

Regulatory Board Evaluation

Board of Veterinary Medicine

**Licensure of the Practice of Veterinary Medicine
is Needed to Protect the Public Interest**

**The Board Complies with the General
Provisions of Chapter 30**

**The Board Should Resume Inspections of
Veterinary Facilities**



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John Sylvia
Director

May 16, 2004

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable J.D. Beane
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Regulatory Board Evaluation of the *Board of Veterinary Medicine*, which will be presented to the Joint Committee on Government Operations on Sunday, May 16, 2004. The issues covered herein are "Licensure of the Practice of Veterinary Medicine is Needed to Protect the Public Interest," "The Board Complies with the General Provisions of Chapter 30;" and "The Board Should Resume Inspections of Veterinary Facilities."

We transmitted a draft copy of the report to the Board of Veterinary Medicine on April 1, 2004. The Board opted not to have an exit conference. We received the agency response on April 8, 2004.

Let me know if you have any questions.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

JS/wsc

Joint Committee on Government and Finance

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Executive Summary

Issue 1 **Licensure of the Practice of Veterinary Medicine is Needed to Protect the Public Interest.**

Veterinarians by way of performing medical services on animals work toward the prevention and control of diseases, that not only affect animals, but also could spread to humans.

The West Virginia Board of Veterinary Medicine was created in 1915. The Board's main function is regulating the practice of veterinary medicine in the state. This effort involves the licensure of veterinarians, registration of veterinary technicians and certification of certified animal euthanasia technicians. The regulation of veterinarians acts to protect the public health, safety, and welfare since veterinarians are responsible for providing medical services to living creatures that are important to humans not only economically but emotionally. In addition, veterinarians by way of performing medical services on animals work toward the prevention and control of diseases, that not only affect animals, but also could spread to humans. The Legislative Auditor finds that the **licensure of the practice of veterinary medicine is needed to protect the public interest.**

Issue 2 **The Board Complies with the General Provisions of Chapter 30.**

The Legislative Auditor finds that the West Virginia Board of Veterinary Medicine complies with most of the provisions of Chapter 30 of the *West Virginia Code* including: adopting an official seal; meeting annually; maintaining a register of all applicants for license or registration; maintaining record of its proceedings; maintaining a roster of licensees; submitting annual reports; a listing is provided in the Charleston Area telephone directory; and the Board has promulgated Legislative Rules regarding complaints against licensees.

The Board should cease the practice of accepting continuing education that is irrelevant to the practice of veterinary medicine.

However, some provisions need to be addressed by the Board. The Board is accepting continuing education courses that are irrelevant to the practice of veterinary medicine. The Board is self sufficient, but expenditures exceeded revenues in 2002 and 2003. In addition, the Board should intensify efforts to develop an internet website as this will provide increased and improved public access to the Board's activities.

Issue 3 **The Board Should Resume Inspections of Veterinary Facilities**

The Board of Veterinary Medicine's Legislative Rules §26-4-5.7 require the inspection of veterinary facilities. However, since 2001 there has been no inspections of the approximately 160 facilities in West Virginia. **The Legislative**

The Board should without delay, commence facilities inspections as required by Legislative Rules.

Auditor is concerned that veterinary facilities have not been inspected by the Board in three years. Considering the importance of veterinary facilities as the first contact point for treatment of animals coupled with the requirements of complying with the legislative rules, the Board should without delay, commence facilities inspections as required by Legislative Rules.

Recommendations

1. *The Legislative Auditor recommends that the West Virginia Board of Veterinary Medicine be continued.*
2. *The Legislative Auditor recommends that the Board should only accept continuing education courses that are scientifically relevant to the practice of veterinary medicine.*
3. *The Legislative Auditor recommends that the Board should have a website as it would enhance and improve public access to its activities and functions.*
4. *The Legislative Auditor recommends that the Board should comply with legislative rules and resume facilities inspections to protect public health and safety.*

Review Objective, Scope and Methodology

This Regulatory Board Evaluation of the West Virginia Board of Veterinary Medicine is required and authorized by the West Virginia Sunset Law §4-10-5 of the West Virginia Code, as amended.

Objective

The objective of this review is to determine if the Board is necessary for the protection of public health, safety, and welfare. Furthermore, the review is to determine the Board's compliance with Chapter 30 requirements.

