

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 4

TITLE OF RULE BEING AMENDED: Standards of Practice

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

□  
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Standards of Practice

Type of Rule:  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 standards of practice for veterinary facilities and to modify language on abandoned animals.

Rule Title: Standards of Practice \_\_\_\_\_

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:

 \_\_\_\_\_

## **Facts and Circumstances**

### **Series 4, Title 26**

#### **Standards of Practice**

**Modifications are needed to current language to comply with standards essential to adequate contemporary minimum standards of veterinary facilities. These changes were brought about due to confusion on the part of the inspector as to specific facility compliance standards that were ambiguous. The old language did not have specific citing reference for compliance standards for mobile and secondary outpatient facilities, instead referring to another facility type's language. We have added the specific language for the mobile and secondary facilities, with citing references.**

**We have also modified the language of "unretrieved animals" and changed the title to "abandoned animals". Additionally, the old language which called for waiting for a certified mail return receipt before counting off the days on unretrieved animals did not take into consideration that the postal authorities many times holds uncollected certified mail for prolonged periods of time before returning as uncollected. This could delay for several months removing the unretrieved or abandoned animal from the veterinary facility. This not only caused hardship on the veterinary facility, but also left the unretrieved animal in confinement for unnecessarily long periods.**

## **Brief Summary**

**Series 4, Title 26**

**Standards of Practice**

**Changes proposed are to modify existing language on facility requirements, add specific language regarding mobile and secondary outpatient facilities and make changes to unretrieved or abandoned animals rules.**

TITLE 26  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

FILED

SERIES 4  
STANDARDS OF PRACTICE

2001 JUL 27 P 3:05

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§26-4-1. General.**

1.1. Scope. -- This rule establishes 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. -- ~~April 6, 2000~~

1.4. Effective Date. -- ~~June 1, 2000~~

**§26-4-2. General Professional Ethics.**

2.1. Avoidance of conflicts of interest. It is unprofessional and a violation of this rule for any veterinarian to represent conflicting interests, except by express consent of all persons 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 he or she has communicated with the veterinarian against whom the complaint is made.~~

2.3. Exposure of corrupt or dishonest conduct. Veterinarians ~~should~~ shall 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 shall 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 that authority.

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2.8. Responsibility for acceptance of medical care. A veterinarian shall 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 shall avoid bold and confident assurances to clients, especially where employment may depend upon that 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:

A. Perform 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

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veterinarian/client/patient relationship is established for the whole group if a representative number of animals have been examined ;

B. Discuss with the client a diagnostic assessment and treatment plan, including recommendations and medications, and shall enter the plan into the patient's medical record. A group of animals of one species under a single ownership, may be considered as a single entity, when a representative number of the animals have been examined sufficient to enable the veterinarian to obtain a reasonable medical judgment with regard to a diagnostic assessment and treatment plan.,

C. 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") or such other term which specifies the medication as a legend drug 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 animals in approved safety closure containers, This provision does not apply to drugs dispensed to any person who requests that the medication not be placed in these containers, or to drugs in such form or size that they cannot be dispensed reasonably in these 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); and
- 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~~ pharmaceutical record information 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 shall 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 is : (a) resuscitation bags of appropriate volumes, and (b) an assortment of endotracheal tubes of various sizes in working condition.

2) A veterinarian shall have oxygen equipment available at all times.

3) A veterinarian shall utilize at all times some method of respiratory monitoring, -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. ~~All veterinary facilities which perform small animal veterinary procedures shall have endotracheal tubes of various sizes available for use, if needed.~~

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. A veterinarian is not required to comply with the provisions of this subdivision, if the client demands to take the animal home against the veterinarian's advice and judgment. In this case the veterinarian should have the client sign a release form stating that he or she has 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 shall wear clean clothing and ~~sterilized gloves~~ sterile gloves ~~shall wear a new pair of surgical gloves for each surgery.~~

3) Sterilization of all appropriate equipment. A veterinarian shall 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 shall be indicated on the pack.

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 this subsection 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 and stains or the smoothing, filing or polishing of tooth surfaces.

B. All dental operations shall be carried out by a licensed veterinarian or veterinary assistant under the supervision of a licensed veterinarian physically on the premises.

C. However, nothing in this rule 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 which shall include, but not be limited to, identification of the patient, the patient's history, immunization records, and diagnostic procedures performed.

B. The veterinarian who owns the facility shall keep and maintain current patient records ~~shall be current and maintained~~ on the business premises for a period of three (3) years and the records are the responsibility and property of the veterinarian or owner of ~~who owns~~ the facility..

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 do the provisions of this subdivision eliminate the requirement to maintain drug records as specified by state and federal law and Board rules.

### 3.11. Advertising.

A. Advertising as used in this subsection means 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 veterinarian may represent himself or herself as a specialist 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 recognized certification. A diplomate of the American Board of Veterinary Practitioners — any certifying organization recognized by the board may claim only a specialty for the class of animals in which he or she specializes, and not for medical specialties unless in which he or she is not board-certified in those medical specialties. The Board shall annually before January one provide a list of approved certifying agencies for the next full calendar year.

