



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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

AGENCY: Veterinary Medicine TITLE-SERIES: 26-01
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 26-01 Organization and Operation and Licensing of Veterinarians

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 30-10-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

- (1) Standards and requirements for a license, permit, certificate and registration;
- (2) Educational and experience requirements;
- (3) Procedures for examinations and reexaminations;
- (8) Procedures for the issuance and renewal of a license, permit, certificate and registration;
- (9) A fee schedule;
- (10) Continuing education requirements;
- (11) Set standards for ethical conduct;
- (16) Any other rules necessary to effectuate the provisions of this article.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/12/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/13/2017

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Posted on our website and mailed out postcards.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The purpose of the Rule change is to update the Rule and to be in compliance with W. Va. Code §30-1D-1(d) authorizing the Board to promulgate rules which set forth the requirements and procedures for applicant criminal history checks. West Virginia Code §29A-3-19(b) requires the incorporation of a sunset provision in existing rules which are modified after April 1, 2016.

26-1-2. Definitions.

Deleted Board approved continuing education.

Modified Reportable contagious diseases.

§26-1-4. Applications and Examinations for Veterinarians.

Added to approve certified verification forms for application credentials from American Association of Veterinary Boards (AAVSB).

Removed requirement for application to be notarized since applications are online.

Removed signature from photograph.

Modified jurisprudence exam eligibility notification since jurisprudence exams are now offered online.

Added notification to the Board no later than 30 days from the action of a conviction of a misdemeanor or felony, and/or disciplinary action by another federal or state agency.

§26-1-5. Veterinarian Jurisprudence Examination Procedure.

Modified jurisprudence exam procedures since exams are now offered online.

§26-1-7. Veterinary License Renewals

Modified CE Require Moments

Added laboratory, regulatory, and medical record keeping to the acceptable required CEs.

Removed the June exemption for CEs because the jurisprudence exam is now available online and available anytime.

New graduates are exempt from CEs the year they graduate.

Licenses that are effective October December will expire the preceding year and not requiring CEs until renewal.

If a licensee is non-compliant with a CE audit, they will be audited the following year.

CE hours required in a disciplinary order cannot be used to satisfy renewal requirements.

Late renewals must submit evidence of completion of CE hours.

Added inactive status.

Added reactivation of an inactive status.

Modified the requirements for lapsed license.

§26-1-8. Temporary Permits for Veterinarians.

Removed since temporary permits are no longer needed since we offer online jurisprudence exams.

§26-1-9. Veterinarian Disciplinary Action.

Removed the list of reportable contagious diseases since they are always changing.

§26-1-9. Criminal History Record Check

Requiring criminal history record checks for new applicant.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The purpose of the Rule change is to update the Rule and to be in compliance with W. Va. Code §30-1D-1(d) authorizing the Board to promulgate rules which set forth the requirements and procedures for applicant criminal

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

Since the WV Board of Veterinary Medicine is a non-appropriated Board and we fall under the special revenue fund; therefore, there is no impact on the revenues to state government.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

Since the WV Board of Veterinary Medicine is a non-appropriated Board and we fall under the special revenue fund; therefore, there is no impact on the state government or it's residents.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2017 Increase/Decrease (use "-")	2018 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)

TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

SERIES 1
ORGANIZATION AND OPERATION
AND LICENSING OF VETERINARIANS

§26-1-1. General.

1.1. Scope. -- This rule establishes guidelines for the organization and operation of the Board and the licensing of veterinarians by the West Virginia Board of Veterinary Medicine. W. Va. Code §30-1D-1(d) authorizes the Board to promulgate rules which set forth the requirements and procedures for applicant criminal history checks. West Virginia Code §29A-3-19(b) requires the incorporation of a sunset provision in existing rules which are modified after April 1, 2016.

1.2. Authority. -- W. Va. Code 30-10-5.

1.3. Filing Date. -- ~~June 13, 2013.~~

1.4. Effective Date. -- ~~September 9, 2013.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of 10 years from its effective date.

26-1-2. Definitions.

