CHAPTER 89

VETERINARY EXAMINING BOARD

Cross-reference: See also VE, Wis. adm. code.

89.02 Definitions. As used in this chapter, unless the context requires otherwise:

1g “Administer,” when used in reference to administering a drug to an animal, means directly applying the drug, whether by injection, ingestion, or any other means, to the body of the animal.

1m “Animal” means any animal except a human being.

3 “Client” means the person who owns or who has primary responsibility for the care of a patient.

3d “Department” means the department of agriculture, trade and consumer protection.

3g “Dispense” means the act of delivering a drug to a person who may lawfully possess the drug, including the compounding, packaging or labeling necessary to prepare the drug for delivery.

3r “Drug” has the meaning given in s. 450.01 (10).

4 “Examining board” means the veterinary examining board.

4e “Extra-label use” means use of a drug in a manner that is not in accordance with the directions for use that are contained on the label affixed to the container in which the drug is dispensed.

4m “Food-producing animal” means an animal that is raised to produce food for human consumption.

4s “Patient” means an animal that is examined or treated by a veterinarian.

5 “Pesticide” has the meaning specified in s. 94.67 (25).

5m “Pharmacist” means an individual who is licensed as a pharmacist under ch. 450.

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.

6m “Prescription” means a written, oral or electronic order from a veterinarian to a pharmacist or to another veterinarian that authorizes the pharmacist or other veterinarian to dispense a drug, or from a veterinarian to a client that authorizes the client to make extra-label use of a drug.

7 “Veterinarian” means a practitioner of veterinary medicine who is duly licensed by the examining board.

8 “Veterinarian-client-patient relationship” means a relationship between a veterinarian, a client and the patient in which all of the following apply:

(a) The veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient and the patient’s need for medical treatment, and the client has agreed to accept those medical judgments and to follow the related instructions of the veterinarian.

(b) The veterinarian has sufficient knowledge of the patient to initiate a general or preliminary diagnosis of the medical condition of the patient because the veterinarian has recently examined the patient or has made medically appropriate and timely visits to the premises on which the patient is kept.

(c) The veterinarian is readily available for follow-up treatment of the patient if the patient has an adverse reaction to veterinary treatment.

9 “Veterinary drug” means any of the following:

(a) A drug that is recognized as a drug for animal use in the official U.S. pharmacopoeia or the official national formulary or any supplement to either of them.

(b) A drug that is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in an animal.

(c) A drug that is intended to affect the structure or function of the body of an animal, including medicated feed or a growth-promoting implant, but not including feed that does not contain a drug.

(d) A substance that is intended for use as a component of a drug described in par. (a), (b) or (c).

(e) A drug that is produced and intended for human use but that is prescribed by a veterinarian for animal use.

10 “Veterinary over-the-counter drug” means a drug that is labeled for animal use, that may be dispensed without a prescription and that is not required to bear the label statement: “CAUTION: Federal law restricts this drug to use by or on the order of a licensed veterinarian.”

11 “Veterinary prescription drug” means a drug that may not be dispensed without the prescription of a veterinarian.

12 “Veterinary technician” means a person duly certified by the examining board to work under the direct supervision of a licensed veterinarian.


The termination of the life of an animal by injection is not the practice of veterinary medicine. 65 Atty. Gen. 231.

89.03 Rules. (1) The examine board shall promulgate rules, within the limits of the definition under s. 89.02 (6), establishing the scope of practice permitted for veterinarians and veterinary technicians and shall review the rules at least once every 5 years to determine whether they are consistent with current practice. The examining board may promulgate rules relating to licensure qualifications, denial of a license, certification, or temporary permit, unprofessional conduct, and disciplinary proceedings.

