

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**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 X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Standards of Practice

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(C), 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

4.20

TITLE 26
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF
VETERINARY MEDICINE

SERIES 4
STANDARDS OF PRACTICE

26-4-1 General

- 1.1 Scope - These rules establish the standards of practice and professional conduct required of veterinarians licensed and regulated by the West Virginia Board of Veterinary Medicine.
- 1.2 Authority - W. Va. Code § 30-10-1 et seq.
- 1.3 Filing Date _____
- 1.4 Effective Date _____

26-4-2 General Professional Ethics

2.1 AVOIDANCE OF CONFLICTS OF INTEREST

It is unprofessional and a violation of these rules for any veterinarian to represent conflicting interests, except by express consent of all concerned, given after a full disclosure of the facts. Within the meaning of this rule, a veterinarian represents conflicting interests if; when employed by a buyer to inspect an animal for soundness, he or she accepts a fee from the seller. Acceptance of a fee from both the buyer and seller is prima facie evidence of fraud.

2.2 AVOIDANCE OF ENCROACHMENT ON ANOTHER'S PROFESSIONAL JUDGMENT

A veterinarian may not make any effort, direct or indirect, which in any manner is calculated to influence the sound professional judgment of another veterinarian. It is the right of any veterinarian, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful veterinary services, after communication with the veterinarian against whom the complaint is made.

2.3 EXPOSURE OF CORRUPT OR DISHONEST CONDUCT

Veterinarians should expose without fear or favor before the proper tribunal or the State Board of Veterinary Medicine any and all corrupt or dishonest conduct in the profession.

2.4 ADHERENCE TO THE LAW

No veterinarian shall render any service or advice contrary to the law. A veterinarian must also observe and advise clients to observe the law.

2.5 AVOIDANCE OF CORRUPTION OF OTHERS

A veterinarian shall not render any service or advice directed toward the corruption of any person or persons exercising a public office or private trust, or deception, or betrayal of the public.

2.6 NO ABUSE OF POSITION OR TRUST

Any veterinarian who uses a present or past position, or an office of trust, deliberately to create an individual professional advantage, or to coerce, or to deceive the public is in violation of these rules of professional conduct.

2.7 MAINTENANCE OF ACCREDITATION

A licensed veterinarian whose accreditation has been revoked by state or federal authority is subject to disciplinary action by the West Virginia Board of Veterinary Medicine upon proof of removal of accreditation by said authority.

2.8 RESPONSIBILITY FOR ACCEPTANCE OF MEDICAL CARE

A veterinarian must decide what medical cases will be accepted in his or her professional capacity, and what course of treatment will be followed once a patient has been accepted. The responsibility for advising the client as to the treatment to be provided rests upon the veterinarian.

2.9 DIRECT RESPONSIBILITY TO CLIENT

The professional services of a veterinarian shall not be controlled or exploited by any lay agency, personal or corporate, which intervenes between the client and the veterinarian. A veterinarian shall avoid all relationships which could result in interference or intervention in the veterinarian's practice by a non-licensed person or entity. A veterinarian is responsible for his or her own actions and is directly responsible to the client and for the proper care and treatment of the patient.

2.10 PROFESSIONAL STANDARD OF HUMANE TREATMENT

Veterinarians shall exercise the same degree of humane care, skill, and diligence in treating patients as is ordinarily used in the same or similar circumstances by reasonable members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.

2.11 ISSUANCE OF CERTIFICATES OF HEALTH THROUGH DIRECT KNOWLEDGE ONLY

Licensed veterinarians in this State shall not issue a certificate of health unless they know through actual inspection and appropriate tests of the animals, that the animals meet the requirements for the issuance of the certificates.

2.12 AVOIDANCE OF GUARANTEEING CURES

It is professionally dishonest for a licensed veterinarian to guarantee a cure. A veterinarian must avoid bold and confident assurances to clients, especially where employment may depend upon such assurance.

2.13 HONESTY, INTEGRITY, AND FAIR DEALING

Licensed veterinarians shall conduct their practice with honesty, integrity, and fair dealing to clients in time and services rendered, and in the amount charged for services, facilities, appliances, and drugs.

