

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 714

**FISCAL
NOTE**

By Senator Rucker

[Introduced February 2, 2026; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend and reenact §30-10-1, §30-10-3, §30-10-4, §30-10-5, §30-10-6, §30-10-8, §30-
2 10-9, §30-10-10, §30-10-11, §30-10-12, §30-10-13, §30-10-14, §30-10-15, §30-10-16,
3 §30-10-17, §30-10-18, §30-10-19, §30-10-20, §30-10-21, §30-10-22, and §30-10-24 of the
4 Code of West Virginia, 1931, as amended, relating generally to the practice of veterinary
5 medicine; defining terms; editing the powers and duties of the Board of Veterinary
6 Medicine; amending licensing requirements; changing the scope of practice of
7 veterinarians, veterinary technicians, and certified animal euthanasia technicians;
8 amending requirements for veterinary technicians and certified animal euthanasia
9 technicians; providing for temporary permits for veterinarians and veterinary technicians;
10 setting exemptions; altering display of license requirements; increasing penalties;
11 updating telehealth; and correcting terms throughout.

Be it enacted by the Legislature of West Virginia:

ARTICLE

10.

VETERINARIANS.

§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. The practice of veterinary medicine, veterinary technology, or animal euthanasia in~~
7 ~~this jurisdiction is subject to enforcement by the Board. Except as otherwise provided in this article,~~
8 ~~it shall be unlawful for any person to practice veterinary medicine, veterinary technology, or animal~~
9 ~~euthanasia in this jurisdiction through any means unless duly licensed, registered, or certified~~
10 ~~under the applicable provisions of this article.~~

11 (b) No person may use the designation veterinarian, licensed veterinarian, registered
12 veterinary telehealth practitioner, or any other designation indicating licensure or registration

status, including abbreviations, or hold themselves out as a veterinarian unless duly licensed or registered as such.

(c) No person may use the designation veterinary technician, registered Veterinary technician, or any other designation indicating registration status, including abbreviations, or hold themselves out as a veterinary technician unless duly registered as such.

(d) No person may use the designation animal euthanasia technician, certified animal euthanasia technician, or any other designation indicating certification status, including abbreviations, or hold themselves out as an animal euthanasia technician, unless duly certified as such.

(e) Whenever the Board or other interested person believes that any person has engaged, is engaging, or is about to engage in any act that constitutes a violation of this article, the Board or other interested person may make application to any court of competent jurisdiction for an order enjoining the acts or services.

(f) Whenever the Board, its executive director, or its authorized representative has reason to believe that any person has knowingly violated a provision of this article, the Board, its executive director, or its authorized representative may bring the relevant information to the prosecuting attorney in the county where the violation has occurred.

(g) Whenever any other interested person has reason to believe that any person has knowingly violated a provision of this article, such person may bring the relevant information to the attention of the appropriate law-enforcement officer who may cause an investigation to be made in order for appropriate criminal proceedings to be brought.

(h) Nothing in this article shall be construed to prevent members of other professions from performing functions for which they are duly licensed. Such other professionals may not hold themselves out or refer to themselves by any title or description stating or implying that they are licensed or otherwise entitled to practice veterinary medicine, veterinary technology, or animal euthanasia.

(b) (i) A business entity may not render any service or engage in any activity which, if rendered or engaged in by an individual, would constitute the practice of veterinary medicine, veterinary technology or animal euthanasia, except through a licensee, registrant, or ~~certificate~~ holder certificant.

§30-10-3. Definitions.

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

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

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

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

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

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

"Certificant" means a person holding a certificate issued under the provisions of this article.

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

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

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

(i) ~~General~~ "Direct supervision" means the supervising veterinarian is ~~in the building on~~

the premises where the animal is being treated, has given instructions for treatment, and is quickly and easily available.

(j) "Indirect supervision" means ~~the performance of procedures on the orders of a~~ supervising veterinarian need not be on the premises but has given either written or oral instructions for the treatment of the patient and is readily available for communication or is providing telehealth services.

