

HB 4144

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SECRETARY OF STATE

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WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



ENROLLED

House Bill No. 4144

(By Delegates Morgan, Stephens, Swartzmiller,
Talbott, Hartman, Givens, Martin, T. Walker,
Rowan, C. Miller and Manypenny)



Passed March 13, 2010

In Effect Ninety Days From Passage

E N R O L L E D

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H. B. 4144

C. T. BROWN, CLERK
LEGISLATIVE CLERK

(BY DELEGATES MORGAN, STEPHENS, SWARTZMILLER, TALBOTT,
HARTMAN, GIVENS, MARTIN, T. WALKER, ROWAN,
C. MILLER AND MANYPENNY)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to repeal §30-10A-1, §30-10A-2, §30-10A-3, §30-10A-4, §30-10A-5, §30-10A-6, §30-10A-7, §30-10A-8 and §30-10A-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-10-1, §30-10-2, §30-10-3, §30-10-4, §30-10-5, §30-10-6, §30-10-7, §30-10-8, §30-10-9, §30-10-10, §30-10-11, §30-10-12, §30-10-13, §30-10-14, §30-10-15, §30-10-16, §30-10-17, §30-10-18, §30-10-19 and §30-10-20; and to amend said code by adding thereto three new sections, designated §30-10-21, §30-10-22 and §30-10-23, all relating to the Board of Veterinary Medicine; prohibiting the practice of veterinary medicine without a license; prohibiting the practice of veterinary technology without a registration; prohibiting the practice of animal euthanasia without a certificate; updating definitions; adding two members to the board; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license, certificate, registration and permit requirements; creating scopes of practice; establishing requirements for an animal euthanasia training program; creating a temporary permit; establishing renewal requirements; providing for exemptions from licensure; providing requirements for the

display of a license, certificate, registration and permit; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal penalties; providing for privileged communication and providing that a single act is evidence of practice.

Be it enacted by the Legislature of West Virginia:

That §30-10A-1, §30-10A-2, §30-10A-3, §30-10A-4, §30-10A-5, §30-10A-6, §30-10A-7, §30-10A-8 and §30-10A-9 of the Code of West Virginia, 1931, as amended, be repealed; that §30-10-1, §30-10-2, §30-10-3, §30-10-4, §30-10-5, §30-10-6, §30-10-7, §30-10-8, §30-10-9, §30-10-10, §30-10-11, §30-10-12, §30-10-13, §30-10-14, §30-10-15, §30-10-16, §30-10-17, §30-10-18, §30-10-19 and §30-10-20 of said code be amended and reenacted; and that said code be amended by adding thereto three new sections, designated §30-10-21, §30-10-22 and §30-10-23, all to read as follows:

ARTICLE 10. VETERINARIANS.

§30-10-1. Unlawful acts.

1 (a) It is unlawful for any person to practice or offer to
 2 practice veterinary medicine, veterinary technology or animal
 3 euthanasia in this state without a license, registration or
 4 certificate issued under the provisions of this article, or
 5 advertise or use any title or description tending to convey the
 6 impression that they are a veterinarian, veterinary technician
 7 or animal euthanasia technician unless such person has been
 8 duly licensed, registered or certified under the provisions of
 9 this article.

10 b) A business entity may not render any service or
 11 engage in any activity which, if rendered or engaged in by an

12 individual, would constitute the practice of veterinary
13 medicine, veterinary technology or animal euthanasia, except
14 through a licensee, registrant or certificate holder.

§30-10-2. Applicable law.

1 The practice of veterinary medicine, veterinary
2 technology and animal euthanasia, and the Board of
3 Veterinary Medicine are subject to the provisions of article
4 one of this chapter, the provisions of this article and the
5 board's rules.

§30-10-3. Definitions.

1 As used in this article, the following words and terms
2 have the following meanings:

3 (a) "Animal" means any animal other than human, and
4 the term includes fowl, birds, amphibians, fish, and reptiles,
5 wild or domestic, living or dead.

6 (b) "Animal Control Facility" means a municipal or
7 county operated humane society or animal shelter
8 incorporated and organized under the laws of this state, or a
9 humane society or an animal shelter classified as 501(c)(3)
10 by the Internal Revenue Service, with at least one certified
11 animal euthanasia technician.

12 (c) "Applicant" means a person making application for a
13 license, certificate, registration or permit, under the
14 provisions of this article.

15 (d) "Board" means the West Virginia Board of Veterinary
16 Medicine.

17 (e) "Business entity" means any firm, partnership,
18 association, company, corporation, limited partnership,

19 limited liability company or other entity performing
20 veterinary medicine, veterinary technology or animal
21 euthanasia.

22 (f) "Certificate" means an animal euthanasia technician
23 certificate issued under the provisions of this article.

24 (g) "Certificate holder" means a person holding a
25 certificate issued under the provisions of this article.

