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

Form #3

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2014 AUG -1 P 1:24

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: WV Dept. of Agriculture TITLE NUMBER: 61

CITE AUTHORITY: 19-20C-1

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 PROPOSED: 24

TITLE OF RULE BEING PROPOSED: WV Spay Neuter Assistance Program

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Walt Helmick

Authorized Signature

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: WV Spay Neuter Assistance Program

Type of Rule: [X] Legislative [ ] Interpretive [ ] Procedural

Agency: WV Dept. of Agriculture

Address: 1900 Kanawha Blvd, E
Charleston, WV 25305

Phone Number: 304-558-3200 Email: jodeemurtin@wvda.us

Fiscal Note Summary

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

There is no fiscal impact.

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: WV Spay Neuter Assistance Program

Rule Title: WV Spay Neuter Assistance Program

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

N/A

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.

N/A

Date: 7-29-14

Signature of Agency Head or Authorized Representative

Watt Helmick

West Virginia Department of Agriculture
1900 Kanawha Blvd. E., Charleston, WV 25305
304-558-3550

Walt Helmick
Commissioner

Statement of Circumstance

The Spay Neuter Assistance Program will allow more dogs and cats to be sterilized, thereby reducing shelter populations and costs, euthanasia rates and threats to public health and safety from rabies and other problems posed by the growing population of stray feral and abandoned dogs and cats.

The Spay Neuter Assistance Program will provide assistance to residents in the state of West Virginia who meet the qualifications under §61-24-7 of this rule. Those residents who meet the qualifications will be eligible to receive spay neuter services through a voucher-based program.

West Virginia Department of Agriculture is an equal opportunity employer.

West Virginia Department of Agriculture
1900 Kanawha Blvd. E., Charleston, WV 25305
304-558-3550

Walt Helmick
Commissioner

Summary of Proposed Rule

WV Spay Neuter Assistance Program

Title 61-Series 24

This rule establishes the Spay Neuter Assistance program which is enforced by the Commissioner of the West Virginia Department of Agriculture. Residents of the state who meet the qualifications set forth in this rule will be eligible to receive spay neuter assistance through grant and voucher-based programs.

West Virginia Department of Agriculture is an equal opportunity employer.

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

August 1, 2014

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

Jodee Martin/Executive Assistant
West Virginia Department of Agriculture
1900 Kanawha Boulevard, East
Charleston, WV 25305
304-558-3200 304-558-2203 (fax)
jodeemartin@wvda.us

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:

June 25, 2014 - July 25, 2014

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

August 1, 2014

d. Attach findings and determinations and reasons:

Attached

West Virginia Department of Agriculture
1900 Kanawha Blvd. E., Charleston, WV 25305
304-558-3550

Walt Helmick
Commissioner

July 31, 2014

Mr. William Gomaa
Associate Director of Law & Policy
Alley Cat Allies
7920 Norfolk Avenue
Suite 600
Bethesda, MD 20814-2525

Dear Mr. Gomaa:

Thank you for your comments regarding Title 61 Series 24 "West Virginia Spay Neuter Assistance Program".

The West Virginia Department of Agriculture is currently reviewing all comments received during the public comment period, and will be taking them into consideration prior to the second filing of this proposed rule.

Again, thank you for your interest and input into this important process.

Sincerely,

Walt Helmick
Commissioner

Alley Cat Allies
The cats' leading advocate

July 24, 2014

Commissioner Walt Helmick
West Virginia Department of Agriculture
1900 Kanawha Blvd., East
Charleston, WV 25305

RE: Rulemaking Comments for West Virginia Spay Neuter Assistance Program

Dear Commissioner Helmick:

On behalf of our thousands of supporters in West Virginia, Alley Cat Allies submits the following comments to proposed rule in Title 61, Series 24 of the West Virginia Code of State Rules.

