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AUG 14 1989
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Revisor of Statutes
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STATE OF WISCONSIN

DEPARTMENT OF REGULATION AND LICENSING

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Deanna Zychowski, Administrative Assistant, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and deputy custodian of the official records of the Veterinary Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Veterinary Examining Board on the 8th day of AUGUST, 1989.

I further certify that said copy has been compared to me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin, this 8th day of Aug., 1989.

Deanna Zychowski
Deanna Zychowski, Administrative Assistant
Bureau of Health Professions
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	VETERINARY EXAMINING BOARD
VETERINARY EXAMINING BOARD	:	ADOPTING RULES
	:	Clearinghouse Rule 88-203

AN ORDER to repeal and recreate chs. VE 2-4, 6 and 7 and create chs. 1, 5, 8 and 9 relating to definitions, examinations, licensure, practice related to veterinary schools, consulting permits, standards of practice, unprofessional conduct, and certification for animal technicians.

Analysis prepared by the department of regulation and licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08(5)(b), 227.11(2), 453.03, Stats.

This order repeals and recreates administrative rules of the Veterinary Examining Board. In general, the purpose of the proposal is to reorganize the rules into chapters which logically reflect the subject matter, clarify the language of existing rules and modify the rules to meet requirements of 1987 Wisconsin Act 39.

Proposed Chapter VE 2 describes requirements for administration of the board's examination, describes the competencies tested and establishes a passing point for the examinations. Section VE 2.04 sets a procedure for examination review for applicants who fail. If a failed applicant believes an error was made on the examination, a procedure for claiming examination error is established in section VE 2.05 which includes a review by the board and a hearing, if requested by the applicant.

Proposed Chapter VE 3 describes qualifications for licensure, including a description of the examinations required by the board. Procedures for submitting an application are described in section VE 3.03. Application procedures and eligibility requirements for temporary permits are set out in section VE 3.05.

Chapter VE 4 covers the issuance of veterinary licenses by endorsement. The chapter includes eligibility requirements and procedural requirements for making application.

Proposed Chapter VE 5 describes requirements for faculty licenses and post graduate training permits. The chapter covers application procedures, expiration of licenses and reasons for denial or revocation. Section VE 5.04 permits veterinary students to practice under the direct supervision of faculty or a veterinarian in limited circumstances.

Proposed Chapter VE 6 provides for temporary consulting permits issued to veterinarians licensed in another jurisdiction. A temporary consulting permit allows practice in Wisconsin for 60 days in a calendar year. This chapter specifies eligibility and application procedures for obtaining a temporary consulting permit as well as the reasons for denial or revocation of a temporary consulting permit.

Standards of practice and rules defining unprofessional conduct are established in Chapter VE 7. The chapter includes definitions of the terms "advertising," "deception," "fraud," "gross negligence" and "surgery." Section VE 7.02 defines the scope of veterinary practice and specifies what acts may be delegated by a veterinarian to others. Record keeping requirements are established in s. VE 7.03. Section VE 7.05 requires veterinarians to display a current license.

Section VE 7.06 delineates unprofessional conduct and prohibits veterinarians from engaging in unprofessional conduct. Section VE 7.07 provides that the Veterinary Examining Board may discipline a veterinarian who engages in acts of unprofessional conduct.

The qualifications and application procedures for animal technicians are stated in proposed chapter VE 8. Standards of practice and rules defining unprofessional conduct are also established for animal technicians in Chapter VE 9. Section VE 9.01 prohibits animal technicians from engaging in certain practices which are limited to veterinarians. Section VE 9.02 describes the delegated veterinary acts which may be performed by an animal technician.

Section VE 9.05 describes unprofessional conduct by an animal technician. Section VE 9.06 authorizes the Veterinary Examining Board to discipline an animal technician who engages in acts of unprofessional conduct.

TEXT OF RULE

ORDER

Pursuant to authority vested in the Veterinary Examining Board in ss. 15.08, 227.11 and 453.03, Stats., the Veterinary Examining Board hereby repeals and recreates chs. VE 2-4, 6 and 7 and creates chs. 1, 5, 8 and 9 relating to definitions, examinations, licensing of veterinarians and veterinary school faculty, postgraduate training permits, consulting permits, standards of practice, unprofessional conduct, and animal technicians.

SECTION 1. Chapter VE 1 is created to read:

Ch. VE 1

AUTHORITY AND DEFINITIONS

VE 1.01 AUTHORITY. Rules in chs. VE 1 to 9 are adopted under authority of ss. 15.08 (5) (b), 227.11 (2) (a), and 453.03, Stats.