2.14 OBSERVANCE OF CONFIDENTIALITY

A licensed veterinarian shall not violate his or her confidential relationship with the clients.

26-4-3 Minimum Standards of Practice

3.1 A veterinarian shall deliver veterinary care in a competent and humane manner. A veterinarian shall perform all aspects of veterinary medicine in a manner compatible with current veterinary medical practice.

3.2 A relationship between a veterinarian, a client and a patient, exists if:

A. A veterinarian assumes responsibility for medical judgments regarding the health of an animal and the client who is the owner or other caretaker of the

animal agrees to follow the veterinarian's instructions; or

- B. A veterinarian, through personal examination of an animal or a representative sample of a herd or flock, obtains sufficient information to make at least a general or preliminary diagnosis of the medical condition of the animal, herd, or flock, which diagnosis is expanded through medically appropriate visits to the premises where the animal, herd, or flock is kept.

3.3 Upon the formation of a veterinarian/client/patient relationship, in order for a veterinarian to exercise properly the rights granted by a veterinary license, the veterinarian shall perform:

- A. A physical examination of the animal. When a group of farm animals of one species is under a single ownership, it may be considered as a single entity. A veterinarian/client/patient relationship is established for the whole group if a representative number of animals have been examined.
- B. A veterinarian shall discuss a diagnostic assessment and treatment plan, including recommendations and medications, with the client, and shall enter the plan into the patient's medical record. When a group of animals of one species is under a single ownership, it may be considered as a single entity, and when a representative number of the animals have been examined sufficient to enable the examining veterinarian to obtain a reasonable medical judgment with regard to a diagnostic assessment and treatment plan, then one record is sufficient to represent the entire group of animals.
- C. The veterinarian shall discuss follow up recommendations with the client.

3.4 Radiological Services

- A. A radiograph is the property of the veterinarian or the veterinary facility which originally ordered it to be prepared.
- B. A veterinarian shall store and maintain radiographs for a minimum of three years. All exposed radiographic films shall have a permanent identification.

3.5 Pharmacological Services

- A. A veterinarian shall not prescribe, dispense or administer any drug or biological agent that bears the legend "Caution: Federal Law restricts this drug to the use by or on the order of a licensed veterinarian" (hereinafter "legend drugs") without the establishment of a veterinarian/client/patient relationship.
- B. The veterinarian in charge is responsible for assuring that any legend drugs and biological agents prescribed for use in the veterinary hospital are properly administered, for maintaining accurate records to include the strength, dosage and quantity of all medications used or prescribed, and for instruction to clients on the administration of drugs when the veterinarian will not be providing direct supervision.
- C. The veterinarian shall maintain all drugs and biological agents in compliance with state and federal laws.
- D. A veterinarian shall store all repackaged legend drugs dispensed for companion animals in approved safety closure containers, except that this provision shall not apply to drugs dispensed to any person who requests that the medication not be placed in such containers, or to drugs in such form or size that they cannot be dispensed reasonably in such containers.
- E. All repackaged legend drugs dispensed shall be labeled with the following:
 - 1) The name, address and telephone number of the facility;
 - 2) The client's name;
 - 3) The patient's name;
 - 4) The date dispensed;
 - 5) The directions for use;
 - 6) The name of the drug and its strength (if more than dosage form exists);
 - 7) The name of prescribing veterinarian.

- F. The veterinarian shall maintain records of all medications prescribed and dispensed for any animal in that animal's individual file. The pharmacy records may be transferred, in whole or in part, from one veterinarian to another, in writing or by telephone, when necessary to continue treatment or disease prevention by medication started by the original attending veterinarian.
- G. A veterinarian that has a Federal D.E.A. number and uses or dispenses controlled substances must comply with the federal regulations pertaining to the dispensing, storage and usage of controlled substances.

3.6 Anesthesia Services

A. Anesthesia equipment:

- 1) A veterinarian shall have anesthetic equipment available at all times in accordance with the level of surgery performed. The minimum amount of support equipment required for the delivery of assisted ventilation will be: (a) resuscitation bags of appropriate volumes, and (b) an assortment of endotracheal tubes in working condition.
- 2) A veterinarian shall have oxygen equipment available at all times.
- 3) Some method of respiratory monitoring is mandatory, such as observing chest movements, watching the rebreathing bag, or use of a respirometer. Some method of cardiac monitoring is recommended, and may include use of a stethoscope or electrocardiographic monitor.