2.1. "Board" means the West Virginia Board of Veterinary Medicine.

~~2.2. "Board approved continuing education" means continuing education approved by the West Virginia Board of Veterinary Medicine or its authorized representative organization that is provided by an entity in compliance with the continuing education requirements for veterinarians as specified in section 1-7.5 of this rule.~~

~~2.3. "Reportable contagious diseases" means any diseases capable of spreading to any animal or human currently listed by the United States Department of Agriculture.~~

§26-1-3. The Board; Procedures.

~~3.1. Officers of the Board--~~The members of the board shall annually elect a Chairperson and a Secretary-Treasurer ~~officers. One member to serve for a period of 1 year as Chairperson; and 1 member to serve for a period of 1 year as Secretary-Treasurer,~~ both of whom shall hold their offices until their successors are elected. The Board shall hold elections ~~in June~~ each year.

3.2. ~~Vacancy--~~Any vacancy in the officers of the Board may be filled at any duly convened meeting of the Board.

3.3. ~~Board employees; duties--~~ The Board may, in its discretion, employ an executive director, and any other administrative staff as the Board considers necessary.

3.4. ~~Quorums~~—Before any action can be taken on any matter properly before the Board, at least a majority of the current members must be in attendance at the place and time set for the meeting of the Board. A majority of the members eligible to vote on any given issue ~~vote of the members in attendance~~ is required before any motion is passed.

3.5. ~~Compensation of members; expenses~~—Every member of the Board is entitled to receive compensation as specified in W. Va. Code §30-1-11 for each day spent ~~in~~ attending the sessions of the Board or of its committees. Every member shall be compensated at the stated per diem amount and reimbursed for the expenses of attending all activities approved by the Board, in the performance of activities which are pertinent to the operation and function of the Board, and for all reasonable and necessary expenses incurred in carrying out the provisions of W. Va. Code §30-10-1 et seq.

§26-1-4. Applications and Examinations for Veterinarians.

4.1. Before any person may take the jurisprudence examination for a license to practice veterinary medicine in the State of WV, he or she shall submit a written application along with the non-refundable required fees to ~~on the Board's application form, which shall be supplied by the Board upon written request or from the website of the Board.~~ The application shall contain ~~require the applicant to provide~~ the following information, which shall be retained in the applicant's file:

4.1.a. ~~His or her~~ Applicant's name, address, date and place of birth and certified copy of the applicant's birth certificate or official record of birth;

4.1.b. Verification of US citizenship or ~~provide~~ written documentation of applicant's authority to reside and work in the United States;

4.1.c. ~~A~~ Certified transcript showing ~~his or her~~ applicant's educational qualifications, including the name, location of the school, and the date the degree was awarded ~~and length of time that the applicant attended school. The certified transcript shall also bear the date of matriculation and the degree awarded;~~

4.1.d. ~~If the applicant has not graduated when the certified transcript is submitted, after graduation he or she shall provide a dated letter bearing original signature of the Dean of the school indicating under seal that the applicant has graduated, or the applicant shall provide a copy of his or her diploma bearing a statement from a notary public that the copy submitted is a true and exact copy of the original diploma;~~

4.1.e. ~~Applicant shall state whether he or she has applied for licensure in another state or jurisdiction, and the results of such applications;~~

4.1.f. Applicant shall indicate whether he or she has ever been denied a license or had a license restricted or disciplined in any other state or jurisdiction with the name of the state or jurisdiction;

4.1.g. Verification of ~~The applicant's shall have written verification of his or her~~ status as a licensee ~~submitted to the Board~~ from each state or jurisdiction where he or she now holds or ever held a license;

4.1.h. ~~A certified copy of the applicant's birth certificate or official record of birth;~~

4.1.~~if~~. Certified written verifications of any and all name changes;

4.1.~~ig~~. Any documents provided in language other than English shall be accompanied by an English translation copy with the name and address of the translator listed;

4.1.~~kh~~. A current photograph of the applicant, approximately 2 inches by 2 inches in size. Applicant shall be alone in the photograph, ~~and his or her signature shall be on the back of the photograph~~;

4.1.~~li~~. The applicant shall tender the required fees as contained in the ~~Board of Veterinary Medicine's Rule~~ Schedule of Fees, 26 CSR 6, with the ~~written~~ application.

