

**ARTICLE 10. VETERINARIANS.**  
**§30-10-1. Definitions.**

Unless the context in which used, clearly requires a different meaning, as used in this article:

(a) "Animal" or "animals" means any animal or animals other than man, wild or domestic, living or dead, and includes fowls and birds.

(b) "Veterinary medicine" or the "practice of veterinary medicine" means, as the case may be:

(1) For a fee or other compensation, 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;

(2) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subdivision (b) (1) above;

(3) To use any title, words, abbreviation, or letters in a manner or under circumstances inducing or tending to induce the belief that the person using them is qualified to do any act described in subdivision (b) (1) above.

(c) "Veterinarian" means a person who has received a doctor's degree in veterinary medicine, or its equivalent, from a school of veterinary medicine.

(d) "Licensed veterinarian" means a veterinarian who is validly and currently licensed to practice veterinary medicine in this state.

(e) "School of veterinary medicine" means any veterinary college or division of a university or college which offers the degree of doctor of veterinary medicine or its equivalent.

(f) "Person" means any individual, firm, partnership, association, joint venture, cooperative or corporation, or any other group or combination acting in concert, and whether acting as principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of any such person.

(g) "Board" means the West Virginia board of veterinary medicine.

## **§30-10-2. License or permit required; exceptions.**

No person may, for a fee or other compensation, practice veterinary medicine in this state without a license or a temporary permit issued by the board in accordance with the provisions of this article, which license or permit remains unexpired, unsuspended and unrevoked. This article shall, however, not be construed to prohibit:

(a) Any employee of the federal, state or local government from performing his official duties, as defined by his employing agency;

(b) Any person who is a regular student in a veterinary school from performing research assigned by his instructors, or from working under the direct supervision of a licensed veterinarian during a school vacation period;

(c) Any person from advising with respect to or performing acts which the board has prescribed as accepted livestock management practices;

(d) Any veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state;

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

(f) Any member of the faculty of a veterinary school from performing his regular functions, or any person from lecturing, or giving instructions or demonstrations, at a veterinary school or in connection with a continuing education course or seminar;

(g) Any person from selling or applying any pesticide, insecticide or herbicide;

(h) Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals;

(i) Any person from engaging in bona fide scientific research in consultation with a licensed veterinarian in this state;

(j) The treatment or relief of any living animal in the case of an emergency or the disposal of the carcass of a dead animal;

(k) Any person, with reference to domestic animals, from performing care and treatment of such animals, provided that such person other than

those not prohibited otherwise in this section shall be allowed to continue after the first day of January, one thousand nine hundred seventy-six, only if such person meets the minimum requirements set out by the veterinary licensing board for certification of licensing as veterinarians, veterinary assistants or veterinary technicians;

(l) The practice of veterinary medicine by those certain persons who were licensed to practice under the laws of this state on the effective date of this section or the practice of veterinary medicine by those certain persons who were permitted to practice by the provisions of chapter thirty-three, acts of the Legislature, regular session, one thousand nine hundred fifteen, notwithstanding any of the provisions contained in section six, article ten, chapter thirty of this code to the contrary; or

(m) The veterinary licensing board from certifying and licensing veterinary assistants or technicians to work under the direct supervision of a licensed veterinarian.

**§30-10-3. West Virginia board of veterinary medicine; composition; qualifications, appointment and terms of members; vacancies; removal of member; compensation; organization and meetings; quorum; secretary-treasurer; records, etc., open to public; annual report; funds.**

The "West Virginia veterinary board," heretofore created, shall continue in existence but on and after the effective date of this article shall be known and designated as "The West Virginia board of veterinary medicine," and shall consist of five members, not more than three of whom shall belong to the same political party to be appointed by the governor with the advice and consent of the Senate. The three members of the board in office on the effective date of this article shall, unless sooner removed, continue to serve until their terms expire and until their successors have been appointed and have qualified. On or before July one, one thousand nine hundred sixty-seven, the governor shall appoint one member to serve until June thirty, one thousand nine hundred sixty-eight, and one member to serve until June thirty, one thousand nine hundred seventy, or until their successors have been appointed and have qualified. As the terms of the three members of the board in office on the effective date of this article expire and as the terms of the two members to be appointed by the

governor on or before July one, one thousand nine hundred sixty-seven, expire, members shall be appointed for overlapping terms of five years, so that one term expires each year, or until their successors have been appointed and have qualified. Any vacancy in the office of a member of the board shall be filled by appointment by the governor for the unexpired term of the member whose office shall be vacant. No person shall be appointed to two consecutive full terms, but a person appointed for a term of less than five years may be appointed to succeed himself. The governor may remove any member of the board for neglect of duty or other sufficient cause.