(2) The examining board shall promulgate rules requiring training and continuing education sufficient to assure competency of veterinarians and veterinary technicians in the practice of veterinary medicine, except that the board may not require training or continuing education concerning the use, handling, distribution, and disposal of pesticides other than for disciplinary purposes.
(3) The examining board shall promulgate rules specifying a procedure for addressing allegations that a person licensed or certified by the veterinary examining board under this chapter has practiced as a veterinarian or veterinary technician while impaired by alcohol or other drugs or that his or her ability to practice is impaired by alcohol or other drugs, and for assisting a person licensed by the veterinary examining board under this chapter who requests to participate in the procedure or who requests assistance in obtaining mental health services. In promulgating rules under this subsection, the examining board shall seek to facilitate early identification of chemically dependent veterinarians or veterinary technicians and encourage their rehabilitation. The rules promulgated under this subsection may be used in conjunction with the formal disciplinary process under this chapter. The examining board may contract with another entity to administer the procedure specified under the rules promulgated under this subsection.


Cross-reference: See also VE, Wis. adm. code.

89.04 Violations. The chairperson of the examining board shall institute actions for violations of this chapter by any person or for violations of ch. 450 or 961 by veterinarians. 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.

History: 1985 a. 146; 1993 a. 184; 1994 a. 448; 2015 a. 55 s. 4493; Stats. 2015 s. 89.04.

89.05 Practice; penalties. (1) Except as provided under sub. (2) and ss. 256.155 and 257.03, no person may offer to practice, advertise to practice or practice veterinary medicine, or use, in connection with his or her name, any title or description which may convey the impression that he or she is a veterinarian, with-in connection with his or her name, any title or description which may convey the impression that he or she is a veterinarian, with

History:

A license under sub. (2) (a) is not required for person to engage in artificial insemination of animals but is required for persons engaged in pregnancy examinations who were not engaged in practice prior to February 11, 1968. 78 Atty. Gen. 236.

89.06 Licensure. (1) Except as provided under ss. 89.072 and 89.073, veterinary licenses shall be issued only to persons who successfully pass an examination conducted by the examining board and pay the fee established under s. 89.063. An applicant for an initial license shall be a graduate of a veterinary college that has been approved by the examining board or have successfully completed either the educational commission for foreign veterinary graduates certification program of the American Veterinary Medical Association or the program for the assessment of veterinary education equivalence offered by the American Association of Veterinary State Boards. Persons who qualify for examination may be granted temporary permits to engage in the practice of veterinary medicine in the employment and under the supervision of a veterinarian until the results of the next examination conducted by the examining board are available. 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.

(2m) (a) Upon application, the examining board may issue a veterinary faculty license to an employee of a school of veterinary medicine in this state who has received the degree of doctor of veterinary medicine from a veterinary college approved by the examining board or if the examining board determines that the person possesses substantially equivalent qualifications. A person holding a veterinary faculty license may practice veterinary medicine on privately owned animals only within the scope of the person’s employment at the school.

(b) Upon application, the examining board may grant a veterinary postgraduate training permit to a person undertaking intern or resident training at a school of veterinary medicine in this state. The only purpose of the veterinary postgraduate training permit is to provide opportunities in this state for the postgraduate education of persons who have received the degree of doctor of veterinary medicine or an equivalent degree but who have not yet met the requirements for licensure in this state. Issuance of a postgraduate training permit does not modify in any respect the requirements for licensure to practice veterinary medicine in this state, and a permit holder may practice veterinary medicine on privately owned animals only within the scope of the permit holder’s internship or residency program. Violation of this restriction or of any applicable provision of this chapter constitutes cause for revocation of the permit.

(c) A license issued under this subsection expires upon termination of the licensee’s employment at a school of veterinary medicine in this state. A postgraduate training permit expires upon termination of the permit holder’s internship or residency program.

(3) A veterinary technician certification may be issued only to a person who is at least 18 years of age and has either:

(a) Successfully completed a 4–semester course of study in animal technology or its equivalent, at a technical school or college approved by the examining board, and has passed an examination, administered by the examining board, which establishes that the applicant’s knowledge of animals and their treatment is sufficient to qualify the applicant as a veterinary technician; or

(b) Been an employee of a veterinarian for a total of 2 years and has passed an examination, administered by the examining board.
board, which establishes that the applicant’s knowledge of animals and their treatment is sufficient to qualify the applicant as a veterinary technician. The 2-year employment requirement of this paragraph shall include at least 50 percent of the applicant’s time spent in practical field experience and the remainder of the applicant’s time spent in laboratory work, office procedure, and technical veterinary training with a veterinarian.