Interest in the Rulemaking

Alley Cat Allies is the only national organization dedicated solely to the protection and humane treatment of cats. Promoting the sterilization of cats is a core part of our mission. We have advocated for the sterilization of feral and free-roaming cats since our founding in 1990, and we regularly advise nonprofit groups, local governments, and state policymakers on humane approaches to cats. In West Virginia, we awarded a grant to and partnered with the Kanawha/Charleston Humane Association to help improve adoption outcomes and spay/neuter opportunities for cats.[1]

Substantive Comments

Section 3.2 and 7.1.1

1) **Issue**: Alley Cat Allies commends the Department for authorizing the Program to serve not just owners of cats and dogs, but also caretakers of free roaming cats. No meaningful attempt at increasing the spay/neuter rate of cats or reducing the number of cats euthanized in shelters can success without attention directed to the free-roaming cat population. Most free-roaming cats do not have owners. The effective, long-term method of humane population control for these cats is providing spay/neuter services through people who are not their owners: Good Samaritans who step forward as caretakers. These rules correctly and justifiably authorize the Program to provide services to caretakers.
2) **Recommendation to keep "caretaker" and "free roaming cat" as currently proposed in the rules.**

[1] See http://www.alleycat.org/sslpage.aspx?pid=1534.

Section 6.1

1) **Issue**: The proposed rules do not prioritize, for the awarding of grants, the efficient provision of spay neuter services or the volume of spay neuter provided. Efficient and numerous spay neuter service delivery should factor into the grant awarding decisionmaking process. Efficiency and volume need not be the only factors considered by the advisory committee or Commissioner, but they should be identified along with existing factors such as "animal welfare best practices."
2) **Recommended language**: The Commissioner may establish an advisory committee consisting of animal welfare advocates whose role shall include the preliminary review of grant applications, making recommendations to the Commissioner for grants based on animal welfare best practices, **volume of spay neuter services contemplated to be provided, efficiency of spay neuter service delivery,** subsequent review, interpretation and recommendations for action, if necessary, on interim and post-grant reports by grantees on the use of grant funds. The committee shall abide by standard 'conflict of interest' policies.

Section 8.1.3

1) **Issue**: There appears to be a scrivener's error in a code reference.
2) **Recommended language**: For grants restricted to low income owners, identification and proof of the specific public assistance program or programs listed in ~~**61-24-8**~~ **61-24-7** of this rule under which the owner is currently a recipient. This proof may be in the form of an agency letter, benefits card, or other written evidence of participation.

Section 8.1.4

1) **Issue**: The requirement to identify how the animal or animals "were acquired by the owner or caretaker" does not make sense for a person who is a caretaker. It appears this clause is included to confirm with the definition of "animal" in § 3.1; however, a caretaker does not "acquire" a free roaming cat because that person does not own the cat. A caretaker is a Good Samaritan who arranges for the spaying and neutering of free roaming cats who do not have owners. The definition of "free roaming cat" makes clear that these cats "do not have an owner or are otherwise homeless." This clause should be rewritten to conform with the limitations in § 3.1, but should not assume that an animal has been "acquired" by a person.
2) **Recommended language**: **Information on whether the animal or animals were a) purchased by the owner or caretaker from a pet store or breeder of purebred dog or cats, or b) adopted from an animal shelter, animal control agency or humane shelter operated by a municipality, county, or other governmental agency, or a private organization operating a shelter from which animals are adopted or reclaimed.**

Section 8.2

1) **Issue**: There appears to be a scrivener's error in a code reference.
2) **Recommended language**: An application may be submitted in person, by mail or electronically, including the documentation required in subsection ~~**9.1 (3)**~~ **8.1 (3)** of this section.

Section 9.2

1) **Issue**: A voucher should be issued without reference to a specific participating veterinarian whom the owner or caretaker must use.
2) **Recommended language**: The voucher form shall contain sufficient information to identify the owner or caretaker; their animal or animals to be spayed or neutered, **a list of ~~the~~** participating veterinarian**s** for whom the voucher is designated; the monetary amount for fees and charges to be paid to the veterinarian by the grantee in accordance with this rule; the amount of co-pay to be paid by the owner or caretaker; indication of whether or not the animal or animals have been vaccinated for rabies; the expiration date of the voucher, and the name and contact information of the grantee issuing the voucher.