VE 1.02 DEFINITIONS. As used in chs. VE 1 to 9:

(1) "Approved veterinary college" means a veterinary college which is AVMA accredited or approved and which is approved by the board at its annual review of veterinary colleges.

(2) "Board" means the veterinary examining board.

" Note: The board office is located at 1400 East Washington Avenue, Madison, Wisconsin 53702, telephone (608) 266-2811.

(3) "Client" means the owner or other person responsible for caretaking of the animal which the veterinarian is treating.

(4) "Department" means the department of regulation and licensing.

Note: The department offices are located at 1400 East Washington Avenue, Madison, Wisconsin 53702, telephone (608) 266-2112.

(5) "Direct supervision" means immediate availability to continually coordinate, direct and inspect personally the practice of another.

(6) "License" means a document issued to a person by the board, after the person has met the requirements of ss. 453.06(1) and 453.072, Stats. signifying that the person has met the statutory requirements to practice veterinary medicine in this state.

(7) "Patient" means the animal being treated.

(8) "Prescription legend animal drugs" means those drugs which the United States federal drug administration restricts to use only by or on the order of a licensed veterinarian.

Note: Federal law requires the manufacturer of a drug so restricted to label the drug with the following "CAUTION: Federal law restricts this drug to use by or on the order of a licensed veterinarian." Federal law also prohibits placing this language on any drug which is not so restricted.

(9) "Recent photograph" means an unmounted photograph of the applicant taken within the year previous to the application, with full face size being at least one inch in size. The overall size of the photograph shall not exceed 2 1/2" x 2 1/2".

(10) "Surgery" means any procedure in which the skin or tissue of the patient is penetrated, pierced or severed for therapeutic purposes, other than giving injections.

(11) "Valid veterinarian patient or client relationship" means:

(a) The veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient or patients and the need for medical treatment, and the client has agreed to follow the instructions of the veterinarian; and

(b) There is sufficient knowledge of the patient or patients by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the patient or patients. This means that the veterinarian has recently seen and is acquainted personally with the keeping and care of the patient or patients by virtue of an examination of the patient; or by medically appropriate and timely visits to the premises where the patient or patients are kept; and

(c) The practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

(12) "Veterinary student" means a person enrolled in an approved veterinary college in a curriculum leading to a doctor of veterinary medicine degree.

SECTION 2. Chapters VE 2 - 4 are repealed and recreated to read:

Ch. VE 2

EXAMINATIONS

VE 2.01 ADMINISTRATION. (1) The board or its designee shall administer at least one examination each year to applicants for licensure as a veterinarian or certification as an animal technician.

(2) To be qualified to sit for examination, an applicant must have either graduated from or be a last year student at a school of veterinary medicine approved by the board or a foreign school of veterinary medicine listed by the American veterinary medical association.

(3) The department shall mail an admission card to the applicant at the address on file with the board. The applicant shall present the card at the door of the examination room with the identification specified on the admission card.

(4) The board or its designee shall provide rules of conduct at the beginning of the examination. Time limits may be placed on each portion of the examination.

(5) The board may deny release of grades or issuance of a license or certificate if the board determines that the applicant violated rules of conduct or otherwise acted dishonestly.

VE 2.02 COMPETENCY TESTED. (1) Examinations administered under this chapter test entry level competency and seek to determine that an applicant's knowledge of animals and their treatment is sufficient to protect public health and safety.

(2) The board shall furnish to individuals, upon request, general information describing the competencies upon which the examination is based.

VE 2.03 PASSING SCORES. (1) Passing scores for veterinary applicants for the national board examination, the clinical competency test, and the state board examination shall be no less than 70 for each examination.

(2) The passing score for animal technician applicants on the national written examination and the state board examination shall average no less than 70.

(3) The passing score for an examination on state laws and rules related to the practice of veterinary medicine or animal technology shall be no less than 90.

VE 2.04 EXAMINATION REVIEW. (1) An applicant who fails the state board examination may request a review of that examination by filing a written request with the board within 30 days of the date on which examination results were mailed.

(2) Examination reviews are by appointment only.

(3) The time for review shall be limited to 4 hours.

(4) The applicant may not be accompanied during the review by any person other than the proctor.

(5) The applicant shall be provided with a copy of the questions, a copy of the applicant's answer sheet and a copy of the master answer sheet.

(6) The applicant may review the examination in the presence of a proctor. The applicant shall be provided with a form on which to write comments, questions or claims of error regarding any items in the examination. Bound reference books shall be permitted. Applicants shall not

remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination nor attempt to refute claims of error during the review.

(7) An applicant may not review the examination more than once.