History: 1971 c. 213 s. 5; 1975 c. 309; 1977 c. 29, 418; 1979 c. 34 s. 2102 (58)

(b) 1981 c. 125 s. 1; 1983 s. 182 s. 57; 1987 c. 39; 1993 a. 39; 1999 a. 252; 2003 a. 103; 2009 a. 396; 2015 a. 55 s. 4495; Stats. 2015 s. 89.066; 2015 a. 179; 2017 a. 365 s. 111.

Cross-reference: See also chs. VE 3, 4, 5, 6, 8, and 10, Wis. adm. code.

The examining board lacks authority to condition the renewal of licenses upon either reexamination or continuing education. 65 Atty. Gen. 35.

89.062 Renewal; continuing education. (1) RENEWAL.
The renewal date for veterinary licenses and veterinary technician certifications is December 15 of each odd-numbered year, and the renewal fees for such licenses and certifications are determined by the department under s. 89.063.

(2) CONTINUING EDUCATION. (a) Except as provided in sub. (3), the examining board may not renew a veterinary license unless the applicant certifies that he or she has completed, during the preceding 2-year licensure period, at least 30 hours of continuing education programs or courses approved by the examining board.

(b) Except as provided in sub. (3), the examining board may not renew a veterinary technician certification unless the applicant certifies that he or she has completed, during the preceding 2-year certification period, at least 15 hours of continuing education programs or courses approved by the examining board.

(c) If any complaint is made against a veterinarian or veterinary technician, the examining board may require the veterinarian or veterinary technician to submit proof of the continuing education programs or courses that he or she has completed during the preceding 2-year licensure or certification period.

(3) EXCEPTIONS. (a) Subsection (2) (a) and (b) does not apply to an applicant who applies to renew a license or certification that expires on the first expiration date after initial issuance of the license or certification.

(b) The examining board may waive the requirements of sub. (2) (a) or (b) if it finds that exceptional circumstances, such as prolonged illness, disability, or other similar circumstances, have prevented an applicant from meeting the requirements.

History: 2003 a. 103 ss. 2, 4; 2007 a. 26; 2015 a. 55 s. 4496; Stats. 2015 s. 89.062.

89.063 Fees. The department shall determine by rule the fees for each initial license, certification, and permit issued under ss. 89.06, 89.072, and 89.073, and, if applicable, for renewal of the license, certification, or permit, including late fees, based on the department’s administrative and enforcement costs under this chapter. The department shall notify the holder of each such license, certification, or permit of any fee adjustment under this subsection that affects that license, certification, or permit holder.

History: 2015 a. 55, 179.

89.065 Examinations. (1) Examinations under this chapter shall be designed to determine whether an applicant is competent to engage in the practice of veterinary medicine and shall be administered at least once annually. Examinations shall be objective and reliable, reasonably related to the skills likely to be needed by an applicant and seek to determine the applicant’s preparedness to exercise such skills.

(2) The examining board may require passage of a nationally recognized examination if the examination meets basic standards of objectivity. The examining board may administer a state written examination in elements of practice that are not covered in a national examination. The examining board may administer a practical or oral examination if such an examination tests knowledge and skills that cannot be measured or tested in a written examination.

(3) The passing score on examinations for licensure and certification shall be determined by the examining board to represent a standard of minimum competency in the profession, as established by the examining board by rule.

History: 1987 a. 39; 2015 s. 55 s. 4497; Stats. 2015 s. 89.065.

Cross-reference: See also ch. VE 2, Wis. adm. code.

89.068 Drugs for animal use. (1) PRESCRIBING; DISPENSING. (a) Extra-label use on animal; prescription required. No person may make extra-label use of a drug on an animal without a prescription or in any manner not authorized by that prescription.