No person shall be appointed to the board unless he be a graduate of a veterinary school and a resident of this state, and unless he shall have been licensed to practice veterinary medicine in this state for at least three years immediately preceding his appointment.

As compensation for his services on the board, each member shall receive, out of the moneys collected hereunder, a sum not to exceed one hundred dollars for each day or substantial portion thereof that he is engaged in the work of the board. Each member shall also be entitled to be reimbursed, out of the moneys collected hereunder, for any reasonable and necessary expenses actually incurred in the discharge of his duties as a member of the board.

The board shall meet at least once each year, the time and place of such meeting to be fixed by the board, and at such annual meeting shall elect from its membership a president, a secretary-treasurer and such other officers as may be desired. Other meetings of the board may be called by the president on such notice to the other members as may be prescribed by the board. A majority of the board shall constitute a quorum for the transaction of the business of the board. All meetings of the board shall be open and public, except that the board may meet in closed session to prepare, approve, administer, or grade examinations, to deliberate decisions to be reached on disciplinary proceedings, or to review the qualifications of an applicant for a license.

It shall be the duty of the secretary-treasurer to carry on the correspondence of the board, keep permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for license, and keep a register of all persons currently licensed by the board. All board records, except

as otherwise provided by law, shall be open to public inspection during regular office hours. The secretary-treasurer shall furnish to the board a fidelity surety bond in such sum and conditioned as the board may require, the cost of such bond to be paid by the board out of the moneys collected hereunder.

As soon as possible after the close of each fiscal year, the president and secretary-treasurer shall submit to the governor a report on the transactions of the board, including an accounting of all moneys received and disbursed.

All moneys received by the board shall be accepted by the secretary-treasurer and deposited by him with the treasurer of the state and credited by the treasurer to an account to be known as the "board of veterinary medicine fund." All expenses of the board shall be paid from such fund by voucher signed by the secretary-treasurer of the board, and no part of the state's general revenue fund shall be expended for this purpose.

**§30-10-3a.**

Repealed.

Acts, 1967 Reg. Sess., Ch. 154.

**§30-10-4. Powers of board.**

The board shall have the power to:

(a) Examine and determine the qualifications and fitness of any applicant for a license to practice veterinary medicine in this state;

(b) Issue, renew, deny, suspend or revoke licenses and temporary permits to practice veterinary medicine in this state or otherwise discipline licensed veterinarians consistent with the provisions of this article and reasonable rules and regulations promulgated by the board as specified in subdivision (i) of this section;

(c) Establish and publish annually a schedule of reasonable fees for the licensing and registration of veterinarians, such fee schedule to be based on the board's anticipated financial requirements for the year;

(d) Conduct investigations for the purpose of discovering violations of this article or grounds for disciplining licensed veterinarians;

(e) Hold hearings as specified in section twelve of this article;

(f) Employ such full-time or part-time professional, clerical or special personnel as may be necessary to effectuate the provisions of this article, and purchase or rent necessary office space, equipment and supplies;

(g) Appoint from its own membership one or more members to act as an official representative or representatives of the board at any meeting within or without this state where such representation is deemed desirable;

(h) Institute appropriate court proceedings for the enforcement of the provisions of this article or any reasonable rules and regulations of the board promulgated as specified in subdivision (i) of this section;

(i) Promulgate, amend or repeal reasonable rules and regulations, in accordance with the provisions of chapter twenty- nine-a of this code, to implement the provisions of this article, including rules and regulations establishing standards of professional conduct for the practice of veterinary medicine; and

(j) The board shall also have the power to suspend or revoke for cause any certificate of authorization issued by it. It shall have the power to reinstate any certificate of authorization suspended or revoked by it.

The powers enumerated above are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine, and are to be construed liberally to accomplish this objective.

#### **§30-10-5. Status of persons previously licensed.**

Any person holding a valid license to practice veterinary medicine in this state on the date this article becomes effective shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as he complies with the provisions of this article, including annual renewal of his license to practice veterinary medicine, and his license is not suspended or revoked in accordance with the provisions of this article.

