WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED
SENATE BILL NO. 408

(By Mr. Beem)

PASSED ____________ 1973

In Effect 90 Days from Passage

FILED IN THE OFFICE
EDGAR F. NEISKELL III
SECRETARY OF STATE
THIS DATE 5/3/73
AN ACT to amend and reenact sections four and seven, article ten, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections eighteen and nineteen, all relating to veterinarians; by authorizing the creation of veterinary medicine corporations; penalties.

Be it enacted by the Legislature of West Virginia:

That sections four and seven, article ten, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto two new sections, designated sections eighteen and nineteen, all to read as follows:

ARTICLE 10. VETERINARIANS.

§30-10-4. Powers of board.

1 The board shall have the power to:

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

3 (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 (1) 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.
§30-10-7. Examinations; issuance or denial of license.

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 at least sixty days before the date of such examination.

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.

§30-10-18. 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

J. Darrel Narby
Chairman Senate Committee

Clarence E. Chastain
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Brotherton, Jr.
President of the Senate

Speaker House of Delegates

The within ________________... this the ____________th

day of ________________, 1973.

[Signature]
Governor