

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2010 JUN 25 PM 2: 25

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Board of Veterinary Medicine TITLE NUMBER: 26

RULE TYPE: Legislative CITE AUTHORITY: §30-10-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 1

TITLE OF RULE BEING AMENDED: Organization and Operation and Licensing of Veterinarians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 26, 2010 AT 4:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Veterinary Medicine
5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Organization and Operation and Licensing of Veterinarians

Type of Rule: Legislative Interpretive Procedural

Agency: WV Board of Veterinary Medicine

Address: 5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313

Phone Number: 304-776-8032 Email: wgoodwin@wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No anticipated costs or revenues of state government for this rule.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Organization and Operation and Licensing of Veterinarians

Rule Title: _____

Rule Title: _____

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

No anticipated increase or decrease in estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

This rule applies to licensing requirements and operations of the Board. No changes are being made which would affect anticipated revenues or expenditures from their current positions.

Date: June 25, 2010

Signature of Agency Head or Authorized Representative

Tranda Gooden

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: June 25, 2010

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* WV Board of Veterinary medicine
5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313

Phone: (304) 776-8032

LEGISLATIVE RULE TITLE: ~~Organization and Operation and Licensing of Veterinarians~~

1. Authorizing statute(s) citation 30-10-5

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 25, 2010

b. What other notice, including advertising, did you give of the hearing?
Notice and copy of rule to WV Veterinary medical Association
Posting on our website

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 26, 2010

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached _____ No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Wanda Goodwin: Executive Director

WV Board of Veterinary Medicine

5509 Big Tyler Road, Suite 3

Cross Lanes, WV 25313

Ph. 304-776-8032 Fax 304-776-8256 email wgoodwin@wvnet.edu

g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

Statement of Circumstances

West Virginia Code of State Regulations

Title 26, Series 1

The Board of Veterinary Medicine has determined that changes are needed to the Organization and Operation, Title 26, Series 1 Legislative Rule of the West Virginia Board of Veterinary Medicine.

These were primarily as a result of changes in the veterinary practice act effective June 11, 2010.

We have been working to make this rule complementary to the language in our veterinary practice act as modified this year.

This rule has been reviewed by the Board of Veterinary Medicine.

Brief Summary

Rule 26CSR1

Organization and Operation and Licensing of Veterinarians

The title of this rule is being expanded to include reference to licensing of veterinarians, as this rule is where the requirements for veterinarians are specified.

Modifications to the rule are necessary due to changes to the veterinary practice act, which went into effect June 11, 2010.

Changes are made to comply with and complement the code. In some instances, language is stuck as it was moved from the rule and placed in code.

TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

FILED

SERIES 1
ORGANIZATION AND OPERATION
AND LICENSING OF VETERINARIANS

2010 JUN 25 PM 2: 25

OFFICE WEST VIRGINIA
SECRETARY OF STATE

26-1-1. General.

- 1.1. Scope. -- This rule establishes guidelines for the organization, and operation of the Board and the licensing of veterinarians by the West Virginia Board of Veterinary Medicine.
- 1.2. Authority. -- W. Va. Code 30-10-4 5 .
- 1.3. Filing Date. -- April 20, 2006
- 1.4. Effective Date. -- April 20, 2006

26-1-2. Definitions.

2.1. "Board" means the West Virginia Board of Veterinary Medicine.

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

2.3 2 "Reportable contagious disease" means any disease capable of spreading to any animal or human.

2.4 3. "Board approved continuing education" means ~~either~~ continuing education reviewed and approved by the Registry of Approved Continuing Education (RACE), ~~or by the~~ West Virginia Board of Veterinary Medicine or its authorized representative organization that is provided by an entity in compliance with the continuing education requirements for veterinarians as specified in section 1-7.5 of this rule.

26-1-3. The Board; Procedures.

3.1. 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 Chairperson of the Board; and, one (1) member to serve for a period of one (1) year as Secretary-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. Vacancy- Any vacancy in the officers of the Board may be filled at any duly convened meeting of the Board.

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

3.4. Meetings of the Board - The Board shall hold at least two (2) meetings each year. The Board may hold ~~any necessary~~ additional meetings as needed, which shall be called at the direction of the President Chairperson or upon the written request of any ~~three (3)~~ four (4) members of the Board.

3.5. 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.

