

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee for
Review of
Administrative Rules
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-009
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

98-009 - VET. EXAM BD - REG. / PRACT.
- VET. /

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-009

AN ORDER to repeal the Notes following VE 1.02 (4), (8) and (9), 3.02 (3), 3.03 (2), 3.04, 3.05 (1) (intro.), 4.01 (5), 4.02 (2), 5.02 (1) (b), 5.03 (1) (b), 6.03 (1) (b) and 8.03 (1) (b); to renumber VE 3.05 (4); to renumber and amend VE 3.05 (1) (a), (b), (c) and (d), (2) (intro.), (3) (intro.) and (5); to amend the Note following VE 1.02 (2), 2.01 (1) and (2), 2.03 (1), (2) and (3), 2.04 (1) and (3), 2.05 (1) (intro.), (a), (b) and (c) and (3), 3.02 (intro.), (1), (2) and (4), 3.03 (intro.), (1), (3), (4) and (5), 4.01 (1), (2) (intro.), (a) to (g) and (3), 4.02 (3), 5.02 (1) (intro.), (a), (c), (d) and (e), 5.03 (1) (intro.), (a), (c) and (d), 6.02 (2), 6.03 (1) (intro.), (a), (c) and (d), 7.02 (1) (intro.), (3) (intro.), (a) to (c), (4) (intro.), (a) and (b), (5) (a) and (b), (6) (a) to (c), (7) and (8) (intro.) and (a) to (g), 7.03 (2) (a) to (o) and (3) (a) to (i), 7.06 (10), chapter VE 8 (title), 8.01 (2), 8.02 (intro.), (1) to (4), 8.03 (title), (1) (intro.), (a), (c), (d) and (e), chapter VE 9 (title), 9.01 (intro.), 9.02 (1) and (2) (intro.), (a), (b) and (c), 9.03, 9.035 (2), 9.04, 9.05 (intro.), (1) to (9) and (12), 9.06, chapter VE 10 (title), 10.01, 10.02 (1) and (2), 10.03, 10.04 (intro.), (1) and (2) and 10.06; to repeal and recreate VE 1.02 (11) and 6.04; and to create VE 1.02 (1m) and (11m) and a Note following VE 1.02 (5), relating to veterinarians and veterinary technicians.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

01-20-98 RECEIVED BY LEGISLATIVE COUNCIL.

02-17-98 REPORT SENT TO AGENCY.

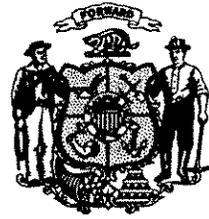
RS:RJC;jt;ksm

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-009

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 1994.]

2. Form, Style and Placement in Administrative Code

a. SECTION 3 of the rule purports to repeal a Note after s. VE 1.02 (9). However, the current rule contains no note after sub. (9). In addition, the reference to s. VE 1.02 need not be repeated. Thus, the treatment clause may simply read: "The Notes following s. VE 1.02 (4), (8) and ___ are repealed."

b. SECTION 4 of the rule creates a definition for "veterinarian-patient-client relationship," and indicates that it has the meaning in s. 453.02 (8), Stats. However, the statute defines the term "veterinarian-client-patient relationship." The rule should be consistent with the statute. [Also see s. VE 7.06 (10).]

c. SECTION 7 of the rule creates a Note after s. VE 1.02 (5). If the Note is to be located after the referenced subsection, its treatment should come immediately after SECTION 3 of the rule. However, if the Note is to be included after a different subsection of the current Wisconsin Administrative Code, e.g., after s. VE 2.01 (5), the treatment clause needs to be amended to reflect its proper placement. In addition, if the Note is intended to place a substantive requirement on the board or its designee, and not be a mere reference to the Americans With Disabilities Act, the requirement should not be relegated to a note but should instead be in a substantive provision of the rule. [See s. 1.09 (1), Manual.]

d. In the treatment clauses in SECS. 20 and 21, the first two occurrences of the term "(intro.))" can be deleted since entire subsections are renumbered.

e. It does not appear that the rule treats current s. VE 3.05 (6), even though another provision is renumbered sub. (6). The treatment of current s. VE 3.05 (6) should be reviewed.

f. In s. VE 6.04 (2) (c), the word "regulation" should be replaced by the word "rule," if the reference is to provisions of the Wisconsin Administrative Code.

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

a. The changes to the passing scores of veterinarian and veterinary technician examinations in s. VE 2.03 (1) and (2) are unclear. For example, it is not clear when the passing score will be determined. Will the passing score be determined prior to the examination or after the examination? Part of the confusion over this issue may be found in the requirement that the subject matter experts review "available candidate performance statistics." What are these statistics? Are they results of the examination, results of educational courses taken or both? The content of these statistics should be clarified. Also, will candidates know what the passing score is when they take the examination? How will they be notified of the passing score?

b. There are two periods after s. VE 6.04 (2) (a), as recreated by the rule.