26 (h) "Certified animal euthanasia technician" means a
27 person who is certified by the board to euthanize animals in
28 accordance with the provisions of this article.

29 (i) "General Supervision" means the supervising
30 veterinarian is in the building where the animal is being
31 treated, has given instructions for treatment and is quickly
32 and easily available.

33 (j) "Indirect supervision" means the performance of
34 procedures on the orders of a supervising veterinarian.

35 (k) "License" means a veterinary medicine license issued
36 under the provisions of this article.

37 (l) "Licensee" means a person holding a license issued
38 under the provisions of this article.

39 (m) "Permit" means a temporary permit to practice
40 veterinary medicine issued by the board.

41 (n) "Permittee" means a person holding a permit issued
42 under the provisions of this article.

(o) "Practice of veterinary medicine" means to diagnose,
treat, correct, change, relieve or prevent any disease,

45 deformity, defect, injury, or other physical or mental
46 condition, of any animal, or to prescribe for or to administer
47 to any animal any drug, medicine, biologic, apparatus,
48 application, anesthetic or other therapeutic or diagnostic
49 substance or technique, or to render advice or any
50 recommendation with respect to any of the foregoing.

51 (p) “Practice of veterinary technology” means the science
52 and art of providing all aspects of professional medical care,
53 services and treatment for animals with the exceptions of
54 diagnosis, prognosis, surgery, prescription and application of
55 any treatments, drugs, medications or appliances, where a
56 valid veterinarian- client-patient relationship exists.

57 (q) “Registered veterinary technician” means a person
58 who is duly registered to practice veterinary technology
59 under the provisions of this article.

60 (r) “Registrant” means a person holding a registration
61 issued under the provisions of this article.

62 (s) “Registration” means a veterinary technician
63 registration issued under the provisions of this article.

64 (t) “Supervising veterinarian” means a veterinarian,
65 licensed under this article, who assumes responsibility for the
66 professional care given to an animal by a person authorized
67 by this article to work under his or her general or indirect
68 supervision.

69 (u) “Veterinarian” means a person who is licensed to
70 practice veterinary medicine under the provisions of this
71 article.

72 (v) “Veterinary assistant” means a person who has not
73 met the requirements for becoming a registered veterinary

74 technician. The duties and tasks of a veterinary assistant are
75 instructed from and directly supervised by a licensed
76 veterinarian, who is accountable for the veterinary assistant's
77 actions. The supervising veterinarian is responsible for
78 determining the ability and competence of the veterinary
79 assistant to perform the directed task or procedure.

80 (w) "Veterinarian-client-patient relationship" means a
81 relationship between a veterinarian, a client and a patient, and
82 exists when:

83 (1) A veterinarian assumes responsibility for medical
84 judgments regarding the health of an animal and the client
85 who is the owner or other caretaker of the animal agrees to
86 follow the veterinarian's instructions; or

87 (2) A veterinarian, through personal examination of an
88 animal or a representative sample of a herd or flock, obtains
89 sufficient information to make at least a general or
90 preliminary diagnosis of the medical condition of the animal,
91 herd or flock, which diagnosis is expanded through medically
92 appropriate visits to the premises where the animal, herd or
93 flock is kept.

§30-10-4. Board of Veterinary Medicine.

1 (a) The West Virginia Board of Veterinary Medicine is
2 continued. The members of the board in office on July 1,
3 2010, shall, unless sooner removed, continue to serve until
4 their respective terms expire and until their successors have
5 been appointed and qualified.

6 (b) Prior to July 1, 2010, the Governor, by and with the
7 advice and consent of the Senate, shall appoint:

8 (1) A registered veterinary technician for a term of five
9 years.

10 (2) A licensed veterinarian for a term of four years.

11 (c) Commencing July 1, 2010, the board shall consist of
12 the following nine members, appointed by the Governor by
13 and with the advice and consent of the Senate:

14 (1) Six members licensed to practice veterinary medicine
15 in this state;

16 (2) One member registered to practice veterinary
17 technology in this state; and

18 (3) Two citizen members, who are not licensed,
19 registered, certified or permitted under the provisions of this
20 article, and who do not perform any services related to the
21 practice of the professions regulated under the provisions of
22 this article.

23 (d) After the initial appointment term, the appointment
24 term is five years. A member may not serve more than two
25 consecutive terms. A member who has served two
26 consecutive full terms may not be reappointed for at least one
27 year after completion of his or her second full term. A
28 member may continue to serve until his or her successor has
29 been appointed and qualified.

30 (e) Each licensed or registered member of the board, at
31 the time of his or her appointment, must have held a license
32 or registration in this state for a period of not less than three
33 years immediately preceding the appointment.

34 (f) Each member of the board must be a resident of this
35 state during the appointment term.

36 (g) A vacancy on the board shall be filled by appointment
37 by the Governor for the unexpired term of the member whose
38 office is vacant.

39 (h) The Governor may remove any member from the
40 board for neglect of duty, incompetency or official misconduct.

