

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2968

BY DELEGATES HAMRICK, HOWELL, HANSEN, WILLIAMS,
GRIFFITH, STORCH, PHILLIPS, B. WARD, BARRETT, REED,
AND MARITN

[Introduced March 08, 2021; Referred to the
Committee on Agriculture and Natural Resources
then Health and Human Resources]

1 A BILL to amend and reenact § 30-10-3 and §30-10-9 of the Code of West Virginia, 1931, as
 2 amended, relating to veterinarian medicine; defining terms; providing for telehealth
 3 veterinarian medicine in West Virginia.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. VETERINARIANS.

§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 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.

64 (x) "Telehealth" means the use of electronic information and telecommunication
65 technologies to support or promote long-distance clinical health care, patient and professional
66 health-related education, public health, or health administration. Telehealth may include, but is
67 not limited to, telemedicine.

68 (y) "Telemedicine" means the use of an electronic media to link patients with health care
69 professionals in different locations. To be considered telemedicine under this article, the health
70 care professional must be able to examine the patient via a real-time, interactive audio or video –
71 or both – telecommunications system, and the animal's owner must be able to interact with the
72 off-site health care professional at the time the services are provided.

§30-10-9. Scope of practice for a licensed veterinarian.

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

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

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

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

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

11 (e) Prescribe or administer any legally authorized drug, medicine, treatment, method or
12 practice, perform any operation or manipulation, or apply any apparatus or appliance for the cure,
13 amelioration, correction or modification of an animal condition, disease, deformity, defect, wound
14 or injury for hire, fee, compensation or reward that is directly or indirectly promised, offered,
15 expected, received or accepted.

16 (f) A veterinarian may utilize telehealth or telemedicine technology, as defined by §30-10-
17 3 of this code, to diagnose and treat animals with which they have a previously existing
18 veterinarian-client-patient relationship as defined §30-10-3 of this code. In the case of an animal
19 health emergency, veterinarians may utilize telemedicine in an emergent case to the extent that
20 treatment may be used to stabilize the animal for transport and transition to in-person examination
21 and treatment.

NOTE: The purpose of this bill is to allow veterinarian telemedicine in West Virginia.

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