Section 9.3

1) **Issue**: Not all veterinarians handle free-roaming or feral cats. Some veterinarians only provide services for friendly pet cats. A grantee should be authorized to offer to a caretaker information about which veterinarians are willing to perform spay/neuter surgeries on free-roaming or feral cats.
2) **Recommended language**: A qualified owner or caretaker shall, from the list of participating veterinarians, select the veterinarian they wish to use for the spay neuter services. A grantee may not recommend nor give preference to any veterinarian on the list: Provided, that, upon request of the owner or caretaker, a grantee may offer information as to those veterinarians located in closest proximity to the owner or caretaker**, and information about which veterinarians are willing to perform spay neuter surgeries on free-roaming cats**.

Section 11.1.1

1) **Issue**: The Department should also collect information on the cost of rabies vaccinations. The Department should know the amount a veterinarian should be reimbursed for a rabies vaccination of an animal.
2) **Recommended language**: Provide annually to the Commissioner a schedule of the veterinarian's usual and customary fees and charges for spay neuter services **and rabies vaccinations**, which, for purposes of the voucher program, the veterinarian agrees to not increase for at least one year. This shall also apply to pediatric spay neuter services. The schedule shall delineate such variables as species, age, weight, estrus, pregnancy, cryptorchidism, pain medicine and other factors used in determining the veterinarian's fee and charges.

Section 11.1.2

1) **Issue**: *First*, the rules do not authorize a voucher program to cover the cost of a rabies vaccination. A rabies vaccination is a basic vaccination that is generally required for all owned animals in West Virginia. Indeed, the authorizing statute identifies rabies protection as a goal of the Spay Neuter Assistance Program: "The purpose of this program is to have more dogs and cats sterilized, thereby reducing … threats to public health and safety from rabies … ." W.Va. Code § 19-20C-1. The cost of a vaccination for rabies should be included in a voucher to ensure widespread protection against rabies. *Second*, the rules do not provide for the eartipping of free roaming cats. Eartipping is the removal of the ¼ inch tip of a free roaming cat's left ear, while the cat is under

anesthesia, to identify the cat as spayed or neutered. Eartipping has become standard procedure among veterinary practices that service free roaming cats. The rules should promote eartipping for this population.[2]

2) **Recommended language**: Provide a pre-operative examination, **a rabies vaccination if the animal is not currently vaccinated against rabies, an eartip if the animal is a free roaming cat,** spay or neuter the animal and provide post-operative care at a fee or charge not to exceed 80% of the veterinarian's usual and customary fees and charges for such services; and

Alley Cat Allies commends the Department for drafting these regulations, particularly identifying the spay/neuter need for free roaming cats. We look forward to the publication of the final rules with the comments we have submitted. It is our wish that the Spay Neuter Assistance Program is soon well-funded and grants are soon distributed.

Sincerely,

William Gomaa
Associate Director of Law & Policy

wgomaa@alleycat.org
(240) 482-2581

[2] See http://www.alleycat.org/page.aspx?pid=459.

TITLE 61

LEGISLATIVE RULE

SERIES 24

FILED

2014 AUG -1 P 1:24

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA SPAY NEUTER ASSISTANCE PROGRAM

GENERAL PROVISIONS; DEFINITIONS; WEST VIRGINIA SPAY NEUTER ASSISTANCE PROGRAM CREATED; GRANT APPLICATIONS; AWARDING OF GRANTS.

§61-24-1. General

1.1. Scope. -- This rule sets forth the requirements for the West Virginia Spay Neuter assistance Program. The purpose of this rule is to establish a spay neuter assistance program to have more dogs and cats sterilized, thereby reducing shelter populations and costs, euthanasia rates and threats to public health and safety from rabies and other problems posed by the growing population of stray, feral and abandoned dogs and cats.

1.2 . Authority. -- W. Va. Code §19-20C-1

1.3. Filing Date. --

1.4. Effective Date. --

§61-24-2. Enforcement.