"Interstate telehealth services" means the provision of telehealth services to a patient located in West Virginia by a registered veterinary care professional located in any other state or commonwealth of the United States.

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

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

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

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

"Person" means any individual, firm, partnership, association, joint venture, cooperative, corporation, governmental body, or any other group, legal entity, or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

"Personal examination" is a face to face, in person, examination of the patient.

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

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

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

(r) "Registrant" means a person or facility holding a registration issued under the provisions of this article.

(s) "Registration" means a veterinary technician registration, a veterinary telehealth practitioner registration, veterinary facility registration, or an animal euthanasia facility registration issued under the provisions of this article.

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

"Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio-only telephone calls by a veterinary care professional to provide veterinary care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include internet questionnaires, e-mail messages, or facsimile transmissions.

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

(v) "Veterinary assistant" means a person who has not met the requirements for becoming a registered veterinary technician. The duties and tasks of a veterinary assistant are instructed from and ~~directly supervised by~~ under direct supervision of a licensed veterinarian, who is accountable for the veterinary assistant's actions. The supervising veterinarian is responsible for

determining the ability and competence of the veterinary assistant to perform the directed task or procedure.

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

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

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

(3) A veterinarian may, without an established VCPR, provide consultation services, including the review and evaluation of an animal's condition, medical information, and diagnostic tests, on behalf of a buyer or seller; however, such consultation may not include the treatment of, or prescribing to, the animal.

"Veterinary care professional" means the official authorization by the Board to engage in the practice of veterinary medicine or veterinary technology.

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

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

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

(1) A registered veterinary technician for a term of five years; and

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

(c) Commencing July 1, 2010, the board shall consist of the following nine members,

9 appointed by the Governor by and with the advice and consent of the Senate:

10 (1) Six members licensed to practice veterinary medicine in this state, at least one of which
11 shall be a large animal veterinarian;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.

The board has all the powers and duties set forth in this article, by rule, in §30-1-1 *et seq.* of this code and elsewhere in law, including to:

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

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

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

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

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

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

(7) Prepare, ~~conduct~~, administer, and grade written, oral, or ~~written and oral~~ online examinations for a license, certificate, and registration;

(8) Determine the passing grade for the examinations;

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

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

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

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

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

(14) Determine disciplinary action and issue orders;

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

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

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

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

(19) Provide free or for fee continuing education programs for licensees, permittees, certificants, and registrants;

~~(19)~~ (20) Propose rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this article;

~~(20)~~ (21) Sue and be sued in its official name as an agency of this state;

~~(24)~~ (22) Confer with the Attorney General or his or her assistant in connection with legal matters and questions; and

~~(22)~~ (23) Take all other actions necessary and proper to effectuate the purposes of this article.

§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, 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) Procedures for the issuance and renewal of a license, permit, certificate, and
12 registration;

13 (9) A fee schedule;

14 (10) Continuing education requirements;

15 (11) Set standards for ethical conduct;

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

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

18 (14) The procedures for denying, suspending, revoking, reinstating or limiting the practice
19 of a licensee, permittee, ~~certificate holder~~ certificant, or registrant;

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

21 (16) 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.

§30-10-8. Requirements for ~~Veterinary License~~ veterinary license.

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

~~(1) Be of good moral character;~~

~~(2) (A) Be a graduate of (1) Have a degree from an American Veterinary Medical Association (AVMA) accredited school approved by the board; or hold a certificate of educational equivalence issued by an AVMA or American Association of Veterinary State Boards (AAVSB) foreign/international veterinary program;~~

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

~~(3) (2) Have passed the examinations required by the board;~~

~~(4) (3) Be at least 18 years of age;~~

~~(5) (4) Be a citizen of the United States or be eligible for employment in the United States;~~

