applies to a particular service for a given time;
 - (iii) To fail to charge the same fee for a service as that which is advertised; or
 - (iv) To advertise or promote any veterinary service with statements that cannot be verified, substantiated or measured;
- (K) Failure to properly supervise licensed veterinary technicians or unlicensed assistants; or
- (L) Failure to comply with Neb. Rev. Stat. §§ 71-8401 to 71-8407 regarding access to medical records.

007. UNPROFESSIONAL CONDUCT. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. § 38-179 and 172 NAC 10.

008. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

009. FEES. Fees are set out in 172 NAC 2.