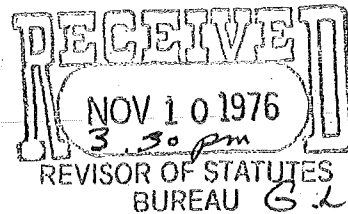


VE 1 to 5



STATE OF WISCONSIN )  
DEPARTMENT OF REGULATION & LICENSING )  
VETERINARY EXAMINING BOARD )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, O. A. Hildebrandt, 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 October 21, 1976.

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 1st day of November A.D. 1976.

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION & LICENSING  
VETERINARY EXAMINING BOARD

By O. A. Hildebrandt, DVM  
Chairman

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

Pursuant to the 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Chapter VE 3 Unprofessional Conduct of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

VE 3.01 Definitions. (1) "Board" means the Veterinary Examining Board.

(2) "Veterinary student" means a person enrolled in a veterinary college which has been approved by the board, in a curriculum leading to the Doctor of Veterinary Medicine degree.

(3) "Supervision" means that a veterinarian may allow the veterinary student to observe and assist only while in the immediate visual area of that veterinarian.

(4) "Gross negligence" means a gross, serious or grave degree of negligence as compared to less serious or more ordinary acts of negligence.

(5) "Fraud" means:

(a) the making of false claims regarding knowledge, ability, skills or facilities for use in treatment or diagnosis of a disease.

(b) the making of false claims regarding testing, inspecting, reporting or issuing inter or intra state health certificates.

(6) "Deception" means:

(a) Claiming to have performed an act or given a treatment which has not in fact been performed or given.

(b) Claiming to have given a fictitious treatment or giving needless treatment.

(c) Using a different treatment than stated.

(7) "Advertising" means to give notice in any circular, card, notice, telephone book listing, magazine, newspaper or other printed material or any communication by radio or television.

(8) "Informational service" means advertising to inform and assist the public in easily contracting for veterinary services. Such informational advertising is limited to: office name(s), doctors' name(s), address(es) and telephone number(s), regular and emergency office hours, areas of practice limitations (i.e., large animal, small animal, horses, poultry), diplomate status of individual doctors, the opening of new or remodeled facilities. Informational advertising also includes notices to clients of record advising them of informational meetings or of vaccinations and other services due.

(9) "Variable services" includes but are not limited to services on which the fee charged the client is based on the individual veterinarian's judgment, as to each individual patient's condition when presented to the veterinarian. Variable services are based upon the level and area(s) of expertise, advanced training, the professional time involved, and other factors related to the art of practice as the basis for that service. Variable services include surgery (with local and general anesthesia), diagnosis, prognosis, treatment, the prescription of medications and prescription legend animal drugs under FDA Regulations (21 CFR 1.106c) and drugs listed in U.S. Controlled Substances Act of 1970 as amended.

(10) Non-variable services includes but is not limited to services for which the fee charged the client can be objectively determined without viewing the specific patient. Non-variable services include but are not limited to boarding of healthy animals, dehorning, collection of samples for testing, dispensing other than prescription legend animal drugs under FDA Reg. 21 CFR 1.106c and drugs listed in U.S. Controlled Substances Act of 1970 as amended and charges for the aforementioned.

VE 3.02 Unprofessional Conduct. The following acts constitute unprofessional conduct by a veterinarian and are prohibited:

(1) Failure to report to the state department of agriculture the existence of any communicable disease known to the veterinarian. "Communicable disease" within the meaning of this subsection shall include the following:

(a) Disease for which eradication or control programs or emergency stand-by programs have been established by the state department of agriculture.

(b) Diseases not presently established in the state, but which may pose a threat to the animal health of the state. Including, but not limited to: hoof and mouth disease, Rhinderpest, African Swine Fever and Venezuelan Equine Encephalomyelitis.

(c) Brucellosis, tuberculosis, sheep scabies, Johne's disease, hog cholera, rabies, scrapie, vesicular exanthema, anthrax, and such other diseases as may be designated as communicable by the state department of agriculture.

(2) Fraud, gross negligence or deception in the practice of veterinary medicine.

(3) Gross negligence, fraud or deception in the inspection, testing or reporting of test results in accordance with the current rules of the Wisconsin Department of Agriculture applicable on the date the tests were made or should have been made for interstate or intrastate movement.

(4) Gross negligence, fraud or deception in the issuance of interstate or intrastate health certificates.

