

**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 3

TITLE OF RULE BEING AMENDED: Registration of Veterinary Technicians

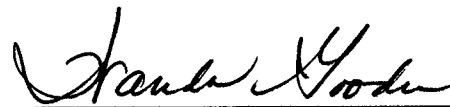
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

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

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Registration of Veterinary Technicians

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.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	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
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

Rule Title: Registration of Veterinary Technicians +

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 registration of veterinary technicians. 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

*Karen 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: Registration of Veterinary Technicians

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)

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- 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

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- 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)

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- 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.

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b. Date of hearing or comment period:

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

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d. Attach findings and determinations and reasons:

Attached 

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## **Statement of Circumstances**

### **West Virginia Code of State Regulations**

#### **Title 26, Series 3**

The Board of Veterinary Medicine has determined that changes are needed to the Registration of Veterinary Technicians, Title 26, Series 3 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 26CSR3 Contested Case Hearing Procedures**

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.

Some of the references for registered veterinary technicians were removed from the rule and placed in the new practice act.

We are changing the references under examinations as the national testing service will be administering the national exam in the future, rather than having it administered by the state boards.

We want to place a deadline for completion of a file to eliminate someone leaving an application open and incomplete indefinitely.

Language has been added to authorize the board to take action against a technician who has been disciplined by another licensing jurisdiction.

TITLE 26  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

FILED

SERIES 3  
REGISTRATION OF VETERINARY TECHNICIANS

2010 JUN 25 PM 2: 27

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**26-3-1. General.**

1.1. Scope. -- This rule establishes the procedures by which Veterinary Technicians may be registered and regulated by the West Virginia Board of Veterinary Medicine.

1.2. Authority. -- W. Va. Code §30-10-1 and §30-10-45

1.3. Filing Date. -- ~~March 31, 2008~~

1.4. Effective Date. -- ~~March 31, 2008~~

**26-3-2. Definitions.**

2.1. As used in this rule, unless otherwise provided, the following terms have the meaning set forth in this section.

2.1.a. "Direct veterinary supervision" means that the licensed veterinarian must be physically present and within adequate visual and audible distance to direct the procedure that is being undertaken by the registered veterinary technician.

2.1.b. "External suturing" means the closing of a skin incision by a registered veterinary technician, with the application of the appropriate method and materials following the veterinarian's completion of a surgical procedure.

2.1.c. "Indirect veterinary supervision" means that the registered veterinary technician may do procedures as specified in this rule on the orders of a veterinarian.

2.1.d. "Registered Veterinary Technician" means a person registered by the Board to work under the direct supervision of a veterinarian on the premises. A technician's principal function is to assist the veterinarian. Veterinary Technicians shall not perform surgery, make diagnoses, or prescribe medications.

**26-3-3. Registration of Veterinary Technicians.**

3.1. The West Virginia Board of Veterinary Medicine shall examine and register persons who are skilled in the science of Veterinary Technology, and verify that the applicant has graduated with a degree in veterinary technology from a school approved by the Board.

3.2. No person may use the term, be addressed as or referred to with respect to veterinary medicine as a "veterinary technician" or a "technician" unless he or she has complied with the requirements for registration by the Board, and is currently authorized by the Board to use the title of "Registered Veterinary Technician, or "R.V.T.".

**26-3-4. Boards Authority**

4.1. The Board has exclusive jurisdiction:

- (a) To determine the eligibility of applicants for registration;
- ~~(b) To enter into agreements of reciprocal registration with registration agencies of other states;~~
- ~~(e) (b) To determine the content and frequency of the state examinations for registration;~~
- ~~(d) (c) To grant, suspend, revoke or refuse to grant registration upon a showing of Pproper cause as provided in W. Va. Code §30-10, et seq. and this rule;~~
- ~~(e) (d) To promulgate, amend and repeal such reasonable rules regarding ethical Sstandards of conduct, which shall be promulgated, amended, or repealed in accordance with the provisions of W. Va. Code §29A-3-1, et seq.~~

**26-3-5. Registration requirements** - Any person desiring to be registered as a veterinary technician shall complete and file an application, on a form provided by the Board, along with the required fees. Such fees are not refundable. He or she shall also submit proof satisfactory to the Board of the following:

5.1. Any application not completed within ninety days after the state examination date shall be closed with no issuance of registration on the application.

~~5.1. That the applicant is at least eighteen years of age;~~

~~5.2. That the applicant has never been convicted of a felony offense relating to controlled substances;~~

~~5.3. That the applicant is of good moral character;~~

~~5.4. That the applicant is a citizen of the United States or has made application for citizenship, or provides written proof that he or she has the legal authority to reside and work in this country; and~~

~~5.5. That the applicant has graduated with a degree in veterinary technology from a school approved by the Board.~~

**26-3-6. Approved Schools** - The Board shall, before January 1 of each year, prepare and update a list of approved schools of veterinary technology for the next full calendar year.

