

No: 1130

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

HOUSE BILL No. 1130

(By ~~Mr.~~ Del. Underwood + Del. Shiflet)



Passed February 10, 1986

In Effect From Passage

ENROLLED
H. B. 1130

(By DELEGATE UNDERWOOD and DELEGATE SHIFLET)

[Passed February 10, 1986; in effect from passage.]

AN ACT to amend and reenact sections three and seven, article ten, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the West Virginia board of veterinary medicine; raising the per diem limit for board members; removing the sixty-day registration requirement for applicants and allowing applicants to register to take the examination up to time of the examination.

Be it enacted by the Legislature of West Virginia:

That sections three and seven, article ten, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. VETERINARIANS.

§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.

1 The "West Virginia veterinary board," heretofore
2 created, shall continue in existence but on and after the
3 effective date of this article shall be known and
4 designated as "The West Virginia board of veterinary
5 medicine," and shall consist of five members, not more

6 than three of whom shall belong to the same political
7 party to be appointed by the governor with the advice
8 and consent of the Senate. The three members of the
9 board in office on the effective date of this article shall,
10 unless sooner removed, continue to serve until their
11 terms expire and until their successors have been
12 appointed and have qualified. On or before July one, one
13 thousand nine hundred sixty-seven, the governor shall
14 appoint one member to serve until June thirty, one
15 thousand nine hundred sixty-eight, and one member to
16 serve until June thirty, one thousand nine hundred
17 seventy, or until their successors have been appointed
18 and have qualified. As the terms of the three members
19 of the board in office on the effective date of this article
20 expire and as the terms of the two members to be
21 appointed by the governor on or before July one, one
22 thousand nine hundred sixty-seven, expire, members
23 shall be appointed for overlapping terms of five years,
24 so that one term expires each year, or until their
25 successors have been appointed and have qualified. Any
26 vacancy in the office of a member of the board shall be
27 filled by appointment by the governor for the unexpired
28 term of the member whose office shall be vacant. No
29 person shall be appointed to two consecutive full terms,
30 but a person appointed for a term of less than five years
31 may be appointed to succeed himself. The governor may
32 remove any member of the board for neglect of duty or
33 other sufficient cause.

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

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

47 as a member of the board.

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

62 It shall be the duty of the secretary-treasurer to carry
63 on the correspondence of the board, keep permanent
64 accounts and records of all receipts and disbursements
65 by the board and of all board proceedings, including the
66 disposition of all applications for license, and keep a
67 register of all persons currently licensed by the board.
68 All board records, except as otherwise provided by law,
69 shall be open to public inspection during regular office
70 hours. The secretary-treasurer shall furnish to the board
71 a fidelity surety bond in such sum and conditioned as
72 the board may require, the cost of such bond to be paid
73 by the board out of the moneys collected hereunder.

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

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

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

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

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

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

31 The board shall also examine the application of any
32 one or more veterinarians for the formation of a
33 veterinary medical corporation, filed pursuant to the
34 provisions of section eighteen of this article, and issue
35 a certificate of authorization therefor to any applicant
36 or applicants legally entitled to receive the same. The
37 board shall also have authority to authorize veterinary

38 medical corporations, in accordance with the provisions
39 of sections eighteen and nineteen of this article to
40 practice veterinary medicine and surgery through duly
41 licensed veterinarians.

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

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

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

Barney O. Williams

Chairman Senate Committee

Floyd Tuller

Chairman House Committee

Originating in the House.

Takes effect from passage.

Jedd C. Helle

Clerk of the Senate

Donald E. Hogg

Clerk of the House of Delegates

Dan Tombarino

President of the Senate

Joseph P. Albright

Speaker of the House of Delegates

The within *Approved* this the *18th*
day of *February*, 1986.

Arthur H. Haase, Jr.

Governor

PRESENTED TO THE

GOVERNOR

Date 3/17/86

Time 11:03 a.m.

RECEIVED

1983 FEB 19 PM 4:20

SECRETARY OF STATE

SECRETARY OF STATE
WEST VIRGINIA

THIS DATE 2/19/86