(b) Form of prescription. A prescription shall include all of the following:

1. The name and address of the veterinarian and, if the prescription is a written order, the signature of the veterinarian.
2. The name and address of the client.
3. The species and identity of the patient for which the prescription is issued.
4. The name, strength and quantity of the drug prescribed.
5. The date on which the prescription is issued.
6. The directions for administering the drug.
7. If the patient is a food-producing animal, the withdrawal time for the veterinary drug.
8. If the prescription authorizes extra-label use, the manner in which the client may use the drug.
9. Any cautionary statements required by law.
(c) Prescribing, dispensing and administering requirements for veterinarian. A veterinarian may not do any of the following:

1. Prescribe for or dispense to a client a veterinary prescription drug or a drug for extra-label use without personally examining the patient unless a veterinarian-client-patient relationship exists between the veterinarian, client and patient and the veterinarian determines that the client has sufficient knowledge to administer the drug properly.

2. Prescribe or dispense a veterinary prescription drug to a client unless the veterinarian indicates in the appropriate records described under sub. (3), within 72 hours after the prescription is issued or the drug is dispensed, that the prescription has been issued or that the drug has been dispensed.

3. Prescribe a drug to a client for extra-label use on a patient unless all of the following apply:
   a. A veterinarian-client-patient relationship exists between the veterinarian, client and patient and the veterinarian has made a careful medical diagnosis of the condition of the patient within the context of that veterinarian-client-patient relationship.
   b. The veterinarian determines that there is no drug that is marketed specifically to treat the patient’s diagnosed condition, or determines that all of the drugs that are marketed for that purpose are clinically ineffective.
   c. The veterinarian recommends procedures for the client to follow to ensure that the identity of the patient will be maintained.
   d. If the patient is a food-producing animal, the veterinarian prescribes a sufficient time period for drug withdrawal before the food from the patient may be marketed.
   4. Transmit a prescription electronically unless the client approves the transmission and the prescription is transmitted to a pharmacist or veterinarian designated by the client.
(2) LABELING. A veterinarian or pharmacist may not dispense a drug that has been prepared, mixed, formulated or packaged by the veterinarian or pharmacist unless the veterinarian or pharmacist affixes to the container in which the drug is dispensed a label containing all of the information specified in sub.
(1) (b), except the address of the client. A veterinarian or pharmacist may not dispense a veterinary prescription drug that has been repackage by its manufacturer for dispensing unless the veterinarian or pharmacist affixes to the container in which the drug is dispersed a label containing all of the information specified in sub. (1) (b), except the address of the client. A veterinarian or pharmacist may dispense a veterinary in the container in which the drug is dispersed if a label that has been affixed to the container by its manufacturer provides adequate information for its use.

(3) **Prescription Records.** A veterinarian shall maintain complete records of each veterinary prescription drug that the veterinarian receives, prescribes, dispenses or administers, and of each prescription issued by the veterinarian that authorizes extra-label use. Records of each veterinary prescription drug shall include the name of each veterinary prescription drug that is received, the name and address of the person from whom the drug is received and the date and quantity received, the name and address of the person to whom the drug is dispensed and the date and quantity dispensed and, if the veterinarian prescribes or administers the drug, the information specified in sub. (1) (b). Records of each prescription authorizing extra-label use shall include the information specified in sub. (1) (b). A veterinarian shall maintain records of each veterinary prescription drug under this subsection for not less than 3 years after the date on which the veterinarian prescribes, dispenses or administers the drug or extra-label use.

(4) **Enforcement.** (a) **Inspections.** Except as provided in par. (b), if the examining board has reason to believe that a person is violating or has violated this section, the examining board, the attorney general or the district attorney of the proper county may do any of the following:

1. Inspect the premises on which the person possesses, prescribes, dispenses, labels or administers veterinary drugs.
2. Inspect pertinent records, equipment, materials, containers or facilities that are relevant to determining whether the person is violating or has violated this section.
3. Collect relevant samples of veterinary drugs.

(b) **Records exempt from inspection.** The examining board, attorney general or district attorney may not inspect a person’s financial, pricing, personnel or sales records under this subsection, other than the records described under sub. (3).

**History:** 1991 a. 306; 1997 a. 27; 2015 a. 55 s. 4498; Stats. 2015 s. 89.068.

### 89.071 Administrative Warnings

(1) If the examining board determines during an investigation of a complaint against a person holding a license, certification, or permit issued under s. 89.06, 89.072, or 89.073 that there is evidence that the credential holder committed misconduct, the examining board may close the investigation by issuing an administrative warning to the credential holder if the examining board determines that no further disciplinary action is warranted, the complaint involves a first occurrence of a minor violation, and the issuance of an administrative warning adequately protects the public.