- B. A veterinarian shall give every animal a physical examination within twelve (12) hours prior to the administration of an anesthetic.
- C. A veterinarian or his or her assistant shall continually observe every animal under general anesthesia.
- D. A veterinarian shall maintain anesthetic equipment in proper working condition.
- E. A veterinarian shall not release any patient from veterinary supervision to the owner or client until

it is ambulatory unless it is not ambulatory for reasons unrelated to anesthesia. The only exception to this rule would be the case where the client demands to take the animal home against the advice and judgment of the attending veterinarian. In this case the veterinarian should have the clients sign a release form stating that they have been advised to leave the animal; they realize the risks involved; and that they are taking the animal against the advice and judgment of the attending veterinarian.

3.7 Surgical Services - A veterinarian shall practice sterile surgery in all cases in which sterile surgery is demanded by the profession. Sterile surgery is defined as procedures in which aseptic technique is practiced in patient preparation, instrumentation, and surgical attire.

A. The following surgical attire and technique is required for aseptic surgery:

- 1) The disinfection of the surgeon's hands by scrubbing with a disinfecting surgical scrub solution.
- 2) Sterilized surgical gown with long sleeves is recommended but not required. A veterinarian must wear clean clothing and sterilized gloves.
- 3) Sterile surgery requires sterilization of all appropriate equipment. A veterinarian must use an acceptable method of sterilization sufficient to kill spores on all instruments, packs, and equipment intended for use in sterile surgical procedures.
- 4) The external use of heat sensitive tape type indicators on surgical gowns, packs, and re-sterilized gloves or the use of "steam clock" type indicators deep in surgical packs is required to monitor sterilization efficiency. The date the items were sterilized must be indicated.
- 5) Ancillary personnel in the surgery room shall wear clean clothing and footwear.

B. Hot and cold running water shall be readily accessible to the sites of the surgical procedure.

3.8 Dental Operations

A. The term "dental operation" as used in these rules means:

1) The application or use of any instrument or device to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury, disease or other condition of an animal's tooth, gum or related tissue; and

2) Preventive dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains or the smoothing, filing or polishing of tooth surfaces.

B. However, nothing in these rules prohibits any person from utilizing cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth.

3.9 Embryo Transfer

A. Only a licensed veterinarian may perform the procedure commonly known as an embryo transfer.

3.10 Patient Record Keeping

A. A veterinarian shall maintain individual records at the place of business and shall include, but not be limited to, identification of the patient, the patient's history, immunization records, and diagnostic procedures performed.

B. Patient records shall be current and maintained on the business premises for a period of three (3) years and are the responsibility and property of the facility owner veterinarian.

C. When appropriate, the words "herd", "flock", or other collective group terms may be used in place of the word "patient" in Subsections A and B of this section. Records maintained on these animals may be kept in a daily log or the billing records, provided that the treatment information that is entered is adequate to substantiate the identification of these animals and the medical care provided. In no case does this eliminate the requirement to maintain drug records as specified by state and federal law and Board rules.

3.11 Advertising

- A. Advertising is defined as the use of any form of communication designed to inform the public about the availability, nature, and prices of products or services, or to attract clients.
- B. A veterinarian may not initiate or knowingly participate in any form of advertising or solicitation that contains a false, deceptive or misleading statement or claim.

3.12 Specialist Practitioners

- A. A veterinarian may designate himself or herself as a specialist in any field of veterinary medicine if he or she meets the requirements for his or her designated field.
- B. A specialist may represent himself or herself as such only if he or she is a board-certified specialist. A veterinarian shall restrict claims for specialization to those disciplines for which there is a specialty board approved by the American Veterinary Medical Association (AVMA), or any other certifying agency recognized by the Board. A veterinarian may not use the term specialist for an area of practice for which there is not AVMA recognized certification. A diplomate of the American Board of Veterinary Practitioners can claim only a specialty for the class of animals in which he specializes, not for medical specialties unless he is board-certified in those medical specialties.
- C. A veterinarian may not use the term "specialty" or "specialists" in the name of a veterinary hospital unless all veterinary staff are board certified specialists.