#### **§30-10-6. Application for license; qualifications; determination as to qualifications of applicants and action to be taken.**

Any resident of this state desiring a license to practice veterinary medicine in this state shall make written application therefor to the board. The application shall show that the applicant is (1) either a graduate of a school of veterinary medicine accredited by the American veterinary

medical association or a graduate of a foreign veterinary school who holds a certificate of competence issued by the educational commission for foreign veterinary graduates, (2) eighteen years of age or over, (3) a citizen of the United States or an applicant for citizenship, and (4) a person of good moral character, and shall contain such other information and proof as the board may require by reasonable rules and regulations promulgated as aforesaid. The application shall be accompanied by the appropriate fee specified in the fee schedule established and published by the board.

If the board determines that an applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under the provisions of section eight of this article, the board may forthwith grant him a license. If an applicant is found not qualified to take the examination or for a license without examination, the secretary-treasurer shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found not qualified may demand a hearing on the question of his qualifications in accordance with the provisions of section twelve of this article. The application fee of any applicant found not qualified shall be returned to such applicant.

**§30-10-7. Examinations; issuance or denial of license authorization of veterinary medical corporations; assistants; fee.**

The board shall hold at least one examination during each year and may hold such additional examinations as are necessary. The secretary-treasurer shall give public notice of the time and place of each examination at least one hundred twenty days in advance of the date set for such examination. A person desiring to take an examination shall make application for a license to the board.

Procedures concerning the preparation, administration and grading of examinations shall be prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove himself a competent person to practice

veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the national board of veterinary examiners.

The secretary-treasurer shall notify each examinee of the result of his examination within forty-five days thereafter, and the board shall issue a license to each person who passes the examination. The application for a license by any person failing an examination shall be denied, but such person shall be admitted to any subsequent examination upon payment of another application fee.

The board shall also examine the application of any one or more veterinarians for the formation of a veterinary medical corporation, filed pursuant to the provisions of section eighteen of this article, and issue a certificate of authorization therefor to any applicant or applicants legally entitled to receive the same. The board shall also have authority to authorize veterinary medical corporations, in accordance with the provisions of sections eighteen and nineteen of this article, to practice veterinary medicine and surgery through duly licensed veterinarians.

The board shall have the power to certify and establish standards for employment of assistants to veterinarians.

No license shall be issued under the provisions of this section until the person applying therefor shall have paid to the board a fee of five dollars.

### **§30-10-8. License without examination.**

(a) The board may issue a license without written examination, and, subject to the provisions of subsection (b) of this section, without any type of examination, to a qualified applicant who is a resident of this state and furnishes satisfactory proof that he is a graduate of a veterinary school and who:

(1) Has for the five years next prior to filing his application been a practicing veterinarian licensed in a state, territory, or district of the United States whose license requirements, at the time the applicant was first

licensed, were substantially equivalent to the requirements of this article;  
or

(2) Has within the three years next prior to filing his application successfully completed an examination conducted by the national board of veterinary examiners.

(b) In its discretion, the board may orally or practically examine any person qualifying for licensing under this section, and may enter into agreements for reciprocal licensing with other jurisdictions having substantially similar requirements for licensure.

### **§30-10-9. Temporary permits.**

The board may issue without examination a temporary permit to practice veterinary medicine in this state:

(a) To a qualified applicant for license pending examination: Provided, That such temporary permit shall expire the day after the giving of notice of the results of the first examination held after the permit is issued; or

(b) To a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country who pays the registration fee specified in the fee schedule established and published by the board. A temporary permit shall not be issued to a nonresident veterinarian for a period of more than sixty days, but may be renewed in the discretion of the board.

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

### **§30-10-10. License renewal.**

All licenses shall expire annually on December thirty-one of each year, but may be renewed upon payment of the renewal fee specified in the fee schedule established and published by the board. On December one of each year, the secretary-treasurer shall mail a notice to each licensed veterinarian advising such veterinarian that his license will expire on December thirty-one and shall provide him with a form for renewal thereof. The secretary-treasurer shall issue a certificate of renewal to all persons renewing their licenses under the provisions of this section.

Any person may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have elapsed from and after the date of expiration, a license may not be renewed, but the former licensee must make application for a new license and take and pass the license examination.

The board may by rules and regulations provide for the waiving of the renewal fee of a licensed veterinarian during the period when he is on active duty with any branch of the armed services or the public health service of the United States, not to exceed the longer of three years or the duration of a national emergency.