4.2. The applicant shall state in the application that he or she will abide by the laws of this State regulating the practice of veterinary medicine and that he or she will abide by the rules of the Board.

4.3. The application shall be signed by the applicant ~~and sworn by him or her before a notary public or any officer legally qualified to administer oaths~~.

4.4. Any applicant furnishing false information in an application shall be denied the right to take the examination. If the applicant has been licensed before the Board becomes aware of the falseness of the information, the licensee is subject to disciplinary action including but not limited to, suspension, and or revocation ~~or cancellation~~.

~~4.5. Certified transcripts from the schools or colleges of veterinary medicine attended by the applicant shall accompany each application. The certified transcripts shall show the total number of hours of attendance, the subjects studied, the grades given and the date of graduation. If the certified transcripts submitted do not indicate graduation, a copy of the applicants diploma affirmed by a notary public to be an exact copy of the original document with notary signature and seal may serve as verification of graduation.~~

4.~~6~~5. Applicants who graduate from a foreign school or a school that is not accredited by the American Veterinary Medical Association must supply written verification from ECFVG or PAVE of receiving a certificate of competence and completion issued by the AVMA Education Commission for Foreign Veterinary Graduates (ECFVG) or the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence (PAVE).

4.~~7~~6. Once the application is complete and all fees have been received, the Board will notify the applicant within 14 days of their eligibility to take the jurisprudence examination. ~~The applicant shall file the completed application form and application fee with the Board at least 30 days prior to the examination date unless otherwise accepted in at the discretion of the Board or its executive director. In the event an applicant intends to retake the examination, the fee and the notice of his or her intention to retake the examination must also be in the Boards office 30 days prior to the examination date.~~

4.~~8~~7. ~~If the Board determines that an applicant possesses the proper qualifications, it shall admit the applicant to the next examination.~~ If an applicant is found not qualified to take the examination the Board shall notify the applicant in writing at the applicant's address as listed on the application, of the finding and the grounds upon which the finding is based. An applicant found not qualified may demand

a hearing. The application fee of any applicant found not qualified to take the examination is non-refundable.

~~4.98. Failure of an applicant to appear at a scheduled examination by the Board shall result in a determination that the applicant has taken the examination but without grades. The applicant must complete the jurisprudence exam within 30 days of notice. The Board may waive this determination upon written confirmation from the a federal or a state government agency stating applicant has been called to immediate active duty.~~

~~4.109. National Veterinary Board Examinations: All applicants must have a passing score on the National Board Examination (NBE) if the applicant graduated from veterinary school before 1993; the NBE and the Clinical Competency Test (CCT) if the applicant graduated 1993 through 2000 or the North American Veterinary Licensing Examination (NAVLE) if the applicant graduated after 2000. The authorized examination providers shall be the National Board of Veterinary Medical Examiners until and unless changed in this Rule by the Board. The passing score for each of the required national veterinary exams as specified according to the graduation year of the candidate is 70 percent. It is the applicant's responsibility to have the national score reporting service of the American Association of Veterinary State Boards forward a copy of his or her scores directly to the West Virginia Board of Veterinary Medicine at the applicant's expense.~~

4.9.a. It is the applicant's responsibility to have the national score reporting service of the American Association of Veterinary State Boards (AAVSB) forward a copy of his or her scores directly to the West Virginia Board of Veterinary Medicine at the applicant's expense.

4.9.b. NAVLE applicants testing through WV, shall submit a completed WV NAVLE eligibility application and payment pursuant to the Schedule of Fees.

4.10. All evidence and information described in this section may be provided through AAVSB, where available through AAVSB.

4.11. Completed verification forms must be provided directly from selected institutions to the Board and not from the applicant, except where AAVSB is providing the information directly to the Board.

~~4.11. Any application not completed within 90 days after the state examination date shall be closed and no license will be issued on that application.~~

§26-1-5. Veterinarian Jurisprudence Examination Procedure.