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

200 0 6 728

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : VETERINARY EXAMINING BOARD
VETERINARY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 98-009)

TO: Senator Robert Welch, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
1 East Main Street
Room 201
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the VETERINARY EXAMINING BOARD is submitting in final draft form proposed rules relating to veterinarians and veterinary technicians.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
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Administrative Rules in Final Draft Form

Veterinary Examining Board

Rule: Chapters VE 1 to 10

Relating to: Veterinarians and Veterinary Technicians

Clearinghouse Rule: No. 98-009

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

**STATE OF WISCONSIN
VETERINARY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 98-009
VETERINARY EXAMINING BOARD : (s. 227.19 (3), Stats.)**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

This proposed rule-making order of the Veterinary Examining Board contains many amendments which relate to the definitions, the statutory authority, and the form, style, placement, clarity, grammar, punctuation and plain language of the rules. Also, the requirement that an applicant furnish a picture as part of an application is repealed. Pictures no longer are a useful check of a personal identification. Testing administrative firms and department proctors routinely require a picture ID, usually a driver's license, at the exam site. The term "animal technician" is replaced by the term "veterinary technician" as amended by 1995 Wisconsin Act 321. Provisions relating to the passing score on examinations are amended to establish procedures that testing experts agree are acceptable for establishing valid and reliable licensing examinations.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on March 12, 1998. Rachel Rothschild, Assistant Dean, University of Wisconsin-Madison School of Veterinary Medicine appeared and also submitted written comments. Teri Raffel, veterinary technician, representing the Wisconsin Veterinary Technician Association appeared and also submitted written comments. And Pete MacWilliams, Madison also appeared. There were no other appearances or written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : VETERINARY EXAMINING BOARD
VETERINARY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 98-009)

PROPOSED ORDER

An order of the Veterinary Examining Board to *repeal* Notes following VE 1.02 (4) and (8), 3.02 (3), 3.03 (2), 3.04, 3.05 (1) (intro.), 4.01 (5), 4.02 (2), 5.02 (1) (b), 5.03 (1) (b), 6.03 (1) (b) and 8.03 (1) (b); to *renumber* VE 3.05 (4) and (6); to *renumber and amend* VE 3.05 (1) (a), (b), (c) and (d), (2), (3) and (5); to *amend* the Note following VE 1.02 (2), 2.01 (1) and (2), 2.03 (1), (2) and (3), 2.04 (1) and (3), 2.05 (1) (intro.), (a), (b), (c) and (3), 3.02 (intro.), (1), (2) and (4), 3.03 (title), (intro.), (1), (3), (4) and (5), 4.01 (1), (2) (intro.), (a) to (g) and (3), 4.02 (3), 5.02 (1) (intro.), (a), (c), (d) and (e), 5.03 (1) (intro.), (a), (c) and (d), 6.02 (2), 6.03 (1) (intro.), (a), (c) and (d), 7.02 (1) (intro.), (3) (intro.), (a) to (c), (4) (intro.), (a) and (b), (5) (a) and (b), (6) (a) to (c), (7), (8) (intro.) and (a) to (g), 7.03 (2) (a) to (o) and (3) (a) to (i), 7.06 (10), chapter VE 8 (title), 8.01 (2), 8.02 (intro.), (1) to (4), 8.03 (title), (1) (intro.), (a), (c), (d) and (e), chapter VE 9 (title), 9.01 (intro.), 9.02 (1), (2) (intro.), (a), (b) and (c), 9.03, 9.035 (2), 9.04, 9.05 (intro.), (1) to (9) and (12), 9.06, chapter VE 10 (title), 10.01, 10.02 (1) and (2), 10.03, 10.04 (intro.), (1) and (2) and 10.06; to *repeal and recreate* VE 1.02 (11) and 6.04; and to *create* VE 1.02 (1m) and (11m) and a Note following VE 2.01 (5), relating to veterinarians and veterinary technicians.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 453.03, Stats.

Statutes interpreted: ss. 453.02, 453.06, 453.065, 453.068 and 453.07, Stats.

This proposed rule-making order of the Veterinary Examining Board contains many amendments which relate to the definitions, the statutory authority, and the form, style, placement, clarity, grammar, punctuation and plain language of the rules. Also, the requirement that an applicant furnish a picture as part of an application is repealed. Pictures no longer are a useful check of personal identification. Testing administration firms and department proctors routinely require a picture ID, usually a driver's license, at the exam site. Requiring that an applicant send a picture to the department creates unnecessary administrative processing for staff.

The following are changes of a more substantive nature:

The term "animal technician" is replaced by the term "veterinary technician" as amended by 1995 Wisconsin Act 321. Provisions relating to the passing score on examinations are amended

to establish procedures that testing experts agree are acceptable for establishing valid and reliable licensing examinations. A Note is created to address the Americans With Disabilities Act. Also, changes are made to several other notes.

