

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #6

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FILED  
1992 APR 28 AM 8 18  
OFFICE OF WEST VIRGINIA

**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: 3

TITLE OF RULE BEING AMENDED: ~~Standards of Practice~~

Registration of Veterinary Technicians

IF NO, SERIES NUMBER OF NEW 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.1

SECTION 64-9-32(d), PASSED ON April 1, 1992

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: April 28, 1992

Elizabeth M. Chalfield

2.40

TITLE 26  
LEGISLATIVE RULES  
WEST VIRGINIA BOARD OF  
VETERINARY MEDICINE

SERIES 3  
REGISTRATION OF VETERINARY TECHNICIANS

26-3-1 General

- 1.1 Scope - These rules establish 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 \_\_\_\_\_
- 1.4 Effective Date \_\_\_\_\_

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.

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;
  - (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; and
  - (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 January 1 of each year, prepare and update a list of approved schools of veterinary technology. 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.
- 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 **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 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.

Any person formerly titled as an Animal Technician Registered; an "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. 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,

2.10 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.

Bill Vets, Technicians 26-3

H. B. 4338

(By Delegate Grubb)

(Introduced January 27, 1992; referred to the

Committee on Government Organization then  
the Judiciary)

10 A BILL to amend article nine, chapter sixty-four of the code of  
11 West Virginia, one thousand nine hundred thirty-one, as  
12 amended, by adding thereto a new section, designated section  
13 twenty-nine, relating to authorizing the board of veterinary  
14 medicine to promulgate legislative rules relating to the  
15 registration of veterinarian technicians.

16 Be it enacted by the Legislature of West Virginia:

17 That article nine, chapter sixty-four of the code of West  
18 Virginia, one thousand nine hundred thirty-one, as amended, be  
19 amended by adding thereto a new section, designated section  
20 twenty-nine, to read as follows:

21 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS  
22 TO PROMULGATE LEGISLATIVE RULES.

23 §64-9-29. Board of veterinary medicine.

1 The legislative rules filed in the state register on the  
2 nineteenth day of August, one thousand nine hundred ninety-one,  
3 modified by the board of veterinary medicine to meet the  
4 objections of the legislative rule-making review committee and  
5 refiled in the state register on the second day of January, one  
6 thousand nine hundred ninety-two, relating to the board of  
7 veterinary medicine (registration of veterinarian technicians),  
8 are authorized.

9

10 NOTE: The purpose of this bill is to authorize the Board of  
11 Veterinary Medicine to promulgate legislative rules relating to  
12 the registration of veterinarian technicians.

13

14 This section is new; therefore, strike-throughs and  
15 underscoring have been omitted.



KEN HECHLER  
Secretary of State

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Director, Corporations

(Plus all the volunteer  
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

TO: Harry L. Newell

AGENCY: Veterinary Medicine

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: December 29, 1992

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 3 TITLE: 26 Veterinary Medicine

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *Paula Goodwin*

TITLE OF PERSON SIGNING: *Executive Secretary*

DATE: *1/19/93*

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.