

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 29, 2005

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* West Virginia Board of Veterinary Medicine
5509 Big Tyler Road, Suite 3, Cross Lanes, WV 25313
Phone (304) 776-8032

LEGISLATIVE RULE TITLE: Certified Animal Euthanasia Technicians

1. Authorizing statute(s) citation 30-10A-9

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 24, 2005

b. What other notice, including advertising, did you give of the hearing?
None

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 24, 2005

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

Attached _____ No comments received X

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

July 29, 2005

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Wanda Goodwin, Executive Director

WV Board of Veterinary Medicine

5509 Big Tyler Road, Suite 3

Cross Lanes, WV 25313

Phone (304) 776-8032, FAX (304) 776-8256 e-mail: wgoodwin@wvnet.edu

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)
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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

**TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE
CERTIFIED ANIMAL EUTHANASIA TECHNICIANS**

§ 26-5-1. General

1.1. Scope. -- This rule establishes guidelines for the training, examination and procedures by which Animal Euthanasia Technicians may be certified by the West Virginia Board of Veterinary Medicine. Further, it implements WV Code §30-10A-1 et. seq. and expands as well as defines qualifications for Certified Animal Euthanasia Technicians.

1.2. Authority. -- W.Va. Code §30-10A-9

1.3. Filing Date. --~~May 31, 2005~~

1.4. Effective Date. --~~June 1, 2005~~

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

26CSR5

§ 26-5-2. Application and Exam Fees

2.1. Payment. An applicant shall pay the application, examination and certification fee, as set forth in the Board's rule, Schedule of Fees, 26CSR6 prior to the training program.

2.2. Refunds. Fees are non-refundable.

§ 26-5-3. Certified Animal Euthanasia Technicians program

3.1. The Board may formulate and administer a program to teach applicants the legal, safety and practical information necessary to perform the duties of a Certified Animal Euthanasia Technician. The Board may also approve programs sponsored by professional training organizations to provide the training for Certified Animal Euthanasia Technician's.

3.2. The administration of the program sponsored by a professional training organization shall be in accordance with the laws, rules, practices, policies, or procedures prescribed by the Board or its designees.

3.3. Applicants for certification as animal euthanasia technicians shall complete the required training program within twelve months preceding the written and practical examinations.

§ 26-5-4. Written examination

- 4.1. The written examination shall test the applicants knowledge on the subjects set forth in WV Code § 30-10A-3 (b) 1, as well as the provisions of West Virginia Code § 30-10A-1 et. seq. pertaining to Certified Animal Euthanasia Technicians.
- 4.2. The minimum passing score on the written examinations for Certified Animal Euthanasia Technician's is seventy percent.

§ 26-5-5. Practical skills examination

- 5.1. The Board shall annually appoint from its membership a minimum of one or a maximum of two board members who are veterinarians for the purpose of administering the practical skills examination to applicants for certification as an Animal Euthanasia Technician, or may assign administration of the exam to a veterinarian or veterinarians licensed to practice in this state.
- 5.2. The Board member or members, or authorized veterinarian shall conduct the practical skills examination to determine the applicants' ability in meeting the requirements in WV Code §30-10A-3 (c).
- 5.3. The Board member or members who administer the practical examination shall determine failure or passing of the practical examination following report of scores by the test administrator or administrators.

§ 26-5-6. Testing date

- 6.1. The Board shall offer the Certified Animal Euthanasia Technician training program at least once a year.
- 6.2. The Certified Animal Euthanasia Technician written and practical skills examinations shall be conducted at least once a year. The examinations shall consist of written examinations, followed by a practical examination.
- 6.3. An applicant who fails any portion or portions of the Certified Animal Euthanasia Technician examination is ineligible to be certified as a Certified Animal Euthanasia Technician.

§ 26-5-7. Revocations, suspensions

- 7.1. Removal of Certification - The Board has the power to deny, suspend or revoke a certification as an Animal Euthanasia Technician or to take other disciplinary action for a violation of the provisions of the law or this rule. It may also deny, suspend or revoke a certification if the person:

- a. Has presented to the Board dishonest or fraudulent evidence of qualification or 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 permitted or allowed another to use his or her certification to practice animal euthanasia in this or any other state;
 - d. Has committed fraud in the application or record keeping of any animal ;
 - e. Has failed to maintain records at the place of business of the Certified Animal Euthanasia Technician which shall include, but not be limited to those specified in Section 10 of this rule; or
 - f. Has performed unauthorized treatment.
- 7.2. The Board shall afford a hearing to any applicant who is denied certification and who requests a hearing within thirty days of notification of the denial, or to any person against whom disciplinary action has been taken by the Board. The Board shall conduct the hearing in accordance with the provisions of Board Rule titled "Hearing Procedures of the West Virginia Board of Veterinary Medicine" 26 CSR 2.
- 7.3 The Board may revoke or suspend the certification of any Certified Animal Euthanasia Technician if the Board determines that Sodium Pentobarbital and/or Sodium Pentobarbital compound or any other euthanasia drug of choice as established by the Board is being used for any purpose other than humane animal euthanasia or that the permitted facility has failed to abide by the rules for the safe and efficient purchase, possession, or administration of Sodium Pentobarbital and/or Sodium Pentobarbital compound.
- 7.4. The Board may inspect any animal control facility, animal shelter or humane society which employs a Certified Animal Euthanasia Technician to determine if it complies with the rules for possession, administration or purchase of Sodium Pentobarbital and/or Sodium Pentobarbital compound or the designated euthanasia drug of choice, as established by the Board.