TEXT OF RULE

SECTION 1. VE 1.02 (1m) is created to read:

VE 1.02 (1m) "AVMA" means the American veterinary medical association.

SECTION 2. The Note following VE 1.02 (2) is amended to read:

Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53702, telephone ~~(608) 266-2811~~ 53708.

SECTION 3. The Notes following VE 1.02 (4) and (8) are repealed.

SECTION 4. VE 1.02 (11) is repealed and recreated to read:

VE 1.02 (11) "Veterinarian-client-patient relationship" has the meaning set forth at s. 453.02 (8), Stats.

SECTION 5. VE 1.02 (11m) is created to read:

VE 1.02 (11m) "Veterinary prescription drug" has the meaning set forth at s. 453.02 (11), Stats.

SECTION 6. VE 2.01 (1) and (2) are amended to read:

VE 2.01 (1) The board or its designee shall administer the examinations required of applicants for licensure as a veterinarian by s. VE 3.02 and of applicants for certification as ~~an animal~~ a veterinary technician by s. VE 8.02 at least once each year.

(2) To be qualified to sit for the national board examination and clinical competence test, an applicant must have either graduated from or be a last year student at a school of veterinary medicine approved by the board or a foreign school of veterinary medicine listed by the ~~American veterinary medical association~~ AVMA. To be qualified to sit for the ~~state board~~ state examination on state laws and rules, an applicant must meet the requirements of s. VE 3.03.

SECTION 7. A Note following VE 2.01 (5) is created to read:

Note: Qualified applicants with disabilities shall be provided with reasonable accommodations.

SECTION 8. VE 2.03 (1), (2) and (3) are amended to read:

VE 2.03 (1) Passing scores for veterinary applicants for the national board examination, ~~and the clinical competency test, and the state board examination~~ shall be ~~no less than 70 for each examination~~ based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. The board shall make the determination after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing score for the examination at that point that represents minimum acceptable competence in the profession. The board may accept the recommendation of the national examination provider.

(2) The passing score for ~~animal~~ veterinary technician applicants on the written national examination ~~and the state board examination shall average no less than 70~~ shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. The board shall make the determination after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing score for the examination at that point that represents minimum acceptable competence in the profession. The board may accept the recommendation of the national examination provider.

(3) The passing score for an examination on state laws and rules related to the practice of veterinary medicine or ~~animal~~ veterinary technology shall be ~~no less than 90~~ based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. The board shall make the determination after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing score for the examination at that point that represents minimum acceptable competence in the profession.

SECTION 9. VE 2.04 (1) and (3) are amended to read:

VE 2.04 (1) An applicant who fails the ~~state board~~ examination on state laws and rules may request a review of that examination by filing a written request with the board within 30 days of the date on which examination results were mailed.

(3) The time for review shall be limited to ~~4 hours~~ one hour.

SECTION 10. VE 2.05 (1) (intro.), (a), (b), (c) and (3) are amended to read:

VE 2.05 (1) (intro.) An applicant wishing to claim examination error shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

(a) The applicant's name and address;

(b) The type of license for which the applicant applied;

(c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specific questions or procedures claimed to be in error; ~~and.~~

~~(3) If the decision does not result in the applicant passing the examination, a notice of denial of license shall be issued. If the board issues a notice of denial confirms the failing status following its review, the application shall be deemed incomplete, and the applicant may request a hearing under s. RL 1.05 be reexamined under s. VE 2.01.~~

SECTION 11. VE 3.02 (intro.), (1) and (2) are amended to read:

VE 3.02 QUALIFICATIONS FOR LICENSURE. (intro.) The board may issue a license to practice veterinary medicine to an applicant who satisfies all of the following:

(1) Has met the requirements of s. 453.06 (1), Stats.;

(2) Has passed the national board examination and clinical competency test as evidenced by documents submitted directly to the board by the department's office of examinations or by the interstate reporting professional examination service;

SECTION 12. VE 3.02 (3) is repealed.

SECTION 13. VE 3.02 (4) is amended to read:

VE 3.02 (4) Has successfully completed an examination on state laws and rules related to the practice of veterinary medicine; ~~and.~~

SECTION 14. VE 3.03 (title), (intro.) and (1) are amended to read:

VE 3.03 (title) APPLICATION PROCEDURES FOR VETERINARY APPLICANTS TO TAKE BOARD EXAMINATIONS. (intro.) An applicant shall file a completed application with the board at least 30 days prior to the date of the scheduled examination. All supporting documents shall be provided in English. An application is not complete until the board receives all of the following:

(1) An application form provided by the board and completed by the applicant which includes the applicant's notarized signature;

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 15. VE 3.03 (2) is repealed.

