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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 03-095

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]**

#### **1. Statutory Authority**

A more specific reference to statutory authority for the rule should be provided.

#### **2. Form, Style and Placement in Administrative Code**

It appears that the rule, as drafted, does not achieve the intended effect described in the analysis. Section VE 7.02 (5) (intro.) provides that a veterinarian may delegate the listed veterinary medical services to *unlicensed assistants* and that the provision of services must be *under the direct supervision of the veterinarian* (emphasis added). This does not allow for referral of a patient to an independent chiropractor or physical therapist, but rather only to an unlicensed assistant of the referring veterinarian, who must provide the services under the direct supervision of the veterinarian. The new provision, as drafted, is also subject to s. VE 7.02 (8), which sets forth numerous requirements pertaining to supervision of delegees by a veterinarian, including the requirement that a veterinarian be available for consultation, daily observation, and monitoring of delegees. In order to achieve the intended effect, it appears that the provision created by the rule-making order should be placed in a new, separate section of ch. VE 7 and should be specifically exempted from the numerous requirements of s. VE 7.02 (8).

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

Section 453.02 (6), Stats., defines the term “practice veterinary medicine” in part to mean the examination into the fact or cause of animal health or physical condition or to treat or advise for the same. Section 453.03 (1), Stats., requires the Veterinary Examining Board to promulgate

rules, within the limits of the definition under s. 453.02 (6), Stats., establishing the scope of practice permitted for veterinarians and veterinary technicians. Finally, s. 453.05 (1), Stats., provides that no person, with certain exceptions, may practice veterinary medicine without a license or temporary permit from the examining board. The conceptual problem with the rule is that it acknowledges that an “unlicensed provider” will be, in the words of the statute, examining into the fact or cause of animal health or physical condition and treating animal health or physical condition with no supervision by a licensed veterinarian. Rather than attempt in some way to delegate veterinary authority to an unsupervised and unlicensed practitioner, perhaps it would be more consistent with the statutes for the Veterinary Examining Board simply to define the scope of practice under s. 453.03 (1), Stats., to exclude medical services involving muscular or skeletal manipulation, while nevertheless requiring that a veterinarian maintain the protocol described in s. VE 7.02 (5) (d) when entering into a relationship with a person licensed to practice chiropractic or physical therapy.