41 (i) A licensed or registered member of the board
42 immediately and automatically forfeits membership to the
43 board if his or her license or registration to practice is
44 suspended or revoked.

45 (j) A member of the board immediately and automatically
46 forfeits membership to the board if he or she is convicted of
47 a felony under the laws of any jurisdiction or becomes a
48 nonresident of this state.

49 (k) The board shall elect annually one of its members as
50 chairperson and one member as secretary-treasurer who shall
51 serve at the will and pleasure of the board.

52 (l) Each member of the board is entitled to receive
53 compensation and expense reimbursement in accordance with
54 article one of this chapter.

55 (m) A majority of the members of the board constitutes
56 a quorum.

57 (n) A veterinary technician member may not be employed
58 by a veterinarian on the board.

59 (o) The board shall hold at least one annual meeting.
60 Other meetings shall be held at the call of the chairperson or
61 upon the written request of three members, at the time and
62 place as designated in the call or request.

3 (p) Prior to commencing his or her duties as a member of
the board each member shall take and subscribe to the oath
required by section five, article four of the Constitution of
this state.

§30-10-5. Powers and duties of the board.

1 The board has all the powers and duties set forth in this
2 article, by rule, in article one of this chapter and elsewhere in
3 law, including:

4 (1) Hold meetings, conduct hearings and administer
5 examinations;

6 (2) Establish requirements for a license, permit,
7 certificate and registration;

8 (3) Establish procedures for submitting, approving and
9 rejecting applications for a license, permit, certificate and
10 registration;

11 (4) Determine the qualifications of any applicant for a
12 license, permit, certificate and registration;

13 (5) Establish the fees charged under the provisions of this
14 article;

15 (6) Issue, renew, deny, suspend, revoke or reinstate a
16 license, permit, certificate and registration;

17 (7) Prepare, conduct, administer and grade written, oral
18 or written and oral examinations for a license, certificate and
19 registration;

20 (8) Determine the passing grade for the examinations;

21 (9) Contract with third parties to administer the
22 examinations required under the provisions of this article;

23 (10) Maintain records of the examinations the board or a
24 third party administers, including the number of persons
25 taking the examination and the pass and fail rate;

26 (11) Maintain an office, and hire, discharge, establish the
27 job requirements and fix the compensation of employees and
28 contract with persons necessary to enforce the provisions of
29 this article;

30 (12) Investigate alleged violations of the provisions of
31 this article, legislative rules, orders and final decisions of the
32 board;

33 (13) Conduct disciplinary hearings of persons regulated
34 by the board;

35 (14) Determine disciplinary action and issue orders;

36 (15) Institute appropriate legal action for the enforcement
37 of the provisions of this article;

38 (16) Maintain an accurate registry of names and
39 addresses of all persons regulated by the board;

40 (17) Keep accurate and complete records of its
41 proceedings, and certify the same as may be necessary and
42 appropriate;

43 (18) Establish, by legislative rule, the continuing
44 education requirements for licensees, permittees, certificate
45 holders and registrants;

46 (19) Propose rules in accordance with the provisions of
47 article three, chapter twenty-nine-a of this code to implement
48 the provisions of this article;

49 (20) Sue and be sued in its official name as an agency of
50 this state;

51 (21) Confer with the Attorney General or his or her
52 assistant in connection with legal matters and questions; and

53 (22) Take all other actions necessary and proper to
54 effectuate the purposes of this article.

§30-10-6. Rule-making authority.

1 (a) The board shall propose rules for legislative approval,
2 in accordance with the provisions of article three, chapter
3 twenty-nine-a of this code, to implement the provisions of
4 this article, including:

5 (1) Standards and requirements for a license, permit,
6 certificate and registration;

7 (2) Educational and experience requirements;

8 (3) Procedures for examinations and reexaminations;

9 (4) Requirements for third parties to prepare, administer
10 or prepare and administer examinations and reexaminations;

11 (5) The passing grade on the examination;

12 (6) Standards for approval of courses;

13 (7) Establish a certified animal euthanasia technician's
14 program;

15 (8) Procedures for the issuance and renewal of a license,
16 permit, certificate and registration;

17 (9) A fee schedule;

18 (10) Continuing education requirements;

19 (11) Set standards for ethical conduct;

20 (12) Establish procedures and requirements for facility
21 inspections;

22 (13) Clarify the veterinarian-client-patient relationship;

23 (14) The procedures for denying, suspending, revoking,
24 reinstating or limiting the practice of a licensee, permittee,
25 certificate holder or registrant;

26 (15) Requirements for a revoked license, permit,
27 certificate and registration; and

28 (16) Any other rules necessary to effectuate the
29 provisions of this article.

30 (b) All of the board's rules in effect on July 1, 2010, shall
31 remain in effect until they are amended, modified, repealed
32 or replaced.

§30-10-7. Fees; special revenue account; administrative fines.

1 (a) All fees and other moneys, except fines, received by
2 the board shall be deposited in a separate special revenue
3 fund in the State Treasury designated the "Board of
4 Veterinary Medicine Fund", which fund is continued. The
5 fund is used by the board for the administration of this article.
6 Except as may be provided in article one of this chapter, the
7 board shall retain the amounts in the special revenue account
8 from year to year. Any compensation or expense incurred
9 under this article is not a charge against the General Revenue
10 Fund.

11 (b) The board shall deposit any amounts received as
12 administrative fines imposed pursuant to this article into the
13 General Revenue Fund of the State Treasury.

§30-10-8. Requirements for Veterinary License.

1 (a) To be eligible for a license to practice veterinary
2 medicine under the provisions of this article, the applicant
3 must:

4 (1) Be of good moral character;

5 (2) (A) Be a graduate of an accredited school approved
6 by the board; or

7 (B) Be a graduate of a foreign veterinary school and hold
8 a certificate of competence issued by a foreign veterinary
9 graduate educational organization as approved by the board;

10 (3) Have passed the examinations required by the board;

11 (4) Be at least eighteen years of age;

12 (5) Be a citizen of the United States or be eligible for
13 employment in the United States;

14 (6) Not have been convicted of a crime involving moral
15 turpitude;

16 (7) Not have been convicted of a felony under the laws of
17 any jurisdiction within five years preceding the date of
18 application for licensure which conviction remains
19 unreversed; and

20 (8) Not have been convicted of a misdemeanor or a
21 felony under the laws of any jurisdiction at any time if the
22 offense for which the applicant was convicted related to the
23 practice of veterinary medicine or animal abuse or neglect.

24 (b) A person seeking a license under the provisions of
25 this article shall submit an application on a form prescribed
26 by the board and pay all applicable fees.

27 (c) An applicant from another jurisdiction shall comply
28 with all the requirements of this article.

29 (d) A license to practice veterinary medicine issued by
30 the board prior to July 1, 2010, shall for all purposes be
31 considered a license issued under this article and may be
32 renewed under this article.

33 (e) An application for a license to practice veterinary
34 medicine submitted to the board prior to July 1, 2010, shall
35 be considered in conformity with the licensing provisions of
36 this article and the rules promulgated thereunder in effect at
37 the time of the submission of the application.

§30-10-9. Scope of Practice for a Licensed Veterinarian.

1 A person licensed to practice veterinary medicine may do
2 the following:

3 (a) Prescribe or administer any drug, medicine, treatment,
4 method or practice for an animal.

5 (b) Perform any operation or manipulation on or apply
6 any apparatus or appliance to an animal.

7 (c) Give instruction or demonstration for the cure,
8 amelioration, correction or reduction or modification of an
9 animal condition, disease, deformity, defect, wound or injury.

10 (d) Diagnose or prognosticate an animal condition,
11 disease, deformity, defect, wound or injury for hire, fee,
12 reward or compensation that is directly or indirectly
13 promised, offered, expected, received or accepted.

14 (e) Prescribe or administer any legally authorized drug,
15 medicine, treatment, method or practice, perform any
16 operation or manipulation, or apply any apparatus or
17 appliance for the cure, amelioration, correction or
18 reduction or modification of an animal condition, disease, deformity,

19 defect, wound or injury for hire, fee, compensation or reward
20 that is directly or indirectly promised, offered, expected,
21 received or accepted.

§30-10-10. Requirements for a registered veterinary technician.

1 (a) To be eligible for a registration to practice veterinary
2 technology under the provisions of this article, the applicant
3 must:

4 (1) Be of good moral character;

5 (2) Have a degree in veterinary technology from an
6 accredited school, approved by the board;

7 (3) Have passed the examinations required by the board;

8 (4) Be at least eighteen years of age;

9 (5) Be a citizen of the United States or be eligible for
10 employment in the United States;

11 (6) Not have been convicted of a crime involving moral
12 turpitude;

13 (7) Not have been convicted of a felony under the laws of
14 any jurisdiction within five years preceding the date of
15 application for registration which conviction remains
16 unreversed; and

17 (8) Not have been convicted of a misdemeanor or a
18 felony under the laws of any jurisdiction at any time if the
19 offense for which the applicant was convicted related to the
20 practice of veterinary technology or animal abuse or neglect.

21 (b) A person seeking registration under the provisions of
22 this article shall submit an application on a form prescribed
23 by the board and pay all applicable fees.

24 (c) A person registered to practice veterinary technology
25 issued by the board prior to July 1, 2010, shall for all
26 purposes be considered registered under this article and may
27 renew pursuant to the provisions of this article.

§30-10-11. Scope of practice for registered veterinary technician.

