

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

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1991 JUL 15 AM 9:45

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #7

Effective Date

July 15, 1991

NOTICE OF AN EMERGENCY RULE

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

CITE AUTHORITY: W. Va. Code Sec 30-10-1-et seq.

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES _____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED _____

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: Series 5

TITLE OF RULE BEING FILED AS AN EMERGENCY: Limited Licensure

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

West Virginia Code 30-10-1 et seq requires the Board to maintain on file rules and regulations with the Secretary of State to govern their operations as a professional licensing Board. This Board's rules have lapsed since the Boards inception, Therefore, these rules are needed for the thorough operation of the Board. The public's interest rests upon the sucessfull filing of these rules.

Use Additional Sheets If Necessary.

Albert C. Dennis
Signature

5/21/80
JUL 17 1981

FISCAL NOTE FOR PROPOSED RULES FOR NEWBORN

Title 26
Rule Title: RULES AND REGULATIONS GOVERNING VETERINARY PROFESSION

Type of Rule: Legislative Interpretive Procedural

Agency: WV BOARD OF VETERINARY MEDICINE ~~Address~~ 712 MACCORKLE AVE., S. CHAS WV
25303

1. Effect of Proposed Rule	1981 Increase Decrease		FISCAL YEAR	
	Current	New	Current	New
Estimated Total Cost	\$	\$	\$	\$
Personal Services	15,000		20,000	20,000
Current Expense				
Personnel and Materials				
Equipment				
Other				

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2. Explanation of above estimates:

UNDER PERSONAL SERVICES, INCREASE ESTIMATED FOR INSPECTION OF VETERINARY FACILITIES UNDER NEW RULES AND REGULATIONS. ESTIMATED 100 INSPECTIONS AT \$150.00 EACH WILL COVER THIS EXPENSE. ALSO ANNUAL LICENSE RENEWAL FEE WILL GO FROM \$25.00 TO \$100.

3. Objectives of these rules:

TO ESTABLISH RULES AND REGULATIONS TO ENFORCE THE VETERINARY PRACTICE ACT AND BRING IT INTO COMPLIANCE WITH NATIONAL STANDARDS.



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1991 JUL 15 AM 9:45

STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
CHARLESTON 25305

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

MARIO J. PALUMBO
~~XXXXXXXXXXXXXX~~
ATTORNEY GENERAL

(304) 348-2522

CONSUMER HOTLINE
(800) 368-8808

MEMORANDUM

TO: Secretary of State
Legislative Rule-making Review Committee

FROM: Albert C. Dunn, Jr.

DATE: July 12, 1991

RE: Proposed legislative rule of the Board of Veterinary
medicine

This rule entitled Limited Licensure contained in Title 26, Series 5, addresses the ability of an individual to receive a limited license in a set number of fields of practice of veterinary medicine. This rules also establishes rules for applications and examination, renewals, temporary permits, and disciplinary action taken by the Board of those individuals issued said license.

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1991 JUL 15 AM 9:45

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

DATE:

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM:

EMERGENCY RULE TITLE: 26

1. Date of filing: July 12, 1991
2. Statutory authority for promulgating the emergency rule:
West Virginia Code 30-10-1 et seq, 29A-3-15
3. Date of filing of proposed legislative rule: July 12, 1991

4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule?

New Language

5. Has the same or similar emergency rule previously been filed and expired?

No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare

The Board of Veterinaey Medicine has been operating without the benefit of established legislative rules and regulations, therefore, the filing of these rules will enable the Board to comply more completely with their enabling legislation and to also adopt standards of the National Boards of Veterinary Medicine.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

None

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

The Public's interest is best served by establishing standards for the practice of veterinary medicine, thereby making those individuals licensed under the act more responsible for their actions and providing qualifications for the issuance of licenses to practice veterinary medicine

TITLE 26
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF
VETERINARY MEDICINE

SERIES 5
LIMITED LICENSURE

FILED
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

26-5-1 General

- 1.1 **Scope** - These rules establish the licensing of veterinarians by the West Virginia Board of Veterinary Medicine with limited licensure for the practice of specified areas of veterinary medicine.
- 1.2 **Authority** - West Virginia Code 30-10-1 et seq.
- 1.3 **Filing Date** _____.
- 1.4 **Effective Date** _____.

26-5-2 Limited Licensure

- 2.1 The Board shall have the authority to grant a limited license to practice veterinary medicines within, and only within, a specific professional activity in the field of veterinary medicine. The limited license may be granted for a specific professional activity in the field of veterinary medicine in which the applicant desires to be trained and/or licensed. Such veterinarian's practice shall be limited to his or her field or fields of specific professional activity, except during a dire emergency situation.
- 2.2 The fields of specific professional activity shall be limited to the following:
 1. Bovine Practice
 2. Equine Practice
 3. Porcine Practice
 4. Food Animal Practice
 5. Feline Practice
 6. Canine Practice
 7. Small Animal Practice
 8. Poultry Practice
 9. Public Health Practice
 10. Preventive Medicine Practice
 11. Teaching and Research Practice
 12. Regulatory Practice
 13. Administrative Practice
 14. Laboratory Animal Practice
 15. Wild Life, Zoo and Fur Bearing Animals Practice
 16. Industrial Veterinary Medicine Practice

- 2.3 A veterinarian may hold more than one limited license, but must pass the specific examination for each limited license that he or she desires to obtain.

