



Happy Holidays from the WV Board of Veterinary Medicine !!

THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

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Rule Changes Effective 2011



As referenced in our previous newsletter, the legislative rule changes that were necessary to comply with the new veterinary practice act became effective June 16, 2011.

This was required to have a set of rules and regulations that complemented and enhanced the language as stated in our Code.

All of our rules were modified this year. The legislative rules were passed by the WV Legislature and signed by Governor Earl Ray Tomblin.

Our legislative rules are Series 1: Organization and Operation and Licensing of Veterinarians, Series 3: Registration of Veterinary Technicians, Series 4: Standards of Practice, Series 5: Certified Animal Euthanasia Technicians and Series 6: Schedule of Fees.

Series 2: Disciplinary and Complaint Procedures of the West Virginia Board of Veterinary Medicine and **Series 2A:** Contested Case Hearing Procedures are both procedural rules. This means they do not go through the legislative process, but are filed with and approved by the WV Secretary of State's Office and become effective if not in contradiction with our authority and laws. These two procedural rules were changed also with an effective date of January 1, 2011.

All of these rules are available for review on our website under Practice Act and Rules. Our website is www.wvbvm.org.

We will summarize what each of our legislative rules pertains to.

Series 1: This rule deals with the board and its makeup, quorum, compensation and staff duties. It also specifies the requirements for a veterinary license, the license renewal process, temporary permits for veterinarians and disciplinary action against veterinarians.

Series 3: The requirements for registered veterinary technicians are outlined in this rule. This covers the specifications to be an RVT, the registration renewal requirements, continuing education and reinstatement of lapsed registration.

Series 4: Standards of Practice defines common terms used by the Board in its rules, establishes general professional ethics, minimum standards of practice and minimum veterinary facility standards. This rule also specifies our veterinary abandoned animal laws.

Series 5: Certified Animal Euthanasia Technicians. The requirements for CAETs are listed in this rule. This includes the program, examinations, testing date, chemical restraint drugs and gas chamber usage. It also specifies the inspection requirements for animal euthanasia gas chambers, revocations and suspensions of CAETs, continuing education requirements, annual renewal, and recordkeeping and storage.

Series 6: This rule specifies the Schedule of Fees of the Board of Veterinary Medicine. 🐾

I Speak, Therefore I Am...Liable



Social Media is now a commonly used means for all of us to communicate. I recently heard a judge on a criminal case that was being broadcast on television instruct the jurors before discharging them for the day “not to Twitter, Tweet, email, Google, Facebook, YouTube”, etc during the trial. I wondered what judges from the past would have thought of such instructions being given to jurors, as they would not even know what this judge was saying.

Social Media is now such an important part of our everyday life, most could not imagine living without it. Facebook is one such social media that many use to chat or vent over everything from marriage problems to uncontrollable children to work related issues.

At a meeting I just returned from, the story was relayed about an applicant for a job as an investigator. This applicant went on Facebook boasting about a job interview that day for a position as an investigator with a state government agency. The applicant said that he was sure that he would be chosen for the position and looked forward to not having to work for a living any longer while cruising for a few years until he was eligible for retirement. This applicant was informed on arrival for the interview of the interviewers' awareness of his Facebook posted statement. Needless to say, he was not hired for the position.

Before you vent your anger or expose your frustrations and desires to the entire world, be aware that..... **YOU ARE VENTING YOUR ANGER OR EXPOSING YOUR FRUSTRATIONS AND DESIRES TO THE ENTIRE WORLD!** This may come back to haunt you.

It is difficult when we have one foot in the 20th century and the other in the 21st. We may be venting about something or simply expressing our opinion about a very difficult person.

The person that we express our frustrations about at 9 pm may appear completely different in the light of day. If he or she learns of the rant that you sent out to the world the night before, it may be disastrous for that relationship and others who become aware of your faux pas.

Not only are you exposing yourself to the wrath of an already disgruntled client, but once they learn of what you posted for the world, you will have a whole new series of issues, which may include complaints with this regulatory board or even litigation for libel.

Restraint would also apply to being certain that your staffer, spouse, teenage son, etc. does not in support of you post your angry comments themselves. Be sure that persons to whom you express your opinions and emotions understands and agrees that such monologues are private and not to be shared.

While we have been concentrating on Facebook and Twitter to a large degree, we should not forget other social media such as YouTube. With YouTube, imagine if something was posted to be viewed regarding a situation that you felt amusing while your client or staff would be mortified. Most of us don't have a problem laughing with someone about ourselves but take great exception to being laughed at. The easiest way to antagonize someone and lose their trust is to embarrass them.

You may feel you are rightfully retaliating against an unjust person, but as the old epitaph goes:

*Here lies the body of Samuel Jay,
Who died defending his right of way,
He was right, dead right as he drove along,
But he's just as dead as if he'd been wrong.*



Controlled Substance Register 101

We recently became aware that many of you are confused or have been misinformed on what is required of them regarding our regulations for a controlled substance register. We apologize if the misinformation was derived from us or our representatives.