2.1. This rule is enforced by the Commissioner of the Department of Agriculture

§61-24-3. Definitions.

3.1. "Animal" means a dog or cat that has not been spayed or neutered: *Provided,* That, for purposes of the spay neuter assistance program, "animal" does not include a dog or cat purchased by the owner from a pet store or breeder of purebred dog or cats, or a dog or cat that is in the custody of or has been adopted from an animal shelter, animal control agency or humane shelter operated by a municipality, county, or other governmental agency, or a private organization operating a shelter from which animals are adopted or reclaimed.

3.2. "Caretaker" means a person, organization or agency which captures or facilitates the capturing of a free roaming cat or cats for the purpose of spaying or neutering them and returning them to the environment from which they were captured.

3.3. "Cat" means a member of the genus and species known as *felis catus.*

3.4. "Commissioner" means the Commissioner of the Department of Agriculture.

3.5. "Dog" means a member of the canis and species known as *canis familiaris.*

3.6. "Feral cat" means a domesticated cat that has returned to the wild, or the offspring of such a cat.

3.7 . "Free roaming cat" includes feral, stray or abandoned cats that may or may not have a caretaker and do not have an owner or are otherwise homeless. The term does not include a stray pet cat that might have been lost or abandoned and which has identifiable ownership such as, but not limited to, a tag, microchip or tattoo.

3.8. "Fund" means the Spay Neuter Assistance Fund established in the State Treasury and maintained by the Commissioner.

3.9. "Grant" means a monetary amount from the fund awarded to a grantee along with the terms and conditions thereof.

3.10. "Grantee" means a nonprofit spay neuter organization or program that receives a grant from the Commissioner under this rule.3.11. "Nonprofit spay neuter organization or program" means:

3.10.a. A nongovernmental entity that is incorporated in and is in good standing with the state, has its principal place of business in the state, maintains a 501(c) (3) status under the federal Internal Revenue Code and meets one or more of the following criteria:

3.10.a.1. Provides or facilitates spay neuter services by a veterinarian to the general public;

3.10.a.2. Rescues stray, abandoned or feral animals and provides or facilitates adoptions services for the same to the general public; or

3.10.a.3. Advocates and furthers effective means for the propagation of humane principles to prevent animal cruelty, abuse, neglect and overpopulation; or

3.10.a.4. A county or municipal shelter or animal control agency.

3.11. "Owner" means a person who is a resident of this state who owns an animal that has not been spayed or neutered.

3.12. "Spay neuter assistance program" means the program authorized by W Va. Code §19-20C-1 *et seq.* and this rule.

3.13. "Spay neuter" means to sterilize a female animal by removing the reproductive organs or by tubal ligation, or castration of a male animal by removing the testicles or by vasectomy or by FDA approved pharmaceutical sterilization.

3.14. "Veterinarian" means a person, firm or corporation licensed to practice veterinary medicine under the provisions of W.Va. Code §30-10-1 *et seq.* and doing business in this state.

3.15. "Voucher based program" means the spay neuter voucher program under this rule administered by a grantee in which a qualified owner or caretaker receives a voucher from a grantee that is redeemable for spay neuter services through a veterinarian participating in the program.

§61-24-4. Spay neuter assistance program created.

4.1. The Commissioner shall establish and administer the spay neuter program for the purpose of providing grants to approved nonprofit spay neuter organizations or programs for advancing the spaying and neutering of animals. The Commissioner may establish other grant programs consistent with this rule.

§61-24-5. Grant application by nonprofit spay neuter organizations or programs.

5.1. In order to participate as a grantee, a nonprofit spay neuter organization or program must file an application with the Commissioner who shall develop the same. The application shall contain at a minimum:

5.1.a. The applicant's name, physical address, mailing address, e-mail address, phone number, fax number and primary contact person;

5.1.b. The applicant's federal employer identification number (FEIN);

5.1.c. The applicant's business registration account number from the W. Va. State Tax Department;

5.1.d. A description of the applicant's business, mission or purpose;

5.1.e. A copy of the applicant's latest financial statement or annual budget and current balance sheet, and the most recent IRS Form 990, 990-EZ or 990-N;

5.1.f. A listing of the applicant's officers, executive director (if applicable) and chief contact person;

5.1.g. The amount of the grant requested;

5.1.h. A detailed description of how the applicant intends to use the grant to advance spay neuter services, including a project budget, intended outcomes, and the expected amount of time in which the grant funds will be used;

5.1.i. Information regarding previous participation in the spay neuter program; and

5.1.j. Attestation that the information provided by the applicant is true and accurate to the best of their knowledge.

§61-24-6. Awarding grants by the commissioner

6.1. The Commissioner may establish an advisory committee consisting of animal welfare advocates whose role shall include the preliminary review of grant applications, making recommendations to the Commissioner for grants based on animal welfare best practices, subsequent review, interpretation and recommendations for action, if necessary, on interim and post-grant reports by grantees on the use of grant funds. The committee shall abide by standard 'conflict of interest' policies.

6.2. The Commissioner shall review grant applications and recommendations of the advisory committee and approve, reject or modify the amount requested within 90 days of receipt of an application. The applicant shall be notified of the final disposition of their application within 30 days of the Commissioner's decision.

6.3. The Commissioner shall enter into a grant contract with the grantee which shall include the terms, conditions and requirements of the grant.

6.4. The grant funds must be fully disbursed by the grantee within the grant term determined by the Commissioner and stated in the grant contract. Thereafter, a grant term may be extended at the discretion of the Commissioner; otherwise the grant and any undisbursed grant amounts shall expire and all unused monies returned to the Fund. A grantee may apply for a subsequent or concurrent grant.

6.5. The Commissioner may amend a current grant to a higher or lower amount at any point during the grant term following the initial approval.

6.6. A grantee shall notify the Commissioner of any subsequent change in their 501(c)(3) status that would disqualify them from participation in the spay neuter assistance program or otherwise negatively impact their ability to participate. A grantee must execute the program as designated in the grant contract. If changes are sought they must be approved by the Commissioner.

6.7. The Commissioner may revoke a grant and deny further participation by a grantee in the spay neuter program if it is determined that the grantee has failed to comply with the requirements of the program and this rule.

6.8. The Commissioner shall maintain and make available to the public a current list of grantees and their contact information.

6.9. A grantee shall comply with the provisions of W.Va Code §12-4-14 and legislative rules promulgated regarding accountability of persons receiving state funds or grants.

6.10. A grantee may not impose any administrative, processing or other extraneous fee or charge upon an owner or caretaker.

6.11. A grantee shall maintain proper financial records on the use of grant monies.

6.12. Upon completion of a grant, a grantee shall file with the Commissioner a report on the outcomes of the grant in fulfillment of its terms, conditions and requirements. For grants with a term of 12 months or longer, the grantee shall also file with the Commissioner an interim report within six (6) months of receiving the grant.

6.13. Eligible grant programs include but are not limited to voucher based programs and low income restricted programs.

§61-24-7. Qualified owners and caretakers

7.1. In order to receive spay/neuter services or otherwise benefit from a grant , a person must be:

7.1.a. An owner or caretaker who is a resident of the state.

7.2. In order to qualify for and receive spay neuter services for low income restricted programs, a person must be a current recipient of at least one of the following public assistance programs:

7.2.a. Supplemental Nutrition Assistance Program (SNAP);

7.2.b. Medicaid;
7.2.c. Supplemental Security Income (SSI);
7.2.d. West Virginia Low Income Energy Assistance Program (LIEAP);
7.2.e. Social Security Disability;
7.2.f. Temporary Assistance for Needy Families (TANF);
7.2.g. Aid to Families with Dependent Children (AFCD);
7.2.h. Children's Health Insurance Program (CHIP); or
7.2.i. Low Income Veterans Assistance under 38 USC 2044.

§61-24-8. Special rules for voucher-based programs.

