

No. 350, A.]

[Published July 27, 1961.

CHAPTER 294

AN ACT to repeal 95.51 (1) to (3), 95.515, 95.52, 95.53 and 95.54; to renumber 95.51 (4); to amend 95.01 (1) (c); and to create 20.845 (41) and chapter 150 of the statutes, relating to the practice of veterinary medicine, granting rule-making authority, providing penalties and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.845 (41) of the statutes is created to read:

20.845 VETERINARY EXAMINERS. (41) All moneys received or collected under ch. 150 shall be paid into the general fund and are appropriated therefrom to the Wisconsin board of veterinary examiners as a non-lapsible appropriation for the administration of its functions.

SECTION 2. 95.01 (1) (c) of the statutes is amended to read:

95.01 (1) (c) "Veterinarian" * * * *is a person authorized by law to practice veterinary medicine and surgery in this state.*

SECTION 3. 95.51 (1) to (3), 95.515, 95.52, 95.53 and 95.54 of the statutes are repealed.

SECTION 3a. 95.51 (4) of the statutes is renumbered 95.51.

SECTION 4. Chapter 150 of the statutes is created to read:

CHAPTER 150.

VETERINARY MEDICINE

150.01 TITLE. This chapter shall be known and may be cited as the "Wisconsin Veterinary Practice Law".

150.02 DEFINITIONS. As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Wisconsin board of veterinary examiners.
- (2) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed by the board.
- (3) "Animal" means any animal except a human being.
- (4) "Compensation" includes any gift, reward, bonus, fee, money, credit or other thing of value, and any promise thereof.
- (5) "License" means a license to practice veterinary medicine issued by the board.

(6) To "practice veterinary medicine" means to examine into the fact or cause of animal health, disease or physical condition, or to treat, operate, prescribe or advise for the same, or to undertake, offer, advertise, announce, or hold out in any manner to do any of said acts, for compensation, direct or indirect, or in the expectation thereof.

150.03 BOARD OF VETERINARY EXAMINERS. (1) A board of veterinary examiners is created. The board shall consist of 5 members who are licensed and actually engaged in the practice of veterinary medicine, appointed by the governor upon recommendations from the board. Members of the board shall hold office for 5 years and until their successors are qualified and appointed. The members of the board appointed under s. 95.515, 1959 statutes, shall continue to hold office under this chapter until the expiration of their present terms and new members shall be appointed under this section upon the expiration of such terms. No member of the board shall in any way be financially interested in any school having a veterinary department.

(2) Annual meetings shall be held in April at which time a president and secretary-treasurer shall be elected for terms of one year. The secretary-treasurer need not be a member of the board. He shall keep a record of all meetings and business transactions. The president shall preside at all meetings of the board, but in his absence a temporary chairman shall be elected and preside at the meeting. Three members of the board shall constitute a quorum. Upon reasonable notice meetings may be held at any place within the state.

(3) Each member of the board shall receive \$25 for each day spent in the performance of his official duties, together with a reasonable amount for travel and other expenses necessarily incurred.

150.04 BOARD DUTIES. The board shall:

(1) Administer and enforce this chapter.

(2) Employ such personnel and obtain such office space, equipment and supplies as shall be reasonably necessary to carry out this chapter.

(3) Adopt rules prescribing license qualifications for applicants, fixing fees as authorized herein, and defining and prohibiting unprofessional and dishonorable conduct by veterinarians.

(4) The president of the board shall institute actions for violations of this chapter. The district attorney of the county in which the offense is committed shall promptly prosecute any such violation upon being informed thereof, from any source.

(5) The president and secretary-treasurer shall on or about January 1 of each year report its proceedings to the governor, including an account of moneys received and disbursed.

150.05 PRACTICE; PENALTIES. (1) No person shall practice veterinary medicine without a license from the board.

(2) No license shall be required for castrating, except for horses and dogs, or dehorning animals; for students at a veterinary college approved by the board, while working under the supervision of a licensed veterinarian; for employes of the state or federal government while engaged in their official duties; or for employes of an educational or research institution while engaged in teaching or research.

(3) Any person violating this section shall for the first offense be fined not less than \$25 nor more than \$200, and for any second offense within 3 years be fined not less than \$500 nor more than \$1,000.

150.06 EXAMINATION; LICENSE. (1) Licenses shall be issued only to persons who successfully pass an examination conducted by the board at such time and place as it shall fix. At least one examination shall be held annually. Examination fees as fixed by the board shall not exceed \$50, payable in advance and not returnable. An applicant for a new license shall

be at least 21 years of age and a graduate of a veterinary college which has been approved by the board. Persons who qualify for examination may be granted temporary permits to engage in the practice of veterinary medicine until the next examination conducted by the board. Veterinarians holding an existing license shall not be required to take any examination for renewal of their license. The board may issue a license, without any examination, to any person who holds a veterinarian's license issued by another state or country, if the license requirements in such state or country are substantially equivalent to those in this state and if such state or country recognizes licenses issued under this chapter. In case of failure at any examination, the applicant shall have the privilege of taking subsequent examinations upon the payment of another fee for each examination at any meeting of the board.

(2) Licenses shall expire on December 31 of each year but may be renewed annually. The board shall charge a fee, not to exceed \$25, for each license or renewal thereof.

150.07 DENY, SUSPEND OR REVOKE LICENSES. The board may by order deny, suspend or revoke any license if the applicant or licensee is not qualified, has violated any provision of this chapter or rule of the board, or has misrepresented or intentionally failed to disclose a material fact in making any application or report to the board. The board shall serve written notice of any such action by personal delivery or mailing to the applicant or licensee. The applicant or licensee may file a written demand for hearing by the board within 20 days after service of the board's notice; thereupon the action of the board shall be stayed pending hearing and service of its decision. The board or any of its authorized agents may issue subpoenas, administer oaths and take testimony for the purposes of such hearing. After hearing and decision by the board the applicant or licensee may seek judicial review under ch. 227.

150.08 INJUNCTION. In addition to any other remedies, the several district attorneys are authorized to bring action in the name of the state to enjoin violations of this chapter or the rules of the board.

SECTION 5. 150.10 of the statutes is created to read:

150.10 TRANSITIONAL CLAUSE. (1) This chapter shall take effect on July 1, 1961.

(2) Veterinary licenses issued under s. 95.52, 1959 statutes, shall be valid as licenses under this chapter subject to renewal as herein provided.

(3) All rules and orders of the board under s. 95.54 in force prior to the effective date of this chapter (1961), shall remain in force under this chapter until modified or rescinded.

(4) All matters pending before the board under the former chapter shall be completed by the board under this chapter.

Approved July 21, 1961.