~~5.1. Jurisprudence Examinations shall be taken online once the completed application and fees are received. for veterinary licensure shall be held at least once a year. The Board shall advertise the West Virginia Veterinary Board examination dates and shall specify a deadline for receipt of the completed application and the application fee. The Board shall publish public notice for the application credentials deadline and examination dates in any national veterinarian oriented publication, under Notices of Examinations to be given or on the Board's website.~~

~~5.2. Jurisprudence Examinations shall cover be on subjects pertaining to veterinary medicine that are regularly taught at accredited schools of veterinary medicine, and/or on the laws governing veterinary medicine in the State of West Virginia.~~

~~5.3. Examinations shall be designed to test the examinee's knowledge of, and proficiency in the subjects and techniques required for practice of the profession in this state. To pass the examination, the applicant must demonstrate knowledge sufficient to prove himself or herself a competent person to practice veterinary medicine in the judgment of the Board. All applicants shall be tested by a written examination, supplemented by any other exams as considered necessary by the Board.~~

~~5.43. The Board shall notify the applicant of the jurisprudence examination results the day of the examination not later than 45 days after the date on which the Board has received the applicants' national examination scores and the state examination results.~~

~~5.54. If an applicant fails the examination, the test may be retaken once within 30 days and no sooner than 7 days If requested in writing by an applicant who fails the examination, the Board may furnish the applicant with an interview of his or her performance on the examination. The Board shall conduct the interview at its main office. The Board shall not supply the applicant with a copy of the examination for security reasons.~~

~~5.6. All veterinary applicants must pass the national and the West Virginia Board examinations. National examination score reports must be sent to the Board directly from the national score reporting service.~~

~~5.7. At the beginning of the state examination, each applicant shall be assigned a number by the Boards administrator, who shall have in his or her possession the only code showing the number assigned to each applicant, and he or she may not reveal the number assigned to any other applicant or to any member of the Board until after the examination is completed and the applicant's exam has been graded. Applicants shall use the number assigned to them for purposes of identification throughout the examination and no applicant shall enter his or her name or other identifying mark, other than his or her number on any paper containing answers to the questions of any examination.~~

~~5.85. When Examinations papers are delivered to the Board, they become are the property of the Board and shall not be duplicated in any form. and shall not be returned to the applicant or delivered to any other person. The Boards executive director is custodian of the examination papers which shall be preserved for a period of at least 30 days after final grading.~~

~~5.9. At the direction of the Chairperson, the Board may conduct the examination without a quorum of the Board being present. At the discretion of the Board, the state examination may also be administered by the executive director.~~

§26-1-6. Veterinary Licenses.

~~6.1. A license to practice veterinary medicine shall be mailed to an applicant whose file is complete and who has been examined and found qualified for licensure at his or her address of record.~~

~~6.21. The Board shall issue a license to a qualified candidate who passes the examinations and meets the requirements of the Board to practice the profession of veterinary medicine in this State and upon payment of the licensure fee. The license fee is set forth in the Board of Veterinary Medicine's Rule Schedule of Fees, 26 CSR 6. If any licensed veterinarian desires that a duplicate license be issued, the Board shall issue a duplicated license indicating it is a duplicate license upon payment of the duplicate license fee as set forth in the Board of Veterinary Medicine Schedule of Fees, 26 CSR 6.~~

~~6.32.~~ The license issued by the Board shall include the licensee's full name, a license number, the Board seal, the effective date and the expiration date and shall bear the signatures of the Chairperson and Secretary-Treasurer of the Board.

§26-1-7. Veterinary License Renewals

7.1. The Board shall notify each licensed veterinarian that his or her license will expire on December 31 but failure to receive the notification does not exempt a licensee from meeting the requirements of this rule. The Board shall issue a certificate of renewal to all licensees renewing their license under the provisions of this rule.

