

TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE

SERIES 5
CERTIFIED ANIMAL EUTHANASIA TECHNICIANS

§26-5-1. General.

1.1. Scope. -- This rule establishes guidelines for the training, examination and procedures by which animal euthanasia technicians may be certified by the West Virginia Board of Veterinary Medicine and establishes approved methods of animal euthanasia and expands as well as defines qualifications for certified animal euthanasia.

1.2. Authority. -- W. Va. Code §30-10-6.

1.3. Filing Date. -- April 23, 2018.

1.4. Effective Date. -- July 1, 2018.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on July 1, 2028.

§26-5-2. Application for Certified Animal Euthanasia Technicians.

2.1. Before any person may take the examination for certification in the state of WV, he or she shall submit an application along with the non-refundable fees to the Board. The application shall contain the following information, which shall be retained in the applicant's file:

2.1.a. Applicant's name, address, and certified copy of the applicant's birth certificate or official record of birth;

2.1.b. Verification of US citizenship or documentation of applicant's authority to reside and work in the United States;

2.1.c. Proof of high school diploma or equivalent;

2.1.d. Certified written verification of name changes;

2.1.e. A current photograph. Applicant shall be alone in the photo;

2.1.f. Applicant shall indicate whether he or she has ever been denied a certification or had a certification restricted or disciplined in any other state or jurisdiction with the name of the state or jurisdiction;

2.1.g. Verification of applicant's status as a certification from each state or jurisdiction where he or she now holds or ever held a certificate;

2.1.h. The applicant shall tender the required fees as contained in the Schedule of Fees with the application;

2.1.i. The applicant shall certify that he or she will abide by the laws of this State regulating the practice of animal euthanasia technology and that he or she will abide by the rules of the Board;

2.1.j. The application shall be signed by the applicant.

2.2. An applicant furnishing false information in an application shall be denied the right to take the examination. If the applicant has been certified before the Board becomes aware of the falseness of the information, the certificate is subject to disciplinary action including, but not limited to, suspension, and or revocation.

2.3. Once the application is complete and all fees have been received, the Board will notify the applicant of their eligibility to take the written practical, practical skills, and jurisprudence examinations.

2.4. If an applicant is found not qualified to take the examination, the Board shall notify the applicant in writing at the applicant's address as listed on the application, of the finding and the grounds upon which the finding is based. An applicant found not qualified may demand a hearing. The application fee of any applicant found not qualified to take the examination is non-refundable.

§26-5-3. Certified Animal Euthanasia Technicians Program.

3.1. The Board may formulate and administer programs to teach applicants the legal, safety and practical information necessary to perform the duties of a certified animal euthanasia technician. The Board may also approve programs sponsored by professional training organizations to provide the training for certified animal euthanasia technicians.

3.2. The administration of the program sponsored by a professional training organization shall be in accordance with the laws, rules, practices, policies, or procedures prescribed by the Board or its designees. The Certified Animal Euthanasia Technician Training Manual is incorporated by reference.

3.3. The Board shall annually appoint a minimum of 1 or a maximum of 2 board members who are veterinarians for the purpose of administering the practical skills examination to applicants for certification as an animal euthanasia technician, or may assign administration of the examination to a veterinarian or veterinarians licensed to practice in this state.

3.4. The Board member or members, or authorized veterinarian shall conduct the practical skills examination to determine the applicants' ability in meeting the requirements for animal euthanasia technology in the State of WV.

3.5. The Board member or members or authorized veterinarian who administer the practical examination shall determine failure or passing of the practical examination.

3.6. The Board shall offer the certified animal euthanasia technician training program and the written and practical skills examination at least once a year.

§26-5-4. Certified Animal Euthanasia Technician Jurisprudence Examination.

4.1. Jurisprudence examinations shall cover the laws governing animal euthanasia technology in the State of West Virginia.

4.2. Examinations are the property of the Board and shall not be duplicated in any form.

§26-5-5. Certified Animal Euthanasia Technician Certificate Holder.