### **§30-10-11. Complaints; disciplinary action.**

The board may at any time upon its own motion, and shall upon the written complaint of any person, conduct an investigation to determine whether there are any grounds for the board to suspend or revoke the license of a veterinarian issued under the provisions of this article or otherwise discipline a licensed veterinarian.

By a concurrence of four members, the board may suspend for a certain time or revoke the license of or otherwise discipline, for any of the following reasons:

- (a) The employment of fraud, misrepresentation or deception in obtaining his or her license;
- (b) An adjudication of insanity;
- (c) Chronic inebriety or the habitual use of drugs;
- (d) The use of advertising or solicitation which is false, misleading or is otherwise deemed unprofessional under reasonable rules promulgated by the board;
- (e) Conviction of a felony or other crime involving moral turpitude;
- (f) Incompetence, gross negligence or other malpractice in the practice of veterinary medicine;
- (g) Having professional association with or employing any person practicing veterinary medicine unlawfully;
- (h) Fraud or dishonesty in the application or reporting of any test for disease in any animal or animals;

- (i) Failure to keep veterinary premises and equipment in a clean and sanitary condition;
- (j) Failure to report, as required by law, or making false report of, any contagious or infectious disease;
- (k) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates;
- (l) Cruelty to animals;
- (m) Revocation of a license to practice veterinary medicine by another state, territory or district of the United States on grounds other than nonpayment of any registration or license fee or fees; or
- (n) Unprofessional conduct as defined in reasonable rules promulgated by the board.

**§30-10-12. Hearings; administrative procedures act made applicable; grounds for suspension or revocation of license or disciplinary action.**

Whenever the board denies an application for any license or renewal of any license, or suspends or revokes any license, or otherwise disciplines any licensed veterinarian, it shall make and enter an order to that effect and serve a copy thereof on the applicant or licensed veterinarian, as the case may be, at his or her last known address, by certified mail, return receipt requested. The order shall state the grounds for action taken and shall require that any license suspended or revoked thereby shall be returned to the board by the holder within twenty days after receipt of the copy of the order.

Any person adversely affected by any such order is entitled to a hearing thereon as to all issues not excluded from the definition of a "contested case" as set forth in article one, chapter twenty-nine-a of this code if, within twenty days after receipt of a copy thereof, he or she files with the board a written demand for such a hearing. A demand for hearing shall operate automatically to stay or suspend the execution of any order placing a licensed veterinarian on probation, suspending or revoking a license or denying an application for a renewal license. The board may require the person demanding the hearing to give reasonable security for the costs thereof and if the person does not substantially prevail at the hearing, such

security shall be forfeited or the cost shall be assessed against him or her and may be collected by an action at law or other proper remedy.

Upon receipt of a written demand for a hearing, the board shall set a time and place therefor not less than ten and not more than thirty days thereafter.

All of the pertinent provisions of article five, chapter twenty-nine-a of this code shall apply to and govern any hearing and the administrative procedures in connection with and following the hearing.

Any hearing shall be conducted by a quorum of the board. For the purpose of conducting the hearing, any member of the board may issue subpoenas and subpoenas duces tecum in the name of the board, in accordance with the provisions of section one, article five, chapter twenty-nine-a of this code. All subpoenas and subpoenas duces tecum shall be issued and served within the time and for the fees and shall be enforced, as specified in said section and all of the section one provisions dealing with subpoenas and subpoenas duces tecum apply to subpoenas and subpoenas duces tecum issued for the purpose of a hearing hereunder.

The board may postpone or continue any hearing on its own motion or for good cause shown upon the application of the applicant or licensee, as the case may be. At the hearing the applicant or licensee, as the case may be, has the right to be heard in person and by any attorney at law admitted to practice before any circuit court of this state.

After any hearing and consideration of all the testimony, evidence and record in the case, the board shall render its decision in writing.

The written decision of the board shall be accompanied by findings of fact and conclusions of law as specified in section three, article five, chapter twenty-nine-a of this code, and a copy of the decision and accompanying findings and conclusions shall be served upon the applicant or licensee, as the case may be, and his or her attorney of record, if any.

The decision of the board shall be final unless vacated or modified upon judicial review thereof in accordance with the provisions of section thirteen of this article.