3.6. Compensation of members; expenses - Every member of the Board shall receive ~~\$150.00~~ compensation as specified in W. Va. Code §30-1-11 for each day actually spent in attending the sessions of the Board or of its committees. Every member shall be compensated ~~similarly reimbursed~~ at the stated per diem amount ~~plus and~~ reimbursed for the expenses for of attending all activities approved by the Board and ~~while performing all~~ in the performance of 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.

26-1-4. Applications and Examinations for Veterinarians.

4.1. 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 Board upon written request or from the website of the Board. The application shall set setting forth his or her name, address, date and place of birth, and 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 applied for a license taken any other State or jurisdiction Board examinations and the results of the examinations and whether or not he or she has actively engaged in the been licensed to practice of veterinary medicine in any other state or jurisdiction or been denied a license to practice 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 certified copy of the applicants' birth certificate or official record of birth shall be submitted, as well as certified written verification of any name changes. The applicant shall include a current photograph 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 contained in Board of Veterinary Medicine's Rule Schedule of Fees, 26 CSR 6 with the written application.

4.2. 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 ~~adopted by~~ of the Board.

4.3. 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.

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

4.5. Certified transcripts of records from the schools or colleges of veterinary medicine attended by the applicant shall accompany each application. The 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 applicants 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.

4.6. Applicants who graduate from a foreign school or a school that is not accredited by the American Veterinary Medical Association must supply written verification from ECFVG or PAVE of receiving a certificate of competence and completion issued by the AVMA Education Commission for Foreign Veterinary Graduates (ECFVG) or the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence (PAVE).

~~4.6~~ 7. The applicant shall file the completed application form and application fee with the Board at least thirty (30) days prior to the examination date 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 Boards office thirty (30) days prior to the examination date. ~~The applicant shall mail the application, records and fees to the Board.~~

~~4.7~~ 8. If the Board determines that an applicant possesses the proper qualifications, it shall admit the applicant to the next examination. If an applicant is found not qualified to take the examination the ~~Secretary-Treasurer~~ Board shall notify the applicant in writing, at the applicant's address as listed on the application, of the finding and the grounds upon which the finding is based. 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 the application fee of any applicant found not qualified to take the examination is non-refundable.~~

~~4.8~~ 9. Failure of an applicant to appear at a scheduled examination by the Board, after the application has been received by the 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.

~~4.9~~ 10. National Veterinary Board Examination: All applicants must have ~~received~~ a passing score on a national veterinary examination or examinations. The authorized examination providers shall be determined by the Board. The passing score for the national veterinary exams is seventy percent (70%). It is the applicant's responsibility to have the national testing score reporting service forward a copy of his or her scores directly to the Board at ~~his or her~~ the applicant's expense.

4.11. Any application not completed within ninety days after the state examination date shall be closed and no license will be issued on that application.

26-1-5. Veterinarian Examination Procedure.

5.1. Examinations for veterinary licensure shall be held at least once a year. The Board shall advertise the West Virginia Veterinary Board examination dates and shall specify a deadline for receipt of the completed application and the 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 or on the Board's website.

5.2. Examinations shall be on subjects pertaining to veterinary medicine that are regularly taught at reputable schools of veterinary medicine, and/or on the laws governing veterinary medicine in the State of West Virginia.

5.3. 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 applicant must demonstrate knowledge sufficient to prove himself or herself a competent person to practice veterinary medicine in the judgment of the Board. All applicants shall be tested by a written examination, supplemented by any ~~oral interviews and practical demonstrations~~ other exams as considered necessary by the Board.

5.4. The ~~Secretary-Treasurer~~ Board shall notify the applicant of the examination results not later than 45 days after the date on which the Board has received the applicants' national examination scores and the state examination results.

5.5. If requested in writing by an applicant who fails the examination, the Board may furnish the applicant with ~~a review~~ an interview of his or her performance on the examination. The Board shall conduct the review interview at its main office. The Board shall not supply the applicant with a copy of the examination for security reasons.

5.6. All veterinary applicants must pass both national and West Virginia Board examinations. National examination score reports must be sent to the Board directly from the national score reporting service.

5.7. At the beginning of ~~an~~ the state examination, each applicant shall be assigned a number by the Boards 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. 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.

5.8. When examination papers are delivered to the Board, they become the property of the Board and shall not be returned to the applicant or delivered to any other person. The Boards executive director is custodian of the examination papers which shall be preserved for a period of at least thirty (30) days after final grading.

