

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : VETERINARY EXAMINING BOARD
VETERINARY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE14-064)

PROPOSED ORDER

An order of the Veterinary Examining Board to repeal VE 2.01 (2) and 3.03; to repeal and recreate VE 3.02 and 8.02, relating to entrance to examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.071, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), Stats., and 2013 Wisconsin Act 114.

Explanation of agency authority:

Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Veterinary Examining Board is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and interpret the statutes it administers. 2013 Wisconsin Act 114 requires the Department of Safety and Professional Services and its attached boards to allow candidates for licensure to take their examination for a credential before completing their post-secondary education. This statutory change prompted the Veterinary Examining Board to exercise its rule-making authority to amend pertinent sections of Wis. Admin. Code specifically, ss. VE 2.01, VE 3.03, and VE 8.03 in order to give guidance within the profession related to entrance to examinations.

Related statute or rule:

None.

Plain language analysis:

Before 2013 Wisconsin Act 114, applicants for veterinary credentials were required to either have graduated from a school of veterinary medicine or expected to graduate no later than 10 months after the last date of an applicable testing period before being allowed to sit for the North American Veterinary Licensing Examination (NAVLE). Act

114 removed both requirements to sit for the NAVLE. Now Wisconsin law no longer prohibits applicants for veterinary licensure in Wisconsin from taking the NAVLE before completing their post-secondary education. However, applicants must continue to comply with the National Board of Veterinary Medical Examiners' requirements before taking the NAVLE which may require that applicants who take the NAVLE graduate within a certain time period.

SECTION 1. repeals the requirement to have graduated or expect to graduate from a veterinary college within 10 months of the last applicable testing period before taking the NAVLE.

SECTION 2. creates a list of the requirements for a veterinary license by examination.

SECTION 3. repeals the process for veterinary licensure applicants to take the examination on state laws and rules.

SECTION 4. creates a list of the requirements for applicants for veterinary technician certification.

SECTION 5. repeals the application process for applying for veterinary technician certification.

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

None.

Comparison with rules in adjacent states:

Illinois: Illinois has a rule similar to the current Wisconsin rule whereby applicants must have graduated or be enrolled in an approved veterinary program and certify that the applicant will graduate from that program. "If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination shall be void." 68 Ill Admin. Code 1500.10.

Iowa: Iowa requires applicants for veterinary licensure to meet the guidelines established by the National Board of Veterinary Medical Examiners (NBVME). The applicant sends proof of completion of the NBVME application process and the administrative fee to the Iowa Board of Veterinary Medicine. Iowa Admin. Code R 811-6.1.

Michigan: Michigan requires applicants to graduate from veterinary college before becoming licensed. Mich. Admin. Code R. 338.4902.

Minnesota: Minnesota requires a diploma, or a certificate from a college of veterinary medicine in which the applicant is enrolled certifying that the applicant will graduate at the completion of the current academic year. Minn. Stat. §156.02.

Summary of factual data and analytical methodologies:

No factual data or analytical methodologies were used in drafting the proposed rule due to the proposed rule being prompted by recent legislation.

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

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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are 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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy 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, Administrative Rule Coordinator Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Shancethea.Leathrewood@wisconsin.gov. Comments must be received on or before January 28, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. VE 2.01 (2) is repealed.

SECTION 2. VE 3.02 is repealed and recreated to read:

VE 3.02 Qualifications for licensure by examinations. The board may issue a license to practice veterinary medicine to an applicant who satisfies all of the following:

(1) Submits an application form provided by the board 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, WI 53708 or at the website at www.dsps.wi.gov.

(2) Pays the fee required under s. 440.05 (1), Stats.

(3) Prior to November 1, 2000, passes the national board examination and clinical competency test. On or after November 1, 2000, passes the north American veterinary licensing examination.

(4) Successfully completes an examination on state laws and rules related to the practice of veterinary medicine.

(5) Provides 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 either the educational commission for foreign veterinary graduates certification program or the Program for the Assessment of Veterinary Education Equivalence offered by the American Association of Veterinary State Boards (AAVSB) which shall be submitted directly to the board by the AVMA or the AAVSB.

(6) Provides 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.

(7) 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.

(8) All supporting documents shall be provided in English.

SECTION 3. VE 3.03 is repealed.

SECTION 4. VE 8.02 is repealed and recreated to read:

VE 8.02 Qualifications for certification. The board may issue a certificate to practice as a veterinary technician to an applicant who does all of the following:

(1) Submits an application form provided by the board 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, WI 53708 or at the website at www.dsps.wi.gov.

(2) Meets the age and training requirements of s. 453.06 (3), Stats.

(3) Pays the fees required under s. 440.05 (1), Stats.

(4) Has passed an examination consisting of a national written examination and the examination on state laws and rules shall be submitted directly to the board by the department's office of examinations or the interstate reporting services.

(5) Has successfully completed an examination on state laws and rules related to the practice of veterinary technology.

(6) Provides 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 technology.

(7) 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 technology. 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.

(8) All supporting documents shall be provided in English.

SECTION 5. VE 8.03 is repealed.

SECTION 6. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)

This proposed Order of the Veterinary Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chairperson
Veterinary Examining Board