VE 2.05 CLAIM OF EXAMINATION ERROR. (1) An applicant wishing to claim examination error shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include:

- (a) The applicant's name and address;
- (b) The type of license for which the applicant applied;
- (c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specific questions or procedures claimed to be in error; and
- (d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim, make a determination of the validity of the objections and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the decision does not result in the applicant passing the examination, a notice of denial of license shall be issued. If the board issues a notice of denial following its review, the applicant may request a hearing under s. RL 1.05.

Ch. VE 3

LICENSURE BY EXAMINATION FOR VETERINARIANS

VE 3.01 DEFINITIONS. As used in this chapter:

(1) "Preceptor" means a veterinarian who agrees to supervise a holder of a temporary permit.

(2) "Temporary permit" means a document issued to a person who has qualified to take the state board examination, is enrolled to take the next examination and who shall be employed to practice veterinary medicine under the supervision of a preceptor.

VE 3.02 QUALIFICATIONS FOR LICENSURE. The board may issue a license to practice veterinary medicine to an applicant who:

(1) Has met the requirements of s. 453.06 (1), Stats.;

(2) Has passed the national board examination and clinical competency test as evidenced by documents submitted directly to the board by the department's office of examinations or by the interstate reporting service.

(3) Has passed a state board examination conducted by the board under ch. VE 2 as evidenced by documents submitted directly to the board by the department's office of examinations;

(4) Has successfully completed an examination on state laws and rules related to the practice of veterinary medicine; and

(5) 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.

VE 3.03 APPLICATION PROCEDURES FOR VETERINARY APPLICANTS TO TAKE THE STATE BOARD EXAMINATION. An applicant shall file a completed application with the board at least 30 days prior to the date of the scheduled examination. All supporting documents shall be provided in English. An application is not complete until the board receives:

(1) An application form provided by the board and completed by the applicant which includes the applicant's notarized signature;

(2) A recent photograph, as defined in s. VE 1.02 (9);

(3) The fee specified in s. RL 4.04 (3);

(4) 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; and

(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 the educational commission for foreign veterinary graduates certification program which shall be submitted directly to the board by the American veterinary medical association.

VE 3.04 LICENSURE. The board may review any relevant information to determine the eligibility of an applicant. Within 30 business days of determining an applicant is eligible for licensure, the board shall grant a license to the applicant.

VE 3.05 TEMPORARY PERMITS. (1) A person who qualifies for examination and is enrolled to take the next state board examination may be granted a temporary permit to practice veterinary medicine, if the applicant is employed by and practices under the supervision of a preceptor. Application procedures required by s. VE 3.03 (1) to (5) shall be completed before a temporary permit may be issued. In addition, the following provisions apply;

(a) An applicant may be granted a temporary permit before the board receives notice of successful completion of the national board examination and clinical competency test, if the applicant provides evidence that the applicant is either scheduled to take the national board examination and the clinical competency test for the first time, or is awaiting results of the national board examination and clinical competency test.

(b) An applicant shall complete an application for temporary permit and submit the fee specified in s. 440.05 (6), Stats.;

(c) The board shall receive written verification of employment signed and sent directly to the board by the preceptor; and

(d) The application and verification required by (b) and (c) above shall be received by the board office at least 2 weeks prior to the date the applicant intends to begin work.

(2) In order to provide supervision for a holder of a temporary permit, a preceptor shall:

“ (a) Delegate only those tasks commensurate with demonstrated abilities of the temporary permit holder; and

(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, by telephone or by 2-way radio communication.

(3) A temporary permit shall expire upon:

(a) Notification of failure of any examination;

(b) Failure to take the next scheduled examination; or

(c) Issuance of a license.

(4) An applicant may be granted a temporary permit only once.

(5) Any change or addition of preceptor shall be reported to the board by filing a new verification as specified in sub. (1) (c).

(6) Two board members shall review board records to determine eligibility of an applicant. If the designated members disagree, eligibility shall be determined by the entire board. Within 30 business days of determining an applicant is eligible for a temporary permit, the board shall issue a permit to the applicant. Notification of issuance shall also be sent to the preceptor.

Ch. VE 4

LICENSURE BY ENDORSEMENT FOR VETERINARIANS

VE 4.01 QUALIFICATION FOR VETERINARY LICENSE BY ENDORSEMENT. (1) Any applicant who has previously failed and has not subsequently passed a veterinary licensing examination in this state shall not be issued a license by endorsement.

(2) A person holding a current license to practice veterinary medicine in another state or U.S. territory or province of Canada may become licensed in Wisconsin without examination, except an examination on state laws and rules related to the practice of veterinary medicine, if the applicant:

(a) Has actively practiced for 4000 hours during the 5 years preceding application;

(b) Has never been disciplined by the veterinary licensing authority in any other state, territory, or country;

(c) 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.

