

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

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

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

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 RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 2001

SECTION 64-9-18, PASSED ON June 10, 2002

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: August 1, 2002


Authorized Signature

SCANNED

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**TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE
SECRETARY OF STATE
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 §30-10-7

1.3. Filing Date. -- July 26, 2002

1.4. Effective Date. -- August 1, 2002

§26-3-2. 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.

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

§26-3-3. Boards Authority

3.1. 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. 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 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. 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. Examination- Except as is provided in subsection 2.7 of this section, each applicant is required to pass an 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. 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. 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.

§26-3-9. 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.

§26-3-10. Removal of Registration - The Board may 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 ;
- 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. 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. Registration renewal.

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 Schedule of Fees. 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. The Board shall issue a certificate of renewal to all persons who renew their registrations.

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.

12.3. 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. 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. 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;
- c. Certify 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. 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.

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

14.1. 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.
- b. Proof of having met the continuing education requirement of a minimum of six hours of classroom continuing education in an approved program during each of the years not renewed. Each years continuing education is to renew for the subsequent year.
- c. Payment of all delinquent fees from the last renewal date to current renewal period.

14.2. 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: