

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

2013 JUL 26 PM 12:27

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: legislative CITE AUTHORITY: 30-10-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 3

TITLE OF RULE BEING AMENDED: Registration of Veterinary 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 26, 2013 AT NOON 1:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Veterinary Medicine

5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313

Attn: Carey Fleming, Executive Director

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: Registration of Veterinary Technicians

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Veterinary Medicine

Address: 5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313

Phone Number: 304-776-8032 Email: cflaming@wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No anticipated costs or revenue of state government for this rule.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Registration of Veterinary Technicians ✶

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

no anticipated increase or decrease in total revenues

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

The purpose of the proposed change is to allow Registered Veterinary Technicians (RVT's) to take their required continuing education via webinar. The Board has never provided the continuing education, therefore, there is no impact on revenue.

Date: 6/26/13

Signature of Agency Head or Authorized Representative

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 6/26/13

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Veterinary Medicine
5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313

LEGISLATIVE RULE TITLE: Registration of Veterinary Technicians

1. Authorizing statute(s) citation 30-10-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 26, 2013

b. What other notice, including advertising, did you give of the hearing?
Newsletter, Website

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 30, 2013

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Carey Fleming - Executive Director

WV Board of Veterinary Medicine

5509 Big Tyler Road, Suite 3

Cross Lanes, WV 25313

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

- 3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

Statement of Circumstances

West Virginia Code of State Regulations

Title 26, Series 3

Due to the new rules allowing licensed veterinarians to take annual continuing education via webinar, the Board of Veterinary Medicine has chosen to extend that rule to registered veterinary technicians and to certified animal euthanasia technicians. This requires modification to existing rules.

Brief Summary

West Virginia Code of State Regulations

Title 26, Series 3

The Board of Veterinary Medicine has chosen to allow Registered Veterinary Technicians to take required annual continuing education via webinar.

TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE
SERIES 3
REGISTRATION OF VETERINARY TECHNICIANS

2013 JUN 26 PM 12: 27

§26-3-1. General.

1.1. Scope. -- This rule establishes the procedures by which Veterinary Technicians may be registered and regulated by the West Virginia Board of Veterinary Medicine.

1.2. Authority. -- W. Va. Code §§30-10-1 and 30-10-5.

1.3. Filing Date. -- June 16, 2011.

1.4. Effective Date. -- June 16, 2011.

§26-3-2. Definitions.

2.1. As used in this rule, unless otherwise provided, the following terms have the meaning set forth in this section.

2.1.a. "Direct veterinary supervision" means that the licensed veterinarian must be physically present and within adequate visual and audible distance to direct the procedure that is being undertaken by the registered veterinary technician.

2.1.b. "External suturing" means the closing of a skin incision by a registered veterinary technician, with the application of the appropriate method and materials following the veterinarian's completion of a surgical procedure.

§26-3-3. Registration of Veterinary Technicians.

3.1. The West Virginia Board of Veterinary Medicine shall examine and register persons who are skilled in the science of Veterinary Technology, and verify that the applicant has graduated with a degree in veterinary technology from a school approved by the Board.

3.2. No person may use the term, be addressed as or referred to with respect to veterinary medicine as a "veterinary technician" or a "technician" unless he or she has complied with the requirements for registration by the Board, and is currently authorized by the Board to use the title of "Registered Veterinary Technician, or "R.V.T."

§26-3-4. Board's Authority.

4.1. The Board has exclusive jurisdiction:

4.1.a. To determine the eligibility of applicants for registration;

4.1.b. To determine the content and frequency of the state examination for registration;

4.1.c. To grant, suspend, revoke or refuse to grant registration upon a showing of proper cause as provided in W. Va. Code §30-10, et seq. and this rule;

4.1.d. To promulgate, amend and repeal such reasonable rules regarding ethical standards of conduct, which shall be promulgated, amended, or repealed in accordance with the provisions of W. Va. Code §29A-3-1, et seq.

§26-3-5. Registration requirements.

Any person desiring to be registered as a veterinary technician shall complete and file an application, on a form provided by the Board, along with the required fees. Such fees are not refundable. Any application not completed within 90 days after the state examination date shall be closed with no issuance of registration on the application.

§26-3-6. Approved Schools.

The Board shall, before January 1 of each year, prepare and update a list of approved schools of veterinary technology for the next full calendar year.

§26-3-7. Examination.

Each applicant is required to pass the national veterinary technology examination and the state examination. The content of the state examination is prescribed by the Board. An applicant failing the state examination is eligible for reexamination, but shall pay for the reexamination and file a new application. An applicant may have a new national exam score transferred to this state under the current application no later than one year from the application filing date.

7.1. To be eligible for the state examination, applicants shall be a graduate of, or within 1 year or less of graduating from an approved veterinary technology school with a degree in veterinary technology.

7.2. Applicants for the national veterinary technology examination must have a degree from an accredited veterinary technology program.

§26-3-8. Title.

The Board shall issue a certificate of registration to any person who has successfully completed the requirements of this rule. The registration shall be displayed in the principal office of the veterinary facility where the veterinary technician is employed. Any person registered has the right to use the title "Registered Veterinary Technician" and the abbreviation "R.V.T."

§26-3-9. Restrictions.

No person registered as a veterinary technician, shall in any manner, indicate or imply that he or she is a veterinarian. Persons registered as veterinary technicians may perform the skills of veterinary technology as defined within the scope of practice specified in W. Va. Code §30-10-11. No veterinary technician shall perform surgery, make diagnoses or prescribe medication.

§26-3-10. Removal of Registration.

The Board may deny, suspend or revoke a registration or take other disciplinary action for a violation of the provisions of W. Va. Code §30-10-1 et seq. or these rules, or for a determination that the person:

- 10.1. is chronically or habitually intoxicated, has a chemical dependency or is addicted to drugs;
- 10.2. permitted or allowed another to use his or her registration to practice veterinary technology in this or any other state;
- 10.3. has committed fraud in the application or reporting of any test of animal disease;
- 10.4. has received any kickback, or compensation in any form for referring a client to another provider of veterinary services or goods;
- 10.5. has performed unauthorized treatment;
- 10.6. has been convicted of cruelty to animals;
- 10.7. has committed an act or acts of unprofessional conduct;
- 10.8. has engaged in dishonest, unethical or illegal practices in or connected to the profession of veterinary technology;
- 10.9. has performed unauthorized treatment;
- 10.10. is guilty of acts of negligence, incompetence or malpractice in the field of veterinary technology, or;
- 10.11. has received disciplinary action in another jurisdiction, including the suspension, probation or revocation of a registration as a veterinary technician issued by another jurisdiction.

§26-3-11. Hearings.

The Board shall afford a hearing to any applicant who is denied a registration who requests a hearing within 30 days of notification of the denial, or to any person against whom disciplinary action has been taken by the Board. The hearing shall be conducted in accordance with the provisions of the Board's rule, Hearing, Disciplinary and Complaint Procedures 26CSR2.

§26-3-12. Registration renewal.

12.1. All registrations expire annually on December 31, but may be renewed upon payment of the renewal fee specified in the fee schedule established by the Board in the Board's rule, Schedule of Fees, 26CSR6. By December 1 of each year, the Board shall mail a notice to all registered veterinary technicians that their registration will expire on December 31, and the Board shall provide them with a form for annual registration renewal. The Board shall issue a certificate of renewal to all persons who successfully meet the requirements to renew their registrations.

12.2. No person may use the title of or be referred to as a registered veterinary technician who does not have a current registration.

12.3. The Board shall make reasonable effort to provide all registered veterinary technicians with the renewal form, but failure to receive the notification does not exempt anyone from meeting the requirements of this rule.

12.4. A registered veterinary technician shall notify the Board of any change of address or name, and forward the notice to the Board no later than the effective date of the change with the appropriate fee as

specified in the Schedule of Fees. The RVT shall submit proof of legal name change with any name change request.

§26-3-13. Renewal requirements.

13.1. To renew registration, a RVT shall:

13.1.a. Complete the annual registration renewal form;

13.1.b. Certify on the renewal form that he or she has completed the required hours of continuing education during the year ending December 31, to renew for the year next beginning January 1;

13.1.c. List the continuing education as required on the form, specifying the date or dates of the courses, the number of classroom hours and the title of each course, as well as any other information required by the Board.

13.2. Every registered veterinary technician shall display his or her certificate of registration renewal in a conspicuous place at the principal office where he or she is employed.

§26-3-14. Continuing education.

14.1. Each registered veterinary technician shall undertake at least 8 classroom hours of continuing education in the field of veterinary technology, at least 4 of which must be in the field of veterinary science or webinar continuing education programs with scientific curriculum relative to the practice of veterinary medicine, during each calendar year, which has been approved as meeting the continuing education requirements for RVT's by the Board. No periods may be accumulated, carried forward, or held over past the calendar year in which the hours of continuing education were completed.

14.2. New registrants who obtain registration on or after June 1 of each year are exempt from the continuing education requirement of this rule until the beginning of the immediately succeeding reporting period after obtaining registration. New registrants who are registered prior to June 1 of each year are required to complete the continuing education requirements for that calendar year in order to renew for the next year.

14.3. The Board may grant continuing education hardship extensions by written appeal to the office of the Board. The Board shall only consider hardship extensions from registered veterinary technicians who were prevented from completing the required continuing education hours within the year due to verified medical or military emergencies beyond the registrant's control. Requests for a hardship extension must be received in the Board's office by December 15.

14.4. If an extension is granted by the Board for completion of approved continuing education hours, the technician shall file the renewal form with the renewal fee. The Board shall renew the registration contingent upon the technician completing the mandatory continuing education within a period determined by the Board from the current year's expiration date of December 31.

14.5. The renewal certificates in hardship extension registrations shall be issued for the period to complete the mandatory continuing education, and shall be extended to December 31 upon receipt of acceptable written documentation of completing the continuing education. The extension for completion of continuing education hours shall not be applied toward satisfaction of continuing education in the year completed and shall be separate from continuing education requirements for current year renewals.

14.6. Any registered veterinary technician issued a hardship extension for completion of continuing education shall submit documentation of completion prior to the end of the Board approved extension period.

14.7. The Board shall not issue a renewal registration certificate to an individual who does not present to the Board sufficient proof that he or she has successfully undertaken and completed the required hours of continuing education, or who has failed to fully complete the renewal form or pay the required renewal fee.

§26-3-15. Reinstatement of lapsed registration.

15.1. Any person who was registered as a veterinary technician in this state whose registration lapsed due to non-renewal may regain such registration without examination no later than 5 years from the date the registration ended by providing to the Board:

15.1.a. Completed annual renewal forms for all years not renewed;

15.1.b. Proof of having met the continuing education requirement of classroom continuing education hours, at least 4 of which must be in the field of veterinary science in an approved program in the year prior to each of the years not renewed. Each year's continuing education is to renew for the subsequent year; and

15.1.c. Payment of all delinquent fees from the last renewal date to current renewal period.

15.2. After 5 years have elapsed from the date of expiration, a registration may not be renewed, and the former registrant must make application for a new registration and take and pass the registration examinations.