3.13 Euthanasia - A veterinarian shall perform euthanasia in a competent and humane manner.

3.14 Disposal of Deceased Animals - A veterinarian shall provide and maintain sanitary methods for the disposal of deceased animals in compliance with the local, state and federal health regulations.

3.15 Disposal of Veterinary Waste - A veterinarian shall dispose of contaminated hospital waste such as syringes, needles, surgical blades, and contaminated materials in accordance with local, state and federal laws.

26-4-4 Minimum Veterinary facility standards

4.1 Hospital Facilities - In order to be classified as a veterinary hospital, a facility at a minimum, shall have:

- A. A reception room and office, or a combination of the two.
- B. An examination room separate from other areas of the facility of sufficient size to accommodate the doctor, assistant, patient, and client. The room shall also at a minimum have:
 - 1) Lighting adequate to perform a basic and thorough physical examination.
 - 2) Immediate access to a sink with hot and cold running water.
 - 3) An examination table with impervious surface which can be easily cleaned and disinfected.
- C. A surgery room which is separate and distinct from all other rooms. The room shall have at a minimum:
 - 1) Lighting adequate to perform surgery. A surgery room must be equipped with either a ceiling mounted or free standing surgery light with a light source capable of being adjusted or redirected.
 - 2) A surgery table with an impervious surface which can be cleaned and easily disinfected.
 - 3) An inhalation anesthetic machine kept and maintained in working order.
 - 4) An illuminated X-ray viewer available for use in the surgery room.
 - 5) Emergency drugs for cardiac and pulmonary resuscitation readily accessible to the surgery room.
 - 6) Walls, floors, and counter-tops constructed with an impervious material capable of being cleaned and routinely disinfected.
 - 7) Immediate access to hot and cold running water.
 - 8) Oxygen readily available.

- D. A diagnostic X-ray machine and development equipment area kept in compliance with state and federal regulations.
- E. A clinical laboratory area containing the following basic equipment:
 - 1) A microscope with an attached light source capable of performing basic routine veterinary diagnostic procedures.
 - 2) A centrifuge.
 - 3) Equipment to obtain a rapid hemoglobin and hematocrit value.
 - 4) Diagnostic laboratory equipment test kits and the materials needed to render necessary tests or an outside diagnostic laboratory facility capable of returning critical diagnostic results in 24 hours.
- F. A kennel or housing area where animals can be retained for treatment and post surgical observation. This area shall have at a minimum:
 - 1) Separate compartments for each animal, maintained in a comfortable and sanitary manner.
 - 2) Exercise runs which provide and allow effective separation of animals and their waste products. The surfaces (walls and flooring) must be impervious so that they can be sanitized and disinfected.
- G. Adequate indoor lighting for halls, wards, reception areas, examining rooms and surgical rooms.
- H. All floors and wall surfaces in the traffic or working areas of the hospital constructed with a material that can be washed and disinfected.
- J. A neat, orderly appearance, a sanitary environment and be maintained in a professional manner.
- K. A library of current veterinary journals and textbooks on the premises for ready reference.
- L. If the hospital advertises that it is a 24-hour emergency facility, a staff person or veterinarian available, a telephone recording or answering

service shall be employed to inform clients as to when they could expect to receive professional care and a telephone number of the nearest veterinary facility where they can receive emergency service.

- M. If the hospital advertises that the hospitalized animal has 24 hour supervision, a staff person or veterinarian in the facility at all times.

4.2 Clinic Facilities - In order to be classified as a "veterinary clinic", the facility at a minimum shall have:

- A. A reception room and office, or a combination of the two.
- B. An examination room which is separate from other areas of the facility of sufficient size to accommodate the doctor, assistant, patient, and client. The room shall also at a minimum have:
 - 1) Lighting adequate to perform a basic and thorough physical examination.
 - 2) Immediate access to a sink with hot and cold running water.
 - 3) An adequate examination table with impervious surface which can be easily cleaned and disinfected.
- C. Indoor lighting for halls, wards, reception areas, examining rooms and surgical rooms.
- D. All floors and wall surfaces in the traffic or working areas of the hospital constructed with a material that can be washed and disinfected.
- E. A neat, orderly appearance and a sanitary environment and be maintained in a professional manner.
- F. A library of current veterinary journals and textbooks shall be available on the premises for ready reference.