(d) Is not a party in pending litigation in which it is alleged that the applicant is liable for acts committed in the course of practice which evidence a lack of ability or fitness to practice, as determined by the board.

(e) Is not currently under investigation by another veterinary licensing authority related to the license to practice veterinary medicine for acts which would provide a basis for disciplinary action in this state, as determined by the board.

(f) Has never been found liable for damages for acts committed in the course of practice of veterinary medicine which evidenced a lack of ability or fitness to practice, as determined by the board;

(g) Has never had United States Drug Enforcement Administration privileges restricted or revoked; and

(h) Has no physical or mental impairment, including impairment related to drugs or alcohol, which is reasonably related to the applicant's ability to adequately undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public.

(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 a school of veterinary medicine approved by the board, in addition to the requirements of sub. (2) of this section, shall submit the following:

(a) Evidence that the applicant has graduated from a school of veterinary medicine which is listed by the AVMA so as to qualify the applicant for entrance into the educational commission for foreign veterinary graduates certification program of the American veterinary medical association; and

(b) Evidence satisfactory to the board that the requirements for initial licensure in the country where the applicant was originally licensed, including examination requirements, are substantially equivalent to the requirements for licensure in this state of applicants who have graduated from a school of veterinary medicine approved by the board; and a certificate of evaluation of the applicant's educational credentials prepared by an evaluation service provider satisfactory to the board certifying that the applicant's educational credentials are substantially equivalent to those of a graduate of a school of veterinary medicine approved by the board, or

(c) Evidence that applicant has successfully completed the national board examination and the clinical competency test, and a certificate of evaluation of the applicant's educational credentials prepared by an evaluation service provider satisfactory to the board certifying that the applicant's educational credentials are substantially equivalent to those of a graduate of a school of veterinary medicine approved by the board; or,

(d) Evidence that applicant has successfully completed the certification program of the educational commission for foreign veterinary graduates of the American veterinary medical association.

(4) A person holding a current unrestricted license to practice veterinary medicine in a country other than the United States or Canada, who is a graduate of a school of veterinary medicine approved by the board, in addition to the requirements of sub. (2) of this section, shall submit the following:

(a) Evidence satisfactory to the board that the requirements for initial licensure in the country where the applicant was originally licensed, including examination requirements, are substantially equivalent to the requirements for graduates of schools of veterinary medicine approved by the board who are seeking initial licensure in this state; or

(b) Evidence that the applicant has successfully completed the national board examination and the clinical competency test.

(5) The board may require an applicant to appear before the board to determine qualifications under this section.

VE 4.02 APPLICATION PROCEDURE. An applicant for licensure by endorsement shall file a completed application with the board. All supporting documents shall be submitted in English. An application is not complete until the board receives:

(1) An application form provided by the board and completed by the applicant which includes the applicant's notarized signature;

(2) A recent photograph, as defined in s. VE 1.02 (9);

(3) The fee specified in s. 440.05 (2), Stats.; and

(4) 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.

(5) A certificate of graduation from veterinary college which shall be signed and sealed by the dean of the school and submitted directly to the board by the school.

VE 4.03 EXAMINATION ON STATE LAWS. An applicant for licensure by endorsement shall successfully complete an examination on state laws and rules related to the practice of veterinary medicine before a license can be issued.

VE 4.04 LICENSURE. The board shall review its records to determine eligibility of the applicant for licensure. Within 30 business days of determining an applicant is eligible for licensure, the board shall issue a license to the applicant.

SECTION 3. Chapter VE 5 is created to read:

Ch. VE 5

PRACTICE RELATED TO VETERINARY SCHOOLS

VE 5.01 DEFINITIONS. As used in this chapter:

(1) "Faculty license" means a document issued to a person by the board after the person has met the requirements of s. 453.06 (2m)(a), Stats. signifying that the person may practice veterinary medicine on privately owned animals only within the scope of the person's employment at a school of veterinary medicine in this state.

(2) "Post graduate training permit" means a document issued to a person by the board which allows the permit holder to practice veterinary medicine on privately owned animals only within the scope of the permittee's internship or residency program at a school of veterinary medicine in this state.