SECTION 16. VE 3.03 (3), (4) and (5) are amended to read:

VE 3.03 (3) The fees ~~specified in~~ required under s. 440.05 (1), Stats.;

(4) Verification of licensure records and status which has been sent directly to the board by every state or country in which the applicant has ever held a license or certificate to practice veterinary medicine;

(5) A certificate of graduation from a board approved veterinary college which shall be signed and sealed by the dean of the school and submitted directly to the board by the school. Applicants who graduated from a veterinary college which is not a board approved veterinary college shall provide a certificate of graduation which is signed and sealed by the dean of the school and submitted directly to the board by the school, and evidence of successful completion of the educational commission for foreign veterinary graduates certification program which shall be submitted directly to the board by the ~~American veterinary medical association~~ AVMA.

SECTION 17. VE 3.04 is repealed.

SECTION 18. VE 3.05 (1) (intro.) is repealed.

SECTION 19. VE 3.05 (1) (a), (b), (c) and (d) are renumbered VE 3.05 (1), (2), (3) and (4) and amended to read:

VE 3.05 (1) An applicant may be granted a temporary permit before the board receives notice of successful completion of the national board examination and clinical competency test, if the applicant provides evidence that the applicant is either scheduled to take the national board examination and the clinical competency test for the first time, or is awaiting results of the national board examination and clinical competency test;

(2) An applicant shall complete an application for temporary permit and submit the fee ~~specified in~~ required under s. 440.05 (6), Stats.;

(3) The board shall receive written verification of employment signed and sent directly to the board by the preceptor; ~~and~~.

(4) The application and verification required by ~~pars. (b) and (c)~~ subs. (2) and (3) shall be received by the board office at least 2 weeks prior to the date the applicant intends to begin work.

SECTION 20. VE 3.05 (2) is renumbered VE 3.05 (5) and as renumbered VE 3.05 (5) (intro.) and (a) are amended to read:

VE 3.05 (5) (intro.) In order to provide supervision for a holder of a temporary permit, a preceptor shall do all of the following:

(a) Delegate only those tasks commensurate with demonstrated abilities of the temporary permit holder; ~~and,~~

SECTION 21. VE 3.05 (3) is renumbered VE 3.05 (6) and as renumbered VE 3.05 (6) (intro.), (a) and (b) are amended to read:

VE 3.05 (6) (intro.) A temporary permit shall expire upon any of the following:

(a) Notification of failure of any examination; ~~and,~~

(b) Failure to take the next scheduled examination; ~~or,~~

SECTION 22. VE 3.05 (4) is renumbered VE 3.05 (7).

SECTION 23. VE 3.05 (5) is renumbered VE 3.05 (8) and amended to read:

VE 3.05 (8) Any change or addition of preceptor shall be reported to the board by filing a new verification as specified in sub. ~~(1)-(e)~~ (3).

SECTION 24. VE 3.05 (6) is renumbered VE 3.05 (9).

SECTION 24. VE 4.01 (1), (2) (intro.), (a) to (g) and (3) are amended to read:

VE 4.01 (1) Any applicant who has previously failed and has not subsequently passed a ~~veterinary licensing examination in this state~~ the examinations required under s. VE 3.02 (2) shall not be issued a license by endorsement.

(2) (intro.) A person holding a current license to practice veterinary medicine in another state or U.S. territory or province of Canada may become licensed in Wisconsin without examination, except an examination on state laws and rules related to the practice of veterinary medicine, if the applicant meets all of the following:

(a) Has actively practiced for 4000 hours during the 5 years preceding application; ~~and,~~

(b) Has never been disciplined by the veterinary licensing authority in any other state, territory or country; ~~and,~~

(c) Does not have a conviction record or pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of veterinary medicine. An applicant who has a conviction record or pending criminal charge shall request appropriate authorities to provide information about the record or charge directly to the board in sufficient specificity to enable the board to make a determination whether the record or charge substantially relates to the practice of veterinary medicine;

(d) Is not a party in pending litigation in which it is alleged that the applicant is liable for acts committed in the course of practice which evidences a lack of ability or fitness to practice, as determined by the board;

(e) Is not currently under investigation by another veterinary licensing authority related to the license to practice veterinary medicine for acts which would provide a basis for disciplinary action in this state, as determined by the board;

(f) Has never been found liable for damages for acts committed in the course of practice of veterinary medicine which evidenced a lack of ability or fitness to practice, as determined by the board;

(g) Has never had United States drug enforcement administration privileges restricted or revoked; ~~and~~

(3) A person holding a current unrestricted license to practice veterinary medicine in a country other than the United States or Canada, who is not a graduate of an approved veterinary college, in addition to the requirements of sub. (2), shall submit evidence that the applicant has successfully completed the certification program of the educational commission for foreign veterinary graduates of the ~~American veterinary medical association~~ AVMA.

SECTION 25. VE 4.01 (5) is repealed.

SECTION 26. VE 4.02 (2) is repealed.

SECTION 27. VE 4.02 (3) is amended to read:

VE 4.02 (3) The fee ~~specified in~~ required under s. 440.05 (2), Stats.