(2) A credential holder may obtain review of an administrative warning through a personal appearance before the examining board.

(3) (a) An administrative warning does not constitute an adjudication of guilt or the imposition of discipline and, except as provided in par. (b), may not be used as evidence that the credential holder is guilty of the alleged misconduct.

(b) If the examining board receives a subsequent complaint of misconduct by a credential holder against whom the examining board issued an administrative warning, the examining board may reopen the matter that gave rise to the administrative warning and commence disciplinary proceedings against the credential holder, and the administrative warning may be used as evidence in a subsequent disciplinary proceeding that the credential holder had actual notice that the misconduct that was the basis for the administrative warning was contrary to law.

(4) The record that an administrative warning was issued shall be a public record. The contents of the administrative warning shall be private and confidential.

**History:** 2015 a. 179.

### 89.0715 Assessment of Costs

(1) In this section, “costs of the proceeding” means all of the following:

(a) Compensation and reasonable expenses of hearing examiners and prosecuting attorneys for the department and examining board.

(b) A reasonable disbursement for the service of process or other papers.

(c) Amounts actually paid out for certified copies of records in any public office or for postage, telephoning, adverse examinations and depositions, copies, expert witness fees, and witness fees and expenses.

(d) Compensation and reasonable expenses of experts and investigators.

(e) Compensation and reasonable expenses of a reporter for recording and transcribing testimony.

(2) In any disciplinary proceeding against a holder of a license, certification, or permit issued under s. 89.06, 89.072, or 89.073 in which the examining board orders suspension, limitation, or revocation of the credential or reprimands the credential holder, the examining board may, in addition to imposing disci-
pline, assess all or part of the costs of the proceeding against the
credential holder. Costs assessed under this subsection are pay-
able to the department. Interest shall accrue on costs assessed
under this subsection at a rate of 12 percent per year beginning
on the date that payment of the costs are due as ordered by the
examining board. Upon the request of the department, the
department of justice may commence an action to recover costs
assessed under this subsection and any accrued interest.

(3) In addition to any other discipline imposed, if the exam-
ining board assesses costs of the proceeding to a credential
holder under sub. (2), the examining board may not restore,
renew, or otherwise issue any credential to the holder until the
holder has made payment to the department under sub. (2) in the
full amount assessed, together with all accrued interest.

89.072 Licensees of other jurisdictions. (1) Upon
application and payment of the fee established under s. 89.063,
the examining board may issue a license to practice veterinary
medicine to any person licensed to practice veterinary medicine
in another state or territory of the United States or in another
country if the applicant is not currently under investigation and
has never been disciplined by the licensing authority in the other
state, territory or country, has not been found guilty of a crime
resulting in the service member’s service in the U.S. armed forces,
who the examining board determines meets all of the following
requirements:
(a) The individual is the spouse of a service member and the
spouse of the service member temporarily resides in this state as a
result of the service member’s service in the U.S. armed forces,
a reserve unit of the U.S. armed forces, or the national guard of
any state.
(b) The individual is a nonresident licensed to practice vet-
erinary medicine in another state or territory of the United States
or in another country.
(c) The individual is the spouse of a service member or the
spouse of a nonresident licensed to practice veterinary medicine
in another state or territory of the United States or in another
country.

(2) Upon application and payment of the fee established
under s. 89.063, the examining board may issue a temporary
consulting permit to practice veterinary medicine in this state for
up to 60 days per year to any nonresident licensed to practice vet-
erinary medicine in another state or territory of the United States
or in another country.

History: 2015 a. 179.

89.073 Temporary reciprocal credentials for the
spouses of service members. (1) In this section, “service
member” means a member of the U.S. armed forces, a reserve
unit of the U.S. armed forces, or the national guard of any state.

