

Clearinghouse Rule 25-006

DATCP Docket: 23-R-03
Clearinghouse Rule:

Preliminary Rule Draft
December 5, 2024

THE VETERINARY EXAMINING BOARD'S PROPOSED ORDER TO ADOPT PERMANENT RULES

PROPOSED ORDER

The Wisconsin Veterinary Examining Board proposes an order *to amend* VE 1.14 (1) and (6), 1.16 (1), 1.18 (2), (3), and (6), 1.20 (intro.) and (2), and 1.28 (1) and (2) *relating to* veterinarians.

Analysis Prepared by the Veterinary Examining Board

Statutes Interpreted: Wis. Stat. §§ 89.03, 89.06, and 89.072

Statutory Authority: Wis. Stat. § 89.03

Explanation of Agency Authority

Wis. Stat. § 89.03 authorizes the Veterinary Examining Board (Board) to promulgate rules related to the practice of veterinary medicine and rules related to veterinary licensure qualifications.

Related Statutes and Rules

Wis. Stat. ch. 89 and Wis. Admin. Code chs. VE 1 to 4.

Plain Language Analysis

The proposed rule modifies veterinary licensing processes for clarity, consistency, and to ensure there are processes for all applicant types. Without these changes, there would continue to be unintentional gaps preventing applicants with unique circumstances from having a path to licensure. The rule draft makes the following changes:

The rule draft removes language in s. VE 1.14 (6) that limits who must apply by examination or endorsement. The language was added in 2022 and created problems by limiting the licensing processes available to applicants. Removing this language allows applicants who cannot apply by endorsement to instead apply by examination. This change also removes an inconsistency that currently says a Wisconsin licensee must apply by endorsement.

The rule draft adds language to ss. VE 1.14 (1) and VE 1.28 (1) and (2) to make it clear that the Board may review an application for items listed under s. VE 1.20. This clarification addresses the concerns that led to the limitations under s. VE 1.14 (6) that were created in 2022. For example, an applicant with discipline in another jurisdiction applying by examination is still subject to review under s. VE 1.20.

The rule draft adds language to s. VE 1.20 to make it clear that the section applies to both new applicants for licensure and applicants for renewal. This clarification addresses the concerns that led to the limitations under s. VE 1.14 (6) that were created in 2022. For example, an applicant who was previously licensed in Wisconsin, then licensed in another jurisdiction, and received discipline from the other jurisdiction, is still subject to review under s. VE 1.20.

The rule draft adds language to s. VE 1.16 (1) to create a process for applicants by examination who have not passed the North American Veterinary Licensing Examination (NAVLE) in the past 5 years. This addition includes language consistent with s. VE 1.28 (2) regarding the Board inquiring as to whether the applicant is competent to practice and imposing reasonable conditions.

The rule draft adds language to s. VE 1.18 (3) to create a process for applicants by endorsement who have neither satisfied the qualifications for licensure, in s. VE 1.16, within the last 5 years nor actively practiced for 4,000 hours during the 5 years preceding application. This addition includes language consistent with s. VE 1.28 (2) regarding the Board inquiring as to whether the applicant is competent to practice and imposing reasonable conditions.

The rule draft makes minor edits throughout the licensing processes to consistently use the term “jurisdiction”.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

Licensure requirements to practice veterinary medicine are established by each state and are not established by federal statutes or regulations.

Pursuant to 9 CFR 160 to 162, a veterinarian must be specifically authorized by the United States Department of Agriculture – Animal and Plant Health Inspection Service to perform animal disease eradication and control functions under federal animal health laws.

Summary of Comments Received during Preliminary Comment Period and at Public Hearing on Statement of Scope

The Board held a preliminary hearing on the statement of scope (SS 109-23) on February 13, 2024, with comments open until February 15, 2024. The hearing offered a combination of in-person access and remote access. There were no attendees at the hearing, in-person or remote, and no written comments were received.

Comparison with Rules in Adjacent States

The proposed rule modifies veterinary licensing processes for clarity, consistency, and to ensure there are processes for all applicant types. These changes are specific to Wisconsin rules and address unintentional gaps in current licensing processes. Adjacent states also have veterinary boards that license veterinarians.

Illinois

Illinois veterinary licenses are issued by the Illinois Veterinary Licensing and Disciplinary Board, attached to the Illinois Department of Financial and Professional Regulation.

Iowa

Iowa veterinary licenses are issued by the Iowa Board of Veterinary Medicine, attached to the Iowa Department of Agriculture and Land Stewardship.

Michigan

Michigan veterinary licenses are issued by the Michigan Board of Veterinary Medicine, attached to the Michigan Department of Licensing and Regulatory Affairs.

Minnesota

Minnesota veterinary licenses are issued by the Minnesota Board of Veterinary Medicine.

Summary of Factual Data and Analytical Methodologies

There are unintentional gaps and inconsistencies in current veterinary licensing processes. The Board reviewed veterinary licensing processes, assessed what process would apply to each applicant type, and identified unintentional gaps preventing applicants with unique circumstances from being able to apply. The proposed rule modifies veterinary licensing processes for clarity, consistency, and to ensure there are processes for all applicant types.

Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis

Most veterinary practices are small businesses. The Board expects the proposed rule to have minimal to no economic impact. Under the current rules, there are unintentional gaps preventing some applicants with unique circumstances from applying. The proposed rule modifies veterinary licensing processes for clarity, consistency, and to ensure there are processes for all applicant types. The proposed rule would have a positive impact on those applicants who do not currently have an application process, and would not impact other applicants or licensees.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on Small Business

The Department's Regulatory Review Coordinator, Bradford Steine, may be contacted by:
Email at Bradford.Steine1@wisconsin.gov
Telephone at (608) 405-0370

The Regulatory Flexibility Analysis is attached.

Department Contact Person

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Place Where Comments are to Be Submitted and Deadline for Submission:

Comments must be received on or before March 18, 2025, to be included in the record of rule-making proceedings. Submit comments:

By mail to:

Angela Fisher
Division of Animal Health
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

By email to: Angela.Fisher1@wisconsin.gov

RULE TEXT

- 1 **SECTION 1.** VE 1.14 (1) and (6) are amended to read:
- 2 **VE 1.14 (1)** Submits an application form provided by the board which includes the applicant's
- 3 notarized signature. The board may review the application for items listed under s. VE 1.20.
- 4 **(6)** Satisfies the requirements for either licensure by examination or licensure by endorsement.
- 5 ~~Applicants who have never previously been licensed in any jurisdiction must apply by~~
- 6 ~~examination. Applicants who have previously been licensed in Wisconsin or any other~~
- 7 ~~jurisdiction must apply by endorsement.~~

8 **SECTION 2.** VE 1.16 (1) is amended to read:

9 **VE 1.16 (1)** Passed the NAVLE within the last five years. If the applicant has not passed the
10 NAVLE within the last five years, the board shall inquire as to whether the applicant is
11 competent to practice as a veterinarian in this state and shall impose any reasonable conditions
12 on instatement of the license, including reexamination, as the board deems appropriate. An
13 applicant under this section is presumed to be competent to practice as a veterinarian in this state
14 if at the time of application the applicant holds a full unexpired license issued by a similar
15 licensing board of another jurisdiction whose standards, in the opinion of the board, are
16 equivalent to or higher than the requirements for licensure in this state. The board may review
17 the application for items listed under s. VE 1.20.

18 **SECTION 3.** VE 1.18 (2), (3), and (6) are amended to read:

19 **VE 1.18 (2)** The applicant holds a current license to practice veterinary medicine in ~~another~~
20 ~~state or U.S. territory or province of~~ a jurisdiction of the United States or Canada.

21 **(3)** The applicant has satisfied the qualifications for licensure, in s. VE 1.16, within the last 5
22 years or has actively practiced for 4000 hours during the 5 years preceding application. If the
23 applicant has neither satisfied the qualifications for licensure, in s. VE 1.16, within the last 5
24 years nor actively practiced for 4000 hours during the 5 years preceding application, the board
25 shall inquire as to whether the applicant is competent to practice as a veterinarian in this state
26 and shall impose any reasonable conditions on instatement of the license, including
27 reexamination, as the board deems appropriate. An applicant under this section is presumed to be
28 competent to practice as a veterinarian in this state if at the time of application the applicant
29 holds a full unexpired license issued by a similar licensing board of another jurisdiction whose

standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure in this state.

(6) Provides verification of licensure records and status which has been provided directly to the board by every ~~state or country~~ jurisdiction in which the applicant has ever held a license or certificate to practice veterinary medicine or by the AAVSB.

SECTION 4. VE 1.20 (intro.) and (2) are amended to read:

VE 1.20 (intro.) The board may determine that an applicant is not eligible for licensure, or a licensee is not eligible for renewal, if any of the following apply:

(2) The applicant has been disciplined by the veterinary licensing authority in any other ~~state, territory or country~~ jurisdiction.

SECTION 5. VE 1.28 (1) and (2) are amended to read:

VE 1.28 (1) If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee, payment of the late fee if applicable, and fulfillment of 30 hours of continuing education required under s. VE 1.30 completed before the license renewal. The board may review the application for items listed under s. VE 1.20.

(2) If the licensee applies for renewal of the license 5 or more years after its expiration, in addition to requiring the licensee to pay the renewal fee and late fee, and to fulfill the continuing education hours required under s. VE 1.30 completed before the license renewal, the board shall inquire as to whether the applicant is competent to practice as a veterinarian in this state and shall impose any reasonable conditions on reinstatement of the license, including reexamination, as the board deems appropriate. An applicant under this subsection is presumed to be competent to practice as a veterinarian in this state if at the time of application for renewal the applicant

53 holds a full unexpired license issued by a similar licensing board of another ~~state or territory of~~
54 ~~the United States or of a foreign country or province~~ jurisdiction whose standards, in the opinion
55 of the board, are equivalent to or higher than the requirements for licensure in this state.
56 Notwithstanding any presumption of competency under this subsection, the board shall require
57 each applicant under this subsection to pass the examination specified under s. VE 1.14 (2). The
58 board may review the application for items listed under s. VE 1.20.

59 **SECTION 6. EFFECTIVE DATE.** This rule takes effect on the first day of the month following
60 publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

(END OF RULE TEXT)

Dated this _____ day of _____, 2025

WISCONSIN VETERINARY EXAMINING
BOARD

By: Hunter Lang, DVM, Chair