1 (a) A registered veterinary technician may do the
2 following under general supervision:

3 (1) Administer anesthesia, including induction, intravenous
4 sedation, and maintenance and recovery from anesthesia;

5 (2) Perform dental prophylaxis;

6 (3) Establish open airways;

7 (4) Administer resuscitative oxygen procedures;

8 (5) Administer resuscitative drugs, in the event of cardiac
9 arrest;

10 (6) Administer immunizations that are not required by
11 law to be administered by a licensed veterinarian;

12 (7) Prepare or supervise the preparation of patients for
13 surgery;

14 (8) Assist the veterinarian in immunologic, diagnostic,
15 medical, chemotherapeutic and surgical procedures; and

16 (9) Perform external suturing.

17 (b) A registered veterinary technician may do the
18 following under either general or indirect supervision:

19 defect, wound or injury for hire, fee, compensation or reward
20 that is directly or indirectly promised, offered, expected,
21 received or accepted.

§30-10-10. Requirements for a registered veterinary technician.

1 (a) To be eligible for a registration to practice veterinary
2 technology under the provisions of this article, the applicant
3 must:

4 (1) Be of good moral character;

5 (2) Have a degree in veterinary technology from an
6 accredited school, approved by the board;

7 (3) Have passed the examinations required by the board;

8 (4) Be at least eighteen years of age;

9 (5) Be a citizen of the United States or be eligible for
10 employment in the United States;

11 (6) Not have been convicted of a crime involving moral
12 turpitude;

13 (7) Not have been convicted of a felony under the laws of
14 any jurisdiction within five years preceding the date of
15 application for registration which conviction remains
16 unreversed; and

17 (8) Not have been convicted of a misdemeanor or a
18 felony under the laws of any jurisdiction at any time if the
19 offense for which the applicant was convicted related to the
20 practice of veterinary technology or animal abuse or neglect.

21 (b) A person seeking registration under the provisions of
22 this article shall submit an application on a form prescribed
23 by the board and pay all applicable fees.

24 (c) A person registered to practice veterinary technology
25 issued by the board prior to July 1, 2010, shall for all
26 purposes be considered registered under this article and may
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5 (2) Perform dental prophylaxis;

6 (3) Establish open airways;

7 (4) Administer resuscitative oxygen procedures;

8 (5) Administer resuscitative drugs, in the event of cardiac
9 arrest;

10 (6) Administer immunizations that are not required by
11 law to be administered by a licensed veterinarian;

12 (7) Prepare or supervise the preparation of patients for
13 surgery;

14 (8) Assist the veterinarian in immunologic, diagnostic,
15 medical, chemotherapeutic and surgical procedures; and

(9) Perform external suturing.

(b) A registered veterinary technician may do the
all the following under either general or indirect supervision:

- 19 (1) Perform diagnostic imaging;
 - 20 (2) Perform intravenous catheterization;
 - 21 (3) Administer and apply medications and treatments by
22 oral intramuscular, intravenous and subcutaneous routes;
 - 23 (4) Apply bandages;
 - 24 (5) Perform cardiac and respiratory monitoring;
 - 25 (6) Perform appropriate procedures to control bleeding;
 - 26 (7) Apply temporary splints or immobilizing bandages;
 - 27 (8) Perform ear flushing;
 - 28 (9) Collect specimens; and
 - 29 (10) Perform laboratory procedures.
- 30 (c) A veterinary technician may, without supervision, use
31 emergency treatment procedures when an animal has been
32 placed in a life threatening condition and immediate
33 treatment is necessary to sustain the animal's life. The
34 registered veterinary technician shall immediately take steps
35 to secure the general supervision of a veterinarian.

§30-10-12. Requirements to be a certified animal euthanasia technician.

- 1 (a) To be eligible to be a certified animal euthanasia
2 technician a person must:
 - 3 (1) Apply at least thirty days prior to the date the next
4 written examinations are scheduled, using a form prescribed
5 by the board;

- 6 (2) Have a high school diploma or GED,
 - 7 (3) Pay application and examination fees;
 - 8 (4) Complete the certified animal euthanasia technician's
9 program established by the board;
 - 10 (5) Pass the written and practical skills examinations;
 - 11 (6) Pass the prescribed background check; and
 - 12 (7) Complete all the other requirements established by the
13 board.
- 14 (b) A certified animal euthanasia technician may practice
15 animal euthanasia at a legally operated animal control
16 facility.
- 17 (c) A person certified as an animal euthanasia technician
18 by the board prior to July 1, 2010, shall for all purposes be
19 considered certified under this article and may renew
20 pursuant to the provisions of this article.

§30-10-13. Requirements for certified animal euthanasia technicians program.