(2) The examining board shall grant a temporary license,
certification, or permit specified under s. 89.06, 89.072, or 89.073
to a nonresident licensed to practice veterinary medicine in
another state or territory of the United States or in another
country if the applicant is not currently under investigation and
has never been disciplined by the licensing authority in the other
state, territory or country, has not been found guilty of a crime
resulting in the service member’s service in the U.S. armed forces,
who the examining board determines meets all of the following
requirements:
(a) The individual is the spouse of a service member and the
spouse of the service member temporarily resides in this state as a
result of the service member’s service in the U.S. armed forces,
a reserve unit of the U.S. armed forces, or the national guard of
any state.
(b) The individual is a nonresident licensed to practice vet-
erinary medicine in another state or territory of the United States
or in another country.
(c) The individual is the spouse of a service member or the
spouse of a nonresident licensed to practice veterinary medicine
in another state or territory of the United States or in another
country.

(3) The examining board may issue a temporary license,
certification, or permit specified under s. 89.06, 89.072, or 89.073
to a nonresident licensed to practice veterinary medicine in
another state or territory of the United States or in another
country if the applicant is not currently under investigation and
has never been disciplined by the licensing authority in the other
state, territory or country, has not been found guilty of a crime
resulting in the service member’s service in the U.S. armed forces,
who the examining board determines meets all of the following
requirements:
(a) The individual is the spouse of a service member and the
spouse of the service member temporarily resides in this state as a
result of the service member’s service in the U.S. armed forces,
a reserve unit of the U.S. armed forces, or the national guard of
any state.
(b) The individual is a nonresident licensed to practice vet-
erinary medicine in another state or territory of the United States
or in another country.
(c) The individual is the spouse of a service member or the
spouse of a nonresident licensed to practice veterinary medicine
in another state or territory of the United States or in another
country.

History: 1987 a. 39; 2015 a. 55 s. 4500; Stats. 2015 s. 89.072.

89.075 Access to health care records. The owner of
any animal patient of a veterinarian, or any other person who
submits to the veterinarian a statement of written informed con-
sent signed by the owner, may, upon request to the veterinarian:

(1) Receive a copy of the animal patient’s health care records
upon payment of reasonable costs.

(2) Have the animal patient’s X-rays referred to another vet-
erinarian of the owner’s choice upon payment of reasonable costs.

History: 1987 a. 39; 2015 a. 55 s. 4501; Stats. 2015 s. 89.075.

89.078 Background investigations. (1) The examining
board may conduct an investigation to determine whether an
applicant for a license, certification, or permit issued under s.
89.06, 89.072, or 89.073 satisfies any of the eligibility require-
ments specified for the license, certification, or permit, including,
subject to ss. 111.321, 111.322, and 111.335, whether the ap-
plicant does not have an arrest or conviction record. In con-
ducting an investigation under this subsection, the examining
board may require an applicant to provide any information that
is necessary for the investigation.

(2) A person holding a license, certification, or permit issued
under s. 89.06, 89.072, or 89.073 who is convicted of a felony
or misdemeanor anywhere shall send a notice of the conviction
by 1st class mail to the examining board within 48 hours after the
entry of the judgment of conviction. The examining board shall
by rule determine what information and documentation the per-
son holding the credential shall include with the written notice.

(3) In lieu of holding a public hearing, the department
determines that a person has engaged in a practice or used a title
without a required credential, the department may issue a special
order enjoining the person from continuing the practice or use
of the title.

History: 2015 a. 55, 179.

89.079 Unauthorized practice. (1) The department may
conduct investigations, hold hearings, and make findings as to
whether a person has engaged in a practice or used a title without
a credential required under this chapter.

(2) If, after holding a public hearing, the department deter-
nines that a person has engaged in a practice or used a title with-
out a required credential, the department may issue a special
order enjoining the person from continuing the practice or use
of the title.

History: 2015 a. 55.

89.08 Injunctive relief. If it appears upon complaint to the
examining board by any person, or if it is known to the exam-
ining board, that any person is practicing veterinary medicine
without a license, the examining board, the attorney general or
the district attorney of the proper county may investigate and
may, in addition to any other remedies, bring an action in the
name and on behalf of the state against the person to enjoin the
person from such practice.

History: 1987 a. 39; 2015 a. 55 s. 4502; Stats. 2015 s. 89.08.