

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

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Veterinary Medicine TITLE NUMBER : 26

RULE TYPE: Legislative CITE AUTHORITY: 30-10A

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED:

TITLE OF RULE BEING AMENDED :

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 5

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 7/29/98 AT 4:00 p.m. . ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

1900 Ken. Blvd. E.
Ches., WV 25305-0119
Attn: W. Goodwin

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE

Wanda Goodwin
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$4.20

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 Boulevard, East, Charleston, West Virginia 25305-0119

1. Effect of Proposed rule *N/A*

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

2. Explanation of Above Estimates: *N/A*

3. Objectives of These Rules: To establish guidelines for training, examination and certification of Certified Animal Euthanasia Technicians.

Rule Title: Certified Animal Euthanasia Technicians

4. Explanation of Overall Economic Impact of Proposed Rule

- A. Economic Impact on State Government: None (self appropriating board)

- B. Economic Impact on Political Subdivisions, Specific Industries, Specific Groups of Citizens: None

- C. Economic Impact on Citizens/Public at Large: None

Date: 6/29/98

Signature of Agency Head or Authorized Representative

Wanda Goodwin

West Virginia Board of Veterinary Medicine
1900 Kanawha Boulevard, East
Charleston, WV 25305-0119
Phone (304) 558-2016
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Statement of Circumstances §26CSR5

Due to passage of House Bill 2656 in 1998, creating the position of Certified Animal Euthanasia Technicians.

The position of Certified Animal Euthanasia Technicians, also referred to as CAET's, passed in the West Virginia Legislature in 1998. These individuals, following a training program, and a written and practical examination, will be authorized to acquire under a federal Drug Enforcement Administration permit, which shall be in the name of the animal control facility, as well as the CAET, Sodium Pentobarbital, for humane euthanasia of animals. They are authorized to purchase Sodium Pentobarbital directly with the permit. This is necessary, as the alternatives are to have a veterinarian perform euthanasia, which is most often out of the question, due to their inability to leave their practices for extended periods, or to obtain from a veterinarian the controlled substance. As veterinarians are responsible for any controlled substance which they purchase through their DEA permit, most refuse to allow it to be placed in the hands of others, due to liability. The West Virginia Board of Veterinary Medicine checked with other states to find how they resolved this problem. The alternative was the creation of CAET's, and thus this position was initiated in West Virginia.

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Summary of Rule §26CSR5

In the Practice Act §30-10A, the West Virginia Legislature refers to the legislative rules for expansion on many items addressed for CAET's.

Included in these references are

- a. "Other requirements established by the board by legislative rule"
- b. In reference to the written exam "Other subject areas specified by the board in a legislative rule"
- c. Establishment of a minimum passing score on the written exam.
- d. Limitations of practice of euthanasia
- e. Acts and omissions in reference to the board's responsibility to assure the candidate meets minimum requirements.

These rules establish recordkeeping requirements, storage provisions, continuing education prerequisites, as well as minimum number of test administrations annually, and the minimum passing score on the written exam. Fees for application, examination, training and certification are being addressed in Series 6.

26CSR5

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TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 5
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 §30-10A of the WV Code, and expand as well as define qualifications Certified Animal Euthanasia Technicians.

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

1.3. Filing Date. --

1.4. Effective Date. --

26CSR5

§ 26-5-2. Application and Exam Fees

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

2.2. Refunds. Fees are non-refundable.

2.3. The Board shall establish and publish annually a schedule of reasonable fees for the training and test administration for Certified Animal Euthanasia Technician candidates. Fees shall be based on the board's anticipated financial requirements for the training and testing, for the year.

§ 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 CAET. The Board may also approve programs sponsored by professional training organizations to provide the training for CAET's.

3.2. The administration of the program 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 must 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 § 30-10A-3 (b) 1, as well as the provisions of WV Code on the laws of West Virginia pertaining to Certified Animal Euthanasia Technicians.

4.2. The minimum passing score on the written examination for CAET'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 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 such 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 shall determine the passing grade 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 CAET program at least once a year.

6.2. The CAET written and practical skills examinations shall be conducted at least once a year. The tests shall consist of a written examination, followed by a practical examination.

6.3. An applicant who fails any portion or portions of the CAET examination is ineligible to be certified as a CAET.

§ 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 these rules, or for a determination that the person:

a. has presented to the Board dishonest or fraudulent evidence of qualification, has been guilty of fraud or deception in the process of examination or for the purpose of securing a certificate of registration,

b. is chronically or habitually intoxicated, has a chemical dependency or is addicted to drugs,

c. has been convicted of a felony under the laws of this or any other State or jurisdiction of the United States or of the federal government of the United States,

d. has permitted or allowed another to use his or her certification to practice animal euthanasia in this or any other state,

e. has committed fraud in the application or record keeping of any animal ,

f. has failed to maintain records at the place of business of the CAET which shall include, but not be limited to those specified in §26-5-10.

g. 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 such denial, or to any person against whom disciplinary action has been taken by the Board. The Board shall conduct the hearing in accordance with the provisions of 26 CSR 2.

7.3 The Board may revoke or suspend the certification of any CAET if the Board determines that Sodium Pentobarbital 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.

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 the designated euthanasia drug of choice, as established by the Board.

§ 26-5-8. Continuing education requirement

8.1. All CAET's shall undertake at least six hours of continuing education in courses approved by the Board as fulfilling this continuing education requirement during each calendar year. No periods may be accumulated, carried forward, or held over past the calendar year in which such periods were completed.

8.2. New CAET's are exempt from the continuing education requirements of this rule until the beginning of the immediately succeeding reporting period after certification.

8.3. By December 31 of each year, all CAET's 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. The certification shall be sworn by him or her before a notary public or any other officer legally qualified to administer oaths.

8.4. 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 CAET's of the renewal clause as set forth in W. Va. Code §30-10A-1, but failure to receive such notification does not exempt anyone from meeting the requirements of this rule.



9.2. It is the responsibility of each Certified Animal Euthanasia Technician to 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 place of business including, but not limited to;

- (a) Identification of the animal,
- (b) dosage administered of Sodium Pentobarbital or approved replacement drug of choice,
- (c) drug administered,
- (d) date of euthanasia,
- (e) method of sanitary disposal of animal remains,
- (f) Inventory of all receipts, administrations and distributions of Sodium Pentobarbital or approved replacement drug of choice.

10.2 Records shall be current and maintained on the business premises for a period of three (3) years and are the responsibility of the Certified Animal Euthanasia Technician and the municipal or county run animal control facility, humane society or animal shelter.

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

§26-5-11. Storage

11.1. All controlled substances under the authority of the CAET shall be maintained in a properly secure and locked storage container when the CAET is not in the same room with the drug.

11.2. Access to the drug storage container shall be limited to the CAET.

11.3. All lethal injections shall be prepared according to the manufacturer's instructions.

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.