### **§30-10-13. Judicial review.**

Any applicant or licensee, as the case may be, adversely affected by a decision of the board rendered after a hearing held in accordance with

the provisions of section twelve of this article is entitled to judicial review thereof. All of the pertinent provisions of section four, article five, chapter twenty-nine-a of this code shall apply to and govern such review with like effect as if the provisions of said section four were set forth in extenso in this section.

The judgment of the circuit court shall be final unless reversed, vacated or modified on appeal to the supreme court of appeals in accordance with the provisions of section one, article six, chapter twenty-nine-a of this code.

Legal counsel and services for the board in all appeal proceedings in any circuit court and the supreme court of appeals shall be provided by the attorney general or his assistants, and in appeal proceedings in any circuit court by the prosecuting attorney of the county as well, all without additional compensation.

#### **§30-10-14. Reinstatement or relicensing.**

Any person whose license is suspended or revoked may in the discretion of the board be reinstated or relicensed at any time without examination by majority vote of the board on written application made to the board showing cause justifying such reinstatement or relicensing.

#### **§30-10-15. Actions to enjoin violations.**

Whenever it appears to the board that any person has been or is violating or is about to violate any provision of this article or any final decision of the board, the board may apply in the name of the state, to the circuit court of the county in which the violation or violations or any part thereof has occurred, is occurring or is about to occur, or the judge thereof in vacation, for an injunction against such person and any other persons who have been, are or are about to be, involved in any practices, acts or omissions, so in violation, enjoining such person or persons from any such violation or violations. Such application may be made and prosecuted to conclusion whether or not any such violation or violations have resulted or shall result in prosecution or conviction under the provisions of section sixteen of this article.

Upon application by the board, the circuit courts of this state may by mandatory or prohibitory injunction compel compliance with the provisions of this article and all final decisions of the board. The court may issue a temporary injunction in any case pending a decision on the merits of any application filed.

The judgment of the circuit court upon any application permitted by the provisions of this section shall be final unless reversed, vacated or modified on appeal to the supreme court of appeals. Any such appeal shall be sought in the manner and within the time provided by law for appeals from circuit courts in other civil cases.

The board shall be represented in all such proceedings by the attorney general or his assistants and in such proceedings in the circuit courts by the prosecuting attorneys of the several counties as well, all without additional compensation.

#### **§30-10-16. Penalties.**

Any person who shall in this state practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not more than ninety days, or both by such fine and imprisonment. Each act of such unlawful practice shall constitute a distinct and separate offense.

#### **§30-10-17. Severability.**

If any provision of this article or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other provisions or applications of the article, and to this end the provisions of this article are declared to be severable.

#### **§30-10-18. Veterinary medical corporations -- Application for registration; fee; notice to secretary of state of issuance of certificate; action by secretary of state.**

When one or more veterinarians duly licensed to practice veterinary medicine in the state of West Virginia wish to form a veterinary medical corporation, such veterinarians shall file a written application with the board on a form prescribed by the board, and shall furnish proof satisfactory to the board that the signer or all of the signers of such application is or are a duly licensed veterinarian or veterinarians. A fee of twenty-five dollars shall accompany each such application, no part of which shall be returnable.

If the board finds that the signer or all of the signers of such application are duly licensed, the board shall notify the secretary of state that a certificate of authorization has been issued to the individual or individuals signing such application.

When the secretary of state receives notification from the board that a certain individual or individuals has or have been issued a certificate of authorization, he shall attach such authorization to the corporation application and upon compliance by the corporation with chapter thirty-one of this code shall notify the incorporators that such corporation, through a duly licensed veterinarian, may engage in the practice of veterinary medicine and surgery.

**§30-10-19. Same -- Rights and limitations generally; biennial registration; fee; when practice to cease; admissibility and effect of certificate signed by board; penalty.**

(a) A veterinary medical corporation may practice veterinary medicine and surgery only through individual veterinarians duly licensed to practice veterinary medicine or surgery in the state of West Virginia, but such veterinarians may be employees rather than shareholders of such corporation, and nothing herein contained shall be construed to require a license for or other legal authorization of any individual employed by such corporation to perform services for which no license or other legal authorization is otherwise required. A corporation holding such certificate of authorization shall register biennially, on or before the thirtieth day of June, on a form prescribed by the board, and shall pay an annual registration fee of fifty dollars.

(b) A veterinary medical corporation holding a certificate of authorization shall cease to engage in the practice of veterinary medicine and surgery upon being notified by the board that any of its shareholders is no longer a duly licensed veterinarian, or when any shares of such corporation have been sold or disposed of to a person who is not a duly licensed veterinarian: **Provided**, That the personal representative of a deceased shareholder shall have a period, not to exceed twelve months from the date

of such shareholder's death, to dispose of such shares; but nothing contained herein shall be construed as affecting the existence of such corporation or its right to continue to operate for all lawful purposes other than the practice of veterinary medicine and surgery.

(c) No corporation shall practice veterinary medicine or surgery, or any of its branches, or hold itself out as being capable of doing so, without a certificate from the board; nor shall any corporation practice veterinary medicine or surgery or any of its branches, or hold itself out as being capable of doing so, after its certificate has been revoked, or if suspended, during the term of such suspension. A certificate signed by the secretary of the board to which is affixed the official seal of the board to the effect that it appears from the records of the board that no such certificate to practice veterinary medicine or surgery or any of its branches in the state has been issued to any such corporation specified therein or that such certificate has been revoked or suspended shall be admissible in evidence in all courts of this state and shall be prima facie evidence of the facts stated therein.

(d) Any officer, shareholder or employee of such corporation who participates in a violation of any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars.

## ARTICLE 10A. ANIMAL EUTHANASIA TECHNICIANS.

### **§30-10A-1. Definitions.**

(a) "Board" means the West Virginia board of veterinary medicine established under article ten of this chapter.

(b) "Animal euthanasia technician" means a person who is certified by the board to euthanize animals assigned to the care of a legally operated humane society, animal shelter or animal control facility within this state.

### **§30-10A-2. Certification required and requirements for certification.**

(a) No person may perform the duties of an animal euthanasia technician at a humane society, animal shelter or animal control facility unless he or she is certified by the board. A person who has completed the certified animal euthanasia technicians program sponsored by the board shall complete and submit an application for certification to the board at least thirty days prior to the date the next written examination is scheduled. The application shall be accompanied by the required application fee and examination fee set by the board by legislative rule.

(b) Prior to being certified, an applicant shall complete the certified animal euthanasia technicians program sponsored by the board and pass the written and practical skills examinations required under this section. The board shall certify a person as an animal euthanasia technician who has completed the program, passed the examinations and met other requirements established by the board by legislative rule.

**§30-10A-3. Certified animal euthanasia technicians program; application for certification; and written and practical skills examinations.**

(a) The board shall sponsor a certified animal euthanasia technicians program. The board shall design this program to teach applicants for certification recordkeeping and the legal, safety and practical information needed to become a certified animal euthanasia technician.

(b) (1) The board shall administer a written examination to an applicant for certification. The written examination shall test the applicant's knowledge of the following:

- (A) Animal restraint;
- (B) Drug enforcement agency regulations;
- (C) Record-keeping requirements for controlled substances;
- (D) Handling, inventory and secure and proper storage of euthanasia drugs and solutions;
- (E) The certification process;
- (F) Legal requirements;
- (G) Stress management;
- (H) Sodium pentobarbital usage; and
- (I) Other subject areas specified by the board in a legislative rule.

(2) The applicant shall pass the written examination with a minimum correct score as determined by the board by legislative rule in order to be eligible to take the practical skills examination provided for in subsection (d) of this section.

(c) In addition to the written examination provided for under subsection (b) of this section, the board shall administer a practical skills examination to an applicant who has successfully passed the written examination. The board shall conduct the examination in a manner that tests an applicant's ability to properly restrain an animal, measure a correct

dosage of euthanasia solution, locate an injection site and perform an injection. In order to pass the practical skills examination, an applicant shall exhibit to the board that he or she can locate an injection site and perform an injection and also perform euthanasia correctly and humanely.

(d) An applicant who successfully passes the written examination 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 purposes of determining the character and reputation of the applicant and other matters relating to the certification of the applicant.

#### **§30-10A-4. Scope of practice.**

(a) A certified animal euthanasia technician may euthanize animals assigned to the care of a legally operated humane society, animal shelter or animal control facility within this state. A certified animal euthanasia technician shall practice euthanasia under the authority of a licensed veterinarian as defined in article ten of this chapter or a county humane officer as defined in article ten, chapter seven of this code within the limitations imposed by this article and rules promulgated by the board under this article.

(b) For the purposes of this article, controlled substance permits issued by the state board of pharmacy and the federal drug enforcement administration shall be issued to a municipal or county run animal control facility, or a humane society or animal shelter incorporated and organized under the laws of the state, with one or more duly appointed agents. The humane society or animal shelter shall possess a tax exempt charitable or tax exempt governmental determination under the Internal Revenue Code of 1986, as amended.