8.1. A qualified owner or caretaker shall apply for a voucher from a grantee upon an application developed by the Commissioner that shall be provided in both written and electronic form. The application shall, at a minimum, contain:

8.1.a. The owner's or caretaker's name, physical address, mailing address, e-mail address and phone number;

8.1.b. The name, species, description and if known or available, the gender, age, and weight;

8.1.c. For grants restricted to low income owners, identification and proof of the specific public assistance program or programs listed in 61-24-8 of this rule under which the owner is currently a recipient. This proof may be in the form of an agency letter, benefits card, or other written evidence of participation.

8.1.d. Information on how the animal or animals were acquired by the owner or caretaker;

8.1.e. Attestation that the information provided by the owner or caretaker is true and accurate to the best of their knowledge.

8.2. An application may be submitted in person, by mail or electronically, including the documentation required in subsection 9.1 (3) of this section.

8.3. A grantee may deny a voucher if the owner or caretaker submits false or misleading information in the application for a voucher.

8.4. A grantee shall provide to the Commissioner in their grant reports the number of vouchers issued, their amounts and their control numbers if any.

§61-24-9. Additional information regarding Vouchers that are a part of voucher based programs.

9.1. The Commissioner shall develop a voucher form for use by grantees with a control number or other necessary means of control to prevent fraud or misuse.

9.2. The voucher form shall contain sufficient information to identify the owner or caretaker; their animal or animals to be spayed or neutered, the participating veterinarian for whom the voucher is designated; the monetary amount for fees and charges to be paid to the veterinarian by the grantee in accordance with this rule; the amount of co-pay to be paid by the owner or caretaker; indication of

whether or not the animal or animals have been vaccinated for rabies; the expiration date of the voucher; and the name and contact information of the grantee issuing the voucher.

9.3. A qualified owner or caretaker shall, from the list of participating veterinarians, select the veterinarian they wish to use for the spay neuter services. A grantee may not recommend nor give preference to any veterinarian on the list: *Provided*, that, upon request of the owner or caretaker, a grantee may offer information as to those veterinarians located in closest proximity to the owner or caretaker.

9.4. The voucher shall be signed by an authorized representative of the grantee.

9.5. The owner or caretaker shall submit the voucher to the participating veterinarian indicated on the voucher in order for the spay neuter services to be performed.

9.6. A voucher shall expire 30 days from the date of issue: *Provided*, that if the owner or caretaker contacts the participating veterinarian within 30 days to schedule the spay neuter services and the services cannot be performed within the 30 days, the voucher shall extend up and to the actual date the services are performed.

§61-24-10. Co-pay by owner and caretaker.

10.1. An owner or caretaker shall pay to the participating veterinarian a co-pay of $10.00 for each cat and $15.00 for each dog for the spay neuter services.

§61-24-11. Veterinarian participation in a voucher program.

11.1. In order to participate in the voucher program, a veterinarian must enter into a signed agreement with the Commissioner on a biennial basis on a form developed by the Commissioner. Under the agreement, the veterinarian shall:

11.1.a. Provide annually to the Commissioner a schedule of the veterinarian's usual and customary fees and charges for spay neuter services, which, for purposes of the voucher program, the veterinarian agrees to not increase for at least one year. This shall also apply to pediatric spay neuter services. The schedule shall delineate such variables as species, age, weight, estrus, pregnancy, cryptorchidism, pain medicine and other factors used in determining the veterinarian's fee and charges.

11.1.b. Provide a pre-operative examination, spay or neuter the animal and provide post-operative care at a fee or charge not to exceed 80% of the veterinarian's usual and customary fees and charges for such services; and

11.1.c. Authorize the commissioner to provide information to the general public regarding the veterinarian's participation in the voucher program.

11.2. A participating veterinarian's specific fees and charges under the voucher program shall not be disseminated to the general public: *Provided*, that, that the Commissioner shall provide such fees and charges to grantees solely for the purpose of determining the amounts to be included on the vouchers. The Commissioner may amalgamate such fees and charges with those of other participating veterinarians for purpose of developing data and statistics regarding the overall spay neuter assistance program.