Scope

The scope of this review covers the period of 2000 to 2004.

Methodology

Information used in compiling this report was gathered from the Board's meeting minutes, telephone interviews, meetings, annual reports, policies and procedures, and internet research of veterinary boards in other states. Every aspect of this review complied with Generally Accepted Government Auditing Standards (GAGAS).

Licensure of the Practice of Veterinary Medicine is Needed to Protect the Public Interest.

The West Virginia Board of Veterinary Medicine was created in 1915. The Board's main function is regulating the practice of veterinary medicine in the state. This effort involves the licensure of veterinarians, registration of veterinary technicians and certification of certified animal euthanasia technicians. The regulation of veterinarians acts to protect the public health, safety, and welfare since veterinarians are responsible for providing medical services to living creatures that are important to humans not only economically but emotionally. In addition, veterinarians by way of performing medical services on animals work toward the prevention and control of diseases, that not only affect animals, but also could spread to humans. The Legislative Auditor finds that the **licensure of the practice of veterinary medicine is needed to protect the public interest.**

Licensure of Veterinary Medicine Practitioners

All fifty states have a regulatory board for veterinary medicine.

All fifty states and Washington, D.C., have a regulatory board for veterinary medicine. Approximately 75% of all veterinarians in the United States are currently in private clinical practice. The West Virginia Board of Veterinary Medicine reports that there are currently 486 licensed veterinarians in the state. Of the 486 licensees in West Virginia, there are 291 who list a type of practice field. The practice fields listed in the 2004 practice report are:

- 61.5% - small animal
- 8.2% - large animal
- 24.4% - mixed practice
- 5.5% - others, which are laboratory, military, academic etc.

The American Veterinary Medical Association (AVMA) in the *“Roles of Veterinarians in Human and Animal Health,”* breaks down the practice of veterinary medicine in the United States as follows:

- Seventy-five percent are in private clinical practices working to prevent diseases and other health problems in their patients which includes all types of pets, horses and livestock.
- More than 3,800 veterinarians are in teaching and research, working to educate future veterinarians. Furthermore, they conduct basic and clinical research, provide various services

Veterinarians help to prevent and control animal and human diseases and promote good health.

to the public, contribute to scientific publications and develop continuing education programs to help graduate veterinarians acquire new knowledge and skills.

- Veterinarians in regulatory medicine are responsible for the control or elimination of certain diseases and protection of the public from animal diseases.
- Veterinarians also work in the area of public health for city, county, state and federal agencies. They help to prevent and control animal and human diseases and promote good health.
- Veterinarians serving as officers in the military are responsible for biomedical research and development. Officers with special training in laboratory animal medicine, pathology, microbiology or related disciplines are actively engaged in research programs within the military and other government agencies.
- Veterinarians working in pharmaceutical and biomedical research firms develop, test and supervise the production of drugs, chemicals and biological products such as antibiotics and vaccines for human and animal use.

Regulation of the practice, is even more necessary now, considering the need to be more vigilant for terrorism and homeland security considerations in the state. According to the American Veterinary Medical Association:

Of all the diseases listed as possible terrorist bio-agents, almost three quarters are zoonotic agents, affecting both man and animals.

The Legislative Auditor notes the importance of the practice, not only in the case of pet animals, but also in research and food animal medicine. In the area of public health, veterinarians work to prevent and control diseases, investigate animal and human disease outbreaks such as food-borne illness, influenza, plague, rabies, AIDS and encephalitis. Veterinarians also evaluate the safety of food processing plants and study the effects of various pesticides, industrial pollutants and other contaminants on human and animal life. Thus, the Board asserts that the quality of care can only be protected with the assurance that those persons practicing veterinary medicine are thoroughly educated

Licensure of qualified practitioners guarantees the state's intent of stopping the spread of diseases not only among animals but humans.

and regulated. In addition, veterinarians have access to and prescribe medications for animals, and veterinarians operate on animals and provide medical services to living creatures that are important to their owners. Also, licensure of qualified practitioners guarantees the state's intent of stopping the spread of diseases not only among animals but humans.