(c) A certified animal euthanasia technician may not practice or offer to practice his or her profession outside the direct authority of the humane society, animal shelter or animal control facility which employs him or her or otherwise contracts for his or her services. A certified animal euthanasia technician 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 humane society, animal shelter or animal control facility by which he or

she is employed and under the supervision of a humane officer or licensed veterinarian.

#### **§30-10A-5. Annual renewal of certification required.**

(a) A certified animal euthanasia technician shall renew his or her certification annually. The board shall mail certification renewal applications to all certified animal euthanasia technicians at their last known business address on or about the first day of December of each year. The certified animal euthanasia technician shall complete and return the renewal application to the board no later than the thirty-first day of December, with the required fee. The certified animal euthanasia technician shall sign the renewal application and list the physical location of the primary facility where he or she provides euthanasia services.

(b) The annual renewal fee is twenty-five dollars if received by the board by the thirty-first day of December for the next calendar year, and thirty-five dollars if received by the board after the thirty-first day of December.

(c) The board may revoke the certification of an animal euthanasia technician who fails to submit his or her renewal application as required under subsection (a) of this section.

(d) A certified animal euthanasia technician who no longer provides euthanasia services under the provisions of this article shall notify the board that he or she is no longer providing services.

#### **§30-10A-6. Recordkeeping.**

A humane society, animal shelter or animal control facility which was issued a controlled substances permit by the board of pharmacy and an identification number by the federal drug enforcement administration is responsible for insuring that certified animal euthanasia technicians in its employ maintain proper records regarding the inventory, storage and administration of controlled substances. The proper completion and retention of these records is the joint responsibility of the humane society, animal shelter or animal control facility and the certified animal euthanasia technician. The humane society, animal shelter or animal control facility and the certified animal euthanasia technicians are subject to inspection

and audit by the board, the West Virginia board of pharmacy and any other appropriate state or federal agency with authority regarding the recordkeeping, inventory, storage and administration of controlled substances used under authority of this article.

**§30-10A-7. Limitations of authority; responsibility; loss of certification; and board's disciplinary authority.**

(a) A certified euthanasia technician may not practice euthanasia at any humane society, animal shelter or animal control facility which does not possess a current state controlled substance permit issued by the board of pharmacy and a current drug enforcement administration identification number issued by the drug enforcement administration.

(b) A certified animal euthanasia technician shall comply with the provisions of this article and any rules promulgated by the board under the authority of this article.

(c) The board shall immediately revoke the certification of an animal euthanasia technician if he or she:

(1) Is convicted of a felony;

(2) Is guilty of cruelty to animals; or

(3) Is guilty of any other act or omission which the board prescribes by legislative rule in accordance with article three, chapter twenty-nine-a of this code.

(d) The board of veterinary medicine may take disciplinary action against a certified animal euthanasia technician who is guilty of misconduct. The board may take disciplinary actions which may include, but are not limited to, the levying of fines or the suspension or revocation of the animal euthanasia technician's certification. Any disciplinary action by the board may not infringe upon the authority of any law-enforcement department or agency.

(e) If the board suspends or revokes the certification of an animal euthanasia technician under the provisions of this section, it is the sole responsibility of the humane society, animal shelter or animal control facility to replace him or her with a certified animal euthanasia technician.

**§30-10A-8. Drug selection.**

(a) In the event that sodium pentobarbital is no longer approved as the euthanasia “drug of choice” for animals by either state or federal mandate, the board shall determine the replacement “drug of choice” for sodium pentobarbital for use by certified animal euthanasia technicians by legislative rule. The replacement “drug of choice” shall be administered, controlled, stored and secured by a humane society, animal shelter or animal control facility which meets the qualifications in section one of this article in accordance with legislative rules promulgated by the board.

(b) The board may replace sodium pentobarbital as the “drug of choice” at any time by legislative rule promulgated pursuant to article three, chapter twenty-nine-a of this code. The determined “drug of choice” for animal euthanasia as specified by the board shall be used by animal euthanasia technicians certified under the provisions of this article.

**§30-10A-9. Responsibilities of individual boards, coordination between boards, rule-making authority.**

The board is responsible for the implementation and enforcement of this article. After consultation with the board of pharmacy, the board shall propose legislative rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article.