**26-3-7. Examination-** Each applicant is required to pass the national veterinary technology examination and the state examination; ~~the content of which the state examination~~ is prescribed by the Board. An applicant failing the state examinations is eligible for reexamination, but shall pay for the reexamination and file a new application. An applicant may have a new national exam score transferred to this state under the current application no later than one year from the application filing date.

7.1. To be eligible for ~~either the state or national~~ examination, applicants shall be a graduate of, or within one year or less of graduating from an approved veterinary technology school with a degree in veterinary technology.

7.2. Applicants for the national veterinary technology examination must have a degree from an accredited veterinary technology program.

**26-3-8. Title** - The Board shall issue a certificate of registration to any person who has successfully completed the requirements of this rule. The certificate registration shall be displayed in the principal office of the veterinary facility where the veterinary technician

is employed. Any person registered has the right to use the title "Registered Veterinary Technician" and the abbreviation "R.V.T."

### **~~26-3-9. Scope of Practice~~**

~~9.1. Direct Supervision: A registered veterinary technician may do the following only under direct veterinary supervision:~~

- ~~a. Administer anesthesia including induction, intravenous sedation, and maintenance and recovery from anesthesia~~
- ~~b. Perform dental prophylaxis~~
- ~~c. Establish open airway~~
- ~~d. Administer resuscitative oxygen procedures~~
- ~~e. Administer resuscitative drugs, in the event of cardiac arrest~~
- ~~f. Administer immunizations that are not required by law to be administered by a licensed veterinarian~~
- ~~g. Prepare or supervise the preparation of patients for surgery~~
- ~~h. Assist the veterinarian in immunologic, diagnostic, medical, chemotherapeutic and surgical procedures~~
- ~~i. Perform external suturing~~

~~9.2. Indirect Supervision: A registered veterinary technician may do the following under either direct or indirect veterinary supervision:~~

- ~~a. Perform diagnostic imaging~~
- ~~b. Perform intravenous catheterization~~
- ~~c. Administer and apply medications and treatments by oral intramuscular, intravenous and subcutaneous routes~~
- ~~d. Apply bandages~~
- ~~e. Perform cardiac and respiratory monitoring~~
- ~~f. Perform appropriate procedures to control bleeding~~
- ~~g. Apply temporary splints or immobilizing bandages~~
- ~~h. Perform ear flushing~~
- ~~i. Collect specimens~~
- ~~j. Perform laboratory procedures~~

~~9.3. Emergency Situation: A registered veterinary technician is permitted without veterinary supervision to use emergency treatment procedures when an animal has been placed in a life threatening condition and immediate treatment is necessary to sustain the animal's life. The registered veterinary technician shall immediately take steps to secure the direct supervision of a veterinarian.~~

**26-3-10 9. Restrictions** - No person registered as a veterinary technician, shall in any manner, indicate or imply that he or she is a veterinarian. Persons registered as veterinary technicians may perform the skills of veterinary technology as defined within the scope of practice specified in 3.9 of this rule W. Va. Code §30-10-11. No veterinary technician shall perform surgery, make diagnoses or prescribe medication.

**26-3-11 10. Removal of Registration** - The Board may deny, suspend or revoke a certificate of registration or take other disciplinary action for a violation of the provisions of W. Va. Code §30-10-1 et seq. or these rules, or for a determination that the person:

- ~~11.1. has presented to the Board dishonest or fraudulent evidence of qualification, has been guilty of fraud or deception in the process of examination or for the purpose of securing a certificate of registration;~~

~~44.2~~ 10.1. is chronically or habitually intoxicated, has a chemical dependency or is addicted to drugs;

~~44.3.~~ ~~has been convicted of a felony;~~

~~44.4.~~ 10.2. permitted or allowed another to use his or her ~~certificate of~~ registration to practice veterinary technology in this or any other state ;

~~44.5.~~ 10.3. has committed fraud in the application or reporting of any test of animal disease ;

~~44.6.~~ 10.4. has ~~paid or received any kickback, or compensation in any form~~ rebate, bonus, or other remuneration for referring a client to another provider of veterinary services or goods ;

~~44.7.~~ 10.5. has performed unauthorized treatment ;

~~44.8.~~ ~~has an adjudication of mental incompetency;~~

~~44.9.~~ 10.6. has been convicted of cruelty to animals ; ~~or~~

~~44.10.~~ 10.7. has committed an act or acts of unprofessional conduct ;

10.8. has engaged in dishonest, unethical or illegal practices in or connected to the profession of veterinary technology ;

10.9. has performed unauthorized treatment ;

10.10. is guilty of acts of negligence, incompetence or malpractice in the field of veterinary technology, or ;

10.11. has received disciplinary action in another jurisdiction, including the suspension, probation or revocation of a registration as a veterinary technician issued by another jurisdiction.