SECTION 28. VE 5.02 (1) (intro.) and (a) are amended to read:

VE 5.02 (1) APPLICATION. (intro.) An applicant for a faculty license shall file a completed application with the board. All supporting documents shall be submitted in English. An application is not complete until the board receives all of the following:

(a) An application form provided by the board and completed by the applicant, which includes the applicant's notarized signature;

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 29. VE 5.02 (1) (b) is repealed.

SECTION 30. VE 5.02 (1) (c), (d) and (e) are amended to read:

VE 5.02 (1) (c) The fee ~~specified in~~ required under s. 440.05 (6), Stats.;

(d) Verification of employment by a school of veterinary medicine in this state which has been submitted directly to the board by the dean of the school;

(e) A certificate of graduation from an approved veterinary college signed and sealed by the dean of the school submitted directly to the board by the school, or evidence of substantially equivalent qualifications; ~~and~~.

SECTION 31. VE 5.03 (1) (intro.) and (a) are amended to read:

VE 5.03 (1) (intro.) An applicant for a post graduate training permit under s. 453.06 (2m) (b), Stats., shall file a completed application with the board. All supporting documents shall be provided in English. An application shall not be considered complete until the board receives all of the following:

(a) An application form provided by the board and completed by the applicant, including the applicant's notarized signature;

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 32. VE 5.03 (1) (b) is repealed.

SECTION 33. VE 5.03 (1) (c) and (d) are amended to read:

VE 5.03 (1) (c) The fee ~~specified in~~ required under s. 440.05 (6), Stats.;

(d) Evidence that the applicant has successfully completed the national board examination and the clinical competency test or is scheduled to take the national board examination and clinical competency test for the first time, or is awaiting results of the national board examination and clinical competency test; ~~and~~.

SECTION 34. VE 6.02 (2) is amended to read:

VE 6.02 (2) A temporary consulting permit may be used up to ~~sixty~~ 60 total days per calendar year.

SECTION 35. VE 6.03 (1) (intro.) and (a) are amended to read:

VE 6.03 (1) (intro.) An applicant for a temporary consulting permit shall file a completed application with the board. All supporting documents shall be provided in English. An application is not complete until the board receives all of the following:

(a) An application form provided by the board and completed by the applicant which includes the applicant's notarized signature;

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 36. VE 6.03 (1) (b) is repealed.

SECTION 37. VE 6.03 (1) (c) and (d) are amended to read:

VE 6.03 (1) (c) The fee ~~specified in~~ required under s. 440.05 (6), Stats.;

(d) Verification of licensure records and status which has been sent directly to the board by every state or country in which the applicant has ever held a license or certificate to practice veterinary medicine; ~~and~~.

SECTION 38. VE 6.04 is repealed and recreated to read:

VE 6.04 EXPIRATION AND DISCIPLINARY ACTION. (1) A temporary consulting permit shall automatically expire upon notice to the board that the consultation has been completed.

(2) After hearing, a temporary consulting permit may be denied, suspended, limited or revoked, or the permittee may be reprimanded, for any of the following reasons:

(a) Revisiting the patient or client or communicating directly with the client without the knowledge of the attending veterinarian.

(b) Taking charge of a case or problem without the consent of the attending veterinarian and the client.

(c) Violating any law or rule related to the practice of veterinary medicine.

SECTION 39. VE 7.02 (1) (intro.), (3) (intro.), (a) to (c), (4) (intro.), (a) and (b), (5) (a) and (b), (6) (a) to (c), (7), (8) (intro.) and (a) to (g) are amended to read:

VE 7.02 (1) (intro.) The following acts are limited to those holding a license under ~~ss.~~ s. 453.06 (1), 453.06 (2m) (a), or 453.072, Stats., a permit under ~~ss.~~ s. VE 3.05, 5.03 or 6.02; or

active status as a student at a college of veterinary medicine approved by the board, and may not be delegated to or performed by ~~animal~~ veterinary technicians or other persons not holding such license or permit:

(3) (intro.) Except as provided under s. 95.21 (2), Stats., veterinarians may delegate to certified ~~animal~~ veterinary technicians the provision of the following veterinary medical services under the direct supervision of the veterinarian:

(a) Nonsurgical veterinary treatment of animal diseases and conditions, including administration of vaccines;₂

(b) Observations and findings related to animal diseases and conditions to be utilized by a veterinarian establishing a diagnosis or prognosis, including routine radiographs, nonsurgical specimen collection, drawing of blood for diagnostic purposes, and laboratory testing procedures;₂

(c) Administration of sedatives and presurgical medications;₂

(d) Obstetrical treatment;~~and~~₂

(4) (intro.) Veterinarians may delegate to certified ~~animal~~ veterinary technicians the provision of the following veterinary medical services under the direct supervision of the veterinarian when the veterinarian is personally present on the premises where the services are provided:

(a) Administration of local or general anesthesia, including induction and monitoring;₂

(b) Performing diagnostic radiographic contrast studies;~~and~~₂

(5) (a) Basic diagnostic studies, including routine radiographs, nonsurgical specimen collection, and laboratory testing procedures;₂

(b) Monitoring and reporting to the veterinarian changes in the condition of a hospitalized animal patient;~~and~~₂

(6) (a) Nonsurgical veterinary treatment of animal diseases and conditions, including administration of vaccines, and administration of sedatives and presurgical medications;₂

(b) Observations and findings related to animal diseases and conditions to be utilized by a veterinarian in establishing a diagnosis or prognosis, including the drawing of blood for diagnostic purposes;₂

(c) Dental prophylaxis;~~and~~₂

(7) Notwithstanding subs. (1) to (6), a veterinary student, certified ~~animal~~ veterinary technician or unlicensed assistant employed by a veterinarian may, under the direct supervision of the veterinarian and pursuant to mutually acceptable written protocols, perform evaluative and treatment procedures necessary to provide an appropriate response to life-threatening emergency situations for the purpose of stabilizing the patient pending further treatment.

(8) (intro.) In delegating the provision of veterinary medical acts to veterinary students, certified ~~animal~~ veterinary technicians and others, the veterinarian shall do all of the following:

(a) Delegate only those tasks commensurate with the education, training, experience and demonstrated abilities of the person supervised;

(b) Provide the supervision required under subs. (2) to (7);

(c) Where the veterinarian is not required to be personally present on the premises where the delegated services are provided, be available at all times for consultation either in person or within 15 minutes of contact by telephone or by two-way radio or television communication;

(d) Observe and monitor the activities of those supervised on a daily basis;

(e) Evaluate the effectiveness of delegated acts performed under supervision on a daily basis;

(f) Establish and maintain a daily log of each delegated patient service which has been provided off the premises of the supervising veterinarian; ~~and,~~

(g) Notify the client that some services may be provided by a veterinary student, certified ~~animal~~ veterinary technician or an unlicensed assistant.

SECTION 40. VE 7.03 (2) (a) to (o) and (3) (a) to (i) are amended to read:

VE 7.03 (2) (a) Patient identification;

(b) Complaint;

(c) Present illness;

(d) Vaccination record;

(e) History;

- (f) Physical examination findings;.
 - (g) Provisional diagnosis;.
 - (h) Clinical laboratory reports;.
 - (i) Radiographic reports;.
 - (j) Consultation, (if any);.
 - (k) Treatment - medical, surgical;.
 - (l) Drugs prescribed or dispensed;.
 - (m) Tissue examination report;.
 - (n) Final diagnosis;.
 - (o) Necropsy findings;.
- (3) (a) Client name;.
- (b) Date;.
 - (c) Type of call;.
 - (d) Number of patients examined;.
 - (e) Individual diagnosis;.
 - (f) Treatment and drugs used;.
 - (g) Drugs dispensed;.
 - (h) Lab work and tests;.
 - (i) Meat or milk withholdings; and.

SECTION 41. VE 7.06 (10) is amended to read:

VE 7.06 (10) Selling veterinary prescription ~~legend animal~~ drugs without establishing and maintaining a ~~valid veterinarian, patient, or~~ veterinary-patient-client relationship.

SECTION 42. Chapter VE 8 (title) is amended to read:

CHAPTER VE 8 (title)

CERTIFICATION FOR ~~ANIMAL~~ VETERINARY TECHNICIANS

SECTION 43. VE 8.01 (2) is amended to read:

VE 8.01 (2) "Certificate" means a document issued to a person by the board, after the person has met the requirements of s. 453.06 (3), Stats., signifying that the person has met the statutory requirements to practice ~~animal~~ veterinary technology in Wisconsin.

SECTION 44. VE 8.02 (intro.), (1) to (4) are amended to read:

VE 8.02 QUALIFICATION FOR CERTIFICATION. (intro.) The board may issue a certificate to practice as ~~an animal~~ a veterinary technician to an applicant who does all of the following:

- (1) Meets the age and training requirements of s. 453.06 (3), Stats.;
- (2) Has passed an examination consisting of a national written examination and a ~~state board~~ an examination on state laws and rules under ch. VE 2. Proof that an applicant has passed the national written examination and the ~~state board~~ examination on state laws and rules shall be submitted directly to the board by the department's office of examinations or the interstate reporting service;
- (3) Has successfully completed an examination on state laws and rules related to the practice of ~~animal~~ veterinary technology; ~~and~~;
- (4) Does not have a conviction record or pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of ~~animal~~ veterinary technology. An applicant who has a conviction record or pending criminal charge shall request appropriate authorities to provide information directly to the board to enable the board to make its determination.