- 1 (a) The board shall create a certified animal euthanasia
2 technician's program. The board shall design this program
3 to teach applicants for certification record keeping and the
4 legal, safety and practical information needed to become a
5 certified animal euthanasia technician.
- 6 (b) (1) The board shall administer written examinations
7 to an applicant for certification. The written examinations
8 shall test the applicant's knowledge of the following:
 - 9 (A) Animal restraint;

- 19 (1) Perform diagnostic imaging;
 - 20 (2) Perform intravenous catheterization;
 - 21 (3) Administer and apply medications and treatments by
22 oral intramuscular, intravenous and subcutaneous routes;
 - 23 (4) Apply bandages;
 - 24 (5) Perform cardiac and respiratory monitoring;
 - 25 (6) Perform appropriate procedures to control bleeding;
 - 26 (7) Apply temporary splints or immobilizing bandages;
 - 27 (8) Perform ear flushing;
 - 28 (9) Collect specimens; and
 - 29 (10) Perform laboratory procedures.
- 30 (c) A veterinary technician may, without supervision, use
31 emergency treatment procedures when an animal has been
32 placed in a life threatening condition and immediate
33 treatment is necessary to sustain the animal's life. The
34 registered veterinary technician shall immediately take steps
35 to secure the general supervision of a veterinarian.

§30-10-12. Requirements to be a certified animal euthanasia technician.

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2 technician a person must:
 - 3 (1) Apply at least thirty days prior to the date the next
4 written examinations are scheduled, using a form prescribed
5 by the board;

6 (2) Have a high school diploma or GED,

7 (3) Pay application and examination fees;

8 (4) Complete the certified animal euthanasia technician's
9 program established by the board;

10 (5) Pass the written and practical skills examinations;

11 (6) Pass the prescribed background check; and

12 (7) Complete all the other requirements established by the
13 board.

14 (b) A certified animal euthanasia technician may practice
15 animal euthanasia at a legally operated animal control
16 facility.

17 (c) A person certified as an animal euthanasia technician
18 by the board prior to July 1, 2010, shall for all purposes be
19 considered certified under this article and may renew
20 pursuant to the provisions of this article.

**§30-10-13. Requirements for certified animal euthanasia
technicians program.**

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2 technician's program. The board shall design this program
3 to teach applicants for certification record keeping and the
4 legal, safety and practical information needed to become a
5 certified animal euthanasia technician.

6 (b) (1) The board shall administer written examinations
7 to an applicant for certification. The written examinations
8 shall test the applicant's knowledge of the following:

9 (A) Animal restraint;

- 10 (B) Drug enforcement agency regulations;
- 11 (C) Record keeping requirements for controlled
12 substances;
- 13 (D) Handling, inventory, security and proper storage of
14 euthanasia drugs, solutions and syringes;
- 15 (E) The certification process;
- 16 (F) Legal requirements;
- 17 (G) Stress management;
- 18 (H) Approved animal euthanasia drug usage;
- 19 (I) Jurisprudence; and
- 20 (J) Other subject areas specified by the board in a
21 legislative rule.
- 22 (2) The applicant shall pass the written examinations with
23 a minimum correct score, as determined by the board, in
24 order to be eligible to take the practical skills examination
25 provided in subsection (c) of this section.
- 26 (c) In addition to the written examinations provided under
27 subsection (b) of this section, the board shall administer a
28 practical skills examination to an applicant who has
29 successfully passed the written examinations. The board
30 shall conduct the practical skills examination in a manner that
31 tests an applicant's ability to properly restrain an animal,
32 measure a correct dosage of euthanasia solution, locate an
33 injection site and perform an injection. In order to pass the
34 practical skills examination, an applicant shall exhibit to the
35 board that he or she can locate an injection site and perform
36 an injection and also perform euthanasia correctly and
37 humanely.

38 (d) An applicant who successfully passes the written
39 examinations and the practical skills examination required by
40 this section shall sign a form authorizing the board to make
41 inquiries through the United States Department of Justice, or
42 any other legal jurisdiction or entity, for the purpose of
43 determining the character and reputation of the applicant and
44 other matters relating to the certification of the applicant.

§30-10-14. Scope of practice for an animal euthanasia technician.

1 (a) A certified animal euthanasia technician may
2 euthanize animals assigned to the care of an animal control
3 facility.

4 (b) A certified animal euthanasia technician shall practice
5 euthanasia within the limitations imposed by this article and
6 rules promulgated by the board under this article.

7 (c) A certified animal euthanasia technician may not
8 practice or offer to practice his or her profession outside the
9 direct authority of the animal control facility which employs
10 him or her or otherwise contracts for his or her services.

11 (d) A certified animal euthanasia technician is not
12 qualified and may not indicate that he or she is qualified to
13 act in any capacity relative to animals beyond his or her
14 specified and regulated authority to euthanize animals at the
15 instruction of the animal control facility by which he or she
16 is employed.

17 (e) Annually, before January 15, a certified animal
18 euthanasia technician shall report to the board the number of
19 animals euthanized at his or her facility during the previous
20 calendar year.

§30-10-15. Renewal requirements.

1 (a) All persons regulated by the article shall annually or
2 biennially before January 1, renew his or her license,
3 registration or certification by completing a form prescribed
4 by the board, paying all applicable fees and submitting any
5 other information required by the board.