5.1. The Board shall issue a certificate to a qualified candidate who passes the examinations and meets the requirements of the Board to practice the profession of animal euthanasia technology and upon payment of the certification fee. If any certified animal euthanasia technician desires that a duplicate registration be issued, the Board shall issue a duplicate registration upon payment of the fee as set forth in the Schedule of Fees.

5.2. The certificate issued by the Board shall include the certificate holder's full name, registration number, the Board seal, the effective date and the expiration date and shall bear the signatures of the Chairperson and Secretary-Treasurer of the Board.

§26-5-6. Certified Animal Euthanasia Technician Registration Renewal.

6.1. The Board shall notify each certified animal euthanasia technician that his or her certification will expire on December 31 but failure to receive the notification does not exempt a certificate holder from meeting the requirements of this rule.

6.2. A certified animal euthanasia technician who desires to continue to be certified shall, starting October 1 through December 31 of each year, renew his or her certification by completing the required certification renewal, paying the annual renewal fee as specified in the Schedule of Fees, and certify to the Board that he or she has completed all continuing education requirements.

6.3. A certified animal euthanasia technician who desires to continue his or her certification in good standing to practice animal euthanasia technology shall undertake at least 6 (50 minute) units of Board approved continuing education units in the field of animal euthanasia technology during each calendar year. Classroom or online courses will be permitted. No periods may be accumulated, carried forward, or held over past the calendar year in which the hours of continuing education were completed.

6.4. The Board may provide a continuing education course annually for certified animal euthanasia technicians as specified in the Schedule of Fees.

6.5. Certificate holders are required to maintain original documents verifying the date and subject of the program or course, the number of continuing education hours or credits, and certification from an approved sponsor. Original documents must be maintained for a period of two years following renewal.

6.6. The Board may grant continuing education hardship extensions by request of the certificate holder. The Board shall only consider hardship extensions from certificate holders who the Board determines were prevented from completing the required continuing education hours within the year due to verified medical emergencies or military obligations beyond the certificate holder's control. Requests for a hardship extension must be received in the Board's office by December 15.

6.7. If an extension is granted by the Board for completion of approved continuing education hours, the technician shall file the renewal application with the renewal fee. The Board shall renew the certificate contingent upon the certificate holder completing the mandatory continuing education within a period determined by the Board from the current year's expiration date of December 31.

6.8. The renewal certificate in hardship extension, shall be issued for the period required to complete the mandatory continuing education, and shall be extended to December 31 upon receipt of acceptable written documentation of completing the continuing education. The continuing education hours completed during the extension period shall not be applied toward satisfaction of continuing education in the year completed and shall be separate from continuing education requirements for current year renewals.

6.9. An animal euthanasia technician issued a hardship extension for completion of continuing education shall submit documentation of completion prior to the end of the Board approved extension period. Continued practice past the authorized extension period without a written renewal certificate from the Board constitutes the practice of animal euthanasia technology without a certificate.

6.10. Upon receipt of the completed renewal application and fee, the Board shall issue a renewal certificate bearing the number of the certification, the period for which the certification is renewed, and any other information the Board considers necessary.

6.11. Certifications issued by the Board shall be posted in a place conspicuous to the public at the establishment where animal euthanasia technology is being provided.

6.12. Certified animal euthanasia technicians shall notify the Board of any change of address, and forward the notice to the Board no later than the effective date of the change of address.

§26-5-7. Chemical Restraint Drugs.

7.1. Chemical Restraint Drugs are those drugs approved by the Board for administration prior to lethal injection of an animal to reduce aggressiveness and/or mobility of the animal being euthanized.

7.2. Recordkeeping requirements for approved chemical restraint drugs shall be identical to the recordkeeping requirements for animal euthanasia drugs.

§26-5-8. Animal Euthanasia Technician Disciplinary Action.