VE 5.02 APPLICATION PROCEDURE FACULTY LICENSE. (1) An applicant for a faculty license shall file a completed application with the board. All supporting documents shall be submitted in English. An application is not complete until the board receives:

- (a) An application form provided by the board and completed by the applicant, which includes the applicant's notarized signature;
 - (b) A recent photograph, as defined in s. VE 1.02 (9);
 - (c) The fee specified in s. 440.05 (6), Stats.;
 - (d) Verification of employment by a school of veterinary medicine in this state which has been submitted directly to the board by the dean of the school;
 - (e) A certificate of graduation from an approved veterinary college signed and sealed by the dean of the school submitted directly to the board by the school, or evidence of substantially equivalent qualifications; and
 - (f) Successful completion of an examination on state laws and rules related to the practice of veterinary medicine.
- (2) Disciplinary action. A faculty license may be denied, suspended, limited or revoked, or the licensee may be reprimanded, for the following reasons;
- (a) Violation of any law or regulation substantially related to the practice of veterinary medicine; or
 - (b) Engaging in the practice of veterinary medicine in this state outside the scope of employment unless licensed to do so.
- (3) Expiration. The faculty license expires upon termination of the faculty employee's employment with the school of veterinary medicine, as reported by the dean of the school of veterinary medicine.

VE 5.03 POST GRADUATE TRAINING PERMIT. (1) An applicant for a post graduate training permit under s. 453.06 (2m)(b), Stats., shall file a completed application with the board. All supporting documents shall be provided in English. An application shall not be considered complete until the board receives:

- (a) An application form provided by the board and completed by the applicant, including the applicant's notarized signature;
- (b) A recent photograph, as defined in s. VE 1.02 (9),
- (c) The fee specified in s. 440.05 (6), Stats.;
- (d) Evidence that the applicant has successfully completed the national board examination and the clinical competency test or is scheduled to take the national board examination and clinical competency test for the first time, or is awaiting results of the national board examination and clinical competency test; and

(e) Verification that the applicant is undertaking intern or resident training at a school of veterinary medicine in this state. Verification shall consist of certification signed and sealed by the dean of the school and submitted directly to the board by the school.

(2) An applicant for a post graduate training permit shall successfully complete an examination on state laws and rules related to the practice of veterinary medicine before a permit may be issued.

(3) A post graduate training permit may be denied, suspended, limited or revoked, or the licensee may be reprimanded, for the following reasons;

(a) Violation of any law or regulation substantially related to the practice of veterinary medicine; or

(b) Engaging in the practice of veterinary medicine in the State of Wisconsin outside the scope of the training program unless licensed to do so.

(4) The post graduate training permit expires upon termination of the permittee's internship or residency program, as reported by the dean of the school of veterinary medicine.

VE 5.04 VETERINARY STUDENTS. (1) A veterinary student may practice veterinary medicine while under the direct supervision of appropriate licensed veterinary school faculty.

(2) A veterinary student may practice veterinary medicine while under the direct supervision of a veterinarian provided that the veterinarian advises the client that the person assisting the veterinarian is a veterinary student.

SECTION 4. Chapters VE 6 and 7 are repealed and recreated to read:

Ch. VE 6

TEMPORARY CONSULTING PERMITS

VE 6.01 DEFINITIONS. As used in this chapter:

(1) "Attending veterinarian" means the veterinarian who has undertaken and is responsible for the medical care and treatment of the animal.

(2) "Temporary consulting permit" means a document issued by the board to a person licensed to practice veterinary medicine in another jurisdiction which allows the person to practice veterinary medicine in a consulting capacity in Wisconsin for up to 60 days in a calendar year.

VE 6.02 ELIGIBILITY FOR A TEMPORARY CONSULTING PERMIT. (1) The board may issue a temporary consulting permit to practice veterinary medicine in this state to a person holding a license to practice veterinary medicine in another state or territory of the U.S. or in another country, provided the license is in good standing in the other jurisdiction, and a veterinarian has requested a consultation.

(2) A temporary consulting permit may be used up to sixty total days per calendar year.

(3) The temporary consulting permit shall expire on December 31 of each year or on the 60th day of use in a calendar year. The holder of a consulting permit may apply for a new permit for a subsequent year by completing the application procedure specified in s. VE 6.03.

(4) Two board members shall review board records to determine eligibility of the applicant. If the designated members disagree, eligibility shall be determined by the entire board.

VE 6.03 APPLICATION PROCEDURE. (1) An applicant for a temporary consulting permit shall file a completed application with the board. All supporting documents shall be provided in English. An application is not complete until the board receives:

- (a) An application form provided by the board and completed by the applicant which includes the applicant's notarized signature;
- (b) A recent photograph, as defined in s. VE 1.02 (9);
- (c) The fee specified in s. 440.05 (6), Stats.;
- (d) 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; and
- (e) Written verification from a veterinarian that a consultation is being sought.