C. ~~A veterinarian-veterinary facility~~ may not use the term "specialty" or "specialists" in its the name of a veterinary hospital unless all veterinary-veterinarians on 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 rules and 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. Definitions

(a) "Immediate access" or "ready access" are defined as (1) in the room, (2) in the adjoining room or (3) in the facility within reasonably close proximity to the room, within auditory or visual range.

(b) "Surgery" is that branch of veterinary medical science which treats by mechanical or operative measures for healing diseases, deformities, injuries, reproductive sterilization or elective humane surgical procedures.

4.1—4.2. 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; and
- 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 shall 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; and

8) Readily available oxygen;

~~D. A diagnostic X-ray machine and development equipment area kept in compliance with state and federal rules and regulations. or proof of use of consulting radiological services that yield diagnostic quality radiographs;~~

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; and

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

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1) Separate compartments for each animal, maintained in a comfortable and sanitary manner; and

2) Exercise runs which provide and allow effective separation of animals and their waste products. The surfaces (walls and flooring) shall be impervious so that they can be sanitized and disinfected, or walking the animals meets this requirement;

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, and a sanitary environment which is 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 must be 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 ; and~~

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

~~4.2.~~ 4.3. 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; and

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 which is maintained in a professional manner;

F. A library of current veterinary journals and textbooks available on the premises for ready reference;

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

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

a) Lighting adequate to perform surgery. A surgery room shall be equipped with either a ceiling mounted or free standing surgery light with a light source capable of being adjusted or redirected;

b) A surgery table with an impervious surface which can be cleaned and easily disinfected;

c) An inhalation anesthetic machine kept and maintained in working order;

d) Readily available oxygen;

e) An illuminated X-ray viewer available for use in the surgery room;

f) Emergency drugs for cardiac and pulmonary resuscitation readily accessible to the surgery room;

g) Walls, floors, and counter tops constructed with an impervious material capable of being cleaned and routinely disinfected; and

h) Immediate access to hot and cold running water;

H. A diagnostic X-ray machine and development equipment area kept in compliance with state and federal rules and regulations; and

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; and

4) Diagnostic laboratory equipment test kits and materials needed to render necessary tests or a contract with an outside diagnostic laboratory facility capable of returning critical diagnostic results within 24 hours.

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

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

a) Separate compartments for each animal, maintained in a comfortable and sanitary manner; and

b) Exercise runs which allow the effective separation of animals and their waste products. The surfaces (walls and flooring) shall be impervious so that they can be sanitized and disinfected, or walking the animals meets this requirement.

4.3.4.4. 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:

1) Lighting adequate to perform a basic and thorough physical examination ;

2) Immediate access to a sink with hot and cold running water; and

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 shall 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; and

8) Immediate access to 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; and

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; and

2) Exercise runs which provide and allow effective separation of animals and their waste products, or walking the animals meets this requirement. The surfaces (walls and flooring) shall 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 which is maintained in a professional manner;

K. A library of current veterinary journals and textbooks available on the premises for ready reference ; and

L. An electrical cardiographic monitoring device.

4.5 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 exception which grants 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.~~ ~~4.5.~~ 4.6 Mobile Veterinary Practice – For the purposes of this section, mobile veterinary practice means 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. For the purposes of this subsection, general mobile veterinary practice means the provision of 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. The veterinarian shall 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. A general mobile veterinary practice shall comply with the following minimum facility standards:

~~A. \_\_\_\_\_ A. For the purposes of this subsection, general mobile veterinary practice means the provision of 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 shall comply with all requirements listed In Subsection 4.2 ~~4.3~~ of this rule for veterinary clinics with the exception of Subsection F. The veterinarian shall 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. For the purposes of this subsection limited service mobile veterinary practice means 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 in this state 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 shall provide some method for the client to obtain advice pertaining to post vaccinal reactions on a 24 hour basis from time of vaccination.

C. For the purposes of this subsection, an outcall service means an ambulatory extension of a general service veterinary practice.

1). It is located within the same region of this state 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 shall have an affiliation with a general service facility in the same region of this state.

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

E. -In order to be classified as a "mobile veterinary practice", a facility shall at a minimum have:

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

2. 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:

a) Lighting adequate to perform a basic and thorough physical examination;

b) Immediate access to a sink with hot and cold running water; and

c) An adequate examination table with impervious surface which can be easily cleaned and disinfected;

3. Indoor lighting for halls, wards, reception areas, examining rooms and surgical rooms;

4. All floors and wall surfaces in the traffic or working areas of the hospital constructed with a material that can be washed and disinfected;

5. A neat, orderly appearance and a sanitary environment which is maintained in a professional manner;

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

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a). 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 shall 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; and

8) Immediate access to hot and cold running water

7. A diagnostic X-ray machine and development equipment area kept in compliance with state and federal rules and regulations; and

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

a) A microscope with an attached light source capable of performing basic routine veterinary diagnostic procedures;

b) A centrifuge;

c) Equipment to obtain a rapid hemoglobin and hematocrit value; and

d) Diagnostic laboratory equipment test kits and materials needed to render necessary tests or a contract with an outside diagnostic laboratory facility capable of returning critical diagnostic results within 24 hours.

