

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

## ENROLLED

SENATE BILL NO. 408

(By Mr. Deem)

PASSED April 14, 1973

In Effect 90 Day from Passage



FILED IN THE OFFICE  
EDGAR F. HEISKELL III  
SECRETARY OF STATE  
THIS DATE 5/3/73

408

**ENROLLED**  
**Senate Bill No. 408**

(By Mr. Deem)

-----  
[Passed April 14, 1973; in effect ninety days from passage.]  
-----

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
- 3     of any applicant for a license to practice veterinary
- 4     medicine in this state;
- 5     (b) Issue, renew, deny, suspend or revoke licenses and
- 6     temporary permits to practice veterinary medicine in this
- 7     state or otherwise discipline licensed veterinarians consistent
- 8     with the provisions of this article and reasonable rules and

9 regulations promulgated by the board as specified in sub-  
10 division (i) of this section;

11 (c) Establish and publish annually a schedule of reason-  
12 able fees for the licensing and registration of veterinarians,  
13 such fee schedule to be based on the board's anticipated  
14 financial requirements for the year;

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

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

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

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

28 (h) Institute appropriate court proceedings for the enforce-  
29 ment of the provisions of this article or any reasonable  
30 rules and regulations of the board promulgated as specified  
31 in subdivision (1) of this section;

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

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

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

**§30-10-7. Examinations; issuance or denial of license.**

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

9 Procedures concerning the preparation, administration and  
10 grading of examinations shall be prescribed by the board.  
11 Examinations shall be designed to test the examinee's  
12 knowledge of and proficiency in the subjects and techniques  
13 commonly taught in veterinary schools. To pass the examina-  
14 tion, the examinee must demonstrate scientific and practical  
15 knowledge sufficient to prove himself a competent person  
16 to practice veterinary medicine in the judgment of the  
17 board. All examinees shall be tested by a written examina-  
18 tion, supplemented by such oral interviews and practical  
19 demonstrations as the board may deem necessary. The board  
20 may adopt and use the examination prepared by the  
21 national board of veterinary examiners.

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

29 The board shall also examine the application of any one  
30 or more veterinarians for the formation of a veterinary  
31 medical corporation, filed pursuant to the provisions of  
32 section eighteen of this article, and issue a certificate of  
33 authorization therefor to any applicant or applicants legally  
34 entitled to receive the same. The board shall also have  
35 authority to authorize veterinary medical corporations, in  
36 accordance with the provisions of sections eighteen and nine-  
37 teen of this article, to practice veterinary medicine and  
38 surgery through duly licensed veterinarians.

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

41 No license shall be issued under the provisions of this  
42 section until the person applying therefor shall have paid  
43 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.**

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

10 If the board finds that the signer or all of the signers  
11 of such application are duly licensed, the board shall  
12 notify the secretary of state that a certificate of authoriza-  
13 tion has been issued to the individual or individuals signing  
14 such application.

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

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

1 (a) A veterinary medical corporation may practice veteri-  
2 nary medicine and surgery only through individual veterinar-  
3 ians duly licensed to practice veterinary medicine or surgery  
4 in the state of West Virginia, but such veterinarians may  
5 be employees rather than shareholders of such corporation,  
6 and nothing herein contained shall be construed to require  
7 a license for or other legal authorization of any individual  
8 employed by such corporation to perform services for which

9 no license or other legal authorization is otherwise required.  
10 A corporation holding such certificate of authorization  
11 shall register biennially, on or before the thirtieth day of  
12 June, on a form prescribed by the board, and shall pay  
13 an annual registration fee of fifty dollars.

14 (b) A veterinary medical corporation holding a certificate  
15 of authorization shall cease to engage in the practice of  
16 veterinary medicine and surgery upon being notified by  
17 the board that any of its shareholders is no longer a  
18 duly licensed veterinarian, or when any shares of such  
19 corporation have been sold or disposed of to a person  
20 who is not a duly licensed veterinarian: *Provided*, That  
21 the personal representative of a deceased shareholder shall  
22 have a period, not to exceed twelve months from the  
23 date of such shareholder's death, to dispose of such shares;  
24 but nothing contained herein shall be construed as  
25 affecting the existence of such corporation or its right to  
26 continue to operate for all lawful purposes other than  
27 the practice of veterinary medicine and surgery.

28 (c) No corporation shall practice veterinary medicine  
29 or surgery, or any of its branches, or hold itself out as  
30 being capable of doing so, without a certificate from the  
31 board; nor shall any corporation practice veterinary medicine  
32 or surgery or any of its branches, or hold itself out as  
33 being capable of doing so, after its certificate has been  
34 revoked, or if suspended, during the term of such suspension.  
35 A certificate signed by the secretary of the board to which  
36 is affixed the official seal of the board to the effect  
37 that it appears from the records of the board that no  
38 such certificate to practice veterinary medicine or surgery  
39 or any of its branches in the state has been issued to  
40 any such corporation specified therein or that such certifi-  
41 cate has been revoked or suspended shall be admissible  
42 in evidence in all courts of this state and shall be prima  
43 facie evidence of the facts stated therein.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*H. Darrel Darby*  
Chairman Senate Committee

*Clarence C. Christian Jr.*  
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

*Lewis J. Thomas*  
Speaker House of Delegates

The within *Approved* this the *27th*  
*April*, 1973.

*Richard Rouse J.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/27/73  
Time 2:05 p.m.

RECEIVED

MAY 3 9 34 AM '73

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA