

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

Form #2

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2006 JUN 27 A 10:52

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: Legislative CITE AUTHORITY: §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: _____

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 27, 2006 AT 4:00 p.m. 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

Statement of Circumstances

Title 26, Series 3

The Board of Veterinary Medicine has been reviewing the rules governing Registered Veterinary Technicians (R.V.T.'s) of other states in comparison to the language as written in West Virginia's laws. It was determined that our laws needed modified.

Our rules currently have no definition section. We are adding this to the modified rule. We are also adding a Scope of Practice section, in which we specify the authority of the RVT.

We are removing the requirement of written verification of employ by a veterinarian for renewal. As the Scope of Practice authorizes activities under direct or indirect supervision of a veterinarian, it was not deemed necessary.

Language relative to Continuing Education has been added to Series 3. We also added c.e. hardship extension language, which mirrors language passed in 2006 for veterinarian license renewals.

Brief Summary

Proposed Legislative Rule Change Filed June, 2006 for 2007 Legislature

Series 3- Registration of Veterinary Technicians

The proposed rule changes to Series 3 are for clarification of the scope of practice for RVT's, and to specify the requirements for mandatory continuing education. A reference to hardship extensions for completing the continuing education has been added for circumstances which keep an RVT from completing c.e. for renewal beyond their control, such as medical or military emergencies.

The modified language explains the difference between Direct and Indirect Supervision, as RVT's must be under supervision of a veterinarian in certain conditions of their employ.

We are specifying that fees submitted are not refundable. Clear language states that all candidates for RVT must pass the national veterinary technology examination and the state examination.

As we are adding a section on "Continuing Education", we are inserting language on that which had been under "Renewal requirements".

APPENDIX B

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: (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.

These rule modifications have no effect on costs and 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 explanation concerning continuing education. No language is added, deleted or modified which would have any fiscal impact on this or any other entity of state government.

Date: June 27, 2006

Signature of Agency Head or Authorized Representative

Paula Gooden

TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

FILED

2006 JUN 27 A 10: 52

SERIES 3
REGISTRATION OF VETERINARY TECHNICIANS 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 §30-10-7

1.3. Filing Date. -- ~~July 26, 2002~~

1.4. Effective Date. -- ~~August 1, 2002~~

§26-3-2. Definitions.

2.1. As used in this rule, unless otherwise provided, the term "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.

2.2. "Direct veterinary supervision" means that the licensed veterinarian must be physically present and that he or she is within proper visual or audible distance to adequately direct the procedure that is being undertaken by the registered veterinary technician.

2.3. "Indirect veterinary supervision" means that the registered veterinary technician under the direction of a veterinarian may do procedures as specified in this rule on the orders of a veterinarian who may or may not be physically present.

§26-3-2.3. Registration of Veterinary Technicians.

~~2.1. As used in this rule, unless otherwise provided, the term "Registered Veterinary Technician" means a person registered by the Board to work under the direct supervision of a licensed 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.~~

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 veterinary technology at a school approved by the Board.

~~2-3.2.~~ 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.".

§26-3-3 4. Boards Authority

3 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.

§26-3-4 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:

- a. That the applicant is at least eighteen years of age;
- b. That the applicant has never been convicted of a felony offense relating to controlled substances.
- c. That the applicant is of good moral character;
- d. 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
- e. That the applicant has successfully completed a two-year course in veterinary technology at a school approved by the Board.

§26-3-5 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.

~~§26-3-6~~ **7. Examination-** ~~Except as is provided in subsection 2.7 of this section,~~ Each applicant is required to pass an the national veterinary technology 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.

§26-3-7 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."

