



TITLE 26  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

SERIES 1  
ORGANIZATION AND OPERATION

FILED

2004 JUN 14 P 4: 58

OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

**§26-1-1. General.**

1.1. Scope. -- ~~These rules establish~~ This rule establishes guidelines for the organization, operation and licensing of veterinarians by the West Virginia Board of Veterinary Medicine.

1.2. Authority. -- W. Va. Code §30-10-4.

1.3. Filing Date. -- ~~April 28, 1992~~

1.4. ~~1.4.~~ Effective Date. -- ~~April 28, 1992~~

**§26-1-2. Definitions.**

1.1. "Board" is means the West Virginia Board of Veterinary Medicine.

2.2. "Negative background check" means is an official fingerprint check through the West Virginia State Police or other authorized processor, which has been checked through the National Crime Information Center which indicates the applicant is not the person as specified on the application or that the person has been convicted of a felony in any jurisdiction.

2.3. "Reportable contagious disease" means is any disease capable of spreading to any animal or human.

**§26-1-23. The Board; Procedures.**

32.21. Officers of the Board - The members of the board shall annually elect as officers of the Board one (1) member to serve for a period of one (1) year as President of the Board; and, one (1) member to serve for a period of one (1) year as ~~sSecretary-treasurer-Treasurer~~ of the Board, both of whom shall hold their offices until their successors are elected. The Board shall hold elections in the month of June each year.

3.2. Any vacancy in the officers of the Board may be filled at any duly convened meeting of the Board.

~~The secretary-treasurer shall execute a surety bond, in an amount to be determined by the Board, which bond shall be approved by the attorney general as to form, and by the auditor as to sufficiency, and when so approved, shall be filed and recorded in the office of the Secretary of State. The Board shall pay the premium on the bond.~~

32.3. The Board may, in its discretion, employ an executive director, executive secretary, and any other administrative staff members as the Board ~~may consider~~ considers necessary. These Board employees may do all things and discharge all duties required of the Board ~~and the secretary-treasurer of the Board pursuant to West Virginia law and these rules~~ this rule.

32.4. Meetings of the Board - The Board shall hold at least two (2) meetings each year. There shall be at least one (1) meeting per calendar year at which examinations for licensure are given. The Board may hold additional meetings at which examinations for licensure are given. In addition, it may hold any necessary such additional meetings as may be necessary which shall be called by the secretary-treasurer at the direction of the President or upon the written request of any three (3) members of the Board.

32.5. Quorums - Before any action can be taken on any matter properly before the Board, at least a majority of the current members must be in attendance at the place and time set for the meeting of the Board. A majority vote of the members in attendance is required before any motion is passed.

32.6. Location of Office - The official office of the Board is, unless otherwise designated by the Board, located at the office of the executive secretary/director.

32.7. Disposition of moneys; report of auditor - The secretary-treasurer of the Board shall receive and account for all moneys derived by virtue of the provisions of W. Va. Code §30-10-1 et seq., and shall pay the moneys into the State Treasury monthly on or before the tenth day of the month after the calendar month during which the moneys were received. The secretary-treasurer shall also, on the first day of January and first day of July of each year or within five (5) days thereafter, certify to the State Auditor a detailed statement of all moneys received during the preceding six (6) months.

32.86. Compensation of members; expenses - Every member of the Board shall receive ~~\$100.00~~ \$150.00 for each day actually spent in attending the sessions of the Board or of its committees and the travel necessary thereto. Every member shall be similarly reimbursed at the stated per diem amount plus expenses for attending all activities approved by the Board and while performing all activities which are pertinent to the operation and function of the Board, and for all reasonable and necessary expenses incurred in carrying out the provisions of W. Va. Code §30-10-1 et seq.

3.9 7. All authorized compensation and all expenses certified by the Board as reasonably and necessarily incurred in the discharge of the member's duties shall be paid out of the State Treasury from funds appropriated for that purpose by the Board on warrants of the State Auditor issued on requisitions signed by the secretary-treasurer of the Board, or the Board's executive secretary/director.