**26-3-42-11. Hearings** - The Board shall afford a hearing to any applicant who is denied a certificate of registration and who requests a hearing within thirty days of notification of the denial, or to any person against whom disciplinary action has been taken by the Board. The hearing shall be conducted in accordance with the provisions of the Board's rule, Hearing, Disciplinary and Complaint Procedures 26CSR2.

**26-3-43 12. Registration renewal.**

~~43~~ 12.1. All registrations expire annually on December thirty first, but may be renewed upon payment of the renewal fee specified in the fee schedule established by the Board in the Board's rule, Schedule of Fees, 26CSR6. By December one of each year, the Board shall mail a notice to all registered veterinary technicians that their registration will expire on December thirty one, and the Board shall provide them with a form for annual

registration renewal. The Board shall issue a certificate of renewal to all persons who successfully meet the requirements to renew their registrations.

~~43~~12.2. No person may use the title of or be referred to as a registered veterinary technician who does not have a current registration.

~~43~~12.3. The Board shall make reasonable effort to provide all registered veterinary technicians with the renewal form, but failure to receive the notification does not exempt anyone from meeting the requirements of this rule.

~~43~~12.4. A registered veterinary technician shall notify the Board of any change of address or name, and forward the notice to the Board no later than the effective date of the change with the appropriate fee as specified in the Schedule of Fees. The RVT shall submit proof of legal name change with any name change request.

**26-3-44 13. Renewal requirements.**

~~44~~1. 13.1. To renew registration, a RVT shall:

~~44~~13.1.a. Complete the annual registration renewal form;

~~44~~13.1.b. Certify on the renewal form that he or she has completed the required hours of continuing education during the year ending December thirty one, to renew for the year next beginning January one;

~~44~~13.1.c. List the continuing education as required on the form, specifying the date or dates of the courses, the number of classroom hours and the title of each course, as well as any other information required by the Board.

~~44~~13.2. Every registered veterinary technician shall display his or her certificate of registration renewal in a conspicuous place at the principal office where he or she is employed.

**26-3-45 14. Continuing education**

~~45~~14.1. Each registered veterinary technician shall undertake at least eight (8) classroom hours of continuing education in the field of veterinary technology, at least four (4) of which must be in the field of veterinary science, during each calendar year, which has been approved as meeting the continuing education requirements for RVT's

by the Board. No periods may be accumulated, carried forward, or held over past the calendar year in which the hours of continuing education were completed.

45 14.2. New registrants who obtain registration on or after June first of each year are exempt from the continuing education requirement of this rule until the beginning of the immediately succeeding reporting period after obtaining registration. New registrants who are registered prior to June first of each year are required to complete the continuing education requirements for that calendar year in order to renew for the next year.

45 14.3. The Board may grant continuing education hardship extensions by written appeal to the office of the Board. The Board shall only consider hardship extensions from registered veterinary technicians who were prevented from completing the required continuing education hours within the year due to verified medical or military emergencies beyond the registrant's control. Requests for a hardship extension must be received in the Board's office by December 15.

45 14.4. If an extension is granted by the Board for completion of approved continuing education hours, the technician shall file the renewal form with the renewal fee. The Board shall renew the registration contingent upon the technician completing the mandatory continuing education within a period determined by the Board from the current year's expiration date of December thirty-first.

45 14.5. The renewal certificates in hardship extension registrations 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 renewals.

45 14.6. Any registered veterinary technician issued a hardship extension for completion of continuing education shall submit documentation of completion prior to the end of the Board approved extension period.

~~15~~14.7. The Board shall not issue a renewal registration certificate to an individual who does not present to the Board sufficient proof that he or she 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.

**~~26-3-46~~ 15. Reinstatement of lapsed registration.**

~~46~~ 15.1. Any person who was registered as a veterinary technician in this state whose registration lapsed due to non-renewal may regain such registration without examination no later than five (5) years from the date the registration ended by providing to the Board:

- a. Completed annual renewal forms for all years not renewed;
- b. Proof of having met the continuing education requirement of classroom continuing education hours, at least four (4) of which must be in the field of veterinary science in an approved program in the year prior to each of the years not renewed. Each year's continuing education is to renew for the subsequent year and
- c. Payment of all delinquent fees from the last renewal date to current renewal period.

~~46~~ 15.2. After five years have elapsed from the date of expiration, a registration may not be renewed, and the former registrant must make application for a new registration and take and pass the registration examinations.