

Publication Date: March 28, 2011
Effective Date: March 28, 2011 through August 24, 2011

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : ORDER ADOPTING
VETERINARY EXAMINING BOARD : EMERGENCY RULE
:

ORDER

An order of the Veterinary Examining Board to amend VE 2.01 (2); 3.03 (intro.) and (5), relating to the requirements for the initial licensure of veterinarians, specifically, the procedures for, and the types of examinations required.

Analysis prepared by the Department of Regulation and Licensing.

FINDING OF EMERGENCY

As currently written, the veterinary examining board rules regarding licensure candidates' deadlines for submission of applications to take the North American Veterinary Licensing Examination (NAVLE) do not align with the deadlines established by the National Board of Veterinary Medical Examiners (NBVME). The rules thus also conflict with the deadlines defined in the board's NBVME NAVLE agreement. The rules state that a candidate shall file a completed NAVLE application with the board at least 60 days prior to the date of the scheduled examination. However, NAVLE's deadlines require submission of applications approximately 115 days ahead of the examination date. This inconsistency between the rules and NAVLE's deadlines will likely cause significant confusion for licensure candidates. At worst, it could preclude a candidate from taking the particular NAVLE he or she applies for due to missing the application deadline. In addition, recently-passed legislation now allows foreign veterinary graduates to show evidence of successful completion of the Program for the Assessment of Veterinary Education Equivalence (PAVE) as an alternative to the American Veterinary Medical Association (AMVA) Educational Commission for Foreign Veterinary Graduates Certification (ECFVGC) program. The board adopts this emergency rule effecting the necessary changes pending the promulgation of a similar permanent rule.

ANALYSIS

Statutes interpreted:

Sections 453.06 (1) and 453.065, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2), 453.03, and 453.06 (1), Stats.

Explanation of agency authority:

The Veterinary Examining Board is authorized under Wis. Stat. §§ 453.03 and 453.06 (1) to promulgate rules relating to licensure qualifications, including determining the qualifications licensure candidates must meet to sit for the licensing examination, as well as establishing procedures for taking the examination.

Related statute or rule:

There are no other related statutes or rules beyond those indicated above.

Plain language analysis:

This proposed rule-making first clarifies the date by which a Wisconsin veterinary licensure candidate who has not yet graduated from veterinary school must graduate to be eligible to take the NAVLE. It also makes the deadline for submitting NAVLE applications to the board earlier to comply with NVBME's requirements and to allow adequate time for departmental processing prior to the board's notification of approved examination applicants to the NBVME.

The NAVLE is offered twice per year, during a four-week "testing window" in November-December and a two-week window in April. The precise dates of the testing windows vary from one year to the next. Section VE 2.01 (2), Wis. Admin. Code, currently provides that to be eligible to sit for the NAVLE, a licensure applicant who has not already graduated from veterinary college must expect to graduate in not more than 8 months. However, Rule VE 2.01 (2) does not specify the date an applicant should use for calculating the 8-month deadline. The proposed amendment to the rule clarifies that the 8-month period begins on the last day of the applicable testing window.

Next, per NBVME procedures, all NAVLE examination applicants must file two applications, one directly to NAVLE, and one through the applicant's state or regional licensing agency. In Wisconsin, NAVLE applicants submit their state applications to the veterinary examining board. The board's agreement with the NBVME calls for the board to provide the NVBME with a list of eligible examination applicants either by August 11 for the November-December testing window or by January 13 for the April window. The current version of Wis. Admin. Code s. VE 3.03 (intro.) specifies deadlines for applicants' examination applications to the board that do not allow the board to comply with the terms of its NBVME agreement. The proposed amendment to the introductory section of VE 3.03 resolves the conflict between the rule and the agreement.

Finally, this proposed rule-making implements the legislation enacted by 2009 Wis. Act 396, which became effective on June 2, 2010. Act 396 affords licensure candidates who are graduating from a foreign veterinary college or one not approved by the Wisconsin veterinary examining board, the option of showing successful completion of PAVE as an alternative to the requirement of having successfully completed the AMVA ECFVGC program. The amendment to Wis. Admin. Code s. VE 3.03 (5) provides that alternative.