5.9. At the direction of the president Chairperson, the Board may conduct the examination without a quorum of the Board being present. At the discretion of the Board, the state examination may also be administered by the executive director.

26-1-6. Veterinary Licenses.

6.1. A license to practice the profession of veterinary medicine in this State shall be mailed to an applicant whose file is complete and who has been examined and found qualified for licensure at his or her address of record.

6.2. The Board shall issue a license to any ~~person~~ qualified candidate who passes the examinations and meets the requirements of the Board to practice the profession of veterinary medicine in this State and upon payment of the licensure fee. The license fee is set forth in the Board of Veterinary Medicine's Rule Schedule of Fees, 26 CSR 6. If any licensed veterinarian desires that a duplicate license be issued, the Board shall issue a duplicated license indicating it is a duplicate license upon payment of the duplicate license fee as set forth in the Board of Veterinary Medicine Schedule of Fees, 26 CSR 6.

6.3. The license issued by the Board shall include the licensee's full name in full, a license number, the Board seal, the effective date and the expiration date and shall bear the signatures of the ~~President~~ Chairperson and Secretary-Treasurer of the Board.

6.4. 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.~~

26-1-7. Veterinary License Renewals.

7.1. A licensed veterinarian who desires to continue ~~in active practice~~ to be licensed shall, on or before December 31 of each year, renew his or her license by completing the required license renewal form and by paying the annual renewal fee as specified in the Board of Veterinary Medicine's Rule Schedule of Fees 26 CSR 6 and certify to the Board that he or she has completed all continuing education requirements.

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

~~7.2~~ 3. A person may renew an expired license within five years of the date of its expiration by completing the annual renewal applications for the current year and all expired years, providing documentation of having completed the required continuing education in each delinquent year, 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.~~ The renewal is not retroactive to the date of expiration, but is effective from the date the Board receives all required articles and fees.

~~7.3~~ 4. A licensee shall pay all renewal fees to the Board on or before the thirty-first day of December of each year.

7.4 5 Continuing Education - . Each 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) 50 minute ~~periods~~ hours of continuing education in the field of veterinary medicine during each calendar year. Hours claimed for listening to audio, viewing video devices, reading journals or participating in telecommunications presentations shall be limited to no more than four (4) hours. A minimum of fourteen (14) hours shall be in Board approved classroom scientific education relative to the practice of veterinary medicine. No periods may be accumulated, carried forward, or held over past the calendar year in which the periods were completed.

7.5 6. New licensees who acquire licensure at the June examinations are exempt from the continuing education requirements of this rule until the beginning of the immediately succeeding reporting period after licensure. Those licensees who obtain veterinary license ~~at the January~~ prior to the June examinations are required to ~~obtain~~ complete the continuing education required in the year licensed.

7.6 7. The Board may grant continuing education hardship extensions ~~by~~ on appeal by the licensee. The Board shall only consider hardship extensions from licensees who the Board determines were prevented from completing the required continuing education hours within the year due to verified medical or military emergencies beyond the licensee's control. Requests for a hardship extension must be received in the Board's office by December 15.

7.7 8. If an extension is granted by the Board for completion of approved continuing education hours, the licensee shall file the renewal form with the renewal fee. The Board shall renew the license contingent upon the licensee completing the mandatory continuing education within a period determined by the Board from the current year's expiration date of December thirty first.

7.8 9. The renewal certificates shall be issued for the period to complete the mandatory continuing education, and shall be extended to December thirty first upon receipt of acceptable written documentation of completing the continuing education. The extension for completion of continuing education hours shall not be applied toward satisfaction of continuing education in the year completed and shall be separate from continuing education requirements for current year renewal requirements.

7.9 10. Any licensee issued a hardship extension for completion of continuing education shall submit documentation of completion prior to the end of the Board approved extension period. Continued practice past the authorized extension period without a written renewal certificate from the Board constitutes the practice of veterinary medicine without a license.

7.40 11. By December 31 of each year, every 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.

7.44 12. The Board shall not issue a renewal license to a licensee who does not present to the Board sufficient proof that the licensee has successfully undertaken and completed the required hours of continuing education, or who has failed to fully complete the renewal form or pay the required renewal fee.