~~(6) Not have been convicted of a crime involving moral turpitude~~

~~(5) Pass the prescribed criminal background check;~~

~~(7) (6) Not have been convicted of a misdemeanor or felony that bears a rational nexus to the practice of veterinary medicine under the laws of any jurisdiction within five years preceding the date of application for licensure which conviction remains unreversed; and~~

~~(8) (7) Not have been convicted of a misdemeanor or a felony under the laws of any jurisdiction at any time if the offense for which the applicant was convicted related to the practice of veterinary medicine or animal abuse, or neglect, violence, or of a sexual nature to a human or animal.~~

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

(c) An applicant from another jurisdiction shall comply with all the requirements of this article or, if applicable, may proceed pursuant to the provisions of §30-1-27 of this code.

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

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

§30-10-9. Scope of practice for a licensed veterinarian or registered veterinary telehealth practitioner.

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

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

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

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

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

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

(f) A veterinarian who provides emergency treatment (in a manner the veterinarian determines appropriate in accordance with the "Principles of Veterinary Medical Ethics" of the American Veterinary Medical Association) to an ill or injured animal on the veterinarian's own initiative (if the owner is not present or able to be reached via electronic means), or at the request of a person other than the animal's owner, is not liable to the owner for damages to the animal unless the veterinarian commits gross negligence or violates any current law.

(1) The veterinarian may perform euthanasia based on the examination of the animal and is performing the humane act necessary to relieve the animal's pain and suffering if present.

(2) For each animal treated, euthanized, or disposed of, the veterinarian and veterinary facility shall maintain a record that contains:

(A) All legal requirements set forth in this article and related rules and in addition:

(B) A physical description of the animal, which may include, without limitation, a photograph;

(C) The date the animal was delivered to the veterinarian or at the veterinary facility;

(D) A description of the attempts made by the veterinarian or veterinary facility to contact the owner, if applicable;

(E) A list of any treatments or care provided by the veterinarian or veterinary facility; and

(F) A description of how the animal was disposed of after a euthanasia, if applicable, or if the animal died naturally, along with the date.

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

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

~~(1) Be of good moral character;~~

~~(2) (1) Have a degree in veterinary technology from an accredited school, approved by the board from an AVMA-accredited veterinary technology program or hold a certificate of educational equivalence issued by an AVMA or AAVSB foreign/international veterinary technology graduate education program;~~

~~(3) (2) Have passed the examinations required by the board;~~

~~(4) (3) Be at least 18 years of age;~~

~~(5) (4) Be a citizen of the United States or be eligible for employment in the United States;~~

~~(6) Not have been convicted of a crime involving moral turpitude~~

(5) Pass the prescribed criminal background check;

~~(7)~~ (6) Not have been convicted of a misdemeanor or felony that bears rational nexus to the practice of veterinary technology under the laws of any jurisdiction within five years preceding the date of application for registration which conviction remains unreversed; and

~~(8)~~ (7) Not have been convicted of a misdemeanor or a felony under the laws of any jurisdiction at any time if the offense for which the applicant was convicted related to ~~the practice of veterinary technology or~~ animal abuse or neglect, violence, or of a sexual nature to a human or animal.

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

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

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

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

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

~~(2) Perform dental prophylaxis;~~

~~(3) Establish open airways;~~

~~(4) Administer resuscitative oxygen procedures;~~

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

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

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

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

~~(9) Perform external suturing.~~

(a) A registered veterinary technician shall be limited to the performance of duties under the direct supervision of a West Virginia-licensed veterinarian. Nothing in this section shall be construed to permit a veterinary technician to do the following:

(1) Surgery, except for external skin closures;

(2) Operative dentistry and oral surgery, except for extraction of single rooted teeth;

(3) Diagnose;

(4) Prognose; and

(5) Prescribe.