SECTION 1 requires that a Wisconsin veterinary licensure candidate who has not yet graduated from veterinary school must have an expected graduation date no later than eight months after the last day of the applicable NAVLE testing window.

SECTION 2 requires that veterinary licensure candidates file their state NAVLE applications with the veterinary examining board at least 140 days before the first day of the applicable testing window.

This section further allows a licensure candidate who has graduated from a foreign veterinary college or one not approved by the board to present evidence of successful completion of either the ECFVGC program or PAVE. This section additionally requires that if a licensure candidate has not yet graduated from veterinary college, the dean of his or her school must provide evidence directly to the board that the applicant has an expected graduation date no later than eight months after the last day of the applicable NAVLE testing window.

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

There are no existing or proposed federal regulations addressing the deadlines for state veterinary licensure candidates to submit applications to take the NAVLE or regarding a state's acceptance of successful completion of PAVE as an alternative to the ECFVGC requirement for graduates of foreign veterinary colleges.

Comparison with rules in adjacent states:

Illinois:

Illinois licensure candidates who have graduated from an approved program must file an examination application at least 60 days before the date of examination. 68 Ill. Admin. Code 1500.10 a).

A candidate not yet graduated from an approved veterinary program may take the licensure examination prior to graduation by providing certification of his or her upcoming graduation from the college being attended. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination are void. 68 Ill. Admin. Code 1500.10 b) 1).

A person applying to take the licensure examination who has graduated from an unapproved program must verify enrollment in either PAVE or the ECFVGC program. 68 Ill. Admin. Code 1500.11 a) 1).

A candidate enrolled in an unapproved veterinary program may take the licensure examination prior to graduation if the applicant provides certification of graduation from the college, along with verification of enrollment in either PAVE or the ECFVGC program. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the licensure examination are void. 68 Ill. Admin. Code 1500.10 c) 1).

Iowa:

Iowa licensure candidates must submit their state NAVLE applications to the NBVME according to rules established by the NBVME. The Iowa Board of Veterinary Medicine requires candidates to provide it with proof of having completed the NBVME NAVLE application process according to NBVME rules. Iowa Admin. Code s. 811—6.1(1). The NBVME must receive candidates' NAVLE applications by August 1 for the November-December examination, and January 3 for the April 2011 examination. Thus, Iowa candidates must complete their NAVLE application process approximately 115 days before both the December-November and April testing windows.

An Iowa licensure candidate who has graduated from a foreign veterinary college that is only AVMA-*listed*, as opposed to AVMA-*accredited*, must also have successfully completed the ECFVGC program or PAVE. Iowa Admin. Code s. 811—6.4(2), (4).

Iowa licensure candidates attending an AVMA-accredited school, but who have not yet graduated, may qualify to take the NAVLE if their expected date of graduation is within 6 months of the examination date. Iowa Admin. Code s. 811—6.1(1). No information about the precise date from which to calculate the 6-month period is available. The Iowa code does not address pre-graduation NAVLE applicants expecting to graduate from a non-AMVA-accredited school.

Michigan:

Michigan's administrative code governing the licensure of veterinarians is out of date, and is undergoing revision. The information in the immediately following paragraph comes from an on-line licensure application packet, published on the veterinary medicine page of the Michigan Department of Community Health's (MCDH) website at: http://michigan.gov/documents/mdch_vet_full_appkt_88535_7.pdf

Michigan licensure candidates who have graduated from an AMVA-approved college must submit their state NAVLE applications to the NBVME according to rules established by the NBVME.

Both as currently written and under the proposed revisions, the Michigan code requires that candidates for veterinary licensure who have graduated from a foreign veterinary college must take the NAVLE, and must have successfully completed the ECFVGC program. Michigan does not accept PAVE certification for graduates of foreign colleges. Michigan Admincode R 338.4902, Rule 2 (1).

Also both as currently written and under the proposed revisions, the Michigan code does not address licensure for candidates who have not yet graduated from veterinary college, whether AMVA-approved or not.

Minnesota:

Minnesota's administrative code on veterinary licensure addresses only application fees (a) for licensure; (b) to take to "the national veterinary licensing examination"; and (c) to take the Minnesota Veterinary Jurisprudence Examination. Minn. Admincode s. 9100.0400, Subparts 1. and 3. The code does not identify a specific national examination, and it makes no reference to ECFVGC or PAVE.