32.910. Record of proceedings; registration of applicants; certified copies of record prima facie evidence; report to Governor - The secretary-treasurer of the Board shall keep a record of its proceedings and a register of all applicants for license or registration, showing for each, the date of his or her application, his or her name, age, educational and other qualifications, place of residence, whether an examination was required, whether the applicant was rejected or whether a certificate of license or certificate of registration was granted, the date of such action, the license or registration number, if required, and any suspension or revocation of a license or registration. The books and register of the Board shall be open to public inspection at all reasonable times, and the books and register, or a copy of any part thereof, certified by the secretary-treasurer and attested by the seal of the Board, are prima facie evidence of all matters recorded therein.

3.11. As soon as possible after the close of each fiscal year, the Board shall submit to the Governor a report of its transactions for the preceding year, together with an itemized statement of its receipts and disbursements, and a full list of the names of all persons licensed or registered by it during such period. This report shall also be certified by the secretary-treasurer and shall be filed with the Secretary of State.

32.1012. Roster of licensed or registered practitioners - The secretary-treasurer of the Board shall prepare and maintain a complete roster of the names and office addresses of all persons licensed or

~~registered within this State, arranged alphabetically by name.~~

~~32.1113. The Board shall not employ any administrative staff member, nor an executive director or executive secretary who is related by blood or marriage to any member of the Board.~~

#### **§26-1-34. Applications and Examinations.**

43.1. Before any person may take the examination for a license to practice veterinary medicine in State, he or she shall submit a written application on the Board's application form, which shall be supplied by ~~the secretary-treasurer of the Board~~ upon written request, setting forth his or her name, address, date and place of birth, citizenship, a detailed history of his or her educational qualifications, and showing the name, place and the length of time that the applicant attended schools. The applicant shall also state in this application whether he or she has taken any other State Board examinations and the results of the examinations and whether or not he or she has actively engaged in the practice of veterinary medicine in any other state or jurisdiction. The applicant shall also have written verification of his or her status as a licensee submitted to the Board from each state or jurisdiction where he or she now holds or has ever held a license. A copy of the applicants birth certificate or official record of birth shall be submitted, as well as written verification of any name changes. The applicant shall include ~~two (2)~~ a current photographs of himself or herself, approximately 2 inches by 2 inches in size. The applicant shall be alone in the photograph, and his or her signature shall be on the back of the photograph. The applicant shall tender the application fee as established in the schedule of fees as contained in 26 CSR 6 with the written application.

~~3.2. The application shall contain the signatures of three (3) persons who attest to the good moral character of the applicant and in addition to these signatures a letter from each of these individuals shall accompany the application form. Each signature on the application form shall be sworn before a notary public or any officer legally qualified to administer oaths.~~

43.32. The applicant shall state in the application that he or she will abide by the laws of this State regulating the practice of veterinary medicine and that he or she will abide by the rules and regulations adopted, ~~or hereafter adopted~~ by the Board.

43.43. The application shall be signed by the applicant and sworn by him or her before a notary public or any officer legally qualified to administer oaths.

43.54. Any person applicant furnishing false information in an application shall be denied the right to take the examination, or if the applicant has been licensed before the Board becomes aware of the falseness of the information, the license is subject to suspension, revocation or cancellation.

43.65. Certified ~~copies of the~~ transcripts of records from the schools or colleges of veterinary medicine attended by the applicant shall accompany each application, which certified transcripts of record shall show the total number of hours of attendance, the subjects studied, the grades given and the date of graduation. If the official transcripts submitted do not indicate graduation, a copy of the applicant's diploma affirmed by a notary public to be an exact copy of the original document with notary signature and seal may serve as verification of graduation.

43.76. The applicant ~~must~~ shall file the completed application form and application fee with the ~~secretary-treasurer of the Board~~ not later than ten at least thirty (10) (30) days prior to the ~~first day of the~~ examination dates unless otherwise accepted in the discretion of the Board or its executive director. In the event an applicant intends to retake the examination, the fee and the notice of his or her intention to retake the examination must also be in the ~~secretary-treasurer's~~ Board's office ~~ten (10) thirty (30)~~ days prior to the examination dates. The applicant shall mail the application, records and fees to the ~~secretary-~~

treasurer Board.