VE 6.04 DISCIPLINARY ACTION. A temporary consulting permit may be denied, suspended, limited or revoked, or the permittee may be reprimanded, for any of the following reasons;

(1) Revisiting the patient or client or communicating directly with the client without the knowledge of the attending veterinarian;

(2) Taking charge of a case or problem without the consent of the attending veterinarian and the client;

(3) Violating any law or regulation related to the practice of veterinary medicine; or

(4) Upon the written request of the attending veterinarian.

Ch. VE 7

STANDARDS OF PRACTICE AND UNPROFESSIONAL CONDUCT FOR VETERINARIANS

VE 7.01 DEFINITIONS. As used in this chapter:

(1) "Advertising" means to give notice by any means, including but not limited to any circular, card, notice, telephone book listing, magazine, newspaper or other printed material or any communication by radio or television.

(2) "Deception" means:

(a) Claiming to have performed an act or given a treatment which has not in fact been performed or given.

(b) Giving needless treatment.

(c) Using a different treatment than stated.

(3) "Fraud" means:

(a) The making of false claims regarding knowledge, ability, skills or facilities for use in treatment or diagnosis of a disease.

(b) The making of false claims regarding testing, inspecting, reporting or issuing of inter-state, intra-state or export health certificates.

(4) "Gross Negligence" means a gross, serious or grave degree of negligence as compared to less serious or more ordinary acts of negligence.

VE 7.02 SCOPE OF PRACTICE FOR VETERINARIANS. (1) The following acts are limited to veterinarians and may not be delegated to or performed by animal technicians or other persons not holding a license, permit or student status under ch. 453, Stats.:

(a) Diagnosis and prognosis of animal diseases and conditions.

(b) Prescribing of drugs, medicines, treatments and appliances.

(c) Performing surgery.

(2) Except as provided in sub. (1) veterinarians may delegate acts within the practice of veterinary medicine as defined by s. 453.02 (6), Stats. if the veterinarian provides direct supervision.

(3) In the direction and supervision of delegated veterinary acts a veterinarian shall:

(a) Delegate tasks commensurate with educational preparation and demonstrated abilities of the person supervised;

(b) Provide direction and assistance to those supervised;

(c) Observe and monitor the activities of those supervised; and

(d) Evaluate the effectiveness of acts performed under supervision.

(e) Notify the client that some services may be provided by an animal technician or other non-licensed person.

(4) Notwithstanding sub. (2) above, a veterinarian may delegate administration of local or general anesthesia only when the veterinarian is physically present in the immediate area to provide emergency treatment if the need arises.

VE 7.03 RECORDS. (1) A veterinarian shall maintain medical records on every patient administered to by the veterinarian other than food and fiber patients for a period of not less than three years after the date of the last entry. The veterinarian shall keep individual client records for food and fiber patients for three years after the date of the last entry.

(2) The medical record shall contain clinical information pertaining to patients other than food and fiber patients with sufficient information to justify the diagnosis and warrant treatment, including information regarding each of the following matters which apply:

- (a) Patient identification;
- (b) Complaint;
- (c) Present illness;
- (d) Vaccination record;
- (e) History;
- (f) Physical examination findings;
- (g) Provisional diagnosis;
- (h) Clinical laboratory reports;
- (i) Radiographic reports;
- (j) Consultation (if any);
- (k) Treatment -- medical, surgical;
- (l) Drugs prescribed or dispensed;
- (m) Tissue examination report;
- (n) Final diagnosis;
- (o) Necropsy findings;
- (p) Identification of the veterinarian providing the care.

(3) The client record for food and fiber patients shall contain at least the following information which apply:

- (a) Client name;
- (b) Date;
- (c) Type of call;
- (d) Number of patients examined;
- (e) Individual diagnosis;
- (f) Treatment and drugs used;
- (g) Drugs dispensed;
- (h) Lab work and tests;
- (i) Meat or milk withholdings; and
- (j) Identification of the veterinarian.

VE 7.04 CHANGE OF NAME AND ADDRESS. Every veterinarian shall notify the board of a change of name or address within 30 days. Failure of notification may result in the loss of license and may result in a forfeiture under s. 440.11 (3), Stats.

VE 7.05 DISPLAY OF LICENSE. Each veterinarian shall display a current license in a manner conspicuous to the public view, and shall at all times have evidence of licensure available for inspection when practicing at a remote location.