The Minnesota statutes provide that to qualify for veterinary licensure, all candidates must either have graduated from an accredited or approved veterinary college, or successfully completed the ECFVGC program or PAVE. Minn. Stat. s. 156.02, subd. 1., subd. 2. (2). If a licensure candidate has not yet graduated from an accredited or approved college, he or she must be a last-year student in good standing. Minn. Stat. s. 156.02, subd. 1. (3). The licensure application must be filed at least 60 days prior to the date of “the examination,” where no specific examination is named. Minn. Stat. s. 156.02, subd. 1.

According to its website, the Minnesota Board of Veterinary Medicine requires that candidates for initial licensure must pass both the NAVLE and the Minnesota Veterinary Jurisprudence Examination. The Minnesota board’s rules for licensure application can be found at its website: <http://www.vetmed.state.mn.us/beta/Default.aspx?tabid=807>. The website directs candidates to the NBVME website to find NAVLE applications. The NBVME’s NAVLE page indicates that Minnesota candidates must submit their state NAVLE applications directly to the NBVME by NAVLE deadlines.

Summary of factual data and analytical methodologies:

These emergency rules are for the purpose of first, resolving the inconsistency between the current rules in Wisconsin regarding NAVLE application deadlines and those prescribed by the NBVME; and second, implementing recent legislation allowing foreign veterinary graduates applying for Wisconsin licensure to show evidence of successful completion of PAVE as an alternative to the ECFVGC. Accomplishing those objectives did not require analysis of factual data.

Anticipated costs incurred by private sector:

The department finds that these amendments to VE 2.01 and 3.03 will have no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that the proposed rule will have no significant fiscal impact.

Effect on small business:

These proposed rules will be reviewed by the department’s Small Business Review Advisory Committee to determine whether the rules will have any significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at john.murray@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Kris Anderson, Paralegal, Department of Regulation and Licensing, Division of Board Services, 1400 E. Washington Ave., Rm. 151, P.O. Box 8935, Madison, Wisconsin, 53708; telephone: 608-261-2385; e-mail: KristineI.Anderson@Wisconsin.gov.

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

Comments may be submitted to Kris Anderson, Paralegal, Department of Regulation and Licensing, Division of Board Services, 1400 E. Washington Ave., Rm. 151, P.O. Box 8935, Madison, Wisconsin, 53708; telephone: 608-261-2385; e-mail: KristineI.Anderson@Wisconsin.gov.

Public Hearing:

A public hearing is required and will be held at the Department of Regulation and Licensing, 1400 E. Washington Ave. (enter at 55 N. Dickinson St.), Madison, Wisconsin, on Wednesday, May 25, 2011, at 10:00 a.m., Rm. 121A. Written comments must be received on or before the date and time of the hearing to be included in the record of rule-making proceedings.

TEXT OF RULE

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

(2) To be qualified to sit for the North American Veterinary Licensing Examination, an applicant must either have graduated from or have an expected graduation date no later than 8 months after the last date of the applicable testing period ~~be a last year student who is scheduled to graduate in not more than 8 months~~ at a school of veterinary medicine approved by the board or a foreign school of veterinary medicine listed by the American Veterinary Medical Association (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 3.03 (intro.) and (5) are amended to read:

VE 3.03 Application procedures for veterinary applicants to take board examinations. An applicant shall file a completed application with the board at least 140~~60~~ days prior to the first day of ~~to the date of the~~ scheduled examination period. All supporting documents shall be provided in English. An application is not complete until the board receives all of the following:

(5) 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 (PAVE) offered by the American Association of Veterinary State Boards (AAVSB) which shall be submitted directly to the board by the AMVA or the AAVSB. If the applicant has not yet graduated from veterinary college, a letter signed by the dean of the school and submitted directly to the board by the school providing evidence that the applicant has an expected graduation date no later than 8 months after the last date of the applicable testing period.

(END OF TEXT OF RULE)

This emergency rule will be effective upon publication in the Wisconsin State Journal.

Dated _____

Agency _____

Member of the Board
Veterinary Examining Board

VE 2, 3 Licensure of and examinations for veterinarians Emergency Rule Order 3-21-11