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WEST VIRGINIA
BOARD OF VETERINARY MEDICINE

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

March 20, 2020

Via Certified Mail

Mac Warner, The Honorable Secretary of State
Secretary of State's Office – Administrative Law
Bldg 1, Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305

Re: West Virginia Board of Veterinary Medicine
Temporary Suspension of W. Va. Code R. § 26-4-5.1.c.1

Dear Secretary of State Warner:

The Honorable Governor of the State of West Virginia, Jim Justice, has declared a State of Emergency to address the emergency created by the worldwide coronavirus (COVID-19) pandemic. In a Proclamation issued March 16, 2020, the Governor delegated to “all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency.”

The West Virginia Board of Veterinary Medicine (“Board”) is actively monitoring the effects of the COVID-19 pandemic. The Board is dedicated to fulfilling its primary mission of protecting the public during this time, while continuing to ensure that West Virginia has the veterinary care workforce it needs to treat and care for animals throughout the State.

At an emergency meeting held March 20, 2020, and pursuant to the Governor’s Proclamation, the Board voted to temporarily suspend its rule requiring an in-person, physical examination of an animal prior to treatment, W. Va. Code R. § 26-4-5.1.c.1. The suspension of this rule shall remain in effect only during the State of Emergency.

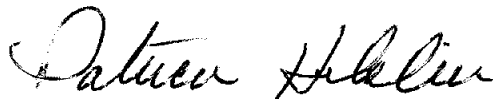
Therefore, during the State of Emergency, a veterinarian licensed in West Virginia may employ telemedicine, when possible and practicable, to examine, diagnose, and treat an animal and to discuss the same with the animal’s owner. The Board finds it necessary and appropriate to temporarily lift the restrictions on the use of telemedicine in response to the COVID-19 outbreak and in order to protect the public health, safety, and welfare.

In communicating this decision to its licensees, the Board has cautioned that telemedicine is not the preferred method of treatment; it should be employed only after carefully considering its limitations and its necessity for protection of the public during the COVID-19 pandemic. Furthermore, the Board has reminded its licensees that the applicable standards of care and patient confidentiality requirements still apply in the telemedicine setting, and that it is necessary to note in the patient's records that treatment was provided via telecommunication.

The Board would respectfully request that the Secretary of State's Office accept this correspondence as notice of the temporary suspension of W. Va. Code R. § 26-4-5.1.c.1 and post a copy of this correspondence on its website.

Should you have any questions regarding this correspondence, please contact the Board's office by telephone, (304) 776-8032, or by email, patricia.a.holstein@wv.gov.

Sincerely,

A handwritten signature in cursive script, reading "Patricia A. Holstein".

Patricia A. Holstein
Executive Director
West Virginia Board of Veterinary Medicine