

THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

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Your New Veterinary Practice Act



Well, we finally made it! After about two decades of concerns and almost ten years of research, we got our proposed practice act to the Legislature last year. Failing to get the bill passed, it was returned this year with the same language as last year.

After the bill passed the House of Delegates early in the 2010 session, it went to the Senate. We contacted the Senate often to ask about the bill. We were told it would not be picked up in the Senate until the final two weeks of the 2010 session.

Many of you received an email from this office asking for your support. If you did contact your representatives, we are grateful.

During the last month of the session, we heard there were some concerns with the language regarding veterinary assistants.

We contacted counsel for the House of Delegates, where the bill had originated and already passed to the Senate, and we were informed that the language as written could possibly cause some confusion. We hated to try to open this to amendments for fear that it would keep the bill from being addressed in the Senate and passing. However, we agreed that the language on veterinary assistants needed to be clarified.

So, we broadened the definition of a veterinary assistant and also added them under exemptions from the article. This was to assure veterinarians the ability to utilize the services

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of persons not registered as veterinary technicians.

There are many changes in the veterinary practice act. This newsletter does not have the space to list all the language as specified in the veterinary code. We have placed the new practice act on our website as a reference source for you. Our website is www.wvbvm.org. You may print this practice act out as a reference, if you wish.

We still have our current practice act on the website as well. It will be there until the new act goes into effect June 11, 2010.

We suggest that you learn the new practice act and have your staff become familiar with these laws as well. We also advise having a learning session with staff to discuss the various elements of this new state code governing your profession.

The current rules and regulations still apply. However, if there is a discrepancy between the new code (practice act) and the rules, the code prevails always.

We will need to rewrite much of our rules and regulations to complement the code that goes into effect June 11, 2010. Both the code (practice act) and the rules and regulations are law in West Virginia.

Metaphorically, the practice act is the foundation of the structure and the rules and regulations are the framework. As once a foundation is laid, it would be wrong to build a house that does not conform to its foundation, so it is with the code and rules.

Your New Veterinary Practice Act

(cont'd from page 1)

When we lay out our laws in code for the Board and the veterinary profession, we then must expand on what is general in the code and establish rules to elaborate on it.

We strongly encourage you to take the time to learn your new practice act.

If you have any questions on the new practice act, please contact us.

Rabies Law Changes

In Addition to changes to the veterinary practice act in 2010, there have been changes to the Rabies laws of West Virginia.

Dr. Gary Kinder, State veterinarian with the WV Dept. of Agriculture stated that this change was not initiated by the Dept. of Agriculture. However, when the proposed legislation was presented to Agriculture, they felt it necessary to agree or propose modifications, as there has been interest for some time in moving to the three year revaccination requirement.

Rabies laws are under the jurisdiction of the WV Department of Agriculture. But we like to keep you informed of these laws and any changes in them, as veterinarians are the primary administrator of the Rabies vaccinations in this state.

Effective June 6, 2010, the following changes in the Rabies laws of WV for dogs and cats will be:

- ✓ The initial rabies vaccination shall be boosted in one year.
- ✓ The rabies vaccination boosters (all those after the initial one year vaccine) for dogs and cats shall be capable of providing immunity for three years.
- ✓ Dogs and cats over the age of six months entering West Virginia must have been vaccinated for rabies as specified for dogs and cats in this state for its initial and booster vaccines preceding coming to West Virginia.

- ✓ The language has been clarified on the reference to counties with no veterinarian and the assignment of administration of rabies vaccine in a county run rabies vaccination clinic. It now clearly states “if there is no licensed veterinarian practicing in the county” rather than the ambiguous “if there be no resident veterinarian in the county”.

You may find it necessary to re-educate your staff on the rabies vaccinations. Additionally, your vaccine reminder schedules may need modified.

A recent question to this office was referred to Dr. Kinder as the representative of WV Dept. of Agriculture-Animal Health. We later spoke to Dr. Kinder about that question; it was whether an adult dog rabies booster administered in August 2008 would expire in August 2010 (in August 2008, WV law required rabies to be boosted every two years) or August 2011 (effective June 2010, rabies vaccines are boosted after the first booster every three years). Dr. Kinder was of the opinion that the vaccine is valid until August 2011. The vaccination administered in August 2008 was a three year vaccine even though WV law at that time required that it be boosted in two years, so there would be no justification in requiring revaccination in August 2010.

That is just an example of situations you will need to address regarding this change in the rabies vaccine requirements.

As your clients were likely informed to return in two years for a rabies booster after the last rabies vaccination, you may need to contact them to modify the revaccination schedule for rabies.