If surgery is performed, all of the following standards shall apply:

G. A surgery room separate and distinct from all other rooms. The room shall have at a minimum:

- 1) Lighting adequate to perform surgery. A surgery room must be equipped with either a ceiling mounted or free standing surgery light with a light source capable of being adjusted or redirected.
- 2) A surgery table with an impervious surface which can be cleaned and easily disinfected.
- 3) An inhalation anesthetic machine kept and maintained in working order.
- 4) Readily available oxygen.
- 5) An illuminated X-ray viewer available for use in the surgery room.
- 6) Emergency drugs for cardiac and pulmonary resuscitation readily accessible to the surgery room.
- 7) Walls, floors, and counter tops constructed with an impervious material capable of being cleaned and routinely disinfected.
- 8) Immediate access to hot and cold running water.

H. Diagnostic X-ray machine and development equipment area kept in compliance with state and federal regulations.

J. A clinical laboratory area containing the following basic equipment:

- 1) A microscope with an attached light source capable of performing basic routine veterinary diagnostic procedures.
- 2) A centrifuge.
- 3) Equipment to obtain a rapid hemoglobin and hematocrit value.
- 4) Diagnostic laboratory equipment test kits and materials needed to render necessary tests or an outside diagnostic laboratory facility capable of returning critical diagnostic results within 24 hours.

If animals are kept, all of the following standards shall apply:

K. A kennel or housing area where animals can be retained for treatment and post surgical observation. This area shall at a minimum:

- 1) Separate compartments for each animal, maintained in a comfortable and sanitary manner.
- 2) Exercise runs which allow effective separation of animals and their waste products. The surfaces (walls and flooring) must be impervious so that they can be sanitized and disinfected.

4.3 Emergency Care Facilities - In order to be classified as a "24 hour emergency care", "emergency hospital" or, "emergency clinic", a facility shall at minimum have:

A. A reception room and office, or a combination of the two.

B. An examination room separate from other areas of the facility and of sufficient size to accommodate the doctor, assistant, patient, and client. The room shall also have the following minimum requirements:

- 1) Lighting adequate to perform a basic and thorough physical examination.
- 2) Immediate access to a sink with hot and cold running water.
- 3) An examination table with impervious surface which can be easily cleaned and disinfected.

C. A surgery room which is separate and distinct from all other rooms. The room shall have at a minimum:

- 1) Lighting adequate to perform surgery. A surgery room must be equipped with either a ceiling mounted or free standing surgery light with a light source capable of being adjusted or redirected.
- 2) A surgery table with an impervious surface which can be cleaned and easily disinfected.

- 3) An inhalation anesthetic machine kept and maintained in working order.
 - 4) Readily available oxygen.
 - 5) An illuminated X-ray viewer available for use in the surgery room.
 - 6) Emergency drugs for cardiac and pulmonary resuscitation readily accessible to the surgery room.
 - 7) Walls, floors, and counter tops constructed with an impervious material capable of being cleaned and routinely disinfected.
 - 8) Immediate access to a hot and cold running water.
- D. A diagnostic X-ray machine and development equipment area kept in compliance with state and federal regulations.
- E. A clinical laboratory area containing the following basic equipment:
- 1) A Microscope with an attached light source capable of performing basic routine veterinary diagnostic procedures.
 - 2) A centrifuge.
 - 3) Equipment to obtain a rapid hemoglobin and hematocrit value.
 - 4) Diagnostic laboratory equipment test kits and materials needed to render necessary tests or an outside diagnostic laboratory facility capable of returning critical diagnostic results within 24 hours.
- F. A kennel or housing area where animals can be retained for treatment and post surgical observation. This area shall at a minimum have:
- 1) Separate compartments for each animal, maintained in a comfortable and sanitary manner.
 - 2) Exercise runs which provide and allow effective separation of animals and their waste products. The surfaces (walls and flooring) must be

impervious so that they can be sanitized and disinfected.

