

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	
PROCEEDINGS BEFORE THE	:	
VETERINARY EXAMINING BOARD	:	NOTICE OF PUBLIC HEARING
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NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Veterinary Examining Board in §§ 15.08 (5) (b), 227.11 (2) (a), and 453.03 (1), Wis. Stats., and interpreting §453.03 (1), Wis. Stats., the Veterinary Examining Board will hold a public hearing at the time and place indicated below to consider an order to repeal VE 2.04 and VE 3.05(1) (a); to renumber VE 5.03(1) (e); to renumber and amend VE 3.05(1) (b); to amend VE 3.01 (2), VE 3.01(2), VE 3.05, VE 3.05(5), VE 4.01(2) (a), and VE 4.01(3); and to create VE 5.03(1) (b) relating to licensure, temporary permits and examinations.

Hearing Date, Time and Location

Date:	May 29, 2013
Time:	10:00 A.M.
Location:	1400 East Washington Avenue Room 121 Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 453.03 (1), Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), and 453.03 (1), Stats.

Explanation of agency authority:

Examining boards are generally authorized by ss. 15.08 (5) (b), and 227.11 (2) (a), Stats., to promulgate rules for its own guidance and for guidance within the profession and to promulgate rules interpreting any statute enforced or administered by it. Section 453.03 (1), Stats. specifically authorizes the Veterinary Examining Board to draft rules, “relating to licensure qualification, denial of a license, certificate or temporary permit, unprofessional conduct and disciplinary proceedings.” Therefore the Veterinary Examining Board is authorized both generally and specifically to draft these rules.

Related statute or rule:

Wisconsin Admin. Code 2, 3, 4, 5, and 6

Plain language analysis:

This proposed rule draft addresses several problems. First, the proposed rule eliminates the provision that allows applicants who failed their examination to review the exam. Now that the test is administered electronically, an applicant may retake the test at any time. Since the exam may be taken more frequently, it is not feasible for the Department to provide the materials for the review process. Second, the proposed rule would remove an outdated reference to November 1st in s. VE 3.05 (1). Third, the rule will adjust the hours necessary to qualify for licensure by endorsement allowing greater access to veterinarians who wish to practice in Wisconsin. Fourth, the proposed rule updates language concerning temporary permits. Lastly, the proposed rule will add a provision requiring applicants for post graduate training permits to submit evidence that he or she has received a degree from a school of veterinary medicine or its equivalent.

Summary of, and comparison with, existing or proposed federal regulation:

None

Comparison with rules in adjacent states:

Illinois: Illinois repealed its regulations regarding temporary permits. Applicants seeking licensure by endorsement must certify from the licensing authority in each jurisdiction in which the applicant has ever been licensed or is currently licensed: (1) the time during

which the applicant was licensed, (2) whether the file on the applicant contains any record of disciplinary actions taken or pending and (3) a brief description of the examination and the grades received. Applicants must also certify that they have graduated from an approved program of veterinary medicine and surgery ILL Admin. Code tit.68 Title §1500.30 (2012)

Iowa: A temporary educational permit is issued to applicants that are currently in an internship or residency training program at Iowa State University College of Veterinary . Iowa Admin. Code r. 811-9.1(169) (2012). Iowa also issues a temporary in-state practice permit to, “a person who has (1) graduated from an AVMA-accredited or AVMA-listed school of veterinary medicine or has received an ECFVG or PAVE certificate. [and] (2) Is licensed in good standing in another jurisdiction.” Iowa Admin. Code r.811-9.1 (2) (2012)

A license by endorsement is issued in Iowa if the applicant: “(a) has graduated from an accredited college of veterinary medicine or has received a certificate from the educational commission for foreign veterinary graduates at least five years prior to application, (b) Has actively practiced for a least two thousand hours during the five years preceding application, (c) has not previously failed and not subsequently passed a veterinary licensing examination in [Iowa], (d) holds a current license to practice veterinary medicine in another state or United Sates territory or province of Canada, [and] (e) is not subject to license investigation, suspension, or revocation in any state, United States territory or province of Canada.” Iowa Code § 169.10 (2013).

Michigan: The Michigan Board of Veterinary Medicine issues a license by endorsement to persons who have, “graduated from a board-approved veterinary college or obtained a certificate or obtained a certificate from the educational commission for foreign veterinary graduates of the American veterinary medical association.” Mich. Admn. Code r.338.4906 (2012). An internet search of Michigan laws did not reveal any provisions regarding temporary permits.

Minnesota: Minnesota may issue without examination a temporary permit to practice veterinary medicine to a person, “who has submitted an application approved by the board for license pending examination, and holds a doctor of veterinary medicine degree or an equivalent degree from an approved or accredited college of veterinary medicine or an ECFVG or PAVE certification. The temporary permit shall expire the day after publication of the notice of results of the first examination given after the permit is issued. No temporary permit may be issued to any applicant who has previously failed the national examination and is currently not licensed in any licensing jurisdiction of the United States or Canada or to any person whose license has been revoked or suspended or who is currently subject to a disciplinary order in any licensing jurisdiction of the United States or Canada.” MINN. STAT. §156.073. An internet search of Minnesota statutes and rules did not reveal any provisions regarding license by endorsement.

Summary of factual data and analytical methodologies:

The Veterinary Examining Board ensures that 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:

The rule was posted on the Department of Safety and Professional Service's website for 14 days in order to solicit comments from the public regarding the rule. No comments were received from the public regarding the rule.

Fiscal estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Initial Regulatory Flexibility Analysis or Summary:

None

Environmental Assessment/Statement: [if required]

None

Agency contact person:

Shawn Leatherwood Department of Safety and Professional Services, Division of Policy and Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.Leachwood@wisconsin.gov.

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

Comments may be submitted to Shawn Leatherwood 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 Shancethea.Leachwood@wisconsin.gov. Comments must be received at or before the public hearing to be held on May 29, 2013 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. VE 2.01 (2) is amended to read:

To be qualified to sit for the North American Licensing Veterinary Examination, an applicant must either have graduated from or have an expected graduation date no later

than ~~8-10~~ months after the last date of the applicable testing period at a school of veterinary medicine approved by the board or a foreign school of veterinary medicine listed by the AVMA. To be qualified to sit for the examination on state laws and rules, an applicant must meet the requirements of s. [VE 3.03](#)

SECTION 2. VE 2.04 is repealed.

SECTION 3. VE 3.01(2) is amended to read:

3.01 (2) “Temporary permit” means a document issued to a person who has qualified to take the North American Veterinary Licensing Examination, is enrolled to take the next examination and who shall be employed to practice veterinary medicine under the supervision of a preceptor.

SECTION 4. VE 3.05(1) (a) is repealed.

SECTION 5. VE 3.05(1) (b) is renumbered to VE 3.05(1) and amended to read:

VE 3.05(1) (b) ~~On or after November 1, 2000, an~~ An applicant may be granted a temporary permit before the board receives notice of successful completion of the ~~north American veterinary licensing examination~~ North American Veterinary Licensing Examination, if the applicant provides evidence that the applicant is either scheduled to take the ~~north American veterinary licensing examination~~ North American Veterinary Licensing Examination for the first time, or is awaiting results of the ~~north American veterinary licensing examination~~ North American Veterinary Licensing Examination.

SECTION 6. VE 3.05(5) (b) is amended to read:

3.05(5) (b) Be available for direct communication with the temporary permit holder when the temporary permit holder is providing veterinary services. Direct communication shall be either verbal in person, by telephone, video conference or ~~by 2-way radio communication~~ electronic communication device.

SECTION 7. VE 4.01(2) (a) is amended to read:

4.01(2)(a) Has satisfied qualification for licensure in VE 3.02 within the last 5 years or has actively practiced for 4000 hours during the 5 years preceding application.

SECTION 8. VE 4.01(3) is amended to read:

4.01(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 either the certification program of the educational commission for foreign veterinary graduates of the AVMA or the program

for the assessment of veterinary education equivalence offered by the American Association of Veterinary State Boards.

SECTION 9. VE 5.03(1) (b) is created to read:

VE 5.03(1) (b) Evidence that the applicant has received a degree from a school of veterinary medicine or an equivalent degree.

SECTION 10. VE 5.03(1) (e) is renumbered to VE 5.03(1)(d)

SECTION 11. 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.

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(END OF TEXT OF RULE)

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COPIES OF RULE

Copies of this proposed rule are available upon request to Shawn Leatherwood
Department of Safety and Professional Services, Division of Board Services, 1400 East
Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or by email at
Shancethea.L Leatherwood*[@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov).