

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

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2001 JUL 27 P 3:05

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: 30-10-4

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: _____

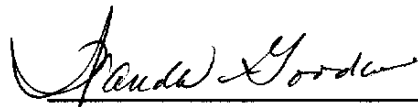
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 27, 2001 AT 9:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Veterinary Medicine

1900 Kanawha Blvd., E.

Charleston, WV 25305-0119

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$4.20

Brief Summary

Series 3, Title 26

Registration of Veterinary Technicians

Changes to current language are to address mandatory continuing education; who is authorized to use the title of “technician” in a veterinary facility; lapsed registrations and registration renewal requirements.

Facts and Circumstances

Series 3, Title 26

Registration of Veterinary Technicians

Current language is very limited relative to requirements for veterinary technicians. It was necessary to add specific language regarding continuing education requirements, renewal periods and who would be authorized to be referred to as a "technician" in a veterinary facility.

Current language which was passed in 1992 did not have reference to mandatory c.e. for registrants.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Registration of Veterinary Technicians

Type of Rule: X Legislative _____ Interpretive _____ Procedural

Agency: WV Board of Veterinary Medicine

Address: 1900 Kanawha Blvd., E.

Charleston, WV 25305-0119

1. Effect of Proposed rule: *None*

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST					
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:
None

3. Objectives of These Rules:
To update current Series 3 and add language relative to continuing education requirements.

Rule Title: Registration of Veterinary Technicians

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

None

Date: July 27, 2001

Signature of Agency Head or Authorized Representative:

Panda Gooder

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TITLE 26
 LEGISLATIVE RULE
 WEST VIRGINIA BOARD OF VETERINARY MEDICINE
 OFFICE WEST VIRGINIA
 SECRETARY OF STATE

SERIES 3
 REGISTRATION OF VETERINARY TECHNICIANS

§26-3-1. General.

1.1. Scope. -- ~~These rules establish~~ 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. -- ~~April 28, 1992~~

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

§26-3-2. Registration of Veterinary Technicians.

2.1. As used in these rules, 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.

2.2. The West Virginia Board of Veterinary Medicine shall examine and register persons who are skilled in the science of Veterinary Technology.

2.3. 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 of Veterinary Medicine, and is currently authorized by the Board of Veterinary Medicine to use the title of "Registered Veterinary Technician, or "R.V.T.".

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 and regulations regarding ethical standards of conduct, which rules and regulations shall be promulgated, amended, or repealed in accordance with the provisions of W. Va. Code §29A-3-1, et seq.

2.3. 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 fee. 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 successfully completed high school or its equivalent;~~
- e. b.B. That the applicant has never been convicted of a felony or other crime involving moral turpitude.

~~c.~~ 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. e.~~ —e. e. That the applicant has successfully completed a two-year course in veterinary technology at a school approved by the Board.

2.4. The Board shall, ~~by~~ before January 1 of each year, prepare and update a list of approved schools of veterinary technology for the next full calendar year. ~~If an applicant for registration as a veterinary technician has completed his or her two-year course in veterinary technology at a school that does not appear on the Board's list of approved schools, the applicant may petition the Board in writing for appropriate relief.~~

2.5. Except as is provided in subsection 2.7, each applicant is required to pass an examination, the content of which is prescribed by the Board. An applicant failing an examination shall be eligible for reexamination, but shall pay for the reexamination and file a new application.

~~2.6. Written examination exemption — A written examination is not required of any applicant who:~~

~~— a. Holds a valid certificate of registration from another state or territory which has a reciprocal registration agreement with this state, provided, that the applicant satisfies all the provisions of the reciprocal agreement of the reciprocating state.~~

~~2.7.~~ 2.6. 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 work area of the person to whom it is issued. Any person so registered has the right to use the title "Registered Veterinary Technician" and the abbreviation "R.V.T." No other person shall use such title, abbreviation or any other words, letters, signs or figures to indicate they are a skilled technician in the science of veterinary

technology nor shall any other person perform, advertise or offer himself or herself for employment in a manner indicative that he or she is so skilled or trained.

2.7. Any person formerly titled as an Animal Technician Registered; ~~an~~ or "A.T.R.", may and henceforth shall be allowed to assume the abbreviation "R.V.T." as used in these rules, if registration is current.

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

2.9. Removal of Registration - The Board has the power to deny, suspend or revoke a certificate of registration or to 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, ~~under the laws of this or any other State of the United States or of the federal government of the United States,~~

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. —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. —g. has performed unauthorized treatment,

h. An adjudication of insanity;

i. Cruelty to animals

j. Unprofessional conduct

2.10. 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 such 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 26 CSR 2.

2.11. Registration renewal.

All registrations shall 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, such schedule Title 26, Series 6 of the veterinary rules and regulations. On 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. A certificate of renewal shall be issued to all persons who renew their registrations. No person may use the title of or be referred to as a registered veterinary technician who does not have a current registration.

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.

It is the responsibility of each registered veterinary technician to notify the Board of any change of address or name, and to forward the notice to the Board no later than the effective date of the change with the appropriate fee as specified in Series six (6). Proof of legal name change must be submitted with any name change request.

2.12 Renewal requirements.

No person shall be authorized to renew registration unless he or she has complied with the following:

- a. Has completed the annual registration renewal form.**

- b. Has provided written verification on the form by a licensed veterinarian that the RVT is employed by the veterinarian and works under the direct supervision of a licensed veterinarian.
- c. Certifies on the renewal form that the RVT 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. Such 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 such periods 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. Lists the continuing education courses as required on the form, specifying the date or dates of such courses, number of classroom hours and the title of each course, as well as any other information required by the Board.

2.13 Reinstatement of lapsed registration.

Any persons ~~Persons~~ who were registered as veterinary technicians in this state who allowed their registration to lapse due to non-renewal may regain such registration no later than five (5) years from the date such ~~registration~~ registration ended upon completion of the following. 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;

- a. Proof of employment under the direct supervision of a licensed veterinarian during each of the years not renewed.

- b. Proof of having met the continuing education requirement of a minimum of six hours of classroom c.e. in an approved program during each of the years not renewed. Each years c.e. is to renew for the subsequent year.
- c. Payment of all delinquent dues from the last renewal date to current renewal period.