Many of your facilities have been inspected and approved on controlled substance records that were not in compliance with our rules on this requirement. We are not going back and changing those inspections to show non-compliance, but such improper controlled substance registers will not be acceptable in future inspections.

Our required controlled substance register does not in any way overlap into or interfere with federal laws on controlled substance records. Any federally required controlled substance inventory records have no effect on our controlled substance register for determination of any and all distributions or prescriptions of controlled substances.

Our controlled substance register is required to assure a contiguous record of any and all controlled substances dispensed or prescribed by veterinarians in West Virginia.

We must be able to audit your roster for each year and see a running list of controlled substances either dispensed or prescribed, along with the patient and client name; date of each such dispensing or prescribing; dosage for medications having varying strengths; the number of refills; the method prescribed if not dispensed by the veterinarian and the pharmacy name and phone number.

This register is applicable for controlled substances only. You may provide the information by entering the information manually on the form or by creating a form in Excel and entering the required data electronically. The electronic method is preferred as it is much easier to read.

For a copy of the form created for this purpose, please send an email to wgoodwin@wvnet.edu and ask for the Controlled Substance Register Form. Upon receipt, you may make copies and keep the forms running for each calendar year in a notebook. Or, in Excel, you may create the form and run it for the calendar year and create a new one for each subsequent year.

If there would be a reason for the Board to require these controlled substance dispensing and prescribing records, it will be much easier for both the Board and the veterinarian if we have a written copy of your controlled substance records, as opposed to our sitting in your practice and pulling all your files to ascertain each and every one of your controlled substance record actions. 🐾

DEA Numbers Now Required on Veterinary License Renewal Forms

You will note that on the veterinary renewal form for 2012, there is a new line entry required for your Drug Enforcement Administration number, if you have one. Some of you may have multiple numbers for different veterinary facilities, and will need to list all DEA numbers.

DEA approved us adding this to our veterinary license renewal form. Your DEA number is secured information and not subject to public information. This is the same as is applicable for your social security number.

In 2011, we have had incidents of concern with inappropriate acquisition of controlled substances by licensees. In our investigating such allegations when they are brought to our attention, we must check into the charges. One means is the review of drug acquisition and prescribing records. As this has not been a prominent issue for us until recently, in the past we would contact DEA to obtain the DEA numbers of such licensees.

To expedite our investigations and avoid contacting the DEA unless and until we feel the situation calls for their assistance,

having the DEA numbers already in our records will expedite our research. 🗨️

Pharmacy Law Changes

As we mentioned in our last newsletter, it will be necessary to use prescription pads that are tamper resistant effective January 1, 2012. This requirement became effective in 2011 but the effective date was moved to January 1, 2012 in SB285 of the 2011 WV Legislature to allow the Board of Pharmacy the opportunity and time to implement specific requirements for this mandate. This bill passed March 12, 2011 and became effective 90 days from passage. Its purpose was to amend and reenact §16-5W-5 relating to extending the time frame in which West Virginia practitioners must write prescriptions on official West Virginia tamper-resistant prescription paper.

The language of SB285 states that the board (being the Board of Pharmacy) shall propose rules for legislative approval in accordance with provisions of §29A-3 to accomplish the requirements of the article.

The legislative rules shall include, at a minimum:

1. That on and after January 1, 2012, every prescription written in WV by a practitioner (which includes veterinarians) shall be written on official West Virginia tamper-resistant prescription paper.
2. Requirements for contracting with a program vendor or vendors including auditing requirements for printing facilities and standard prescription pad formatting requirements.
3. Standard format for prescription paper and the development of identifying markers on prescription paper. These markers shall be on the front and back of the prescription paper to be used by practitioners throughout the state.
4. A means of reporting unauthorized use, theft or destruction of authorized state prescription paper.

5. Fees for the distribution of standard format prescription paper to practitioners and facilities.

In order for a written prescription to be valid, it must be signed by the practitioner. DEA requires an actual manual (“wet”) signature for controlled drug prescriptions. The WV Board of Pharmacy requires a wet signature on all written prescriptions, faxed or otherwise.

When a prescription is printed and paper faxed to a pharmacy, the faxed prescription must be wet signed on the original. 🗨️

Additional Requirements on Licensure Applications



In the 2011 legislative session, we changed the requirements on copies of birth certificates and name changes to specify that the copies must be certified copies. This means that such required documents must be certified by the office of vital statistics of the jurisdiction maintaining the records. This certification may be with a raised seal, tamper proof paper such as is used for transcripts, a statement from the recorder that the copy is certified by the jurisdiction where the records are maintained or a combination of any of these security steps. *We cannot accept a copy of a certified document.*

This has become necessary in this time of scanners and the ability of anyone to copy documents and change the information in them before sending them on to the requiring entity.

We understand that this is an additional burden on completing an application, but in our role of protecting the public, we must ascertain that the application and all documents supplied are true and unaltered records. 🗨️