SECTION 45. VE 8.03 (title), (1) (intro.) and (a) are amended to read:

VE 8.03 (title) APPLICATION PROCEDURES FOR VETERINARY TECHNICIAN APPLICANTS. (1) (intro.) An applicant for ~~an animal~~ a veterinary technician certificate shall file a completed application with the board at least 30 days prior to the date of the scheduled examination. All supporting documents shall be in English. An application is not complete until the board receives all of the following:

- (a) An application form provided by the board and completed by the applicant which includes the applicant's notarized signature;

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 46. VE 8.03 (1) (b) is repealed.

SECTION 47. VE 8.03 (1) (c), (d) and (e) are amended to read:

VE 8.03 (1) (c) The fees ~~specified in~~ required under s. 440.05 (1), Stats.

(d) Verification of licensure records and status which has been sent directly to the board by every state or country in which the applicant has ever held a license or certificate to practice ~~animal~~ veterinary technology; ~~and~~.

(e) A certificate of completion of the 4 semester program in ~~animal~~ veterinary technology at a board approved technical school or college shall be provided by presentation of certification signed and sealed by the dean of the school submitted directly to the board by the school, or the applicant shall provide evidence of meeting the employment requirement under s. 453.06 (3) (b), Stats.

SECTION 48. Chapter VE 9 (title) is amended to read:

CHAPTER VE 9 (title)

STANDARDS OF PRACTICE AND UNPROFESSIONAL CONDUCT FOR ~~ANIMAL~~ VETERINARY TECHNICIANS

SECTION 49. VE 9.01 (intro.) is amended to read:

VE 9.01 PROHIBITED ACTS. (intro.) The following acts are limited to veterinarians and therefore prohibited for ~~animal~~ veterinary technicians:

SECTION 50. VE 9.02 (1), (2) (intro.), (a), (b) and (c) are amended to read:

VE 9.02 (1) ~~Animal~~ Veterinary technicians may perform delegated veterinary acts set forth under s. VE 7.02 (3), (4) and (7).

(2) (intro.) In the performance of delegated veterinary acts ~~an animal~~ a veterinary technician shall:

(a) Accept only those delegated veterinary acts for which there are mutually approved protocols, written standing orders or verbal directions; ~~and~~.

(b) Accept only those delegated veterinary acts for which the ~~animal~~ veterinary technician is competent to perform based on education, training or experience; ~~and~~.

(c) Consult with a veterinarian in cases where the ~~animal~~ veterinary technician knows or should know a delegated veterinary act may harm a patient; ~~and~~.

SECTION 51. VE 9.03 is amended to read:

VE 9.03 CHANGE OF NAME AND ADDRESS. Every ~~animal~~ veterinary technician shall notify the board of a change of name or address within 30 days. Failure of notification may result in the loss of certificate and may result in a fine under s. 440.11 (3), Stats.

SECTION 52. VE 9.035 (2) is amended to read:

VE 9.035 (2) If the certificate holder applies for renewal of the credential 5 or more years after its expiration, the board shall inquire as to whether the applicant is competent to practice as ~~an animal~~ a veterinary technician in this state and shall impose any reasonable conditions on reinstatement of the certificate including reexamination, as the board deems appropriate. An applicant under this subsection is presumed to be competent to practice as ~~an animal~~ a veterinary technician in this state if at the time of application for reinstatement the applicant holds a full unexpired certificate issued by a similar licensing board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than the requirements for certification in this state. Notwithstanding any presumption of competency under this subsection, the board shall require each applicant under this subsection to pass the examination specified under s. VE 8.02 (2) and (3).

SECTION 53. VE 9.04 is amended to read:

VE 9.04 DISPLAY OF CERTIFICATE. Each ~~animal~~ veterinary technician shall display a current certificate in a manner conspicuous to the public view.

SECTION 54. VE 9.05 (intro.), (1) to (9) and (12) are amended to read:

VE 9.05 UNPROFESSIONAL CONDUCT. (intro.) The following acts constitute unprofessional conduct by ~~an animal~~ a veterinary technician and are prohibited:

(1) Performing as ~~an animal~~ a veterinary technician unless supervised as specified under s. VE 7.02 (3), (4) and (7).

(2) Misrepresentation in obtaining ~~an animal~~ a veterinary technician certificate or in performing as ~~an animal~~ a veterinary technician.

(3) Conduct in the practice of ~~animal~~ veterinary technology which evidences a lack of knowledge or ability to apply professional principles or skills.

(4) Gross negligence while performing as ~~an animal~~ a veterinary technician. Gross negligence shall have the meaning specified in s. VE 7.01 (4).

(5) The personal use, misuse or sale other than for medical treatment of patients, of drugs listed in the U.S. controlled substances act of 1970, as amended, or ch. 161, Stats., 1977, other than drugs prescribed by a physician for use by the animal veterinary technician.