- G. Indoor lighting for halls, wards, reception areas, examining rooms and surgical rooms.
- H. All floors and wall surfaces in the traffic or working areas of the hospital constructed with a material that can be washed and disinfected.
- J. A neat, orderly appearance and a sanitary environment and be maintained in a professional manner.
- K. A library of current veterinary journals and textbooks available on the premises for ready reference.
- L. An electrical cardiographic monitoring device.

The minimum staffing requirements for an emergency facility shall include a licensed veterinarian on the premises at all times during the posted hours of operation. The board may grant in writing special authority to have a veterinarian on immediate call. It is at the discretion of the board as to the amount of time and distance away an on-call veterinarian may be for the staffing of an emergency facility.

4.4 Mobile Veterinary Practice - Mobile veterinary practice is that form of clinical veterinary practice that may be transported or moved from one location to another for delivery of service. Mobile veterinary practice may be general service, limited service, and/or outcall service. It is within the discretion of the Board as to the time and distance with which a mobile veterinary practice may be operated within the requirements of this section.

- A. General mobile veterinary practice is defined as providing a wide range of medical or surgical services in a movable trailer or mobile home type of vehicle modified to function as a veterinary practice facility. A general mobile veterinary practice must comply with all requirements listed in Section 4.2 of this rule for veterinary clinics with the exception of Subsection F. The veterinarian must also provide some method for the client to obtain advice pertaining to surgical and post treatment problems on a 24 hour basis. If a mobile veterinary practice doesn't completely meet the requirements of a veterinary clinic, the board may waive one or more of those requirements.

B. Limited service mobile veterinary practice is defined as the public or private delivery of preventive health care, such as mass or group vaccinations, and is represented as limited to such practice.

1). Public immunization clinics are practices for public health protection, and shall be operated by a veterinarian licensed by the West Virginia Board of Veterinary Medicine who has a permanent office and facilities in the county in which the limited service mobile veterinary services are offered, or in any of the adjoining counties of the county in which the mobile facilities are located.

2). Private limited service mobile veterinary practices are practices restricted to the delivery of animal health protection through vaccination and/or minor diagnostic testing. The veterinarian must provide some method for the client to obtain advice pertaining to post vaccinal reactions on a 24 hour basis from time of vaccination.

C. An outcall service is an ambulatory extension of a general service veterinary practice.

1). It is located within the same region as the related general service practice, but is physically removed from the practice premises. It provides vaccinations, physical examinations, minimal treatments, and minimal diagnostic screening.

2). All house call veterinary practices that are not extensions of a fixed veterinary facility must have an affiliation with a general service facility in the same region.

D. Large animal or farm practice mobile units are not considered mobile clinics for the purpose of these rules.

4.5 The Board shall establish deadlines for compliance with this Section which shall not exceed 5 years in any case.

4.6 All veterinary facilities, including those specifically mentioned in this Section, such as, hospitals, clinics, emergency care, and mobile practice, shall be inspected

by the Board. Only after a determination that said facility meets the respective provisions for operation under these rules can it lawfully operate.

- 4.7 The Board has the power to revoke or suspend a license, reprimand a licensee or other individuals, for not being in compliance with this Section.

26-4-5 Unretrieved animals

- 5.1 An "unretrieved animal" means any animal placed for confined treatment or boarding by its owner or an agent thereof in the care and custody of a veterinarian, which animal is not retrieved by the owner or agent thereof from the veterinarian within 72 hours of the receipt by the owner or agent of a certified letter, return receipt requested, sent by the veterinarian, or within 72 hours of the return of the unsigned certified mail receipt. The certified letter shall state that the unretrieved animal is available for pick up by the owner or his agent, and shall state the amount owed, if any, to the veterinarian.
- 5.2 "Humane disposal" means euthanasia by or under the direct supervision of a veterinarian or placement in a suitable home or animal shelter which shall not include any home or shelter which engages in animal experimentation or, by sale or otherwise, makes animals available for the purpose of animal experimentation.
- 5.3 A veterinarian may elect the humane disposal of an unretrieved animal no sooner than 10 days after the owner or agent thereof has signed or refused to sign for the receipt of a certified letter from the veterinarian indicating his or her intent to humanely dispose of the animal, which was sent to the owner's or agent's last known address. In the event the owner cannot be notified by certified mail, return receipt requested, the veterinarian may elect humane disposal any time after 10 days following return of the certified mail receipt. The veterinarian shall keep an accurate record of the date and method of disposal, and the name, address and telephone number of the person or shelter receiving the animal, if not destroyed.
- 5.4 The humane disposal of an unretrieved animal shall not relieve the owner or agent thereof of any financial obligation incurred for treatment, boarding or care by the veterinarian.