VE 7.06 UNPROFESSIONAL CONDUCT. Unprofessional conduct by a veterinarian is prohibited. Unprofessional conduct includes:

- (1) Conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles or skills.
- (2) Fraud, gross negligence or deception in the practice of veterinary medicine.
- (3) Being convicted of a crime the circumstances of which substantially relate to the practice of veterinary medicine.
- (4) Violating or aiding and abetting the violation of any law or administrative rule or regulation substantially related to the practice of veterinary medicine.
- (5) Advertising in a manner which is false, fraudulent, misleading or deceptive, or knowingly maintaining a professional association with another veterinarian or veterinary firm that advertises in a manner which is false, fraudulent, misleading or deceptive.
- (6) Having a veterinary license limited, suspended or revoked, or subject to any other disciplinary action in another state or U.S. jurisdiction.
- (7) Practicing or attempting to practice, while the veterinarian has a physical or mental impairment, including impairment related to drugs or alcohol which is reasonably related to the applicant's ability to adequately undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public.
- (8) The personal use, misuse, or sale, other than for medical treatment of patients, of the drugs listed in the U.S. Controlled Substances Act of 1979, as amended, or ch. 161, Stats., 1977, except personal use of drugs prescribed by a physician for individual use by the veterinarian.
- (9) Prescribing, ordering, dispensing, administering, supplying, selling or giving of any amphetamine, its salts, isomers and salts of its isomers or related sympathomimetic amine drug designated as a Schedule II drug in Ch. 161, Stats., except for the treatment of narcolepsy or hyperkinesia in animals who do not respond to other methods of treatment, or for clinical research of these compounds as approved by the board. A written description of the intended research project proposed shall be filed with the board prior to conducting the research.

(10) Selling prescription legend animal drugs without establishing and maintaining a valid veterinarian, patient, or client relationship.

(11) Failure to include on the label of a prescription drug the generic or brand name of the drug dispensed, the name and address of the clinic or veterinarian dispensing the drug, the directions for use and caution statements required by law. In case of companion animals, the prescription shall bear the name or identification of the patient.

(12) Prescribing, ordering, dispensing, administering, supplying, selling or giving any controlled substance solely for training or racing purposes and not for a medically sound reason.

(13) Allowing a veterinary student to treat a patient without the veterinarian giving direct supervision.

(14) Failure of the veterinarian to advise the client that the person assisting is a veterinary student.

(15) Failure to maintain records as required by s. VE 7.03.

(16) Refusal, upon request, to cooperate in a timely manner with the board's investigation of complaints lodged against the veterinarian. Persons taking longer than 30 days to provide requested information shall have the burden of demonstrating that they have acted in a "timely manner".

(17) Failure to keep the veterinary facility and all equipment, including mobile units, in a clean and sanitary condition while practicing as a veterinarian.

(18) Failure of a veterinarian to permit the board or its agents to enter and inspect the veterinarian's practice facilities, vehicle, equipment and records during office hours and other reasonable hours.

(19) Engaging in unsolicited communications to members of the board regarding a matter under investigation by the board other than to the investigative member of the board.

(20) Practicing under an expired license.

VE 7.07 BOARD ACTION. The board may reprimand the licensee or deny, suspend, limit or revoke the veterinary license of any person to practice veterinary medicine who engages in any of the acts prohibited by s. VE 7.06.

SECTION 5. Chapters VE 8 and 9 are created to read:

Ch. VE 8

CERTIFICATION FOR ANIMAL TECHNICIANS

VE 8.01 DEFINITIONS. As used in this chapter:

(1) "Board approved technical school or college" means a technical school or college which the board approves at its annual review of technical schools or colleges.

Note: The board shall consider for approval all schools which are accredited or approved by the American veterinary medical association.

(2) "Certificate" means a document issued to a person by the board, after the person has met the requirements of s. 453.06 (3), Stats. signifying that the person has met the statutory requirements to practice animal technology in Wisconsin.

VE 8.02 QUALIFICATION FOR CERTIFICATION. The board may issue a certificate to practice as an animal technician to an applicant who:

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

(2) Has passed an examination consisting of a national written examination and a state board examination under ch. VE 2. Proof that an applicant has passed the national written examination and the state board examination shall be submitted directly to the board by the department's office of examinations or the interstate reporting service.

(3) Has successfully completed an examination on state laws and rules related to the practice of animal technology; and

(4) Does not have a conviction record or pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of animal technology. An applicant who has a conviction record or pending criminal charge shall request appropriate authorities to provide information directly to the board to enable the board to make its determination.