~~7.12~~ A ~~licensed~~ veterinarian who desires to continue to be licensed shall, starting October 1 through on or before December 31 of each year, renew his or her license by completing the required license renewal, ~~form and by~~ paying the annual renewal fee as specified in the ~~Board of Veterinary Medicine's Rule-Schedule of Fees, 26-CSR-6~~ and certify to the Board that he or she has completed all continuing education requirements.

~~7.2. On or before December 1 of each year, the Board shall mail a notice to each licensed veterinarian advising the veterinarian that his or her license will expire on December and shall provide him or her with a form for renewal of the license. The Board shall issue a certificate of renewal to all licensees renewing their licenses under the provisions of this rule.~~

7.3. A license that is not renewed will automatically be placed on expired status unless a specific request was made to place the license on inactive status.

7.3.a. To renew a license up to one year after the expiration date, the applicant must complete the required license renewal, pay the late renewal fee as specified in the Schedule of Fees, and submit evidence of completion of continuing education hours.

7.3.b. To reactivate an expired license exceeding 1 year, the applicant must meet the requirements of §26-1-4, pay the late renewal fee as specified in the Schedule of Fees, and submit evidence of completion of the required continuing education hours for each year the license has been expired, for a maximum of two years. The board may require additional documentation of clinical competency and professional activities.

7.4. A licensee shall pay all renewal fees to the Board on or before December 31 of each year. A licensee may request that their license be placed on inactive status by completing the required license renewal, selecting the inactive option, and paying the inactive status fee as specified in the Schedule of Fees.

7.4.a. To reactivate an inactive license, the applicant must complete the required license renewal, pay the renewal fee, and certify to the Board that he or she has completed continuing education hours for each year the license has been expired, for a maximum of two years.

~~7.5. Continuing Education~~ Each licensee who desires to continue his or her license in good standing to practice veterinary medicine in the State of West Virginia shall undertake at least 18 (50 minute) units ~~hours~~ of continuing education in the field of veterinary medicine during each calendar year. ~~Hours claimed for listening to audio or reading journals shall be limited to no more than 4 hours. Approved continuing education programs are those conducted by AVMA accredited colleges of veterinary medicine, Board approved national veterinary associations, the AVMA approved official state~~

~~veterinary associations, or the classes must be reviewed and approved by the Registry of Approved Continuing Education (RACE) or the West Virginia Board of Veterinary Medicine. A minimum of 14 hours, shall be in classroom scientific education or webinar continuing education programs with a scientific curriculum relative to the practice of veterinary medicine. shall be related to the practice of veterinary medicine to include scientific, laboratory, regulatory, and medical record keeping. No more than 4 hours shall be related to practice management. Classroom or online courses will be permitted. No periods may be accumulated, carried forward, or held over past the calendar year in which the periods were completed~~

7.5.a. Continuing Education approved providers/programs:

7.5.a.1. AVMA accredited colleges of veterinary medicine;

7.5.a.2. Board approved national veterinary associations;

7.5.a.3. AVMA approved official state veterinary associations;

7.5.a.4. State or federal government agencies;

7.5.a.5. Registry of Approved Continuing Education (RACE)

7.5.a.6. Reviewed and approved by the West Virginia Board of Veterinary Medicine once fee is received pursuant to the Schedule of Fees.

7.5.b. Licensees are required to attest to compliance with continuing education requirements on their annual license renewal and are required to maintain original documents verifying the date and subject of the program or course, the number of continuing education hours or credits, and certification from an approved sponsor. Original documents must be maintained for a period of two years following renewal. The board shall conduct a random yearly audit to determine compliance. Licensees selected for the audit shall provide all supporting documentation within 20 days of receiving notification of the audit.

7.5.b.1. If licensee is non-compliant to the continuing education audit, the board will initiate a complaint against the licensee and the licensee will be audited again the following year.

7.5.c. Continuing education hours required by disciplinary orders shall not be used to satisfy renewal requirements.