43.97. If the Board determines that an applicant possesses the proper qualifications, it shall admit the applicant to the next examination, ~~or if the applicant is eligible for a license without a written examination under the provisions of W. Va. Code §30-10-8, the Board may grant a license.~~ If an applicant is found not qualified to take the examination ~~or is not qualified for a license without a written examination,~~ the ~~secretary-treasurer~~ Board shall notify the applicant in writing, at the applicant's address listed on the application, of the finding and the grounds therefor. An applicant found not qualified may demand a hearing in accordance with the provisions of W. Va. Code §30-10-12. The Board shall refund fifty percent of the application fee of any applicant found not qualified to take the examination upon which the finding is based.

43.88. Failure of an applicant to appear at a scheduled examination by the Board, after the application has been received by the ~~secretary-treasurer~~ Board, shall result in a determination that the applicant has taken the examination but without grades. The Board may waive this determination upon written confirmation from the federal or a state government agency stating applicant has been called to immediate active duty.

43.109. National Veterinary Board Examination: All ~~veterinary~~ applicants, ~~unless qualified for license without written examination,~~ must have received a passing score on the ~~National Veterinary Boards~~ a national veterinary examination or examinations. ~~Such~~ The authorized examination providers shall be determined by the Board. The passing score for the ~~National Veterinary Board~~ will be ~~the 1.5 standard deviation from the mean of the criterion group.~~ national veterinary exams shall be is seventy percent (70%). It is the applicant's ~~expense and responsibility~~ to have the national testing service forward a copy of his or her ~~National Board~~ scores to the ~~secretary-treasurer of the Board~~ at his or her expense.

#### **§26-1-45. Examination Procedure.**

54.1. The Board shall advertise the West Virginia Veterinary Board examination dates and shall specify a deadline for receipt ~~by the secretary-treasurer~~ of the completed application and application fee. The Board shall publish public notice for the application credentials deadline and examination dates in the Journal of the American Veterinarian Medical Association, or any other national veterinarian oriented publication, under Notices Of Examinations To Be Given.

54.2. Examinations shall be on subjects pertaining to veterinary medicine, ~~and may include veterinary anatomy, veterinary pathology, chemistry, veterinary obstetrics, public health, veterinary practice, veterinary jurisprudence, veterinary physiology and bacteriology, and such other subjects as that~~ are regularly taught at reputable schools of veterinary medicine, and/or on the laws governing veterinary medicine in the State of West Virginia.

54.3. Procedures concerning the preparation, administration and grading of examinations shall be prescribed by the Board. Examinations shall be designed to test the examinee's knowledge of, and proficiency in, the subjects and techniques commonly taught in veterinary schools, or required for practice of the profession in this state. To pass the examination, the ~~examinee applicant~~ must demonstrate ~~scientific and practical knowledge sufficient to prove himself or herself a competent person to practice veterinary medicine in the judgement~~ judgment of the Board. All ~~examinees, unless exempted by W. Va. Code §30-10-8,~~ applicants shall be tested by a written examination, supplemented by ~~such any oral interviews and practical demonstrations as considered necessary by the Board may consider necessary.~~

54.4. The Board shall notify the ~~examinee applicant~~ of the examination results not later than 45 days after the date on which the Board has received the ~~Examinee's applicant's National Board~~ examination scores and the state ~~oral and written~~ examination results.

54.5. If requested in writing by ~~a person~~ an applicant who fails the examination, the Board may

furnish the person applicant with a review of ~~the person's~~ his or her performance on the examination. The Board shall conduct the review at its main office. The Board shall not supply the applicant with a copy of the examination for security reasons.

~~54.6.~~ All veterinary applicants, ~~unless qualified for license without written examination,~~ must pass both the ~~National~~ national and the West Virginia Board examinations.

~~54.7.~~ At the beginning of an examination, each applicant shall be assigned a number by the ~~secretary-treasurer of the Board's~~ administrator, who shall have in his or her possession the only code showing the number assigned to each applicant, and he or she may not reveal the number assigned to any other applicant or to any member of the Board until after the examination is completed and the applicant's exam has been graded, ~~and then only during a meeting of the Board.~~ Applicants shall use the number assigned to them for purposes of identification throughout the examination and no applicant shall enter his or her name or other identifying mark, other than his or her number on any paper containing answers to the questions of any examination.