(5) Fraud, gross negligence or deception in the inspection of foodstuffs or in the issuance of inspection certificates.

(6) Conviction of a crime committed during the practice of veterinary medicine.

(7) Inebriety while practicing veterinary medicine.

(8) The personal use, misuse, or sale, other than for medical treatment of animal patients, of the drugs listed in the U.S. Controlled Substances Act of 1970, as amended, or Chapter 161, Wisconsin Statutes. Not included are drugs prescribed by a physician for individual use by the veterinarian at any given time.

(9) Conviction by a court of law of a charge of cruelty to animals.

(10) Failure to keep the veterinary facility and all equipment in a clean and sanitary condition while practicing as a veterinarian.

(11) Failure of a licensee to notify the board prior to engaging in the supervision of a veterinary student.

(a) Allowing a veterinary student to treat an animal without the veterinarian giving supervision.

(b) Failure of the veterinarian to advise the client that the person assisting is a veterinary student and the number of years of veterinary curriculum completed by such veterinary student.

(12) Failure to comply with any provision of chapter 95, Wis. Stats. 1973 or chapter Ag 10 of the Wisconsin Administrative Code.

(13) Failure of a licensee to permit the board or its agents to enter and inspect the licensee's practice facilities, vehicle, equipment and records during office hours and other reasonable hours.

(14) Knowingly having a professional association with, or employing any person to practice veterinary medicine in violation of the Veterinary Practice Act, Chapter 453 Wisconsin Statutes or the rules of the Veterinary Examining Board.

(15) Engaging in unsolicited communications to the Board regarding a matter under investigation by the board other than to the investigative member of the board.

(16) The following kinds of advertising:

(a) Advertising professional superiority or the performance of professional services in a superior manner.

(b) False or misleading advertising.

(c) Advertising secret remedies, exclusive methods or guaranteed cures.

(d) Authorizing or permitting advertising as a member of a corporation or partnership which would be unprofessional for an individual veterinarian.

(e) Advertising case reports other than reporting on that case in the professional media.

(f) Advertising of variable services (non-variable and informational services may be advertised).

(17) Selling animal prescription drugs, other than as permitted under the United States Food and Drug Act and regulations promulgated thereunder (21 CFR 1.106(c), prescription legend animal drugs), which regulations restrict the listed drugs to use only by or on the order of a licensed veterinarian.

VE 3.03 Board Action. The board may deny, suspend or revoke the license of any person to practice veterinary medicine who engages in any of the acts prohibited in VE 3.02.

Chapter VE 5 Access to Public Records of the WISCONSIN ADMINISTRATIVE CODE is created to read:

5.01 Authority and Purpose. The rules of this chapter are adopted to implement the policy of the State of Wisconsin established by legislation and court decisions that public records are presumed open to public inspection and copying. It is the declared purpose of the Veterinary Examining Board that its officials and employees shall render whatever assistance is necessary to implement this policy.

5.02 Definition. (1) "Board" means the Veterinary Examining Board.

(2) "Records" or "records" means "public records" as defined in section 16.80(2)(a), Wis. Stats., and includes "property and other things" referred to in section 19.21(1), Wis. Stats.

(3) "Legal custodian" is the board's chairperson or alternate, which shall be the vice chairperson or any other board member. The alternate custodian shall perform the duties of the legal custodian when the legal custodian cannot be contacted and shall inform the board of actions taken. Such alternate custodian shall act as agent of the board in fulfilling these responsibilities.

(4) "Office" means the public facility in which the Department of Regulation and Licensing and any boards attached to the department are housed.

(5) "Formal hearing" means any hearings resulting after the serving of a complaint and notice of hearing upon a licensee.

5.03 Access to Board Records. (1) All records shall be kept in the office.

(2) The legal custodian shall inform the administrative secretary assigned to the board in which cases approval is needed to release specific records segregated in accordance with section 5.05(3). If at any time such instructions are unclear, the administrative secretary assigned to the Veterinary Examining Board shall request approval for release from the legal custodian.

(3) Any person may ask the administrative secretary assigned to the Veterinary Examining Board to inspect or copy the records of the board during regular business hours. A request shall be deemed sufficient if it reasonably describes the requested record. If the administrative secretary assigned to the Veterinary Examining Board denies the request, a written appeal may be made to the legal custodian. The appeal shall briefly describe the records requested.

(4) Within 10 working days of receipt of the appeal, the legal custodian shall give the requestor written notice of the determination and reasons therefore.