According to the Executive Director of the Board:

Without regulation, not only would the animals population be placed at risk, but through zoonotic disease transfer and food animal consumption, human life as well. Vigilance in determining those qualified and authorized to perform actions defined as the practice of veterinary medicine are essential. Such vigilance is only effective with regulatory authority for enforcement.

Conclusion

The Legislative Auditor finds that it is important to regulate the practice of veterinary medicine if the animal, food security and public health of the state's citizens are to be protected. Regulation will further ensure that the Legislature's intent to protect public health is adhered to and carried out by the Board. Thus, the Legislative Auditor concludes that regulation and licensure of the practice of veterinary medicine is necessary and vital to protect the interest of the public.

Recommendation

1. *The Legislative Auditor recommends that the West Virginia Board of Veterinary Medicine be continued.*

Issue 2

The Board Complies with the General Provisions of Chapter 30.

The West Virginia Board of Veterinary Medicine complies with most of the provisions of Chapter 30 of the *West Virginia Code*. However, some provisions such as continuing education need to be addressed by the Board. The Board is in compliance with the following Chapter 30 provisions:

- An official seal has been adopted (§30-1-4);
- The Board meets annually (§30-1-5a);
- The Board maintains a register of all applicants for license or registration (§30-1-12);
- The Board maintains a record of its proceedings (§30-1-12a);
- The Board maintains a roster of licensees (§30-1-13);
- The Board submits annual reports to the Governor and the Legislature (§30-1-12b);
- A representative of the Board has attended the orientation session provided by the State Auditor's Office (§30-1-2a(b));
- The Board's address and telephone number are listed in the State Government listing of the Charleston Area telephone book (§30-1-12c);
- The Board has promulgated Legislative Rules specifying its procedure for the investigation and resolution of complaints against licensees (§30-1-8h).

The Board Meets Continuing Education Requirements, But Types of Classes Accepted Raises Concern.

According to the general provisions concerning all boards (§30-1-7a), continuing education requirements that include course content, course approval, required hours and reporting period must be established. Continuing education requirements for veterinarians went into effect in 1992 and *Legislative Rules*

Veterinarians are required to complete eight hours of continuing education annually with a minimum of six hours in classroom instruction.

§26-1-6.5 specifies the Board's rules as it concerns continuing education requirements for license renewals. Veterinarians are required to complete eight hours of continuing education annually with a minimum of six hours in classroom instruction. The remaining two hours can be satisfied by a review of audio or video materials approved by the Board. On the other hand, Registered Veterinary Technicians (RVT's) and Certified Animal Euthanasia Technicians (CAET's) must each complete six classroom hours of continuing education pertinent to their profession on an annual basis.

The Legislative Auditor has some concern about the Board accepting continuing education courses by veterinarians and RVT's that are business oriented instead of furthering the understanding of veterinary medicine. Examples are:

- Increasing profit.
- Designing and remodeling the vet practice.
- Dealing with stress.
- Clients-why they love you or leave you.
- Profit centers in feline practice.
- Marketing in vet practice.
- Making sense of money.
- Curing the six most common mistakes made by business owners.
- Estate planning.

The Board accepts continuing education courses that do not enhance the understanding of veterinary medicine or increase protection of the public.

In the opinion of the Legislative Auditor, while these courses may be personally enriching for the licensees, they do not enhance the understanding of veterinary medicine or increase protection of the public. **The Board should consider only accepting continuing education credits for classes that enhance the understanding of veterinary medicine** which is the intention of continuing education requirements. The Board on a yearly basis reminds licensees of the law requiring continuing education for license renewals and for the courses to be professionally relevant. In addition, the Board publishes a newsletter where the conditions and requirements are stated.

Another identified concern is submissions by veterinarians listing conventions or programs attended without indicating the actual classes. This causes the Executive Director to have to return the submissions since attending a convention does not mean that the veterinarian actually attended the classes. About 100 veterinary renewals were returned in 2003 due to licensees' failure to indicate or specify classes.

The Board's Complaint Process Provides for Due Process

The time frame for resolutions of complaints by the Board averages approximately three months.

