

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

Form #4

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OCT 27 3 12 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

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

CITE AUTHORITY: §30-10A

AMENDMENT TO AN EXISTING RULE: YES NO

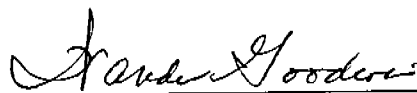
IF YES, SERIES NUMBER OF RULE BEING AMENDED:

TITLE OF RULE BEING AMENDED :

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

TITLE OF RULE BEING PROPOSED: Certified Animal Euthanasia Technicians

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

\$3.20

FILED

CERTIFIED ANIMAL EUTHANASIA TECHNICIANS

OCT 27 3 15 PM '98

§ 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. --

1.4. Effective Date. --

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 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 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 examination, 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 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 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 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.



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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

State Capitol - Room MB-49
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chairman
Delegate Mark Hunt, Co-Chairman
Debra A. Graham, Counsel

Joseph A. Altizer, Associate Counsel
Rita Pauley, Associate Counsel
Teri Anderson, Administrative Assistant

October 19, 1998

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Wanda Goodwin
WV Board of Veterinary Medicine
Capitol Complex
Building 12, Room 201

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Certified Animal Euthanasia Technicians, 26CSR5**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency ✓
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: West Virginia Board of Veterinary Medicine

Subject: Certified Animal Euthanasia Technicians, 26CSR5

PERTINENT DATES

Filed for public comment: June 29, 1998
Public comment period ended: July 29, 1998
Filed following public comment period: August 3, 1998
Filed LRMRC: August 3, 1998
Filed as emergency:

Fiscal Impact: none

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WEST VIRGINIA

ABSTRACT

The proposed rule is new. The following is a section by section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 states that an applicant for certification is to pay the fees set forth in the Board's fee rule.

Section 3 states that the Board may provide a certified animal euthanasia technicians training program or may approve programs sponsored by professional training organizations.

Section 4 states that the written examination is to test an applicant's knowledge of the subjects set forth in the Code and the provisions of the statute. The minimum passing score is 70%.

Section 5 requires the Board to appoint veterinarian members of the Board or a licensed veterinarian to administer the practical

skills examination.

Section_6 states that the Board will offer the training and examination programs at least once each year.

Section_7 sets forth circumstances, in addition to those in the statute, for which the Board may deny, suspend or revoke certification. It may suspend or revoke a certification for the improper use of sodium pentobarbital or any other euthanasia drug. This section would also allow the Board to inspect facilities which employ a technician to determine compliance.

Section_8 requires a certified animal euthanasia technician to complete 6 hours of continuing education annually in order to be recertified.

Section_9 requires certified animal euthanasia technicians to notify the Board of changes of address.

Section_10 requires certified animal euthanasia technicians to maintain records on each animal euthanized for 3 years and specifies the contents of the records.

Section_11 contains standards for the storage and disposal of drugs, needles and syringes.

Section_12 requires certified animal euthanasia technicians to maintain all controlled substances, needles and syringes in compliance with state and federal laws.

AUTHORITY

Statutory authority: W.Va. Code, §30-10A-9, which provides, in part, as follows:

...After consultation with the board of pharmacy, the board shall propose legislative rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article.

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

There are two provisions of the proposed rule which Counsel believes may be unreasonable. Applicants are required to pay one fee up front for the application and examination and certification. If the applicant does not complete the required training course he would never take the examination which is the bulk of the fee. Also the proposed rule requires certified animal euthanasia technicians to have their certifications of continuing education hours notarized. Counsel is unaware of any other licensing board which has this requirement.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR

MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No,

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.