~~54.8.~~ When examination papers are delivered to the ~~secretary-treasurer or presiding examiner~~ Board, they become the property of the Board and shall not be returned to the applicant or delivered to any other person. The ~~secretary-treasurer or his authorized representative~~ Board's executive director is custodian of the examination papers which ~~must~~ shall be preserved for a period of thirty (30) days after final grading.

~~54.9.~~ At the direction of the president, the ~~secretary-treasurer or his appointed representative~~ Board may conduct the examination without a quorum of the Board being present.

#### **§26-1-5-6. Licenses.**

~~65.1.~~ A license to practice the profession of veterinary medicine in this State shall be mailed to an applicant examined and found qualified at his or her address of record ~~When an applicant is examined by the Board and found qualified, he or she will be notified and a license will be mailed to the address of record for the applicant.~~ by letter by the secretary-treasurer. In this letter, the secretary-treasurer will also advise the applicant of the required fees as set out in the schedule of fees, 26 CSR 6. If the applicant fails to pay the required fees within ninety (90) days, his or her records will be so marked and he or she will not be listed as a licensed veterinarian in this State. The secretary-treasurer shall make every effort to locate the applicant and send a certified letter with return receipt requested to the address given by the applicant.

~~65.2.~~ The Board shall issue a license to any person who passes the examinations and meets the requirements of the Board to practice the profession of veterinary medicine in this State upon payment of the licensure fee. The license fee is set forth ~~This license fee shall be as stated~~ in the schedule of fees, 26 CSR 6. If any duly licensed veterinarian in this State desires that a duplicate license be issued, the Board shall issue a duplicated license upon payment of the duplicate license fee as stated in the schedule of fees, 26 CSR 6.

~~65.3.~~ The license issued by the Board will shall include the licensee's name in full, a ~~certificate registration~~ license number, the Board seal, the effective date of the ~~certificate~~ license and ~~the~~ shall bear the signatures of the President and sSecretary-tTreasurer of the Board.

~~65.4.~~ Every person practicing veterinary medicine in this State shall display his or her license and current renewal certificate in his or her principal office, and a current renewal certificate within view of the public in each facility where he or she practices veterinary medicine in this state.

#### **§26-1-67. License Renewals.**

~~76.1.~~ AA A licensed veterinarians who desires to continue in active practice shall, on or before

December 31 of each year, renew ~~their~~ his or her license licenses by completing the required license renewal form and by paying the annual renewal fee as specified in the schedule of fees, Series 6 of these rules and certify to the Board that he or she has completed all continuing education requirements.

On or about December 1 of each year, the ~~secretary-treasurer~~ Board shall mail a notice to each licensed veterinarian advising ~~such the~~ veterinarian that his or her license will expire on December 31 and shall provide him or her with a form for renewal ~~thereof of the license~~. The ~~secretary-treasurer~~ Board shall issue a certificate of renewal to all ~~persons~~ licensees renewing their licenses under the provisions of this rule.

76.2. Any person may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have elapsed from the date of expiration, a license may not be renewed, and the former licensee must make application for a new license and take and pass the license examination. ~~Such~~ The renewal is not retroactive to the date of expiration, but is effective from the date the Board receives all required articles and fees.

76.3. A licensee shall pay all ~~All renewal fees shall be paid to the secretary-treasurer of the Board on or before the thirty-first day of December of each year.~~

~~6.4. The secretary-treasurer of the Board shall notify any veterinarian, by January 31, by certified mail, of his or her failure to submit an annual renewal fee to the Board by December 31 of the previous year.~~

76.5. Continuing Education - Beginning 1992, Each veterinarian licensee who desires to continue his or her license in good standing to practice veterinary medicine in the State of West Virginia shall undertake at least ~~eighteen (18) eight (8)~~ 50 minute periods of continuing education in the field of veterinary medicine during each calendar year. A minimum of twelve (12) hours shall be in Board approved classroom scientific education. Two (2) hours of the annual mandatory continuing education may be completed in formats which are not classroom. No periods may be accumulated, carried forward, or held over past the calendar year in which ~~such the~~ periods were completed.

7.5. New licensees are exempt from the continuing education requirements of this rule until the beginning of the immediately succeeding reporting period after licensure.

76.6. During each reporting period, every veterinarian licensee is required to successfully complete at least six (6) 50 minute periods of classroom instruction or seminar study that has been approved by the Board as fulfilling ~~this the~~ continuing education requirement required under this section.