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

a). 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; and

2) Exercise runs which allow the effective separation of animals and their waste products. The surfaces (walls and flooring) shall be impervious so that they can be sanitized and disinfected, or walking the animals meets this requirement. Walking the animals also meets this requirement

~~B. For the purposes of this subsection limited service mobile veterinary practice means 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 in this state 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 shall provide some method for the client to obtain advice pertaining to post vaccinal reactions on a 24 hour basis from time of vaccination.~~

~~C. For the purposes of this subsection, an outcall service means an ambulatory extension of a general service veterinary practice.~~

~~1). It is located within the same region of this state 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 shall have an affiliation with a general service facility in the same region of this state.~~

~~D. Large animal or farm practice mobile units are not considered mobile clinics for the purpose of this rule.~~

~~4.5- 4.6.~~ The Board shall establish deadlines for compliance with this Section which shall not exceed 5 years in any case.

~~4.6- 4.7.~~ All veterinary facilities, including those specifically mentioned in this Section, such as, hospitals, clinics, emergency care, secondary outpatient and mobile practice, shall be inspected by the Board every two years, except when the Board requires a re-inspection due to the facility not meeting all requirements for that type of facility at the routine inspection. Only after the Board determines that the facility meets the respective provisions for operation under this rule may it lawfully operate.

~~4.7, 4.8.~~ All owners of veterinary facilities operating in this state shall complete and file annually, on or before the thirtieth day of June, on a form approved by the Board, an annual veterinary facility registration, and shall pay the veterinary facility annual permit fee, as prescribed by the Board's Rule, Schedule of Fees, 26CSR6. If annual veterinary facility registration is not filed by June 30<sup>th</sup> and inspections are done in the region without knowledge of the existence of the facility, causing additional trip to inspect the non-compliant facility when existence is known, the fee for such inspection shall be double the usual and customary fee for facility inspection as specified in Series 6 of these rules.

~~4.8- 4.9.~~ The Board shall not issue a renewal license to a veterinarian who is an owner or shareholder of a veterinary facility situated in this state that has not filed annual facility registration, or refused to allow a representative of the Board to inspect the veterinary facility of the veterinarian during regular business hours.

~~4.9.~~ 4.10. Secondary Outpatient Facilities-Veterinary facilities which offer only outpatient service, provide no or only minor surgical operations, are not the primary veterinary facility of the licensed veterinarian operating the outpatient service, and are in operation no more than twenty hours per week, shall be exempt from inspection as a full service veterinary facility. These facilities shall be called secondary outpatient facilities. The facility shall at a minimum have:- ~~These secondary outpatient facilities shall be inspected and shall meet the requirements of subdivisions 4.2A ~~4.3A~~ through F of this rule if no surgical procedures are performed, and subdivisions 4.2A ~~4.2A~~ through G of this rule, if services include minor surgeries.~~

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; and

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 which is maintained in a professional manner;

F. A library of current veterinary journals and textbooks available on the premises for ready reference;

G. If services include minor surgeries, all of the following standards also apply:

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

a) Lighting adequate to perform surgery. A surgery room shall be equipped with either a ceiling mounted or free standing surgery light with a light source capable of being adjusted or redirected;

b) A surgery table with an impervious surface which can be cleaned and easily disinfected;

c) An inhalation anesthetic machine kept and maintained in working order;

d) Readily available oxygen;

e) An illuminated X-ray viewer available for use in the surgery room;

f) Emergency drugs for cardiac and pulmonary resuscitation readily accessible to the surgery room;

g) Walls, floors, and counter tops constructed with an impervious material capable of being cleaned and routinely disinfected; and

h) Immediate access to hot and cold running water

~~4.10-~~ 4.11. The Board may revoke or suspend a license or reprimand a licensee or other individuals, for not being in compliance with this Section.

**§26-4-5. ~~Unretrieved~~ Abandoned Animals.**

5.1. An "~~unretrieved~~ abandoned animal" means any animal placed for confined treatment or boarding by its owner or an agent ~~of the owner~~ in the care and custody of a veterinarian, which is not retrieved by the owner or agent ~~of the owner~~ 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~~ veterinarians specified release date of the hospitalized animal or the scheduled release date of an animal being boarded. A certified letter, return receipt requested, shall be mailed to the owner or agent of the animal at his or her last known mailing address stating ~~The certified letter shall state that the unretrieved animal is available for pick up by the owner or his or her agent, and shall state the amount owed, if any, to the veterinarian.~~

5.2. For the purposes of this section "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 ~~10-14~~ days after the veterinarian has mailed a certified letter to the owner or agent of an abandoned animal ~~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 or agent cannot be notified by certified mail, return receipt requested, the veterinarian may elect humane disposal any time after ~~10-14~~ days following the mailing return of the certified letter mail receipt, providing the veterinarian has a posted receipt from the mailing entity verifying the mailing date of the certified letter. 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 it is not destroyed.

5.4. The humane disposal of an unretrieved animal shall not relieve the owner or agent 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 of this rule.