7.42 13. Upon receipt of the renewal form and fee and sufficient proof of the completion

of the continuing education requirements, the Board shall issue a renewal license card bearing the number of the license, the period for which the license is renewed, and any other information the Board considers necessary.

7.43 14. The Board shall make every reasonable effort to notify all licensees of the renewal clause set forth in W. Va. Code §30-10-~~1015~~, but failure to receive the notification does not exempt a licensee from meeting the requirements of this rule.

7.44 15. Every 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 licensee practices his or her profession in more than one (1) office, he or she shall have an additional renewal certificate issued by the Board for each office, obtained upon request and payment to the Board of the fee as specified in the Board of Veterinary Medicine's Rule Schedule of Fees 26 CSR 6. Every licensee shall notify the Board of any branch office and address.

7.45 16. Each licensee shall notify the Board in writing of any change of address, and forward the notice and fee to the Board no later than the effective date of the change of address.

26-1-8. Temporary Permits for Veterinarians.

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. The Board may issue a temporary permit to a ~~qualified an~~ applicant who has met all the requirements for license except for sitting for and passing the state ~~pending~~ examination, 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, but must be within one hour's physical access to the permittee. The Board may not issue a temporary permit for a period of ~~more than 60 consecutive days~~ exceeding the next exam date after the permit is issued, ~~but may renew the permit for additional sixty day periods, not to exceed the date of the next scheduled veterinary license examination date.~~ The Board may not extend a temporary permit past the next scheduled veterinary license examination date.

8.2. Each licensee may not employ more than two individuals who have obtained a temporary permit under 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~~ A request for a permit shall be countersigned by the licensed veterinarian with whom the applicant will be associated, and shall state the supervisory veterinarian's willingness to sponsor the permittee.

8.3. An applicant for a temporary permit shall complete all requirements for full licensure, except for sitting for the state exam 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 next state exam administered after the application is filed.

8.4. 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.~~

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

8.6. The fee for a temporary permit is as set forth in the Board of Veterinary Medicine's Rule Schedule of Fees 26 CSR 6.

8.7. A temporary permittee ~~who fails to renew the temporary permit and~~ who continues the practice of veterinary medicine after the expiration date of the temporary permit is guilty of the practice of veterinary medicine without a license.

8.8. Temporary relief permit - A veterinarian validly licensed in another state, district or territory of the United States may take charge temporarily of the practice of a licensee in this State during his or her absence from the practice. The Board may issue a "relief permit", which is limited to two (2) consecutive week's duration, and may be renewed upon application to the Board and payment of the fee, until the next scheduled veterinary license exam.

8.9. To be eligible for a temporary relief permit or an emergency relief permit, an applicant shall:

a. have a minimum of three years of licensed active clinical experience immediately prior to the date of application;

b. complete an application for veterinary licensure and pay the required fees set forth in the Board of Veterinary Medicine's Rule Schedule of Fees 26 CSR 6;

c. submit a certification from every state in which the applicant has been licensed, verifying that the applicant now holds or held a valid, unsuspended and unrevoked license to practice in that state ; and there is no pending action regarding this licensee:

d. submit other pertinent information which the Board in its discretion may require.

8.10. The Board in its discretion may issue an emergency relief permit to any veterinarian who has completed the application and paid the fee and is known to the Board to be in substantial compliance with this rule. The permit shall be limited to thirty days (30) duration, and may be extended at the discretion of the Board for additional periods not to exceed the date of the next exam after issuance of the emergency relief permit.

8.11. All relief permits and emergency relief permits are not transferable.

26-1-9. Veterinarian Disciplinary Action .

9.1. The Board may revoke or suspend a license, impose a civil penalty, place a person's ~~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 this rule if it finds an applicant or licensee:

a. has presented to the Board false or fraudulent evidence of qualification or has been found to be 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 unethical 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 or jurisdiction 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 permit 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, or 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 good operation and ~~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. has received disciplinary action in another jurisdiction, including the suspension, probation, or revocation of a license to practice veterinary medicine issued by another jurisdiction.

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.

9.3. 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.

9.4. 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 or any authorized reporting agent within twenty-four hours of diagnosis or discovery. Reportable contagious diseases include, but are not limited to;

- Equine Piroplasmosis,
- Bovine Piroplasmosis 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,
- Teschen 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

9.5. 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, hearing examiner, legal fees 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.