76.7. During each reporting period, the remaining two (2) 50 minute periods of continuing education may be fulfilled by a thorough and diligent review of audio and/or video educational materials that have been approved by the Board as fulfilling ~~this the~~ continuing education requirement required under this section.

76.8. By December 31 of each year, every veterinarian licensee shall certify to the Board on forms to be provided by the Board, that he or she has successfully completed the continuing education requirement for that calendar year. ~~The certification shall be sworn by him or her before a notary public or any officer legally qualified to administer oaths.~~

6.9. If the Board does not receive certification of the completion of the continuing education requirement by December 31 of each year from any licensed veterinarian, the secretary-treasurer shall notify the veterinarian by certified mail, at his or her last known address, by January 31. The notice shall instruct each veterinarian to whom it is sent to comply with the continuing education reporting

requirement by March 31, and shall state that failure to so report may result in that veterinarian's license being suspended or revoked. The same notice shall also serve as a temporary renewal certificate until March 31 of the current year.

7.9. — ~~6.10.~~ The Board shall not issue a renewal license to a veterinarian licensee who does not present to the Board sufficient proof that such veterinarian the licensee has successfully undertaken and completed the required hours of renewal education, or who has failed to fully complete the renewal form or pay the required renewal fee.

7.10. Upon receipt of the renewal fee and sufficient proof of the completion of the continuing education requirements, the ~~secretary-treasurer~~ Board shall issue an annual renewal license card bearing the number of the license, the year period for which the license is renewed, and such any other information as the Board may consider necessary.

7.11. The ~~secretary-treasurer of the Board~~ shall make every reasonable effort to notify all veterinarians licensees of the renewal clause as set forth in W. Va. Code §30-10-10, but failure to receive such the notification does not exempt anyone a licensee from meeting the requirements of this rule.

7.12. Every veterinarian licensee shall display his or her renewal license in a conspicuous place in the principal office where he or she practices veterinary medicine. If a veterinarian practices his or her profession in more than one (1) office, he or she shall have an additional renewal certificate for each office, obtained upon request and payment of a fee to the ~~secretary-treasurer~~ Board. Every veterinarian shall notify the ~~secretary-treasurer~~ Board of any branch office and address.

7.13. It is the responsibility of each Each veterinarian to shall notify the Board of any change of address, and to forward the notice and fee to the Board no later than the effective date of the change of address.

#### ~~§26-1-7.~~ § 8 Temporary Permits.

8.1. The West Virginia Board of Veterinary Medicine may issue, without examination, a temporary permit to practice veterinary medicine or a temporary relief permit ~~as defined in section 7.6.~~ The Board may issue a temporary permit:

a. ~~to a veterinarian validly licensed in another state, territory, or district of the United States or foreign country. The Board shall not issue a temporary permit to a non-resident veterinarian for a period of more than 60 consecutive days, but may renew the permit.~~

b. ~~to a West Virginia resident who is a qualified applicant for license pending examination and who is under the supervision of a West Virginia licensed veterinarian. The term "supervision" as used in this rule shall not require that the supervising veterinarian be present on the premises at all times. The Board may not issue a temporary permit for a period of more than 60 consecutive days, but may renew the permit.~~

8.2. Applicants for a temporary license shall, in addition to all other application requirements, provide three original letters of recommendation from persons who verify the applicants reputation for good moral character. Each letter shall bear a current date, have the original signature of the person attesting to the applicant's character, with his or her full address and contact numbers.

8.23. Each ~~A licensed veterinarian licensee~~ may not employ more than two individuals who have obtained a temporary permit under ~~these rules~~ this rule at one time. An applicant for a temporary permit must associate himself or herself with a qualified licensed veterinarian and his or her labors are limited to the practice of the licensed veterinarian. An application for a permit shall be countersigned by the licensed veterinarian with whom the applicant will be associated.

8.4. An applicant for temporary license shall complete all requirements for full licensure before the Board makes a determination on the temporary permit request. However, the Board may issue the temporary permit while awaiting the background check report.

87.35. A temporary permit may be summarily revoked by a majority vote of the Board without a hearing, or upon receipt of negative background check report.

