

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

Form #3 ▣

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2001 AUG 31 P 4: 38

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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

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: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Authorized Signature

FILED

2001 AUG 31 P 4: 39

OFFICE WEST VIRGINIA
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. -- ~~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. 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.**

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: August 31, 2001

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Veterinary Medicine
Phone # 558-2016,

Address: 1900 Kanawha Blvd., E., Charleston, WV
25305-0119

LEGISLATIVE RULE TITLE: Registration of Veterinary Technicians

1. Authorizing statute(s) citation 30-10-4

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
July 27, 2001

b. What other notice, including advertising, did you give of the hearing?
No hearing/Comment period only

c. Date of Public Hearing(s) *or* Public Comment Period ended:
August 27, 2001

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

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

August 31, 2001

- 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 1900 Kanawha Blvd., E., Charleston, WV
25305-0119 Phone 558-2016, Fax: 558-0891, e-mail goodww@mail.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

□
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: 1900 Kanawha Blvd., E., Charleston, WV 25305-0119

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	-0-	-0-	-0-	-0-	-0-
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-
CURRENT EXPENSE	-0-	-0-	-0-	-0-	-0-
REPAIRS & ALTERATIONS	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-

2. Explanation of Above Estimates:
There is no anticipated fiscal effect of the rule change.

3. Objectives of These Rules:
To add continuing education language to existing rule, as well as specific language on application and renewal requirements, and to specify that no one working in a veterinary facility may use the term "veterinary technician" or "technician" unless they have complied with registration 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:

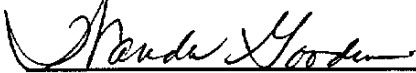
None

C. Economic Impact on Citizens/Public at Large.

None

Date: August 31, 2001

Signature of Agency Head or Authorized Representative:



Facts & Circumstances

West Virginia Board of Veterinary Medicine
1900 Kanawha Blvd., E.
Charleston, WV 25305-0119

Title 26, Series 3 (Registration of Veterinary Technicians)

Changes to this rule are to add continuing education requirement language, as well as specific language on application and renewal requirements. We also wish to add language stating no one working in a veterinary facility may be referred to or use the term technician or veterinary technician unless they are registered as such.

Comments

No comments received.