~~7.6. New graduates of the current year licensees who acquire licensure at the June examinations are exempt from the continuing education requirements of this rule until the beginning of the immediately succeeding reporting period after licensure. Those licensees who obtain veterinary license prior to the June examinations are required to complete the continuing education required in the year licensed.~~

7.7. The Board may grant continuing education hardship extensions by request of the licensee. The Board shall only consider hardship extensions from licensees who the Board determines were prevented from completing the required continuing education hours within the year due to verified medical emergencies or military emergencies obligations beyond the licensee's control. Requests for a hardship extension must be received in the Board's office by December 15.

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

7.9. When a hardship license is issued, ~~the~~ renewal license shall be valid issued for the period required 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~~ The continuing education hours completed during the extension period may not be applied toward satisfaction of continuing education in the year completed and shall be separate from continuing education requirements for current year renewal requirements.

7.10. Any licensee issued a hardship extension for completion of continuing education shall submit documentation of completion prior to the end of the Board approved extension period. Continued practice past the authorized extension period without a written renewal certificate from the Board constitutes the practice of veterinary medicine without a license.

7.11. By December 31 of each year, ~~every the~~ licensee shall certify ~~to the Board on forms to be provided by the Board~~ on the renewal application that he or she has successfully completed the continuing education requirement for that calendar year. It is the responsibility of the licensee to maintain evidence of meeting the continuing education requirements for license renewal for random audit by the Board.

~~7.12. The Board shall not issue a renewal license to a licensee who does not present to the Board sufficient proof that the licensee 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.~~

~~7.13.2. Upon receipt of the completed renewal application form and fee and sufficient proof of the completion of the continuing education requirements,~~ the Board shall issue a renewal license ~~card~~ bearing the number of the license, the period for which the license is renewed, and any other information the Board considers necessary.

~~7.14. The Board shall make every reasonable effort to notify all licensees of the renewal clause set forth in W. Va. Code §30-10-15, but failure to receive the notification does not exempt a licensee from meeting the requirements of this rule.~~

~~7.15.3. Every licensee shall display his or her renewal license in a conspicuous place in the principal office where he or she practices veterinary medicine. If a licensee practices his or her profession in more than 1 office, he or she shall have a duplicate renewal certificate issued by the Board for each office, obtained upon request and payment to the Board of the fee as specified in the Board of Veterinary Medicine's Rule Schedule of Fees 26-CSR-6. Every licensee shall notify the Board of any branch office and address. Licenses issued by the Board shall be posted in a place conspicuous to the public at the establishment where veterinary services are being provided.~~

7.13.a. Licensees who do relief or temporary work in an establishment shall carry a license with them or post it at the establishment.

7.13.b. Ambulatory veterinary practices that do not have an office accessible to the public shall carry their licenses in their vehicles.

~~7.164. Each~~ A licensee shall notify the Board in writing or online of any change of address, conviction of a misdemeanor or felony, and/or disciplinary action by another federal or state agency ~~and forward the notice and fee to the Board~~ no later than the 30 days from the action ~~effective date of the change of address.~~

~~§26-1-8. Temporary Permits for Veterinarians.~~

~~8.1. The Board may issue, without examination, a temporary permit to practice veterinary medicine. The Board may issue a temporary permit to an applicant who has met all the requirements for license except for sitting for and passing the state examination, who is under the indirect or general supervision of a West Virginia licensed supervising veterinarian. During the period of supervision of a temporary permittee, the supervising veterinarian must remain within one hour's physical access to the location where the temporary permittee is rendering veterinary care. The Board may not issue a temporary permit for a period exceeding the next exam date after the permit is issued.~~

~~8.2. A licensee may not employ more than two permittees at one time. An applicant for a temporary permit must associate himself or herself with a qualified licensed veterinarian and his or her labors are limited to the practice of the licensed veterinarian. A letter of support for a permit shall be countersigned by the licensed veterinarian with whom the applicant will be associated, and shall state the supervising veterinarian's willingness to sponsor the permittee.~~

~~8.2.a. Should the supervising veterinarian need to be changed within in the same facility; a letter of support for a temporary permit shall be countersigned by the licensed veterinarian with whom the applicant will be associated, and shall state the supervising veterinarian's willingness to sponsor the permittee.~~

~~8.3. An applicant for a temporary permit shall complete all requirements for licensure, except for sitting for the state exam before the Board makes a determination on the temporary permit application. The Board may issue the temporary permit while awaiting the next state exam administered after the application is filed.~~

~~8.4. A temporary permit may be revoked by a majority vote of the Board without a hearing.~~

~~8.5. A temporary permit is not transferable to another applicant.~~

~~8.6. The fee for a temporary permit is as set forth in the Board of Veterinary Medicine's Rule Schedule of Fees 26 CSR 6.~~

~~8.7. A temporary permittee who continues the practice of veterinary medicine after the expiration date of the temporary permit is guilty of the practice of veterinary medicine without a license.~~

~~§26-1-98. Veterinarian Disciplinary Action.~~

~~98.1. The Board may deny, revoke or suspend a license, impose a civil penalty, place a person's license on probation, reprimand a licensee, refuse to examine an applicant or issue a license or renewal of a license, as provided by law and as provided by this rule if it finds an applicant or licensee:~~

26CSR1

98.1.a. Has presented to the Board false or fraudulent evidence of qualification or has been found to be guilty of fraud or deception in the process of examination, or for the purpose of securing a license;

98.1.b. Is chronically or habitually intoxicated, has a chemical dependency or is addicted to drugs;

98.1.c. Has engaged in dishonest, unethical, or illegal practices in or connected with the practice of veterinary medicine, or has been convicted of a misdemeanor related to the practice of veterinary medicine or animal abuse or neglect;

98.1.d. Has been convicted of a felony under the laws of this or any other State or jurisdiction of the United States or of the federal government of the United States or any other crime involving moral turpitude;

98.1.e. Has engaged in practices or conduct in connection with the practice of veterinary medicine which violate the standards of professional conduct as duly established by the Board;

98.1.f. Has permitted or allowed another to use his or her license or permit to practice veterinary medicine in this or any other state;

98.1.g. Has fraudulently issued a health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine that relates to the presence or absence of animal disease;

98.1.h. Has issued a false certificate relating to the sale for human consumption of inedible animal products;

98.1.i. Has committed fraud in the application or reporting of any test of animal disease;

98.1.j. Has received any kickback for treating an animal or for referring a client to another provider of veterinary services or goods;

98.1.k. Has performed or prescribed unnecessary or unauthorized treatment;

98.1.l. Has refused to admit a representative of the Board to inspect the client and patient records and business premises of the veterinarian during regular business hours;

98.1.m. Has failed to keep his or her equipment and business premises in good operation and sanitary condition;

98.1.n. Has committed gross malpractice or is guilty of a pattern of acts indicating consistent malpractice, negligence, or incompetence in the practice of veterinary medicine; or

98.1.o. Has received disciplinary action in another jurisdiction, including the suspension, probation, or revocation of a license to practice veterinary medicine issued by another jurisdiction.

8.1.p. Has refused to provide a valid prescription upon request from a client.

8.1.g. Has failed to release patient records when requested by the owner; a law-enforcement entity; or a federal, state, or local health regulatory agency.

98.2. The Board may also suspend or revoke the license of a licensee who is found to be mentally incompetent by a court of competent jurisdiction. If the licensee is later determined to be mentally competent by a court, the Board may reinstate the license.

98.3. On conviction of or determination of conviction of a person licensed by the Board of any felony, the Board may, after an administrative hearing in which the facts of conviction are determined, suspend or revoke the person's license. The Board may not reinstate or reissue a license to a person whose license is suspended or revoked under this section except on an express determination of the Board based on substantial evidence contained in an investigative report, indicating that the reinstatement or reissuance of the license is in the best interests of the public and of the person whose license has been suspended or revoked.