(6) Practicing or attempting to practice while the animal veterinary technician has a physical or mental impairment, including impairment related to drugs or alcohol, which is reasonably related to the applicant's ability to adequately undertake the practice of animal veterinary technology in a manner consistent with the safety of a patient or the public.

(7) Being convicted of a crime the circumstances of which substantially relate to the practice of animal veterinary technology.

(8) Violating or aiding and abetting the violation of any law or administrative rule substantially related to the practice of animal veterinary technology.

(9) Having ~~an animal a~~ veterinary technician certificate limited, suspended or revoked or subject to any other disciplinary action in another state or U.S. jurisdiction.

(12) Falsely certifying to the board that the animal veterinary technician is exempt from the requirements of ss. VE 10.03 and 10.04 or falsely certifying that the animal veterinary technician has met certification or continuing veterinary education requirements relating to the use, handling, distribution and disposal of pesticides.

SECTION 55. VE 9.06 is amended to read:

VE 9.06 BOARD ACTION. The board may reprimand the certificate holder or deny, suspend, limit or revoke the certificate of any person to practice animal veterinary technology who engages in any of the acts prohibited by this chapter.

SECTION 56. Chapter VE 10 (title) is amended to read:

CHAPTER VE 10 (title)

CONTINUING VETERINARY EDUCATION FOR VETERINARIANS AND ~~ANIMAL~~ VETERINARY TECHNICIANS

SECTION 57. VE 10.01 is amended to read:

VE 10.01 AUTHORITY AND PURPOSE. The rules in this chapter are adopted by the veterinary examining board pursuant to the authority delegated by ss. 15.08 (5), 227.11 (2), 453.03 (1), 453.03 (2) and 453.07 (1) (fm), Stats., and govern the certification and biennial training requirements for veterinarians and animal veterinary technicians relating to the use, handling, distribution and disposal of pesticides.

SECTION 58. VE 10.02 (1) and (2) are amended to read:

VE 10.02 (1) A veterinarian or ~~an animal~~ a veterinary technician who does not personally use or direct the use of pesticides and who does not repackage pesticides for use by others shall be exempt from the requirements of ss. VE 10.03 and 10.04.

(2) Each veterinarian and each ~~animal~~ veterinary technician claiming exemption from the requirements of ss. VE 10.03 and 10.04 shall at the end of the first registration period following March 1, 1992 or at the end of the first registration period following initial registration, and shall at the end of each following registration period, include a statement on his or her application for a certificate of registration certifying that the veterinarian or ~~animal~~ veterinary technician does not personally use or direct the use of pesticides and does not repackage pesticides for use by others. Each veterinarian and each ~~animal~~ veterinary technician so certifying who is associated with or employed by a clinic holding a veterinary clinic permit issued under s. 94.702, Stats., and shall include the permit number with the certification.

SECTION 59. VE 10.03 is amended to read:

VE 10.03 TRAINING AND CERTIFICATION IN THE USE, HANDLING, DISTRIBUTION, AND DISPOSAL OF PESTICIDES REQUIRED. Each veterinarian and each ~~animal~~ veterinary technician not exempt under s. VE 10.02 shall at the end of the first registration period following March 1, 1992 or at the end of the first registration period following initial registration, include a statement on his or her application for a certificate of registration certifying that the veterinarian or ~~animal~~ veterinary technician has satisfactorily completed a certification program or other training program acceptable to the board in the use, handling, distribution and disposal of pesticides.

SECTION 60. VE 10.04 (intro.), (1) and (2) are amended to read:

VE 10.04 CONTINUING EDUCATION IN THE USE, HANDLING, DISTRIBUTION AND DISPOSAL OF PESTICIDES REQUIRED. (intro.) Each veterinarian and each ~~animal~~ veterinary technician not exempt under s. VE 10.02 shall at the end of the second registration period following March 1, 1992 or at the end of the second registration period following initial registration, and shall at the end of each following registration period, include a statement on his or her application for a certificate of registration as follows:

(1) That the veterinarian or ~~animal~~ veterinary technician has satisfactorily completed 4 credits of acceptable continuing veterinary education in the use, handling, distribution and disposal of pesticides within the 2-year period immediately preceding the application for a certificate of registration; or,

(2) That the veterinarian or ~~animal~~ veterinary technician is currently certified by a certification program acceptable to the board in the use, handling, distribution and disposal of pesticides, and that the veterinarian or ~~animal~~ veterinary technician intends to maintain his or her certification in lieu of the biennial continuing veterinary education requirement.

SECTION 61. VE 10.06 is amended to read:

VE 10.06 (1) Evidence of compliance with the requirements of ss. VE 10.03 and 10.04 shall be retained by each veterinarian or ~~animal~~ veterinary technician through the biennium following the biennium in which the credit or certification was acquired.

(2) The board may audit compliance by requiring a veterinarian or ~~animal~~ veterinary technician to submit his or her evidence of compliance to the board for the biennium immediately preceding the biennium in which the audit is performed.

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Veterinary Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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