We know many of you preferred the two year booster, feeling that if the client waited a few months after the two year expiration, the vaccine would still be effective, if the animal was exposed to rabies. (cont'd page 3)

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For that reason, it may also be beneficial if you send a reminder on rabies a few months before the three year expiration and then again about a month before the three years expiration date, if the pet has not been revaccinated, stressing the animal will have no immunity in a very short time.

If you have questions on the new rabies laws, we suggest you direct them to Dr. Gary Kinder's office at (304) 558-2214.

For a copy of the new language, you may look up HB 4407 in 2010 legislation. Go to www.legis.state.wv.us then click on Bill Status and enter 4407 in Bill Status Quick Search for the language of this bill.

Under Bill Text, the Enrolled Version-Final Version is the new legal language.

Pro-Rated Life & Other Problems

We know this is a strange title for an article. What exactly do we mean "pro-rated life"?

Yesterday, the Board received a call reminding us of the number one reason for client's to file a complaint against a veterinarian: Poor communication skills.

In many cases, there are virtually no communication skills between the doctor and the client. This is left to staff who can not answer most of the questions in the minds of the client.

Of course, you might feel it is a time-saver for your lay staff to assume the position of being your news bearer. Your time can be put to better use, in your thinking.

When complaint calls come to the Board, almost all have at least some portion of or have been exacerbated by poor communication skills.

It may be the client was told something by a staff member who did not want to bother you again, for fear of making

you upset. So, they wing it. Then when it comes down to a complaint, the responsibility falls upon you. It was your staff speaking on your behalf, after all.

The client yesterday began telling his story of woe. Of course, we prefer not to hear it, but most need to talk. It is essential for them to express their pain. If we can, we simply explain the complaint process or direct them to the form for complaints on our website. Nine out of ten stop us, saying something like, well, first let me just tell you what happened.

Naturally, we don't need to hear it. The complaint will be handled by the Board when and if it comes in. However, we must allow them to speak. Some express their appreciation to us for just listening. They are bereaved, devastated. Their pain needs to be spoken.

If you can find the time to talk to the clients, explain what is happening, or if it is over; what did happen. They need to hear this from you.

Back to the call yesterday: The client took their elderly pet out of the care of the first vet. It died while in the care of the second. The complaint did not relate to the second vet, but the first. Why?

When the client called the first vet, he told the client his reasons for not offering to undertake additional life support procedures, as was done by the second vet....

The client was extremely hurt in being told that the pet; his best friend who had been constantly with him for thirteen years was old and in the first vets judgment, not likely to have lived much longer and therefore was not financially worth the effort.

I thought about this after that call. How would we have taken such a message from a medical doctor regarding an elderly parent? Of course, we all know that no living creature is here forever. But, to say in essence that life after a specified number of

years has a diminishing return in value to us is hard to take.

There is an old saying about not seeing the forest for the trees. This is a good example of that. You can be so preoccupied with treating patients that you lose sight of the clients who bring them to you. They are the ones who pay the bills. They are the ones who file complaints.

In your case, perhaps your staff needs to understand what is or is not to be discussed or relayed to the client.

Maybe you need to prepare a report each morning on all hospitalized cases, which they can report to the client, following strictly what you have authorized them to say.

Your staff may need to have a clear instruction from you that under no circumstances are they to express their own opinions, or be argumentative with the client. If warranted, authorize them to walk away. Do not allow them to escalate an already volatile situation.

If you can not take the time to discuss in detail on the phone how Fluffy is doing at the moment or how much she ate since she was admitted two hours ago, that is understandable. There are clearly ways to express this without offending the client. An example would be that the doctor is in surgery. I will relay your question to him as soon as he leaves surgery and we will get back to you with an answer within the next hour.

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Would any of us go to a department store where the clerk said she did not show us the better shoes, as she knew we couldn't afford them?

To paraphrase from an old adage that said "If Mama ain't happy, ain't nobody happy". Let your employees know **"If the client ain't happy, ain't nobody happy"**.

Acknowledge the client as soon as they come in, even if it is only with a smile and a nod because we are on the phone.

Never let clients hear a conversation that negatively reflects on another client. They may laugh along with you, but will leave wondering if you do the same regarding them.

These recommendations do not cover every situation. Nor are we so naïve as to believe they can get you through all situations and personality types.

Perhaps the client fought with her husband about another vet bill. Maybe the client had a bad day at work, or his mother is seriously ill. Possibly, the day was fine, but the client just has a personality where he or she has to challenge anyone they come into contact with. They have this need to try to be the alpha dog.

Remember, you can not change others. But you can change how you allow others to affect you.



Have a Great Summer!