98.4. Following notice and hearing, the Board may suspend or revoke a license, place a license on probation, or reprimand a licensee who knowingly fails to report a reportable contagious disease to the State Veterinarian with the West Virginia Department of Agriculture or any authorized reporting agent within twenty-four hours of diagnosis or discovery. ~~Reportable contagious diseases include, but are not limited to;~~

- ~~Equine Piroplasmosis,~~
- ~~Bovine Piroplasmosis or Splenetic Fever,~~
- ~~Scabies in cattle,~~
- ~~Hog Cholera,~~
- ~~Acute Swine Erysipelas,~~
- ~~Tuberculosis,~~
- ~~Paratuberculosis,~~
- ~~Brucellosis,~~
- ~~Scrapie,~~
- ~~Bluetongue,~~
- ~~Anthrax,~~
- ~~Psittacosis or Ornithosis,~~
- ~~Newcastle Disease,~~
- ~~Foot and Mouth Disease,~~
- ~~Rinderpest,~~

- ~~_____ African Swine Fever,~~
- ~~_____ Teschen Disease,~~
- ~~_____ Contagious Bovine Pleuropneumonia,~~
- ~~_____ European Fowl Pest,~~
- ~~_____ Dourine,~~
- ~~_____ Vesicular Exanthema,~~
- ~~_____ Screwworms and Glanders,~~
- ~~_____ Scabies in sheep,~~
- ~~_____ Bovine Spongiform Encephalopathy (BSE),~~
- ~~_____ West Nile Virus,~~
- ~~_____ Eastern Equine Encephalitis (EEE),~~
- ~~_____ Western Equine Encephalitis (WEE),~~
- ~~_____ Classical Swine Fever,~~
- ~~_____ Asian Influenza,~~
- ~~_____ Monkey Pox,~~
- ~~_____ Vesicular Stomatitis~~

~~98.5.~~ If a person violates this rule in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess the costs of the investigation, hearing, hearing examiner, legal fees and all other reasonable and necessary costs incurred by or on behalf of the Board to the veterinarian who was the subject of the disciplinary action.

§26-1-9. Criminal History Record Check

9.1. Beginning July 1, 2018, and in addition to all of the requirements for licensure, all applicants for an initial license to practice as a veterinarian in West Virginia shall request and submit to the Board the results of a state and a national criminal history record check.

9.2. The purpose of the criminal history record check is to assist the Board in obtaining information that may relate to the applicant's fitness for licensure.

9.3. In addition to the State Police, the Board may contract with and designate a company specializing in the services required by this section instead of requiring the applicant to apply directly to the West Virginia State Police or similar out-of-state agency for the criminal history records checks;

provided that any such company must utilize protocols consistent with standards established by the Federal Bureau of Investigation and the National Crime Prevention and Privacy Compact.

9.4. The applicant shall furnish to the State Police, or other organization duly designated by the Board, a full set of fingerprints and any additional information required to complete the criminal history record check.

9.5. The applicant is responsible for any fees required by the State Police, or other organization duly designated by the Board, for the actual costs of the fingerprinting and the actual costs of conducting a complete criminal history record check.

9.6. The Board may require the applicant to obtain a criminal history records check from a similar Board approved agency or organization in the state of the applicant's residence, if outside of West Virginia.

9.7. The applicant shall authorize the release of all records obtained by the criminal history record check to the Board.

9.8. A criminal history record check submitted in support of an application for licensure must have been requested by the applicant no earlier than twelve (12) months immediately prior to the Board's receipt of the application for licensure.

9.9. An initial licensure application is not complete until the Board receives the results of a state and a national criminal history record check conducted by the State Police or another entity duly authorized by the Board. The Board shall not grant an application for licensure submitted by any applicant who fails or refuses to submit the criminal history record check required by this section.

9.10. Should criminal offenses be reported on an applicant's criminal history record check, the board will consider the nature, severity, and recency of offenses, as well as rehabilitation and other factors on a case by case basis for licensure. Criminal history record checks shall be verified by a source acceptable to the Board, other than the applicant.

9.11. The results of the state and national criminal history record check may not be released to or by a private entity except:

9.11.a. To the individual who is the subject of the criminal history record check;

9.11.b. With the written authorization of the individual who is the subject of the criminal history record check; or

9.11.c. Pursuant to a court order.

9.12. Criminal history record checks and related records are not public records for the purposes of chapter 29B of the West Virginia Code.