26-5-3 Applications and Examination

- 3.1 Procedures for applications and examination shall be the same as those set out in Section 26-1-3 of these rules.
- 3.2 Any person applying for a limited license under the provisions of these rules shall also set forth in his or her application the area or areas in which he or she is seeking a limited license.
- 3.3 An applicant for limited license shall not be eligible for such license without a written examination in addition to whatever oral or practical examinations the Board deems necessary.
- 3.4 The application\examination fee for a limited license shall be the same as for a general license as set out in the schedule of fees, Series 6 of these rules.

26-5-4 Rules for Examination

- 4.1 Procedures for rules for examination shall be the same as those set out in Section 26-1-4 of these rules.
- 4.2 The Board shall prepare and administer an examination suited for testing an applicant's skills within the area of specific professional activity for which limited license is sought.
- 4.3 All applicants for a limited license must have received a passing score on the National Veterinary Boards. The passing score for the National Veterinary Board will be the 1.5 standard deviation for the mean of the criterion group. It shall be the responsibility of the applicant to forward his or her National Board scores to the secretary-treasurer of the Board.
- 4.4 An applicant for a limited license must have the same credentials to sit for the examination in his or her specified field of practice as does an applicant for a general license.

26-5-5 Licensure

- 5.1 Provisions regarding licensing and licensure shall be the same as those set out in Section 26-1-5 of these rules.

- 5.2 A certificate for a limited license issued by the Board shall include the licensee's name in full, the specific area of professional activity to which his or her license is limited, a certificate registration number, the Board seal, the effective date of the certificate and the signatures of the President and the secretary-treasurer of the Board.

26-5-6 Renewals

- 6.1 Procedures for the renewal of a limited license shall be the same as those set out in Section 26-1-6 of these rules.
- 6.2 A veterinarian with a limited license must complete his or her continuing education requirement in the specific area or areas of professional activity to which his or her license is limited.

26-5-7 Temporary Permits

- 7.1 Provisions regarding temporary permits shall be the same as those set out in Section 26-1-7 of these rules.

26-5-8 Reciprocity

- 8.1 Provisions regarding reciprocity shall be the same as those set out in Section 26-1-8 of these rules.
- 8.2 A limited license granted by the Board shall be given reciprocal effect, either into or out of this state, to the extent authorized by the reciprocal agreement with the reciprocating state.

26-5-9 Disciplinary Action

- 9.1 Procedures for disciplinary action shall be the same as those set out in Section 26-1-9 of these rules.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

ROBERT E. WILKINSON
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

SHEREE COHEN
Special Assistant

(Plus all the volunteer
help we can get)

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE July 15, 1991
ADMINISTRATIVE LAW DIVISION

July 15, 1991

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

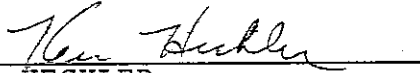
AGENCY: Board of Veterinary Medicine

RULE: New Rule, Series 5, Limited Licensure

DATE RULE FILED AS AN EMERGENCY RULE: July 15, 1991

DECISION NO. 64-91

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule be approved. A copy of the complete decision with required findings is available from this office.


KEN HECHLER
Secretary of State

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Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

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(Plus all the volunteer
help we can get)

DECISION

EMERGENCY RULE DECISION
(ERD 64-91)

AGENCY: Board of Veterinary Medicine
RULE: New Rule, Series 5, Limited Licensure
FILED AS EMERGENCY RULE: July 15, 1991

- par. 1 The Board of Veterinary Medicine (Board) has filed the above new rule as an emergency rule.
- par. 2 West Virginia Code 29A-3-a requires the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule: 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 3 Following review, the Secretary of State shall issue a decision as to whether or not such an emergency rule should be disapproved [(29A-3-a(a))].
- par. 4 (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Committee (LRMRC).
- par. 5 If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the emergency rule decision is issued or the expiration of the forty-two day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.

par. 6 The Board filed this emergency rule with supporting documents with the Secretary of State July 15, 1991 and with the LRMRC July 15, 1991.

par. 7 It is the determination of the Secretary of State that the Board has complied with the procedural requirements of WV Code §29A-3-15 for adoption of an emergency rule.

par. 8 (B) Statutory Authority -- WV Code §30-10-4(i) reads:

(i) Promulgate, amend or repeal reasonable rules and regulations, in accordance with the provisions of §29A-1-1 et seq. of this code, to implement the provisions of this article, including rules and regulations establishing standards of professional conduct for the practice of veterinary medicine.

par. 9 It is the determination of the Secretary of State that the Board has not exceeded its statutory authority in promulgating this emergency rule.

par. 10 (C) Emergency WV Code 29A-3-15(g) defines "emergency" as follows:

(g) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.

par. 11 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.

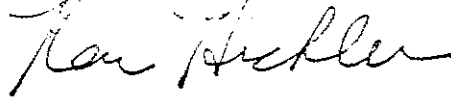
par. 12 The facts and circumstances as presented by the Board are as follows:

West Virginia Code §30-10-1 et seq. requires the Board to maintain on file rules and regulations with the Secretary of State to govern their operations as a professional licensing Board. This Board's rules have lapsed since the Board's inception. Therefore, these rules are needed for the thorough operation of the Board. The public's interest rests upon the successful filing of these rules.

par. 13 It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(g). . . "prevent substantial harm to public interest."

par. 14

This decision shall be cited as Emergency Rule Decision 64-91 or ERD 64-91 and may be cited as precedent. This decision is available from the Secretary of State and has been filed with the Division of Public Safety, the Attorney General and the Legislative Rule Making Review Commission.



KEN HECHLER
Secretary of State

Entered _____

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE July 15, 1991
ADMINISTRATIVE LAW DIVISION