- 5.5 Notification and humane disposal as provided in this rule relieves the veterinarian of any further liability regarding the unretrieved animal.
- 5.6 The veterinarian shall post in a conspicuous location in the hospital or kennel a copy of Section 5 and 6 of this rule.

1 board to meet the objections of the legislative rule-making
2 review committee and refiled in the state register on the
3 eighteenth day of November, one thousand nine hundred ninety-one,
4 relating to the real estate appraiser licensing and certification
5 board (renewal of licensure or certification), are authorized.

6 564-9-32. Board of veterinary medicine.

7 (a) The legislative rules filed in the state register on the
8 nineteenth day of August, one thousand nine hundred ninety-one,
9 modified by the board of veterinary medicine to meet the
10 objections of the legislative rule-making review committee and
11 refiled in the state register on the second day of January, one
12 thousand nine hundred ninety-two, relating to the board of
13 veterinary medicine (organization and operation of the board),
14 are authorized.

15 (b) The legislative rules filed in the state register on the
16 nineteenth day of August, one thousand nine hundred ninety-one,
17 modified by the board of veterinary medicine to meet the
18 objections of the legislative rule-making review committee and
19 refiled in the state register on the second day of January, one
20 thousand nine hundred ninety-two, relating to the board of
21 veterinary medicine (schedule of fees), are authorized.

22 (c) The legislative rules filed in the state register on the
23 nineteenth day of August, one thousand nine hundred ninety-one,
24 modified by the board of veterinary medicine to meet the
25 objections of the legislative rule-making review committee and

1. refiled in the state register on the second day of January, one
2 thousand nine hundred ninety-two, relating to the board of
3 veterinary medicine (standards of practice), are authorized with
4 the amendments set forth below:

5 On page eight, section 3.8., by adding a new subdivision,
6 designated subdivision 2, to read as follows:

7 "2) All dental surgery shall be carried out by a licensed
8 veterinarian or a veterinary assistant under the supervision of a
9 licensed veterinarian.

10 And,

11 On page eight by renumbering the remaining subdivision.

12 (d) The legislative rules filed in the state register on the
13 nineteenth day of August, one thousand nine hundred ninety-one,
14 modified by the board of veterinary medicine to meet the
15 objections of the legislative rule-making review committee and
16 refiled in the state register on the second day of January, one
17 thousand nine hundred ninety-two, relating to the board of
18 veterinary medicine (registration of veterinary technicians), are
19 authorized.

20 §64-9-33. Contractor licensing board.

21 The legislative rules filed in the state register on the
22 fourth day of October, one thousand nine hundred ninety-one,
23 modified by the contractor licensing board to meet the objections
24 of the legislative rule-making review committee and refiled in
25 the state register on the twenty-first day of January, one

Bill Vets, Standards 26-4

H. B. 4339

(By Delegate Grubb)

(Introduced January 27, 1992; referred to the
Committee on Government Organization then the
Judiciary)

A BILL to amend article nine, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-nine, relating to authorizing the board of veterinary medicine to promulgate legislative rules relating to standards of practice.

Be it enacted by the Legislature of West Virginia:

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

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

§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 (standards of practice), are authorized.

8

9 NOTE: The purpose of this bill is to authorize the Board of
10 Veterinary Medicine to promulgate legislative rules relating to
11 standards of practice.

12

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



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

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(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: 4 TITLE: 26 Veterinary Medicine

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

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

SIGNED: Wanda Goodwin (page 6 & 8)

TITLE OF PERSON SIGNING: Executive Secretary

DATE: 1/19/93

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