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

~~(1) Perform diagnostic imaging;~~

~~(2) Perform intravenous catheterization;~~

~~(3) Administer and apply medications and treatments by oral intramuscular, intravenous and subcutaneous routes;~~

~~(4) Apply bandages;~~

~~(5) Perform cardiac and respiratory monitoring;~~

~~(6) Perform appropriate procedures to control bleeding;~~

~~(7) Apply temporary splints or immobilizing bandages;~~

~~(8) Perform ear flushing;~~

~~(9) Collect specimens; and~~

~~(10) Perform laboratory procedures.~~

(1) Preparation, administration, and application of treatments, including drugs, medications, controlled substances, enemas, biological and immunological agents, unless prohibited by government regulation;

(2) Intravenous catheterizations and maintenance of intra-arterial catheterizations;

(3) Imaging including: radiography, ultrasonography, computed tomography, magnetic

resonance imaging, and fluoroscopy and the administration of radio-opaque agents/materials;

(4) Collection of blood except when in conflict with government regulations, (i.e., Coggins);

(5) Collection and preparation of cellular, or microbiological samples by aspirating skin scrapings, impressions, or other non-surgical methods except when in conflict with government regulations;

(6) Collection of urine by bladder expression, cystocentesis, catheterization (unobstructed) and insertion of an indwelling urinary catheter;

(7) Monitoring, including recheck or progress monitoring of, electrocardiogram (ECG), blood pressure, carbon dioxide (CO2) and blood oxygen saturation;

(8) Clinical laboratory test procedures;

(9) Handling and disposal of biohazardous waste materials;

(10) Implantation of a subcutaneous microchip;

(11) Laser therapy;

(12) Animal rehabilitation therapies;

(13) Ocular tonometry, Schirmer tear test, and fluorescein stain application;

(14) Suture and staple removal;

(15) Application of splints and slings for the temporary immobilization of fractures; and

(16) Perform livestock rectal palpation.

(c) A veterinary technician may, without supervision, use emergency treatment procedures when an animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain the animal's life. The registered veterinary technician shall immediately take steps to secure the direct supervision of a veterinarian.

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

(a) To be eligible to be a certified animal euthanasia technician a person must:

(1) Apply at least 30 days prior to the date the next oral, written, or online examinations are scheduled, using a form prescribed by the board;

(2) ~~Have a high school diploma or GED~~ Be at least 18 years of age;

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

(3) (4) Pay application and examination fees;

(4) (5) Complete the a certified animal euthanasia technician's program established or approved by the board;

(5) (6) Pass the written and and/or practical skills examinations;

(6) (7) Pass the prescribed criminal background check; and

(8) Not have been convicted of a misdemeanor or felony that bears a rational nexus to the practice of animal euthanasia under the laws of any jurisdiction within five years preceding the date of application for licensure which conviction remains unreversed;

(9) Not have been convicted of a misdemeanor or a felony under the laws of any jurisdiction at any time if the offense for which the applicant was convicted related to abuse, neglect, violence, or of a sexual nature to a human or animal.

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

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

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

(d) A person certified by another state or jurisdiction with certification requirements equivalent to, or exceeding, the certification standards of this state may be issued a certification under this section upon the submission of a completed application and the appropriate fees, as established by the board in legislative rules.

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

(a) The board shall may create a certified animal euthanasia technician's program. The board shall may design this program to teach applicants for certification record keeping and the

3 legal, safety and practical information needed to become a certified animal euthanasia technician.

4 (b) ~~(4)~~ The board shall administer oral, written, or online examinations to an applicant for
5 certification. The ~~written~~ examinations shall test the applicant's knowledge of the following:

6 ~~(A)~~ (1) Animal restraint;

7 ~~(B)~~ (2) Drug enforcement agency regulations;

8 ~~(C)~~ (3) Record keeping requirements for controlled substances;

9 ~~(D)~~ (4) Handling, inventory, security and proper storage of euthanasia drugs, solutions and
10 syringes;

11 ~~(E)~~ (5) The certification process;

12 ~~(F)~~ (6) Legal requirements;

13 ~~(G)~~ (7) Stress management;

14 ~~(H)~~ (8) Approved animal euthanasia drug usage;

15 ~~(I)~~ (9) Jurisprudence; and

16 ~~(J)~~ (10) Other subject areas specified by the board in a legislative rule.