Due process is provided by the Board as required in §30-1-5(b) for licensees who have complaints filed against them. Depending on the nature of the complaint, the Board typically requests an appearance or a written response to complaints within an average of one month from when the complaint was received. Complaints received by the Board range from pain management procedures performed on an animal and anesthetic protocol to practicing veterinary medicine without a license. The time frame for resolutions of complaints by the Board averages approximately three months. This is due to the fact that the Board usually meets about three or four times a year. Table 1 shows the number of complaints and resolutions for FY 2000 to 2003.

Fiscal Year	Complaints	Consent Agreement	Unsubstantiated	Others	Pending
2000	14	4	5	5	0
2001	14	2	7	5	0
2002	12	1	7	4	0
2003	11	1	5	3	2

Source: West Virginia Board of Veterinary Medicine

The Board is Financially Self-Sufficient

West Virginia Code 30-1-6(c) requires that regulatory boards be self-sufficient. Licensing and administrative fees charged by the Board are remitted to the Board's special revenue fund. Table 2 below shows the schedule of fees.

Table 2		
Board of Veterinary Medicine Licensing and Registration Fees		
Category	Fees	Renewals
Veterinary Medicine	\$200	\$150
Registered Veterinary Technicians	\$60	\$40
Certified Animal Euthanasia Technicians	\$25	\$25

Source: West Virginia Board of Veterinary Medicine

The Board of Veterinary Medicine is financially self-sufficient, although the Board's expenditures did exceed revenues in FY 2002 and 2003.

Analysis by the Legislative Auditor shows that the Board of Veterinary Medicine is financially self-sufficient, although the Board's expenditures did exceed revenues in FY 2002 and 2003. The cash balance of the Board as of March 18, 2004 is \$105,033, which indicates that the Board is in good financial condition. The Board should ensure that the cash balance is not depleted by expenditures continuing to exceed revenues. Table 3 displays the Board's revenue and expenditures for 2000 - 2003.

Table 3			
Board of Veterinary Medicine Revenues and Expenditures 2000-2003			
Fiscal Year	Actual Revenues	Actual Expenditures	EOY Cash Balance
2000	\$100,307	\$92,709	\$69,507
2001	\$118,630	\$100,318	\$87,818
2002	\$107,795	\$111,019	\$84,594
2003	\$94,996	\$105,135	\$74,455

Source: Legislative Auditor's Office Budget Division.

The Board Should Develop a Web Site

According to West Virginia Code §30-1-12(c):

Every Board shall regularly evaluate the feasibility of adopting additional methods of providing public access, including, but not limited to, listings in additional telephone directories, toll-free telephone numbers, facsimile and computer-based communication.

The Legislative Auditor recommends that the Board develop a web site in order to improve the public's access to the Board's activities.

The West Virginia Board of Veterinary Medicine had been in the process of developing a web site but never concluded the arrangements. Initially, the State Treasurer's Office offered to assist the Board in setting up one. However, the Board could not get the project going because the Treasurer's Office wanted the Board to utilize a system of direct deposits for licensing fees which would mean quicker deposit into state accounts of funds. The Executive Director was concerned about depositing funds and then having to file paper work to withdraw the funds due to the large number of licensees who send in wrong amounts, unsigned checks or incomplete checks. **The Legislative Auditor recommends that the Board develop a web site in order to improve the public's access to the Board's activities.** The web site should feature: a list of licensees, the number of substantiated complaints against a licensee; a complaint form; and a link to the state's web site.

Conclusion

The West Virginia Board of Veterinary Medicine complies with most of the general provisions of Chapter 30 of the State Code. However, it is pertinent to note that the Board should enforce the continuing education requirements of the Code by not accepting courses that are irrelevant to the practice of veterinary medicine. The Board is self sufficient, but expenditures exceeded revenues in 2002 and 2003. In addition, the Board should intensify efforts to develop an internet website as this will provide increased and improved public access to the Board's activities.

Recommendations

2. *The Legislative Auditor recommends that the Board should only accept continuing education courses that are scientifically relevant to the practice of veterinary medicine.*
3. *The Legislative Auditor recommends that the Board should have a website as it would enhance and improve public access to its activities and functions.*

The Board Should Resume Inspections of Veterinary Facilities

The requirements for minimum veterinary standards in West Virginia are stated in Legislative Rules §26-4-5, specifying that all equipment required for veterinary facilities shall be maintained in good working order. As for veterinary care facilities:

All locations where veterinary medicine is practiced shall be adequate for the maintenance of good hygiene and the practice of veterinary medicine. All areas of the facilities shall be maintained in a neat, clean, inoffensive, odor free condition at all times (§26-4-5.2).

