

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

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FILED

1991 JUL 15 AM 9:48

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

at #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 6

TITLE OF RULE BEING FILED AS AN EMERGENCY: Schedule of Fees

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 successful filing of these rules.

Use Additional Sheets if Necessary.

Albert C. Dennis  
Signature



STATE OF WEST VIRGINIA  
OFFICE OF THE ATTORNEY GENERAL  
CHARLESTON 25305

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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 rules of Board of Veterinary  
Medicine

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Series 6, of Title 26 of the Proposed rules of the Board of Veterinary Medicine establishes fees for the operation and administration of the Board. The Source of these fees are those individuals under the jurisdiction of the Board and these fees include but are not limited to: application fees, renewal fees, permit fees, and faculty inspection fees. These fees are established pursuant to authority vested in the Board by W. Va. Code § 30-10-1 et seq.

FILED  
JUL 17 1991

FISCAL NOTE FOR PROPOSED RULES FOR GENERAL

Title 26  
Rule Title: RULES AND REGULATIONS GOVERNING VETERINARY PROFESSION

Type of Rule: X Legislative          Inceptive          Executive

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

1. Effect of Proposed Rule:	NATIONAL		FEDERAL		
	Income	Expenditure	Current	New	Repealed
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services	15,000		20,000	20,000	20,000
Current Expense					
Printing and Miscellaneous					
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 \$100.00

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 9:48

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

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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

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TITLE 26  
LEGISLATIVE RULES  
WEST VIRGINIA BOARD OF  
VETERINARY MEDICINE

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SERIES 6  
SCHEDULE OF FEES

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

26-6-1 General

- 1.1 Scope - This schedule establishes the fees to be charged by the Board for services rendered.
- 1.2 Authority - West Virginia Code 30-10-4(c)
- 1.3 Filing Date \_\_\_\_\_
- 1.4 Effective Date \_\_\_\_\_

26-6-2 Schedule of Fees

- 2.1 Application and examination fee ..... \$ 95.00
- 2.3 License fee..... \$ 5.00
- 2.4 Duplicate license..... \$ 5.00
- 2.5 Annual renewal fee..... \$100.00
- 2.6 Temporary permit..... \$ 25.00
- 2.7 Temporary permit renewal fee..... \$ 25.00
- 2.8 Endorsement into West Virginia....application fee plus license fee plus \$10.00 a month until the end of current licensing year.
- 2.9 Written confirmation of licensure by West Virginia..... \$ 25.00
- 2.9 Veterinary Medical Corporation application fee..... \$ 25.00
- 2.10 Veterinary Medical Corporation annual registration fee..... \$ 50.00
- 2.11 Veterinary Technician application fee..... \$ 25.00
- 2.12 Veterinary Technician certification fee. \$ 5.00
- 2.13 Veterinary Technician annual



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 6, Schedule of Fees

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

DECISION NO. 65-91

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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Deputy Secretary of State

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## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

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#### DECISION

#### EMERGENCY RULE DECISION (ERD 65-91)

AGENCY: Board of Veterinary Medicine  
RULE: New Rule, Series 6, Schedule of Fees  
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.*

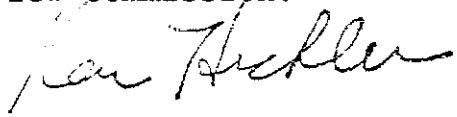
par. 11 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the 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 65-91 or ERD 65-91 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