6 (b) At least thirty days prior to January 1, the board shall
7 mail to every person regulated by the article an application
8 for renewal.

9 (c) The board shall charge a fee for each renewal and a
10 late fee for any renewal not properly completed and received
11 with the appropriate fee by the due date.

12 (d) The board shall require as a condition of renewal that
13 each licensee, registrant and certificate holder complete
14 continuing education.

15 (e) The board may deny an application for renewal for
16 any reason which would justify the denial of an original
17 application.

18 (f) The board may authorize the waiving of the renewal
19 fee of a licensed veterinarian or registered veterinarian
20 technician during the period when he or she is on active duty
21 with any branch of the armed services or the public health
22 service of the United States or a declared emergency.

23 (g) After July 1, 2010, a previously certified animal
24 euthanasia technician may renew his or her certification
25 without having obtained a high school degree or GED.

§30-10-16. Temporary permits for a veterinarian.

1 (a) Upon completion of an application and payment of
2 the applicable fees, the board may issue a temporary permit

3 to a person to practice veterinary medicine in this state who
4 has completed the educational requirements set out in this
5 article, is waiting to take the state examination, and is
6 working under a supervising veterinarian.

7 (b) The temporary permit is valid for a period not to
8 exceed the next scheduled examination date first held
9 following the issuance of the temporary permit and expires
10 the day after the board gives written notice to the permittee of
11 the results.

12 (c) A temporary permit may be revoked by a majority
13 vote of the board without a hearing.

§30-10-17. Exemptions from article.

1 The following persons are exempt from licensing under
2 the provisions of this article:

3 (a) An employee of the federal government performing
4 his or her official duties, as defined by the employing agency;

5 (b) A student of a veterinary school working under the
6 direct supervision of a licensed veterinarian;

7 (c) A person advising with respect to or performing acts
8 which the board has prescribed by legislative rule as accepted
9 livestock management practices;

10 (d) The owner of an animal, the owner's employees, or
11 persons assisting the owner without any fee or compensation,
12 caring for and treating the animal, except where the
13 ownership of the animal was transferred for the purpose of
14 circumventing the provisions of this article;

15 (e) A member of the faculty of a veterinary school
16 performing his or her regular duties and functions, including

17 lecturing, giving instructions or demonstrations, at a
 18 veterinary school or in connection with a board approved
 19 continuing education course or seminar;

20 (f) A person selling or applying a pesticide, insecticide or
 21 herbicide;

22 (g) A person engaging in bona fide scientific research
 23 which reasonably requires experimentation involving
 24 animals;

25 (h) A person engaging in bona fide scientific research in
 26 consultation with a licensed veterinarian in this state;

27 (i) A person treating or relieving a living animal in the
 28 case of an emergency for no fee or other compensation;

29 (j) A person who disposes of the carcass of a dead
 30 animal; and

31 (k) Veterinary assistants acting under the general
 32 supervision of a licensed veterinarian.

§30-10-18. Display of license, permit, registration and certificate.

1 (a) The board shall prescribe the form for a license,
 2 permit, registration and certificate and may issue a duplicate
 3 upon payment of a fee.

4 (b) Any person regulated by this article shall
 5 conspicuously display his or her license, permit, registration
 6 or certification at his or her principal business location.

§30-10-19. Complaints; investigations; due process procedure; grounds for disciplinary action.

1 (a) The board may upon its own motion and shall upon
2 the written complaint of any person cause an investigation to
3 be made to determine whether grounds exist for disciplinary
4 action under this article.

5 (b) Upon initiation or receipt of the complaint, the board
6 shall provide a copy of the complaint to the licensee,
7 permittee, registrant or certificate holder.

8 (c) After reviewing any information obtained through an
9 investigation, the board shall determine if probable cause
10 exists that the licensee, permittee, registrant or certificate
11 holder has violated any provision of this article.

12 (d) Upon a finding that probable cause exists that the
13 licensee, permittee, registrant or certificate holder has
14 violated this article, the board may enter into a consent
15 decree or hold a hearing for the suspension or revocation of
16 the license, permit, registration or certificate or the
17 imposition of sanctions against the licensee, permittee,
18 registrant or certificate holder. The hearing shall be held in
19 accordance with the provisions of this article.

20 (e) Any member of the board or the executive director of
21 the board may issue subpoenas and subpoenas duces tecum
22 to obtain testimony and documents to aid in the investigation
23 of allegations against any person regulated by this article.

24 (f) Any member of the board or its executive director
25 may sign a consent decree or other legal document on behalf
26 of the board.