Furthermore, Legislative Rule §26-4-5.7 states that:

All veterinary facilities shall be inspected by the Board every two years, except when the Board requires a re-inspection due to the facility not meeting all requirements for that type of facility at the routine inspection. Only after the Board determines that the facility meets the respective provisions under this rule may it lawfully operate.

Since 2001 there has been no inspections of the approximately 160 facilities in West Virginia. The Board should without delay, commence facilities inspections as required.

The Board's inspection of facilities began in 1997 and continued through 2001. The fee per facility inspection is \$250. **However, since 2001 there has been no inspections of the approximately 160 facilities in West Virginia.** The Executive Director stated that the only contracted inspector resigned, and that the Board has delayed hiring another inspector until modifications were made to legislative rules regarding inspections. Currently, a review committee has been set up, and the Board plans to discuss its recommendations at the next meeting slated for March 19, 2004.

The Legislative Auditor is concerned that veterinary facilities have not been inspected by the Board in three years. Considering the importance of veterinary facilities as the first contact point for treatment of animals coupled with the requirements of complying with the legislative rules, the Board should without delay, commence facilities inspections as required. The public health must be protected and one way of ensuring the protection mandated by law is with the Board commencing facilities inspections.

Recommendation

4. *The Legislative Auditor recommends that the Board should comply with legislative rules and resume facilities inspections to protect public health and safety.*

Appendix A: Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

April 1, 2004

Ms. Wanda Goodwin
Executive Director
West Virginia Board of Veterinary Medicine
1900 Kanawha Blvd., East
Charleston, WV 25305-0119

Dear Ms. Goodwin:

This is to transmit a draft copy of the Regulatory Board Evaluation of the Board of Veterinary Medicine. This report is scheduled to be presented during the May 16 - 18, 2004 interim meeting of the Joint Committee on Government Operations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report between April 5 and 9, 2004, please notify us. We need your written response by noon on April 9, 2004, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, May 13, 2004 to make arrangements.

We request that your personnel treat the draft report as confidential and that it not be disclosed to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

Joint Committee on Government and Finance

Appendix B: Agency Response

WANDA GOODWIN: EXECUTIVE DIRECTOR
 1900 Kanawha Boulevard, East
 Charleston, WV 25305-0119
 Phone (304) 558-2016
 FAX (304) 558-0891



WEST VIRGINIA BOARD OF VETERINARY MEDICINE

West Virginia Legislature
 Performance Evaluation and Research Division
 Building 1, Room W-314
 1900 Kanawha Boulevard, East
 Charleston, WV 25305-0610
 John Sylvia: Director
 April 8, 2004

R E C E I V E D
 APR 08 2004
 PERFORMANCE EVALUATION AND
 RESEARCH DIVISION

Dear Mr. Sylvia:

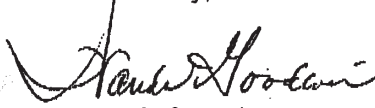
The West Virginia Board of Veterinary Medicine has received the draft copy of the Regulatory Board Evaluation of the Board of Veterinary Medicine.

I have personally reviewed this draft evaluation, as has our Board President, Dr. Ronald Lee Smith. I have also submitted a copy of the draft to all board members, marked as confidential, as specified in your cover letter dated April 1, 2004. No other person or party has accessed this document.

We are not asking for an exit conference regarding this evaluation. We understand that unless we wish, no exit conference is planned or required.

I would, on behalf of the Board of Veterinary Medicine, and myself in particular like to express our gratitude for the professionalism and courtesy extended to us by your staff during our audit. In particular, Mr. Denny Rhodes and Mr. Osagi Ayanru, both of whom were very receptive and patient to my expressing the circumstances and operations on our various procedures and programs. During the times I called PERD or was called, your staff was very cordial and cooperative. Please express to them our sincere appreciation for their endeavors.

Yours truly,


 Wanda Goodwin

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Phone #		Phone #			
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Submitted via fax per Mr. Denny Rhodes