17 ~~(2)~~ (c) The applicant shall pass the oral, written, or online examinations with a minimum
18 correct score, as determined by the board, in order to be eligible to take the practical skills
19 examination provided in subsection (c) of this section.

20 ~~(c)~~ (d) In addition to the written examinations provided under subsection (b) of this section,
21 the board shall may administer a practical skills examination to an applicant who has successfully
22 passed the written, oral, or online examinations. The board shall may conduct the practical skills
23 examination in a manner that tests an applicant's ability to properly restrain an animal, measure a
24 correct dosage of euthanasia solution, locate an injection site, and perform an injection. In order to
25 pass the practical skills examination, an applicant shall exhibit to the board that he or she can
26 locate an injection site and perform an injection and also perform euthanasia correctly and
27 humanely.

28 ~~(d)~~ (e) An applicant who successfully passes the written examinations and the practical skills

~~examination required by this section shall sign a form authorizing the board to make inquiries through the United States Department of Justice, or any other legal jurisdiction or entity, for the purpose of determining the character and reputation of the applicant and other matters relating to the _____ certification _____ of _____ the _____ applicant.~~

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

The scope of practice for a certified animal euthanasia technician includes the following:

~~(a) A certified animal euthanasia technician may~~ May only euthanize animals assigned to the care of an animal ~~control~~ euthanasia facility;

~~(b) A certified animal euthanasia technician shall~~ Shall practice euthanasia within the limitations imposed by this article and rules promulgated by the board under this article;

~~(c) A certified animal euthanasia technician may~~ May not practice or offer to practice his or her profession outside the direct authority of the animal ~~control~~ euthanasia facility which employs him or her or otherwise contracts for his or her services;

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

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

§30-10-15. Renewal requirements.

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

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

~~(c)~~ (b) The board shall charge a fee for each renewal and a late fee for any renewal not

properly completed and received with the appropriate fee by the due date.

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

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

~~(f)~~ (e) The Board may authorize the waiving of the initial or renewal fee of a licensed veterinarian, or registered veterinarian technician, certified animal euthanasia technician, or an owner of a veterinary facility who serves as an active member of the armed forces of the United States, the National Guard, or a reserve component, or honorably discharged veterans of those forces and their spouses, including surviving spouses of deceased service members who have not remarried. during the period when he or she is on active duty with any branch of the armed services or the public health service of the United States or a declared emergency.

(f) The Board may authorize the waiving of the initial or renewal fee of a licensed veterinarian, registered veterinarian technician, certified animal euthanasia technician, or a veterinary facility whose household adjusted gross income is below 130 percent of the federal poverty level. This also includes any person enrolled in a state or federal public assistance program including the Temporary Assistance for Needy Families Program (TANF), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP).

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

§30-10-16. Temporary permits for a veterinarian or veterinary technician.

~~(a) Upon completion of an application and payment of the applicable fees, the board may issue a temporary permit to a person to practice veterinary medicine in this state who has completed the educational requirements set out in this article, is waiting to take the state examination, and is working under a supervising veterinarian.~~

~~(b) The temporary permit is valid for a period not to exceed the next scheduled examination~~

~~date first held following the issuance of the temporary permit and expires the day after the board gives written notice to the permittee of the results.~~

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

(a) The board may issue a temporary permit to practice veterinary medicine or veterinary technology to an individual licensed in good standing in another Jurisdiction or country upon approval of an application to the board for the following:

(1) Any veterinarian who is board-certified in an AVMA recognized specialty participating in a canine health screening clinic;

(2) Any veterinarian or veterinary technician during a Government Declared Emergency; or

(3) Any veterinarian or veterinary technician serving as a volunteer without compensation for a charitable function.

(b) Practice in this jurisdiction must fall within the scope of practice designated by such license or registration, is permitted for no more than 10 days per year without applying for a license or registration, and is subject to restrictions deemed appropriate by the board.