87.46. A temporary permit, of whatever nature or character, is not transferable.

87.57. The fee for a temporary permit is as stated in the schedule of fees- 26 CSR 6.

8.8. Failure to submit confirmation of continuation of temporary licensees employment and sponsorship by the expiration date of the temporary permit shall constitute the practice of veterinary medicine without a license, if the practice of veterinary medicine continues past the expiration date of the temporary permit.

87.69. Temporary relief permit - A non-resident veterinarian validly licensed in another state, district or territory of the United States or foreign country may take charge temporarily of the practice of a lawfully qualified veterinarian licensee in of this State during his or her absence from such the practice. ~~Such~~ The temporary permit shall be known as a "relief permit", and is limited to two (2) consecutive weeks duration, and may be renewed upon application to the Board.

8.10. To be eligible for a relief permit, an applicant shall:

- a. have adequate years of licensed active clinical experience prior to the date of application;
- b. complete an application for a review of credentials and pay the relief permit fee as set out forth in the schedule of fees, 26 CSR 6;
- c. submit three notarized certifications of experience regarding the applicant from veterinarians actively licensed and practicing in the same jurisdiction(s) for which the experience is certified, ~~which~~ The certification shall indicate the type of experience acquired (bovine, exotic, equine, small animal or other), shall certify to the applicant's good moral character, and shall provide a critical evaluation of the applicant's ability to practice along with the professional recommendation for licensure. The certification shall be sent to the Board by the certifying veterinarian; ~~and~~
- d. submit a certification from every state in which the applicant is licensed, verifying that the applicant holds a valid, unsuspended and unrevoked license to practice in that state: and
- e. submit other pertinent information which the Board in its discretion may require.

87.711. The Board in its discretion may issue an emergency relief permit to any veterinarian who is known to the Board to be in substantial compliance with ~~such subsections 7.5 (a), (b), and (c), (d), and (e), of this rule.~~ The permit shall be limited to ~~two (2) consecutive weeks~~ thirty days (30) duration, and may be renewed upon application to extended at the discretion of the Board.

87.812. A relief permit is not transferable.

#### **§26-1-8. Reciprocity:**

~~8.1. In order for an applicant to obtain a license to practice veterinary medicine in the State of West Virginia by reciprocity, he or she must:~~

- ~~a. obtain an application from the Board;~~

~~\_\_\_\_\_ b. complete and return the application, along with the required enclosures, to the Board within the time specified therein, and pay the reciprocal application fee set out in the schedule of fees, 26-CSR 6;~~

~~\_\_\_\_\_ c. provide proof that he or she has successfully passed the examination for licensure by his or her licensing state, and complied with all other provisions of the reciprocating agreement with his or her licensing state;~~

~~\_\_\_\_\_ d. have his or her licensing state board forward a letter or other document affixed with the seal of such reciprocating state board stating that the applicant is licensed in that state by virtue of an examination, that such applicant's license is in good standing, and that the West Virginia Board shall further be entitled to, and be advised of, any derogatory information which exists in their licensing state's files concerning the applicant;~~

~~\_\_\_\_\_ e. have each and every licensing board by which the applicant is, or has been licensed, submit a letter of good standing, or in the event applicant is no longer licensed in any state where the applicant has been licensed, submit a letter indicating that the applicant was in good standing while licensed in such other state, and the reason the applicant is no longer licensed. All letters indicating licensure or prior licensure shall be affixed with the seal of the state's licensing board.~~

~~— 8.2. Upon receipt of a satisfactory application and the required enclosures, and upon receipt of the necessary information from their licensing state board, the West Virginia Board of Veterinary Medicine shall schedule a personal interview for the applicant. This personal interview may be conducted by the Board, or by any person or persons delegated to act for the Board.~~

~~— 8.3. The Board may waive the requirement of National Board scores for applicants by reciprocity.~~

~~8.4. All applicants for license by reciprocity are hereby advised that the granting of licensure by reciprocity is by privilege, not by right, and the granting of the license rests solely in the discretion of the West Virginia Board of Veterinary Medicine.~~

