

Filed December 1, 1975
9:45 am OHP

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STATE OF WISCONSIN)
)
VETERINARY EXAMINING BOARD)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Joan M. Arnoldi, D.V.M., Chairman of the Veterinary Examining Board, and custodian of the official records of said board, do hereby certify that the annexed rules and regulations relating to Veterinary Medicine, were duly approved and adopted by this board on November 20, 1975.

I further certify that said copy has been compared by me with the original on file in this board and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the board in the city of Madison, Wisconsin, this 28th day of November A.D. 1975.

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

By Joan M. Arnoldi DVM
Chairman

ORDER OF THE VETERINARY EXAMINING BOARD
ADOPTING, AMENDING OR REPEALING RULES

Pursuant to authority vested in the Veterinary Examining Board by section 15.08(5), Wisconsin Statutes, and section 453.06, Wisconsin Statutes, the Veterinary Examining Board repeals, amends and adopts rules as follows:

Chapter VE 1 Procedures and Practices of the WISCONSIN ADMINISTRATIVE CODE is created to read:

VE 1.01 Authorization. The following rules and regulations are adopted by the board pursuant to secs. 15.08(5) and 227.08, Wis. Stats., and 453 Wis. Stats.

VE 1.02 Scope. The rules in this chapter govern the procedure of the Veterinary examining board relating to alleged violation of ch. 453 Wis. Stats., and rules promulgated thereunder.

VE 1.03 Definitions. For the purposes of these rules:

- (1) "Board" means the Veterinary Examining Board.
- (2) "Licensee" means a person who holds any license, permit, certificate or registration issued by the board.
- (3) "Person prosecuting the complaint" means the attorney or agent of the board who presents evidence supporting the charges in the complaint against the respondent.
- (4) "Respondent" means the licensee served with a complaint under these rules.

VE 1.04 Institution of Proceedings. Proceedings to revoke or to suspend a license or to reprimand a licensee may be commenced by complaint of the board either on its own motion or upon a written and verified statement of facts by an individual.

VE 1.05 Complaint. The board's complaint shall contain:

- (1) The name and address of any person complained against;
- (2) A plain and concise statement of the facts constituting the alleged violation. If the alleged violation of the statute or administrative rule is a continuing one, its general nature and the approximate time covered shall be stated in the complaint; but if one or more specific incidents are relied on, each shall be alleged with such particularity as to time, place and circumstance, as may be necessary to advise the respondent of each violation involved. The offense may be alleged in the language of the statute or rule claimed to have been violated, and shall conclude: "contrary to sec. _____ of the Statutes," or "contrary to _____ Wis. Adm. Code," or both. Separate charges shall be stated in separate paragraphs and shall be numbered consecutively.

(3) A demand in essentially the following form: "Wherefore, the Veterinary Examining Board demands that not less than ten days before the date set for hearing on this complaint, the respondent file an answer to the charges alleged herein in respect to whether the license of respondent should be revoked or suspended, or whether respondent should be reprimanded."

VE 1.06 Filings. All communications and papers to be filed shall be directed to the board at its office at the General Executive Facility #1, 201 East Washington Avenue, Room 252, Madison, Wisconsin 53702.

VE 1.07 Service of Complaint and Notice of Hearing. The complaint and notice of hearing may be served as prescribed in sec. 262.06, Wis. Stats., or may be served by certified mail addressed to the respondent at his last address furnished to the board. Service of the complaint and notice of hearing by mail is complete upon mailing. Service may be proved by affidavit.

VE 1.08 Answer. The answer to a complaint shall be verified by the respondent and shall include a specific denial of each material allegation of the charges controverted by the respondent or a statement of any new material constituting a defense or mitigating the offense or matter charged, or any other defense which the respondent wishes to have considered. Every material allegation of the charges not controverted in the answer shall be taken as true, but new matter in the answer shall be deemed controverted without any reply. The answer shall be filed with the board within 20 days after service of the complaint. The board may mail a copy of the answer to any person who filed a verified statement of charges.

VE 1.09 Hearings, General. All hearings shall be held at a time and place to be designated by the board in its notice of hearing. All hearings held by the board or its agent shall be open to the public, unless otherwise provided by law.

VE 1.10 Prehearing Conference. In any matter pending before the board where a hearing examiner or board member has been designated to hear the matter, he may direct the person prosecuting the complaint and the respondent, or his attorney, to appear before him to consider the simplification of the issues, the necessity or desirability of amendments to the pleadings, the obtaining of admissions of fact or documents which will avoid unnecessary proof and such other matters as may aid in the disposition of the matter.