(c) The individual shall not be eligible to practice under this temporary permit until the date the board approves the application and shall be bound by the laws of this jurisdiction.

(d) If more than 10 days in a year is needed, an extension can be requested.

(e) The individual shall provide to the board a list of all veterinary or veterinary technician licenses, registrations, permits, or certificates held in each state or jurisdiction for the previous three years.

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

§30-10-17. Exemptions from article.

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

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

(b) A student of a veterinary school working under the direct supervision of a licensed

5 veterinarian;

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

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

11 (e) A member of the faculty of a veterinary school performing his or her regular duties and
12 functions, including lecturing, giving instructions or demonstrations, at a veterinary school or in
13 connection with a board approved continuing education course or seminar;

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

15 (g) A person engaging in bona fide scientific research which reasonably requires
16 experimentation involving animals;

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

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

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

22 (k) Veterinary assistants acting under the general supervision of a licensed veterinarian;
23 and

24 (l) Veterinary assistants responsible for preparing, administering, and applying treatments,
25 including drugs, medications, and controlled substances as ordered under the indirect supervision
26 of a veterinarian.

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

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

3 (b) Any person regulated by this article shall conspicuously display his or her license,

4 permit, registration, or ~~certification~~ certificate at all of his or her principal business location
5 locations.

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

1 (a) The board may upon its own motion and ~~shall or~~ or upon the written complaint of any
2 person ~~or based upon the quarterly report from the Board of Pharmacy as required by §60A-9-1 et~~
3 ~~seq. of this code~~ cause an investigation to be made to determine whether grounds exist for
4 disciplinary action under this article.

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

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

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

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

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

20 (g) The board may, after notice and opportunity for hearing, deny, refuse to renew,
21 suspend, or revoke the license, permit, registration, or certificate of, impose probationary

conditions upon or take disciplinary action against, any licensee, permittee, registrant, or ~~certificate holder~~ certificant for any of the following reasons:

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

(2) Being convicted of a misdemeanor or felony that bears a rational nexus to the practice of veterinary medicine or other crime involving ~~moral turpitude~~ abuse, neglect, violence, or of a sexual nature to a human or animal;

(3) Being guilty of unprofessional conduct;

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

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

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

(7) Engaging in acts of cruelty or abuse to a human or animal.

(h) For the purposes of §30-10-19(g) of this code, disciplinary action may include:

(1) Reprimand;

(2) Probation;

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

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

(5) Practicing under supervision or other restriction;

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

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

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

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

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

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

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

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

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

Any licensee, permittee, registrant, or ~~certificate holder~~ certificant adversely affected by a decision of the board entered after a hearing may obtain judicial review of the decision in accordance with §29A-5-4 of this code, and may appeal any ruling resulting from judicial review in accordance with §29A-6-1 *et seq.* of this code.

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

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

(b) Any person violating a provision of this article is who is found guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 \$1,000 nor more than \$1,000 \$5,000 or confined in jail not more than six months, or both fined and confined.

§30-10-24. Telehealth practice.

(a) ~~For purposes of this section, these terms have the following meaning:~~

(1) ~~"Interstate telehealth services" means the provision of telehealth services to a patient located in West Virginia by a registered veterinary care professional located in any other state or commonwealth of the United States.~~

(2) ~~"Personal examination" is a face to face, in person, examination of the patient.~~

(3) ~~"Registration" means an authorization to practice veterinary medicine in the State of West Virginia pursuant to §30-10-1 et seq. of this code, which authorization is limited to providing interstate telehealth services within the registrant's scope of practice.~~

(4) ~~"Registrant" means an individual who holds a valid registration with the board.~~

(5) ~~"Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio-only telephone calls by a veterinary care professional to provide veterinary care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; maintenance of medical data; patient and professional health-related education; public health services; and health administration. The term does not include internet questionnaires, email messages, or facsimile transmissions.~~

(6) ~~"Veterinary care professional" means the official authorization by the board to engage in the practice of veterinary medicine.~~

(b) Telehealth Practice.

