

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4813

BY DELEGATES STEELE AND FOSTER

[Introduced February 11, 2020; Referred to the
Committee on Agriculture and Natural Resources
then Government Organization]

1 A BILL to repeal §30-10-10, §30-10-11, §30-10-12, and §30-10-13 of the Code of West Virginia,
 2 1931, as amended; and to amend and reenact §30-10-1, §30-10-3, §30-10-4, and §30-
 3 10-6 of said code, all relating to veterinary technicians or animal euthanasia technicians;
 4 providing that a licensed veterinarian is responsible for ensuring staff performing tasks
 5 have received education, training, guidance, and supervision from a licensed veterinarian;
 6 providing for altered definitions; providing for a person of a licensed veterinarian's staff
 7 appointed to the board; providing that a veterinary staff member cannot be employed by
 8 a licensed veterinarian also appointed or currently serving on the board; and providing for
 9 removal of the animal euthanasia technician program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. VETRINARIANS.

§30-10-1. Unlawful acts.

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

7 (b) A business entity may not render any service or engage in any activity which, if
 8 rendered or engaged in by an individual, would constitute the practice of veterinary medicine,
 9 except as provided in subsection (c) of this section, ~~veterinary technology or animal euthanasia,~~
 10 except through a licensee. ~~registrant or certificate holder~~

11 (c) A business entity may employ persons other than a licensed veterinarian to perform
 12 tasks that could be considered veterinary medicine only under the supervision or authorization of
 13 a licensed veterinarian. The licensed veterinarian is responsible for ensuring that persons
 14 employed by the business and performing tasks that could be considered veterinary medicine

15 have received the proper education, training, guidance, or supervision by a licensed veterinarian.

§30-10-3. Definitions.

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

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

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

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

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

11 (e) "Business entity" means any firm, partnership, association, company, corporation,
12 limited partnership, limited liability company or other entity performing veterinary medicine,
13 veterinary technology or animal euthanasia.

14 (f) ~~"Certificate" means an animal euthanasia technician certificate issued under the~~
15 ~~provisions of this article.~~

16 (g) ~~"Certificate holder" means a person holding a certificate issued under the provisions of~~
17 ~~this article.~~

18 (h) ~~"Certified animal euthanasia technician" means a person who is certified by the board~~
19 ~~to euthanize animals in accordance with the provisions of this article~~

20 (i) "General supervision" means the supervising veterinarian is in the building where the
21 animal is being treated, has given instructions for treatment and is quickly and easily available.

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

24 (k) "License" means a veterinary medicine license issued under the provisions of this

25 article.

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

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

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

30 (o) "Practice of veterinary medicine" means to diagnose, treat, correct, change, relieve or
31 prevent any disease, deformity, defect, injury, or other physical or mental condition, of any animal,
32 or to prescribe for or to administer to any animal any drug, medicine, biologic, apparatus,
33 application, anesthetic or other therapeutic or diagnostic substance or technique, or to render
34 advice or any recommendation with respect to any of the foregoing.

35 (p) "Practice of veterinary technology" means the science and art of providing all aspects
36 of professional medical care, services and treatment for animals with the exceptions of diagnosis,
37 prognosis, surgery, prescription and application of any treatments, drugs, medications or
38 appliances, where a valid veterinarian-client-patient relationship exists.

39 (q) ~~"Registered veterinary technician" means a person who is duly registered to practice
40 veterinary technology under the provisions of this article.~~

41 (r) ~~"Registrant" means a person holding a registration issued under the provisions of this
42 article.~~

43 (s) ~~"Registration" means a veterinary technician registration issued under the provisions
44 of this article~~

45 (t) "Supervising veterinarian" means a veterinarian, licensed under this article, who
46 assumes responsibility for the professional care given to an animal by a person authorized by this
47 article to work under his or her general or indirect supervision.

48 (u) "Veterinarian" means a person who is licensed to practice veterinary medicine under
49 the provisions of this article.

50 (v) "Veterinary assistant" means a person who ~~has not met the requirements for becoming~~

51 ~~a registered veterinary technician. The duties and tasks of a veterinary assistant are~~ is instructed
52 from and directly supervised by a licensed veterinarian, who is accountable for the veterinary
53 assistant's actions. The supervising veterinarian is responsible for determining the ability and
54 competence of the veterinary assistant to perform the directed task or procedure.

55 ~~(w)~~ "Veterinarian-client-patient relationship" means a relationship between a veterinarian,
56 a client and a patient, and exists when:

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

60 (2) A veterinarian, through personal examination of an animal or a representative sample
61 of a herd or flock, obtains sufficient information to make at least a general or preliminary diagnosis
62 of the medical condition of the animal, herd or flock, which diagnosis is expanded through
63 medically appropriate visits to the premises where the animal, herd or flock is kept.

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

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

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

6 (1) ~~A registered veterinary technician~~ competent member of a licensed veterinarian's staff
7 that is capable of performing tasks under general supervision and has met other requirements as
8 established by the board, for a term of five years; and

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

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

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

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

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

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

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

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

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

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

29 (i) A licensed ~~or registered~~ member of the board immediately and automatically forfeits
30 membership to the board if his or her license ~~or registration~~ to practice is suspended or revoked.

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

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

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

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

39 (n) A ~~veterinary technician member~~ person appointed under subsection (b), subdivision
 40 (1) of this section may not be employed by a veterinarian on the board.

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

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

§30-10-6. Rule-making authority.

1 (a) The board shall propose rules for legislative approval, in accordance with the
 2 provisions of §29A-3-1 *et seq.* of this code, to implement the provisions of this article, including:

3 (1) Standards and requirements for a license, and permit, ~~certificate and registration~~;

4 (2) Educational and experience requirements;

5 (3) Procedures for examinations and reexaminations;

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

8 (5) The passing grade on the examination;

9 (6) Standards for approval of courses;

10 ~~(7) Establish a certified animal euthanasia technician's program~~

11 ~~(8)~~(7) Procedures for the issuance and renewal of a license or permit ~~certificate and~~
 12 ~~registration~~;

13 ~~(9)~~(8) A fee schedule;

14 ~~(10)~~(9) Continuing education requirements;

15 ~~(11)~~(10) Set standards for ethical conduct;

16 ~~(12)~~(11) Establish procedures and requirements for facility inspections;

17 ~~(13)~~(12) Clarify the veterinarian-client-patient relationship;

18 ~~(14)~~(13) The procedures for denying, suspending, revoking, reinstating or limiting the

19 practice of a licensee, or ~~permittee, certificate holder or registrant;~~

20 ~~(14)~~(14) Requirements for a revoked license or permit ~~certificate and registration;~~ and

21 ~~(15)~~(15) Any other rules necessary to effectuate the provisions of this article.

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

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

1 [Repealed.]

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

1 [Repealed.]

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

1 [Repealed.]

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

1 [Repealed.]

NOTE: The purpose of this bill is to provide a veterinarian with supervisory authority over staff members employed at a business providing veterinarian services and to remove the registered veterinary technician and animal euthanasia technician certificate designations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.