§ 26-5-8. Continuing education requirement

- 8.1. All Certified Animal Euthanasia Technician's shall complete at least six hours of continuing education in courses approved by the Board during each calendar year. No hours may be accumulated, carried forward, or held over past the calendar year in which the hours were completed.
- 8.2. Until such time as appropriate continuing education courses are available in the field of animal euthanasia as determined by the Board, the Board

may provide such continuing education courses annually for Certified Animal Euthanasia Technicians in meeting the requirements for continuing education. The fee for such continuing education shall be established by the Board in the Schedule of Fees 26 CSR 6.

- 8.23. By December 31 of each year, each Certified Animal Euthanasia Technician shall certify to the Board on forms to be provided by the Board, that he or she has successfully completed the continuing education requirement for that calendar year.
- 8.34. The Board shall not issue a certification renewal to an animal euthanasia technician who does not present to the Board sufficient proof that he or she has successfully undertaken and completed the required hours of continuing education.

§26-5-9. Certification annual renewal

- 9.1. The Board shall make every reasonable effort to notify Certified Animal Euthanasia Technician's of the renewal requirements as set forth in W. Va. Code **§30-10A-5**, but failure to receive notification does not exempt anyone from meeting the requirements of this rule.
- 9.2. Certified Animal Euthanasia Technician's shall notify the Board of any change of address, and to forward the notice to the Board no later than the effective date of the change of address.

§26-5-10. Record keeping

- 10.1. Certified Animal Euthanasia Technicians shall maintain records at their place of business including, but not limited to;
- (a) Identification of the animal euthanized;
 - (b) The drug administered, and its dosage;
 - (c) The date of euthanasia;
 - (d) The method of sanitary disposal of the animal's remains; and
 - (e) An inventory of all receipts, administrations and distributions of Sodium Pentobarbital and/or Sodium Pentobarbital compound or the approved replacement drug of choice.
- 10.2. The Certified Animal Euthanasia Technician and the municipal or county run animal control facility, humane society or animal shelter shall maintain the records in a current status on the business premises for a period of three (3) years.

- 10.3. In the case of the cancellation of certification of an animal euthanasia technician, the records shall be maintained by the facility's administrators.

§26-5-11. Storage

- 11.1. The Certified Animal Euthanasia Technician shall maintain all controlled substances under his or her authority in a properly secure and locked storage container when the Certified Animal Euthanasia Technician is not in the same room with the drug.
- 11.2. Only the Certified Animal Euthanasia Technician shall have access to the drug storage container.
- 11.3. The manufacturer's instructions shall be followed in the preparation of all lethal injections.
- 11.4. Needles shall be of medical quality, and shall not be used if they are dirty, clogged, barbed, or might otherwise cause unnecessary discomfort for the animal. Needles may not be used more than five (5) times.
- 11.5. Syringes shall be of medical quality. They may be reused if they are properly cleaned.
- 11.6. Needles and syringes shall be kept in the same secure storage as the lethal drugs.
- 11.7. Needles and syringes shall be disposed of in a proper container, as required by state law.

§26-5-12. Minimum standards

- 12.1. The Certified Animal Euthanasia Technician shall maintain all controlled substances, needles and syringes in compliance with state and federal laws.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Certified Animal Euthanasia Technicians

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Veterinary Medicine

Address: 5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313

Phone Number: (304) 776-8032 Email: wgoodwin@wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This measure will have no effect on costs and revenues of state government beyond creating a fee for the continuing education provided to CAET's by the Board.

FILED
 2005 AUG 25 A 11:22
 OFFICE WEST VIRGINIA
 SECRETARY OF STATE

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	500.00	500.00
Current Expenses	0.00	2,500.00	2,500.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	3,000.00	3,000.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Certified Animal Euthanasia Technicians

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

None

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

This legislative rule applies to Certified ANimal Euthanasia TEchnicians under the authority of the Board of Veterinary Medicine, and has no language added, deleted or modified which would have any fiscal impact on state governemt beyond adding a fee for the continuing education program by the Board to cover the costs of providing the program for CAET's. .

Date: August 24, 2005

Signature of Agency Head or Authorized Representative

Paula Gordon

Statement of Circumstances

Title 26 Series 5

After changing the drug of choice for injectable animal euthanasia by CAET's in 2005, there were some who indicated their preference as Sodium Pentobarbital instead of SP compound. The Board found either to be appropriate and asked that the language reflect either as acceptable.

Additionally, it is required for CAET's to complete continuing education in the field of animal euthanasia each year, in order to renew their certification. However, there are currently very few programs offering such relevant education. If programs are offered, they can not complete the annual requirement of six hours at one program because most programs are directed toward animal shelter workers or animal adoptions, rather than drug records, stress management for CAET's, etc., thereby not providing the minimum approved hours for euthanasia technicians. Until such time as programs are available relative to euthanasia technician continuing education, the Board would like to offer such a program annually as a one-day c.e. program to help CAET's maintain the mandatory c.e..

Brief Summary

Proposed Legislative Rule Change Filed June, 2005 for 2006 Legislature

Series 5- Certified Animal Euthanasia Technicians

The proposed rule changes to Series 5 are for purposes of authorizing the "drug of choice" for animal euthanasia by injection to be Sodium Pentobarbital and/or Sodium Pentobarbital compound, as some CAET's prefer SP, while others prefer SP compound.

The rule change also authorizes the Board of Veterinary Medicine to conduct an annual continuing education program for CAET's, as West Virginia law requires annual c.e. in the field of animal euthanasia and there is little in the way of continuing education applicable to this field annually.