8.1. The Board may deny, suspend or revoke a certification, impose a civil penalty, place a person's certificate on probation, reprimand a certificate holder, refuse to examine an applicant or issue a certification or renew a certification, as provided by law and as provided by this rule if it finds an applicant or certificate holder:

8.1.a. Has presented to the Board false or fraudulent evidence of qualification or has been found to be guilty of fraud or deception in the process of securing a certificate;

8.1.b. Is chronically or habitually intoxicated, has a chemical dependency or is addicted to drugs;

8.1.c. Has engaged in dishonest, unethical, or illegal practices in or connected with the practice of animal euthanasia technology, or has been convicted of a misdemeanor related to the practice of animal euthanasia technology or animal abuse or neglect;

8.1.d. Has been convicted of a felony under the laws of state, jurisdiction, or federal government of the United States or any other crime involving moral turpitude;

8.1.e. Has engaged in practices or conduct in connection with the practice of animal euthanasia technology which violate the standards of professional conduct as established by the Board;

8.1.f. Has permitted or allowed another to use his or her certification to practice animal euthanasia in this or any other state;

8.1.g. Has committed fraud in the application or record keeping of any animal;

8.1.h. Has failed to maintain records at the place of business of the certified animal euthanasia technician which shall include, but not be limited to those specified in Section 9 of this rule;

8.1.i. Has performed unnecessary or unauthorized treatment;

8.1.j. Has participated in any unlawful, unethical or inhumane act;

8.1.k. Used Sodium Pentobarbital, Sodium Pentobarbital compounds or any other Board approved euthanasia solutions, sedatives, or tranquilizers for pre-euthanasia administration for any purpose other than humane animal euthanasia or that the permitted facility has failed to abide by the rules for the safe and efficient purchase, possession, or administration of Board approved euthanasia solutions, sedatives, or tranquilizers for pre-euthanasia administration; or

8.1.l. Has received disciplinary action in another jurisdiction, including the suspension, probation or revocation of a certificate holder as an animal euthanasia technician issued by another jurisdiction.

8.2. The Board may also suspend or revoke the certificate of a certificate holder who is found to be mentally incompetent by a court of competent jurisdiction. If the certificate holder is later determined to be mentally competent by a court, the Board may reinstate the certificate.

8.3. On conviction of or determination of conviction of a person certified by the Board of a felony, the Board may, after an administrative hearing in which the facts of conviction are determined, suspend or revoke the person's certificate. The Board may not reinstate or reissue a certificate holder to a person whose certification is suspended or revoked under this section except on an express determination of the Board based on substantial evidence contained in an investigative report, indicating that the reinstatement or reissuance of the certificate holder is in the best interests of the public and of the person whose certification has been suspended or revoked.

8.4. If a person violates this rule in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess the costs of the investigation, hearing, hearing examiner, legal fees, and all other reasonable and necessary costs incurred by or on behalf of the Board to the certificate holder who was the subject of the disciplinary action.

8.5. The Board may inspect an animal control facility, animal shelter or humane society which employs a certified animal euthanasia technician to determine if it complies with the requirements for possession, administration, purchase or storage of approved euthanasia solutions, or sedatives or tranquilizers for pre-euthanasia administration, as established by the Board.

§26-5-9. Record keeping.

9.1. Certified animal euthanasia technicians that have a Federal Drug Enforcement Administration (DEA) number and administer controlled substances shall comply with the federal and state laws pertaining to the usage of controlled substances; including maintaining a register, which shall indicate the following:

9.1.a. Identification of the animals euthanized;

9.1.b. Method utilized for the euthanasia of each animal;

9.1.c. Drugs administered, including dosage;

9.1.d. Date of euthanasia;

9.1.e. Method of sanitary disposal of animal's remains; and

9.1.f. An inventory of all receipts, administrations and distributions of all euthanasia solutions, sedatives and tranquilizers.

9.2. The certified animal euthanasia technician and the administrators of the animal control facility, humane society or animal shelter shall maintain the records on the business premises for a period of 3 years.

9.3. In the case of the cancellation of certification of an animal euthanasia technician, the records shall be maintained by the facility's administrators.

§26-5-10. Storage.

10.1. The certified animal euthanasia technician shall maintain all controlled substances, sedatives and tranquilizers under his or her authority in a properly secure and locked storage container when the Certified Animal Euthanasia Technician is not in the same room with the drug.

10.2. Only the certified animal euthanasia technician shall have access to the drug storage container.

10.3. The manufacturers' instructions shall be followed in the preparation of all lethal injections or chemical restraint drugs.

10.4. Needles shall be of medical quality, and shall not be used if they are dirty, clogged, barbed, or might otherwise cause unnecessary discomfort for the animal. Needles may not be used more than 5 times.

10.5. Syringes shall be of medical quality. They may be reused if they are properly cleaned.

10.6. Needles and syringes shall be kept in the same secure storage as the lethal drugs and chemical restraint drugs.

10.7. Needles and syringes shall be disposed of in a proper container, as required by state law.

§26-5-11. Facility Inspections and Registration.

11.1. A new animal euthanasia facility shall submit a facility registration application along with the non-refundable required fee to the Board.

11.2. A registered animal euthanasia facility that is euthanizing animals shall be inspected by the Board on a rotating basis every 2 years, except when the Board requires a re-inspection due to the facility not meeting all requirements for that type of facility at the routine inspection. Additionally, the Board may inspect a facility at any time for just cause after the Board determines that the facility meets the respective provisions for operation under this rule may it lawfully operate.

11.3. A registered animal euthanasia facility operating shall complete and file annually, on or before June 30, on a form approved by the Board, an annual animal euthanasia facility registration, and shall pay the animal euthanasia facility annual permit fee, as prescribed in the Schedule of Fees.

11.4. The Board shall not issue a renewal certificate to an animal euthanasia technician of an animal euthanasia facility that has not filed an annual facility registration, or that has refused to allow a representative of the Board to inspect the euthanasia facility during the facility's regular business hours.

11.5. The Board may revoke or suspend a facility registration for not being in compliance with this Rule.

§26-5-12. Termination of Employment.

12.1. Certified animal euthanasia technicians who cease employment with the animal control facility or humane society listed on their DEA registration shall notify the Board in writing immediately, regardless of the reason.

§26-5-13. Criminal History Record Check.

13.1. Beginning July 1, 2018, and in addition to all of the requirements for certification, an applicant for an initial certification to practice as an animal euthanasia technician in West Virginia shall request and submit to the Board the results of a state and a national criminal history record check.

13.2. The purpose of the criminal history record check is to assist the Board in obtaining information that may relate to the applicant's fitness for certification.

13.3. In addition to the State Police, the Board may contract with and designate a company specializing in the services required by this section instead of requiring the applicant to apply directly to the West Virginia State Police or similar out-of-state agency for the criminal history records checks; provided, that any such company must utilize protocols consistent with standards established by the Federal Bureau of Investigation and the National Crime Prevention and Privacy Compact.

13.4. The applicant shall furnish to the State Police, or other organization designated by the Board, a full set of fingerprints and any additional information required to complete the criminal history record check.

13.5. The applicant is responsible for any fees required by the State Police, or other organization duly designated by the Board, for the actual costs of the fingerprinting and the actual costs of conducting a complete criminal history record check.

13.6. The Board may require the applicant to obtain a criminal history records check from a similar Board approved agency or organization in the state of the applicant's residence, if outside of West Virginia.

13.7. The applicant shall authorize the release of all records obtained by the criminal history record check to the Board.

13.8. A criminal history record check submitted in support of an application for certification must have been requested by the applicant no earlier than twelve (12) months immediately prior to the Board's receipt of the application for certification.

13.9. An initial certification application is not complete until the Board receives the results of a state and a national criminal history record check conducted by the State Police or another entity duly authorized by the Board. The Board shall not grant an application for certification submitted by any applicant who fails or refuses to submit the criminal history record check required by this section.

13.10. Should criminal offenses be reported on an applicant's criminal history record check, the board will consider the nature, severity, and recency of offenses, as well as rehabilitation and other factors on a case by case basis for certification. Criminal history record checks shall be verified by a source acceptable to the Board, other than the applicant.

13.11. The results of the state and national criminal history record check may not be released to or by a private entity except:

13.11.a. To the individual who is the subject of the criminal history record check;

13.11.b. With the written authorization of the individual who is the subject of the criminal history record check; or

13.11.c. Pursuant to a court order.

13.12. Criminal history record checks and related records are not public records for the purposes of chapter 29B of the West Virginia Code.