

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #4

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2008 JAN -4 AM 10:53

SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Veterinary Medicine TITLE NUMBER: 26

CITE AUTHORITY: §30-10-1 and §30-10-4

AMENDMENT TO AN EXISTING RULE: YES NO

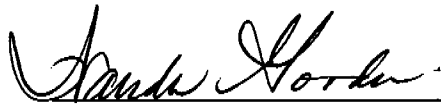
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 3

TITLE OF RULE BEING AMENDED: Registration of Veterinary Technicians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Registration of Veterinary Technicians

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Veterinary Medicine

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

Phone Number: 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.

These rule modifications have no effect on costs and/or revenues of state government.

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

Rule Title:

Registration of Veterinary Technicians

Rule Title: Registration of Veterinary Technicians

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

None

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.

The modifications of this rule are for purposes of clarification of duties and increasing required continuing education requirements for annual registration renewal.

No language is added, deleted or modified which would have any fiscal impact on this or any other entity of state government.

Date: 01/03/08

Signature of Agency Head or Authorized Representative

Paula Gooden

Statement of Circumstances

Title 26, Series 3

The Board of Veterinary Medicine has determined that there are additional changes needed to the Registration of Veterinary Technician rules, Title 26, Series 3. These were brought forth after the close of the 2007 legislative session.

Any inquiry was made from an individual who was not a graduate but had completed the veterinary technology course work. This brought us to realize we need to specify they must graduate to qualify for registration.

We were asked after the rule changes were already before the 2007 Legislature to add the authority for RVT's to close incisions. This was added and placed under indirect supervision. The Board has since decided that such suture closing should only be under direct supervision. We have also added a definition of external suturing to clarify it is only applicable to closing skin incisions. This is to avoid someone suturing wounds, etc., without the veterinarian first treating the animal.

As there are now some veterinary technology courses that are less than or more than two years for completion and graduation, the Board decided to remove the requirement that it be a two year course, still holding to the Board approving the school.

It was decided to allow candidates to test prior to graduation, as long as it is not greater than one year from graduation. If the candidate passes the tests, we still maintain they must graduate with the degree in veterinary technology before becoming registered.

The Board felt RVT's should complete a minimum of eight hours of c.e. each year. We are asking in our legislation to increase from six to eight hours annually.

Brief Summary

Proposed Legislative Rule Change Filed June 2007 for 2008 Legislature

Series 3- Registration of Veterinary Technicians

The proposed rule changes to Series 3 are for :

clarification of external suturing as authorized for RVT's;

to remove authority for external suturing from indirect supervision and place it under direct supervision;

to specify that graduation is required instead of successful completion of courses in veterinary technology to qualify for registration;

to authorize candidates to test within one year or less of graduation;

and to increase the number of required continuing education hours from the current six (6) annually to eight (8).

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Gov. ...
SECRETARY OF STATE

TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

SERIES 3
REGISTRATION OF VETERINARY TECHNICIANS

§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 §30-10-4

1.3. Filing Date. -- April 10, 2007

1.4. Effective Date. -- May 1, 2007

§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. ~~who is physically present in the building where and when the procedures are being performed.~~

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 ~~successfully completed a two-year course in~~ graduated with a degree in veterinary technology at ~~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;
- (c) To determine the content and frequency of examinations for registration;
- (d) To grant, suspend, revoke or refuse to grant registration upon a showing of proper cause as provided in this rule;
- (e) To promulgate, amend and repeal such reasonable rules regarding ethical standards 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. 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 ~~successfully completed a two-year course~~ graduated or, when applying for registration, is within one year or less of graduating with a degree in veterinary technology at 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- ~~As is provided in subsection 2.7 of this section,~~ Each applicant is required to pass the ~~national~~ veterinary technology national examination and the state examination, the content of which is prescribed by the Board. An applicant failing an examination is eligible for reexamination, but shall pay for the reexamination and file a new application.

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.

§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 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 airways
- 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, and
- k. ~~Perform external suturing~~

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. 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. No veterinary technician shall perform surgery, make diagnoses or prescribe medication.

§26-3-11. 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 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 ;

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

11.3. has been convicted of a felony ;

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

11.5. has committed fraud in the application or reporting of any test of animal disease ;

11.6. has paid or received any kickback, rebate, bonus, or other remuneration for referring a client to another provider of veterinary services or goods ;

11.7. has performed unauthorized treatment ;

11.8. has an adjudication of mental incompetency;

11.9. has been convicted of cruelty to animals ; or

11.10. has committed an act or acts of unprofessional conduct;

§26-3-12. 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 Board~~ shall ~~be conduct~~ conducted ~~the hearing~~ in accordance with the provisions of the Board's rule, Hearing, Disciplinary and Complaint Procedures, 26CSR2. ~~of the West Virginia Board of Veterinary Medicine.~~

§26-3-13. Registration renewal.

13.1. 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.

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

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

13.4. 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.

§26-3-14. Renewal requirements.

14.1. To renew registration, a RVT shall:

14.1.a. Complete the annual registration renewal form;

14.2. 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;

14.3. 1.c. List the continuing education courses 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.

~~14.4. 2. The Board shall make reasonable effort to provide all registered veterinary technicians with the renewal, but failure to receive notification does not exempt a technician from the requirements of renewal.~~

14.5.2. 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.

§26-3-15. Continuing education

15.1. Each registered veterinary technician shall undertake at least ~~six (6)~~ 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.

15.2. New registrants are exempt from the continuing education requirement of this rule until the beginning of the immediately succeeding reporting period after obtaining registration.

15.3. 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 15th.

15.4. 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.

15.5. 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.

15.6. 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.

15.7. 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.

§26-3-16. Reinstatement of lapsed registration.

16.1. Any person who was registered as a veterinary technician in this state ~~who allowed his or her registration to lapse~~ 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 ~~during~~ 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.

16.2. 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.