§26-3-8.9. Former Titles—Any person formerly titled as an Animal Technician Registered; or "A.T.R.", may assume the abbreviation "R.V.T." as used in these rules, if his or her registration is current. **Scope of Practice**—

A) **Direct Supervision:** A registered veterinary technician may do the following only under direct veterinary supervision:

- 1) Administer anesthesia including induction, intravenous sedation, and maintenance and recovery from anesthesia
- 2) Perform dental prophylaxis
- 3) Establish open airways
- 4) Administer resuscitative oxygen procedures
- 5) Administer resuscitative drugs, in the event of cardiac arrest
- 6) Administer immunizations that are not required by law to be administered by a licensed veterinarian
- 7) Prepare or supervise the preparation of patients for surgery
- 8) Assist the veterinarian in immunologic, diagnostic, medical, chemotherapeutic and surgical procedures

B) **Indirect Supervision:** A registered veterinary technician may do the following under either direct or indirect veterinary supervision:

- 1) Perform diagnostic imaging
- 2) Perform intravenous catheterization
- 3) Administer and apply medications and treatments by oral intramuscular, intravenous and subcutaneous routes
- 4) Apply bandages
- 5) Perform cardiac and respiratory monitoring
- 6) Perform appropriate procedures to control bleeding
- 7) Apply temporary splints or immobilizing bandages
- 8) Perform ear flushing
- 9) Collect specimens
- 10) Perform laboratory procedures

C) **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.

§26-3-910. Restrictions - No person registered as a veterinary technician, shall in any manner, indicate or imply that he or she is a licensed veterinarian. Persons registered as veterinary technicians may perform the skills of veterinary technology ~~under the direct supervision of a licensed practicing veterinarian physically present on the premises~~ 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.

§26-3-10 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:

- a. 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 ;
- b. is chronically or habitually intoxicated, has a chemical dependency or is addicted to drugs;
- c. has been convicted of a felony ;
- d. has permitted or allowed another to use his or her certificate of registration to practice veterinary technology in this or any other state ;
- e. has committed fraud in the application or reporting of any test of animal disease ;
- f. has paid or received any kickback, rebate, bonus, or other remuneration for referring a client to another provider of veterinary services or goods ;
- g. has performed unauthorized treatment ;
- h. has an adjudication of mental incompetency;
- i. has been convicted of cruelty to animals ;
- j. has committed an act or acts of unprofessional conduct;

§26-3-11 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 Board shall conduct the hearing in accordance with the provisions of the Hearing and Complaint Procedures of the West Virginia Board of Veterinary Medicine.

§26-3-12 13. Registration renewal.

~~12~~ 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 Schedule of Fees. ~~On~~ 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.

~~12-13.2.~~ No person may use the title of or be referred to as a registered veterinary technician who does not have a current registration.

~~12-13.3.~~ The Board shall make reasonable effort to notify all registered veterinary technicians of the renewal clause, but failure to receive such notification does not exempt anyone from meeting the requirements of this rule.

~~12-13.4.~~ 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.

~~§26-3-13-14.~~ Renewal requirements.

- a. To renew registration, a RVT shall complete the annual registration renewal form;
- ~~b. Provide written verification on the form by a licensed veterinarian that he or she is employed by the veterinarian and works under the direct supervision of a licensed veterinarian;~~
- e. b. Certify on the renewal form that he or she has completed the required ~~six (6)~~ classroom hours of continuing education during the year ending December thirty one, to renew for the year next beginning January one ~~in a course or courses which have been approved as meeting the continuing education requirements for RVT's by the Board. The certification shall be signed in the presence of a notary public. No periods may be accumulated, carried forward, or held over past the calendar year in which the hours of continuing education were completed. New registrants are exempt from the continuing~~

~~education requirement of this rule until the beginning of the immediately succeeding reporting period after obtaining registration.~~

d. 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.

e. d. 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.

f. e. 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) classroom hours of continuing education in the field of veterinary technology 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 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.

§26-3-14-16. Reinstatement of lapsed registration.

14 16.1. Any persons who was registered as a veterinary technician in this state who allowed his or her registration to lapse 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. Proof of employment under the direct supervision of a licensed veterinarian during each of the years not renewed.~~

a. Completed annual renewal forms for all years not renewed.

b. Proof of having met the continuing education requirement of ~~a minimum of six hours of classroom continuing education~~ hours in an approved program during each of the years not renewed. Each year's continuing education is to renew for the subsequent year.

c. Payment of all delinquent fees from the last renewal date to current renewal period.

14 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;