(1) The practice of veterinary medicine occurs where the patient is located at the time telehealth services are provided.

(2) To provide veterinary care in the State of West Virginia via interstate telehealth services, an individual not otherwise licensed by the board must first apply for and obtain

registration with the board using the application materials provided by the board and paying a fee of \$300 equivalent to the veterinary application, examination, and license fee.

(3) To obtain registration with the board, an individual must be a licensed veterinarian in good standing in all other states in which he or she is licensed and not currently under investigation or subject to an administrative complaint.

(4) A registration with the board is subject to annual renewal on or before December 31 including, ~~but not limited to,~~ the renewal fee of \$250 equivalent to the veterinary license renewal fee and the submission of at least three patient records of West Virginia patients, if applicable.

(5) A veterinarian-client-patient relationship is required for providing veterinary care in the State of West Virginia via telehealth services. The veterinary care professional shall perform an in person exam within the 12 months prior, and at least every 12 months thereafter, or the telehealth service shall no longer be available to the patient. Such relationship exists when:

(A) A veterinarian assumes responsibility for medical judgments regarding the health of an animal and the client who is the owner or owner's advocate of the animal consents to the veterinarian's treatment plan; ~~and~~

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

(C) In the event of an imminent, life-threatening emergency, veterinary care may be provided in this state via telehealth services without an existing veterinarian-client-patient relationship or an in-person visit within 12 months.

(6) The standard of care for providing veterinary care in the State of West Virginia via telehealth services by a registrant or licensed veterinarian shall be the same as for in-person care. Such standard of care shall require that a veterinarian-client-patient relationship first exist before telehealth services are provided and that a patient visit a veterinarian licensed in another

jurisdiction or licensed by the board, in-person and within 12 months of using the initial telemedicine service, or the telemedicine service shall no longer be available to the patient. Only in the event of an imminent, life-threatening emergency may veterinary care be provided in this state via telehealth services without an existing veterinarian-client-patient relationship or without an in-person visit within 12 months.

(7) A provider of telehealth services must ensure that the client is aware of the veterinarian's identity, location, and license number and licensure status and should provide to the client a clear mechanism to:

(A) Access, supplement, and amend client-provided contact information and health information about the patient;

(B) Register complaints with the board;

(C) Provide consent for the use of telehealth; and

(D) Patient medical records must meet the requirements as specified in the Standards of Practice Rules.

(8) A registrant shall not prescribe any controlled substance listed in Schedule II of the Uniform Controlled Substance Act via interstate telehealth services.

(9) By registering to provide interstate telehealth services to patients in this state, a registrant is subject to:

(A) The laws, rules, and regulations regarding the practice of veterinary medicine in this state, including the state judicial system and all rules and standards of professional conduct contained within §30-10-1 *et seq.* of this code and the rules promulgated thereunder;

(B) The standard of care for providing veterinary care in the State of West Virginia via telehealth services by a registrant or licensed veterinarian shall be the same as for in-person care; and

(C) The jurisdiction of the board, including, ~~but not limited to,~~ the board's complaint, investigation, and hearing processes.

75 (10) A registrant shall notify the board within 30 days of any restrictions placed upon, or
76 actions taken against, his or her license to practice in any other state or jurisdiction.

77 (11) A registration with the board does not authorize a veterinary care professional to
78 practice from a physical location within the State of West Virginia without first obtaining
79 appropriate facility registration.

80 (12) A person currently licensed by the board is not subject to registration but shall practice
81 telehealth in accordance with the provisions of §30-10-1 *et seq.* of this code and the rules
82 promulgated thereunder.

NOTE: The purpose of this bill is to change the scope of practice and requirements to practice as a veterinarian, veterinary technician, and certified animal euthanasia technician in the state; to change temporary permitting requirements of a veterinarian and veterinary technician; and to increase certain criminal penalties.

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