

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

Form #2

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2003 JUN 30 P 2:43

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 5

TITLE OF RULE BEING AMENDED: Certified Animal Euthanasia Technicians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

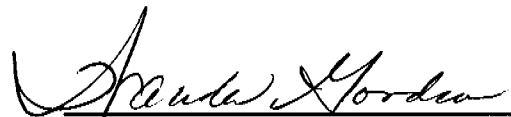
TITLE OF RULE BEING PROPOSED: _____

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 July 30, 2003 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: Certified Animal Euthanasia Technicians

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of veterinary Medicine

Address: 1900 Kanawha Blvd., E. , Charleston, WV 25305-0119

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:

No changes in income or expenses due to rule changes proposed.

3. Objectives of These Rules:

Standards for CAET's. Rule change is to modify euthanasia drug from Sodium Pentobarbital (Schedule II) to Sodium Pentobarbital compound (Schedule III).

Rule Title: Certified Animal Euthanasia Technicians

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: June 30, 2003

Signature of Agency Head or Authorized Representative:



Facts and Circumstances

Series 5, Title 26

Certified Animal Euthanasia Technicians

Changes approved by vote of the Board to delete Sodium Pentobarbital as the approved drug of choice and replace with Sodium Pentobarbital compound. Sodium Pentobarbital is a Schedule II controlled substance with a higher risk than Sodium Pentobarbital compound, which is a Schedule III. The compound is easier to use and measure than the Sodium Pentobarbital.

Brief Summary

Series 5, Title 26

Certified Animal Euthanasia Technicians

Sodium Pentobarbital is the only drug which by law, may be used for animal euthanasia in West Virginia. We have learned that DEA will not allow the purchase of Sodium Pentobarbital compound, as WV law specifies Sodium Pentobarbital, which is more difficult to administer and has a higher potential for risk. These rule changes are to replace Sodium Pentobarbital with Sodium Pentobarbital compound.

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 is to implement WV Code §30-10A-1 et. seq. and expand as well as define qualifications Certified Animal Euthanasia Technicians.

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

1.3. Filing Date. -- ~~April 1, 1999~~

1.4. Effective Date. -- ~~April 1, 1999~~

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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 the laws of West Virginia pertaining to Certified Animal Euthanasia Technicians.

4.2. The minimum passing score on the written examination for Certified Animal Euthanasia Technician's is seventy per cent.

§ 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 ~~the passing grade~~ failure or passing on the practical examination following report of scores by 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 a 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, 26 CSR 2, titled "Hearing Procedures of the West Virginia Board of Veterinary Medicine".

7.3 The Board may revoke or suspend the certification of any Certified Animal Euthanasia Technician if the Board determines that ~~Sodium Pentobarbital or any other~~ 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 regulations for the safe and efficient purchase, possession, or administration of ~~Sodium Pentobarbital~~ 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 regulations for possession, administration or purchase of ~~Sodium Pentobarbital 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. 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 has successfully completed the continuing education requirement for that calendar year.

8.3. 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 clause 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~~ 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 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.