

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : VETERINARY EXAMINING BOARD
VETERINARY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 13-032)

ORDER

An order of the Veterinary Examining Board 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 2.01 (2), VE 3.01(2), VE 3.05(5) (b) 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.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

ss. 453.03 (1), 453.06, 453.065, and 453.072 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:

chs. VE 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 Second, the proposed rule removes an outdated reference to November 1, 2000, in s. VE 3.05 (1) (b). Third, the rule will provide an additional avenue for licensure by endorsement allowing greater access to veterinarians who wish to practice in Wisconsin. Fourth, the proposed rule updates language concerning temporary permits. Fifth, the rule increases the amount of time an applicant has following graduation from school to take the North American Veterinary Licensing Examination from 8 months to 10 months. Sixth, the proposed rule creates additional means of communication between temporary license permit holders and supervising veterinarian. 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: An internet search revealed the following.

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 Medicine. 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 [American Veterinary Medical Association] AVMA AVMA-accredited or AVMA-listed school of veterinary medicine or has received an [Education Commission for Foreign Veterinary Graduates] ECFVG or [Program for the Assessment of the Veterinary Education Equivalence] PAVE certificate [and] (2) is licensed in good standing in another jurisdiction.” Iowa Admin. Code r.811-9.1 (2) (2012).

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 licensure 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:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Fiscal Estimate and Economic Impact Analysis:

The fiscal estimate and economic 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 Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608

Agency contact person:

Shancethea Leatherwood, paralegal, 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 Shancethea Leatherwood, paralegal, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received on or before 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:

VE 2.01 (2) To be qualified to sit for the ~~North American Licensing Veterinary Examination~~ North American Veterinary Licensing 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:

VE 3.01 (2) "Temporary permit" means a document issued to a person who has qualified to take the ~~state board examination~~ 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) ~~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:

VE 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:

VE 4.01(2)(a) Has satisfied the qualifications for licensure in s.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:

VE 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. 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)

Dated _____

Agency _____

Member of the Board