27 (g) The board may, after notice and opportunity for
28 hearing, deny, refuse to renew, suspend or revoke the license,
29 permit, registration or certificate of, impose probationary
30 conditions upon or take disciplinary action against, any

31 licensee, permittee, registrant or certificate holder for any of
32 the following reasons:

33 (1) Obtaining a license, permit, registration or certificate
34 by fraud, misrepresentation or concealment of material facts;

35 (2) Being convicted of a felony or other crime involving
36 moral turpitude;

37 (3) Being guilty of unprofessional conduct;

38 (4) Intentional violation of this article or lawful order;

39 (5) Having had a license or other authorization to practice
40 revoked or suspended, other disciplinary action taken, or an
41 application for licensure or other authorization refused,
42 revoked or suspended by the proper authorities of another
43 jurisdiction, irrespective of intervening appeals and stays; or

44 (6) Engaging in any act which has endangered or is likely
45 to endanger the health, welfare or safety of the public.

46 (h) For the purposes of subsection (g) of this section,
47 disciplinary action may include:

48 (1) Reprimand;

49 (2) Probation;

50 (3) Administrative fine, not to exceed \$1,000 a day per
51 violation;

52 (4) Mandatory attendance at continuing education
53 seminars or other training;

54 (5) Practicing under supervision or other restriction;

55 (6) Requiring the licensee, permittee, registrant or
56 certificate holder to report to the board for periodic
57 interviews for a specified period of time; or

58 (7) Other corrective action considered by the board to be
59 necessary to protect the public, including advising other
60 parties whose legitimate interests may be at risk.

§30-10-20. Procedures for hearing; right of appeal.

1 (a) Hearings shall be governed by the provisions of
2 section eight, article one of this chapter.

3 (b) The board may conduct the hearing or elect to have an
4 administrative law judge conduct the hearing.

5 (c) If the hearing is conducted by an administrative law
6 judge, the administrative law judge shall prepare a proposed
7 written order containing findings of fact and conclusions of
8 law at the conclusion of a hearing. The proposed order may
9 contain proposed disciplinary actions if the board so directs.
10 The board may accept, reject or modify the decision of the
11 administrative law judge.

12 (d) Any member or the executive director of the board
13 has the authority to administer oaths, examine any person
14 under oath and issue subpoenas and subpoenas duces tecum.

15 (e) If, after a hearing, the board determines the licensee,
16 permittee, registrant or certificate holder has violated this
17 article, a formal written decision shall be prepared which
18 contains findings of fact, conclusions of law and a specific
19 description of the disciplinary actions imposed.

§30-10-21. Judicial review; appeal to Supreme Court of Appeals.

1 Any licensee, permittee, registrant or certificate holder
2 adversely affected by a decision of the board entered after a
3 hearing may obtain judicial review of the decision in
4 accordance with section four, article five, chapter twenty-
5 nine-a of this code, and may appeal any ruling resulting from
6 judicial review in accordance with article six, chapter twenty-
7 nine-a of this code.

§30-10-22. Criminal proceedings; penalties.

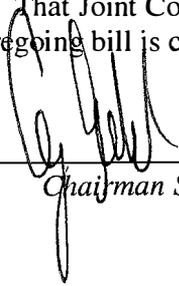
1 (a) When, as a result of an investigation under this article
2 or otherwise, the board has reason to believe that a person has
3 knowingly violated this article, the board may bring its
4 information to the attention of an appropriate law-
5 enforcement official who may cause criminal proceedings to
6 be brought.

7 (b) Any person violating a provision of this article is
8 guilty of a misdemeanor and, upon conviction thereof, shall
9 be fined not less than \$500 nor more than \$1,000 or confined
10 in jail not more than six months, or both fined and confined.

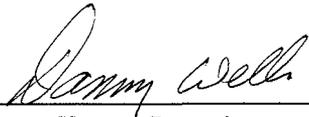
§30-10-23. Single act evidence of practice.

1 In any action brought or in any proceeding initiated under
2 this article, evidence of the commission of a single act
3 prohibited by this article is sufficient to justify a penalty,
4 injunction, restraining order or conviction without evidence
5 of a general course of conduct.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



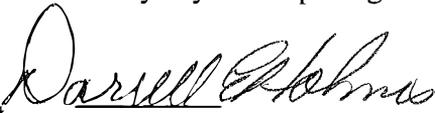
Chairman Senate Committee



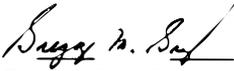
Chairman House Committee

Originating in the House.

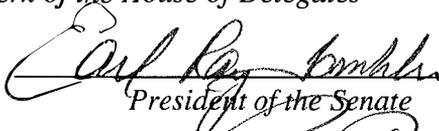
In effect ninety days from passage.



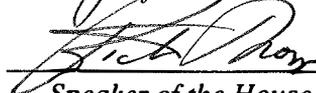
Clerk of the Senate



Clerk of the House of Delegates

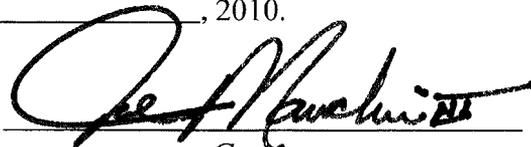


President of the Senate



Speaker of the House of Delegates

The within is approved this the 18th day of April, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 29 2010

Time 10:05h