Clearinghouse Rule 12-051

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)

PROPOSED ORDER

An order of the Veterinary Examining Board to repeal VE 1.02(8); and to amend VE 1.02(7) relating to the definitions of patient and prescription legend animal drugs.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: § 453.02(4s), Wis. Stats.

Statutory authority: §§ 15.08(5)(b) and 453.03(1), Wis. Stats.

Explanation of agency authority: An examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains. The Board may promulgate rules establishing the scope of practice.

Related statute or rule: § 453.02(4s), Wis. Stats.

Plain language analysis:

Section 1 is amended in order for the definition of "patient" in the rule to match the definition in the statute.

Section 2 is repealed due to "Prescription legend animal drugs" no longer being referenced in the VE Code.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois Veterinary Medicine and Surgery Practice Act of 2004 defines patient as "an animal that is examined or treated by a veterinarian." 225 Ill. Comp. Stat § 115/3. The Rules do not have a separate definition.

Iowa: Iowa statutes and administrative code do not define patient; only animal.

Michigan: Michigan statutes and administrative code do not define patient; only animal.

Minnesota: Minnesota statutes define patient" as an animal for which a veterinary prescription drug is used or intended to be used. Minn. Stat. § 156.16

Summary of factual data and analytical methodologies:

Veterinary Examining Board ensured the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule updates a definition to match the statutory definition and repeals a definition no longer used, therefore there is no economic impact. This rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units and individuals, for a period of 14 days. No comments were received relating to the economic impact of the rule.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, paralegal, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at sharon.henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Sharon.henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on January 30, 2012 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. VE 1.02(7) is amended to read:

(7) "Patient" means ~~the~~ an animal ~~being~~ that is examined or treated by a veterinarian.

SECTION 2. VE 1.02(8) is repealed.

(END OF TEXT OF RULE)

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 _____
                                                    Member of the Board