

Wisconsin Veterinary Examining Board

Regulatory Flexibility Analysis

Rule Subject: Authority and Definitions
Adm. Code Reference: VE 1 and VE 7
Rules Clearinghouse #: Not assigned
DATCP Docket #: 16-VER-1

Rule Summary

The Wisconsin Veterinary Examining Board (VEB) proposes a rule revision to Wis. Admin. Code ch. VE 1 that would broaden the definition of surgery and remove the limitation contained in Wis. Admin. Code § VE 1.02 (9) regarding procedures that are for therapeutic purposes. This rule revision also specifies additional procedures exempted from the definition. In addition, the VEB proposes a rule revision in Wis. Admin. Code § VE 7.02(4) to include those additional exemptions added to the definition, still defined as the practice of veterinary medicine, but nonetheless services a veterinarian may delegate to a certified veterinary technician (“CVT”) to provide. The rule would enable a veterinarian to delegate these services so long as the CVT remain under the direct supervision of the veterinarian, personally present on the premises where the CVT provides those services.

Currently, in Wis. Admin. Code § VE 1.02 (9), the definition of “surgery” for veterinary medical practice purposes, is limited to procedures for therapeutic purposes. The profession and the VEB realize that confusion has resulted, namely, whether surgeries for other purposes such as reproduction and cosmetic changes, are included in the definition. The definition must clarify that surgical procedures are broader than for therapeutic purposes. The definition must also detail additional procedures not considered surgery. Thus, the rule clarifies that some procedures not considered surgery do not fall within the definition of the practice of veterinary medicine, pursuant to Wis. Admin. Code § VE 1.02(6).

Additionally, the rule clarifies that other procedures, not falling within the definition of surgery, remain within the practice of veterinary medicine. Finally, in Wis. Admin. Code § VE 7.02(4), the rule includes additional veterinary medical procedures, not considered surgery but still within the practice of veterinary medicine, that a veterinarian may delegate to a certified veterinary technician (“CVT”). The rule enables veterinarians to delegate these services so long as the CVT remain under the direct supervision of the veterinarian, personally present on the premises where the CVT provides those services.

Small Businesses Affected

This rule change is anticipated to have an effect on small business, as many veterinary practices that will be subject to this definition change, are small businesses. To the extent

that the proposed rule will clarify what is included in the practice of veterinary medicine, the rule changes may have a positive impact by giving certainty to veterinarians concerning the regulation of surgery for reproductive, cosmetic, and other purposes that do not fall clearly within the concept of "therapeutic" medical procedures. As mentioned, the rule includes several additional procedures that a veterinarian may delegate to a certified veterinary technician, under the direct supervision of the veterinarian while personally present on the premises, in order to facilitate the best use of the veterinarian's skills and those of his or her staff in a practice. These modifications will ensure that all persons subject to these rules receive notice as to which practices and what conduct fall within the VEB's jurisdiction.

Reporting, Bookkeeping and other Procedures

The rule would not require any additional reporting, bookkeeping, or other procedures.

Professional Skills Required

The proposed rule does not require any new professional skills.

Accommodation for Small Business

While this rule change is anticipated to have an effect on small business, it is anticipated that the effect will be positive by giving more certainty to veterinarians and clarifying what is considered veterinary surgery. Therefore, no accommodation is required.

Conclusion

The proposed rule will benefit the profession by clarifying the definition of surgery and specifying those additional procedures which are not considered surgery. These clarifying provisions will ensure that all persons subject to these rules receive notice as to which practices and what conduct fall within the VEB's jurisdiction.

This rule will not have a significant adverse effect on "small business" and is not subject to the delayed "small business" effective date provided in Wis. Stat. § 227.22(2)(e).

Dated this _____ day of _____, 2018.

ON BEHALF OF THE STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

By _____
Melissa Mace, Executive Director