VE 8.03 APPLICATION PROCEDURES FOR ANIMAL TECHNICIAN APPLICANTS. (1) An applicant for an animal technician certificate shall file a completed application with the board at least 30 days prior to the date of the scheduled examination. All supporting documents shall be in English. An application is not complete until the board receives:

(a) An application form provided by the board and completed by the applicant which includes the applicant's notarized signature;

(b) A recent photograph, as defined in s. VE 1.02 (9);

(c) The fee specified in s. RL 4.04 (3);

(d) 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 animal technology; and

(e) A certificate of completion of the 4 semester program in animal technology at a board approved technical school or college shall be provided by presentation of certification signed and sealed by the dean of the school submitted directly to the board by the school, or the applicant shall provide evidence of meeting the employment requirement under s. 453.06 (3)(b), Stats.

VE 8.04 CERTIFICATION. The board shall review its records to determine eligibility of the applicant. Within 30 business days of determining an applicant is eligible for certification, the board shall issue a certificate to the applicant.

Ch. VE 9

STANDARDS OF PRACTICE AND UNPROFESSIONAL CONDUCT FOR ANIMAL TECHNICIANS

VE 9.01 PROHIBITED ACTS. The following acts are limited to veterinarians and therefore prohibited for animal technicians:

- (1) Diagnosis and prognosis of animal diseases and conditions.
- (2) Prescribing of drugs, medicines, treatments and appliances.
- (3) Performing surgery.

VE 9.02 STANDARDS OF PRACTICE. (1) Animal technicians may perform delegated veterinary acts, including treatment, medication, injection, surgical preparation, laboratory procedures and x-ray procedures, providing the acts are performed under the direct supervision of a veterinarian.

(2) In the performance of delegated veterinary acts an animal technician shall:

- (a) Accept only those delegated veterinary acts for which there are mutually approved protocols, written standing orders or verbal directions;
- (b) Accept only those delegated veterinary acts for which the animal technician is competent to perform based on education, training or experience;
- (c) Consult with a veterinarian in cases where the animal technician knows or should know a delegated veterinary act may harm a patient; and
- (d) Administer local or general anesthesia only when a veterinarian is physically present in the immediate area to provide emergency care if the need arises.

VE 9.03 CHANGE OF NAME AND ADDRESS. Every animal technician shall notify the board of a change of name or address within 30 days. Failure of notification may result in the loss of certificate and may result in a fine under s. 440.11 (3), Stats.

VE 9.04 DISPLAY OF CERTIFICATE. Each animal technician shall display a current certificate in a manner conspicuous to the public view.

VE 9.05 UNPROFESSIONAL CONDUCT. The following acts constitute unprofessional conduct by an animal technician and are prohibited:

- (1) Performing as an animal technician unless under the direct supervision of a veterinarian.
- (2) Misrepresentation in obtaining an animal technician certificate or in performing as an animal technician.
- (3) Conduct in the practice of animal technology which evidences a lack of knowledge or ability to apply professional principles or skills.
- (4) Gross negligence while performing as an animal technician. Gross negligence shall have the meaning specified in s. VE 7.01 (4).
- (5) The personal use, misuse or sale other than for medical treatment of patients, of drugs listed in the U.S. controlled substances act of 1970, as amended, or ch. 161, Stats. 1977, other than drugs prescribed by a physician for use by the animal technician.
- (6) Practicing or attempting to practice while the animal technician has a physical or mental impairment, including impairment related to drugs or alcohol, which is reasonably related to the applicant's ability to adequately undertake the practice of animal technology in a manner consistent with the safety of a patient or the public.
- (7) Being convicted of a crime the circumstances of which substantially relate to the practice of animal technology.
- (8) Violating or aiding and abetting the violation of any law or administrative rule substantially related to the practice of animal technology.
- (9) Having an animal technician certificate limited, suspended or revoked or subject to any other disciplinary action in another state or U.S. jurisdiction.
- (10) Accepting fees for animal health care services from a client.
- (11) Practicing under an expired certificate.

VE 9.06 BOARD ACTION. The board may reprimand the certificate holder or deny, suspend, limit or revoke the certificate of any person to practice animal technology who engages in any of the acts prohibited by this chapter.

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, under s. 227.22(2)(intro), Stats.

Dated: _____

8-8-89

Agency: _____

Deborah L. Schroeder D.V.M.
Deborah Schroeder, D.V.M.
Chair, Veterinary Examining Board

WLD:WRA:eaj
RULES 191



CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: August 14, 1989 **FILE REF:**

TO: Gary Poulson,
Assistant Revisor of Statutes

FROM: Pamela Haack
Department of Regulation and Licensing

SUBJECT: Final Rulemaking Order

Agency: VETERINARY EXAMINING BOARD
Clearinghouse Rule: 88-203

Attached is a copy and a certified copy of a final order adopting rules.

Would you please publish these rules in the code. Thanks, Gary.