VE 1.11 Settlements. Any stipulation or settlement agreement between the person prosecuting the complaint and the respondent, relating to settlement or disposition of a complaint shall not be effective or binding in any respect except upon approval of the board.

VE 1.12 Deposition to preserve evidence. With the consent of the board, the person prosecuting the complaint or the respondent may, prior to the date set for hearing, take and preserve evidence before a person designated by the board in the manner provided in ch. 887, Wis. Stats., only with respect to a witness:

- (1) Who is beyond reach of the subpoena of the board;
- (2) Who is about to go out of state, not intending to return in time for the hearing;
- (3) Who is so sick, infirm or aged as to make it probable that he will not be able to attend the hearing; or

(4) Who is a member of the legislature, if any committee of the same or the house of which he is a member, is in session, provided he waives his privilege.

VE 1.13 Conduct of Hearing.

(1) Presiding Officer. The hearing shall be presided over by either a member of the board, or a hearing examiner designated by the board.

(2) Record. All proceedings at hearing shall be taken down by a reporter, unless otherwise stipulated, and any transcript thereof, together with all exhibits, shall be a part of the official records of such hearing.

(3) Evidence. The person prosecuting the complaint and the respondent shall appear at such hearing in person and may be represented by counsel and may call, examine, and cross-examine witnesses and may introduce into the record documentary or other evidence. The provisions of sec. 227.10, Wis. Stats., shall be applicable to evidence presented at board hearings. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

(4) Briefs. The presiding officer at the hearing may provide for the service and filing of briefs.

(5) Motions. All motions, except those made at hearing, shall be filed in writing with the board and a copy served upon the person prosecuting the complaint or the respondent.

(6) Continuances. The presiding officer may grant continuances and adjournments.

(7) Subpoenas. Subpoenas for the attendance of any witness at a hearing shall be issued as provided in sec. 885.01, Wis. Stats., and shall be furnished by the board on request. Subpoenas shall be served and fees paid as provided in secs. 885.03, 885.05 and 885.06, Wis. Stats.

VE 1.14 Witness Fees and Costs.

(1) Witnesses. Witnesses subpoenaed at the instance of the respondent shall not be entitled to compensation from the state for attendance or travel.

(2) Depositions to preserve evidence. Depositions taken by the respondent to preserve evidence shall be paid for by the respondent. If such deposition is received in evidence, the board may in its discretion apportion the cost of such deposition between the respondent and the board. The cost of any deposition taken by the person prosecuting the complaint shall be paid by the board. Any person desiring a copy of the deposition shall pay the cost of such copy.

CHAPTER VE 4 Denial of License of the WISCONSIN ADMINISTRATIVE CODE is created to read:

VE 4.01 Denial. An applicant who has not previously been licensed in this state shall be denied a license if he does not meet the standards or requirements for licensure set forth in ch. 453, Wis. Stats., or rules promulgated thereunder.

VE 4.02 Notice. Upon denial of an application for a license under 4.01, the board shall notify the applicant, stating the reason for denial, and that the applicant has the right to a hearing if written request is filed with the board within 20 days after service of the notice of denial. Unless written request for hearing is made within the 20 day period, the applicant's right to a hearing is deemed waived.

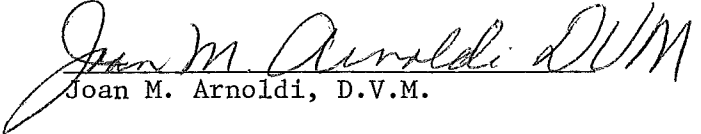
VE 4.03 Service. Service of the notice of denial may be made by certified mail, return receipt requested, addressed to the applicant at the latest address filed by the applicant in writing with the board. Service by mail is complete on the date of mailing.

VE 4.04 Hearing. If a hearing is requested by the applicant, the board shall conduct such hearing as soon thereafter as is practicable. Hearings under this chapter shall be conducted as set forth in VE 1.13, Wis. Adm. Code.

The rules contained herein shall take effect on the first day of the month following publication in the Wisconsin Administrative Register or as otherwise provided in section 227.026, Wisconsin Statutes.

Dated this 28th day of November, 1975.

Veterinary Examining Board


Joan M. Arnoldi, D.V.M.