#### **§26-1-9-9. Disciplinary Action.**

9-9.1. The Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, reprimand a licensee, refuse to examine an applicant or issue a license or renewal of a license, after notice and hearing as provided by law and as provided by ~~these rules~~ this rule if it finds an applicant or licensee:

a. has presented to the Board false or fraudulent evidence of qualification or has been guilty of fraud or deception in the process of examination, or for the purpose of securing a license; ;

b. is chronically or habitually intoxicated, has a chemical dependency or is addicted to drugs; ;

c. has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine; ;

d. has been convicted of a felony under the laws of this or any other State of the United States or of the federal government of the United States or any other crime involving moral turpitude; ;

e. has engaged in practices or conduct in connection with the practice of veterinary medicine which violate the standards of professional conduct as duly established by the Board; ;

f. has permitted or allowed another to use his or her license or certificate to practice veterinary medicine in this or any other state; ;

- g. has fraudulently issued a health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine that relates to the presence or absence of animal disease; ;
- h. has issued a false certificate relating to the sale for human consumption of inedible animal products; ;
- i. has committed fraud in the application or reporting of any test of animal disease; ;
- j. has paid or received any kickback, rebate, bonus, or other remuneration for treating an animal or for referring a client to another provider of veterinary services or goods; ;
- k. has performed or prescribed unnecessary or unauthorized treatment; ;
- l. has refused to admit a representative of the Board to inspect the client and patient records and business premises of the veterinarian during regular business hours; ;
- m. has failed to keep his or her equipment and business premises in a sanitary condition; ;
- n. has committed gross malpractice or is guilty of a pattern of acts indicating consistent malpractice, negligence, or incompetence in the practice of veterinary medicine; ; or
- o. is subject to disciplinary action in another jurisdiction, including the suspension, probation, or revocation of a license to practice veterinary medicine issued by another jurisdiction.

9-9.2. The Board may also suspend or revoke the license of a licensee who is found to be mentally incompetent by a court of competent jurisdiction. If the licensee is later determined to be mentally competent by a court, the Board may reinstate the license.

9-9.3. On conviction of or determination of conviction of a person licensed by the Board of any felony, the Board may, after an administrative hearing in which the facts of conviction are determined, suspend or revoke the person's license. The Board may not reinstate or reissue a license to a person whose license is suspended or revoked under this section except on an express determination of the Board based on substantial evidence contained in an investigative report, indicating that the reinstatement or reissuance of the license is in the best interests of the public and of the person whose license has been suspended or revoked.

9-9.4. Following notice and hearing, the Board may suspend or revoke a license, place a license on probation, or reprimand a licensee who knowingly fails to report a reportable contagious disease to the State Veterinarian with the West Virginia Department of Agriculture within twenty-four hours of diagnosis or discovery. Reportable contagious diseases include, but are not limited to:-

Equine Piroplasmiasis,  
 Bovine Piroplasmiasis or Splenic Fever,  
 Scabies in cattle,  
 Hog Cholera,  
 Acute Swine Erysipelas,  
 Tuberculosis,  
 Paratuberculosis,  
 Brucellosis,  
 Scrapie,  
 Bluetongue,  
 Anthrax,  
 Psittacosis or Ornithosis,  
 Newcastle Disease,  
 Foot-and-Mouth Disease,

Rinderpest,  
African Swine Fever,  
Teschén Disease,  
Contagious Bovine Pleuropneumonia,  
European Fowl Pest,  
Dourine,  
Vesicular Exanthema,  
Screwworms and Glanders,  
Scabies in sheep.  
Bovine Spongiform Encephalopathy (BSE)  
West Nile Virus  
Eastern Equine Encephalitis (EEE)  
Western Equine Encephalitis (WEE)  
Classical Swine Fever  
Asian Influenza  
Monkey Pox  
Vesicular Stomatitis

9-9.5. If a person violates this rule in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess the costs of the investigation, hearing(s), hearing examiner, and all other reasonable and necessary costs incurred by or on behalf of the Board to the veterinarian who was the subject of the disciplinary action.

**~~§26-1-10-10. Severability.~~**

~~— If any rule or regulation promulgated pursuant to W. Va. Code §30-10-1, et seq., or the application thereof to any person or circumstance is held unconstitutional or invalid, unconstitutionality or invalidity shall not affect other provisions or applications of these rules and regulations, and to this end the complete rules and regulations of the Board are severable.~~