(5) When a record is requested in person, inspection and copying shall normally be permitted the same day. Copies of records requested by phone or mail shall normally be provided within five working days of receipt. If an unusual request, whether received in person, by phone or mail, would result in an unreasonable interference with the orderly operation of the office, such request shall be answered as soon as possible.

(6) Records and hearing transcripts shall be duplicated at the rate of \$.10 per page unless the applicant for the record is impecunious or shows financial need as a basis in which case the legal custodian, in his or her discretion, may provide a free copy.

5.04 (1) Unless the legal custodian makes an exception in accordance with section 5.05, records available to any person include, but are not limited to, the following:

(a) Administrative staff manuals and instructions to staff that affect a member of the public.

(b) Statements of policy and interpretations of policy, rules, statutes, and the Constitution which have been adopted by the board.

(c) Goals, interim and final planning documents and decisions.

(d) Staff reports and studies, consultant's reports and studies, technical reports and studies, and any other information derived from tests, studies, reports, or survey summaries conducted by public employees or others.

(e) Correspondence and materials referred to therein, by and with the public body relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines or is asked to determine the rights of the state, the public, a subdivision of state government or of any private party.

(f) Information regarding any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by the board.

(g) Any information used by the board to estimate the need to collect or expend funds upon completion of such estimates.

(h) Minutes of board meetings.

5.05 Exemptions. (1) Records may be exempt from disclosure if the legal custodian determines that the public interest in non-disclosure outweighs the benefits of disclosure.

(2) If any record contains exempt and non-exempt materials, the board shall, upon request, delete the exempt material and provide copies of the non-exempt material.

(3) Records that may be exempt include:

(a) Trade secrets, which are unpatented, secret, commercially valuable plans, appliances, formulas, or processes used for making, preparing, compounding, treating or processing articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential.

(b) Communications between the board and its legal counsel concerning the legal rights and duties of the agency if publication would adversely affect the board's position in an adversary or bargaining situation.

(c) Records obtained under a clear pledge of confidentiality, if the pledge was made to obtain the information in the records and was necessary to obtain the information contained in them.

(d) Records of the board's deliberations after a quasijudicial hearing.

(e) Material specifically exempted from disclosure by statute, judicial decision or Attorney General's opinion.

(f) The contents of licensing examinations.

(4) The board shall determine which records are open to the public and which records may be exempt from disclosure in accordance with s. 5.05(1). The board shall segregate records which may be exempt. When such a record is segregated, it shall be replaced in the open record with a notice giving a general description of the segregated record.

5.06 The record of formal hearings will be transcribed and copies of the written transcript will be provided free to those parties who require a transcript for appeal or other reasonable purposes and who are, in the discretion of the legal custodian, determined to be impecunious or without the financial means to purchase such a copy. For those determined not to be entitled to a free copy, the board will furnish a copy of the transcript at the rate of \$.10 per page.

Sections VE 1.06 Filings, VE 1.10 Prehearing Conference, VE 2.02 Age; examination, VE 2.06 License; failure to renew, VE 2.08 Temporary Permit and VE 4.01 Denial are amended to read:

VE 1.06 Filings. All communications and papers to be filed shall be directed to the board at its office at Washington Square, 1400 East Washington Avenue, Madison, Wisconsin 53702.

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, they may direct the person prosecuting the complaint and the respondent, or the respondent's attorney, to appear before them 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 2.02 Age; examination. No persons shall be granted a license to practice veterinary medicine unless they have attained the age of 18 years and have successfully passed an examination conducted by the board.

VE 2.06 License; failure to renew. Failure to renew a license by December 31 of any year causes automatic expiration of that license. Any person who fails to renew a license by December 31 may be required to pass an examination before a new license will be issued.

VE 2.08 Temporary Permit. (1) A graduate of a veterinary college approved by the board who meets all requirements for examination may be granted a temporary permit to practice veterinary medicine until the results of the next examination are known provided the applicant is employed and supervised by a licensed veterinarian. Applicants for such temporary permit must provide:

- (a) Proof of graduation
- (b) Permit fee of \$25.00
- (c) Three letters of recommendation
- (d) Letter from the licensed veterinarian agreeing to employ and supervise the applicant

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

The rules contained herein shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

Dated this 1<sup>st</sup> day of November, 1976.

Veterinary Examining Board

BY

O. A. Hildebrandt, D.V.M.

O. A. Hildebrandt, D.V.M.

Chairman