

Wisconsin Veterinary Examining Board

Regulatory Flexibility Analysis

Rule Subject: Standards of Practice and Unprofessional Conduct
for Veterinarians – Veterinary Complementary,
Alternative, and Integrative Therapies
Adm. Code Reference: VE 7
Rules Clearinghouse #: Not assigned
DATCP Docket #: 16-VER-7

Rule Summary

The Wisconsin Veterinary Examining Board (VEB) proposes a rule revision in ch. VEB 7, Wis. Adm. Code, to clarify the circumstances under which a veterinarian may make a referral of a veterinary client to another licensed professional, or supervise a certified veterinary technician, for the provision of complementary, alternative, or integrative therapies, as defined in s. VEB 1.02 (3m), Wis. Adm. Code, on the client's animal.

There is a current definition, in s. VE 1.02 (3m), Wis. Adm. Code, of veterinary complementary, alternative, and integrative therapies ("CAITs"). However, that definition does not specify how these CAITs are to be treated within the practice of veterinary medicine. There have been numerous requests made to the VEB from veterinarians, certified veterinary technicians, and members of other licensed professions to clarify the referral relationship that a veterinarian may have with these other professionals, and the delegation to certified veterinary technicians, for the provision of CAITs upon a veterinarian's animal patients.

The VEB proposes to create a rule, s. VE 7.025, that specifies that a veterinarian may make such a referral, so long as the veterinarian confirms the other professional is licensed in good standing with the Wisconsin Department of Safety and Professional Services, to perform the type of CAIT for which the referral is made, and the other professional gives evidence to the veterinarian of his or her education, training, and experience in performing the CAIT on an animal. The proposed rule includes a provision that the veterinarian-client-patient relationship ("VCPR"), as defined in s. 89.02(8), Stats., does not extend to the CAIT provided by the other professional, so long as the veterinarian demonstrates meeting the requirements in making the referral.

In addition, the VEB proposes to create an additional provision, within s. VE 7.02 delegation of veterinary medical acts, for the veterinarian to delegate to a certified veterinary technician, who is not a licensed professional in one of these disciplines, but who has the education, training, experience, and demonstrated abilities, the performance of a CAIT on the animal patient under the supervision of the veterinarian and within the VCPR.

Small Businesses Affected

This rule change is anticipated to have an effect on small business, as many veterinary practices that will be subject to this definition change, are small businesses. However, it is not expected to have any adverse economic impact on these veterinary small businesses.

Instead, the proposed rule is anticipated to have a positive impact for veterinarians, certified veterinary technicians, and other Wisconsin-licensed professionals, as it clarifies the steps a veterinarian shall use to make a referral to another professional for CAITs and the delegation for these CAITs to certified veterinary technicians under the veterinarian's supervision. The VEB has received many requests for just this type of guidance from veterinarians, other professions practicing these therapies, and certified veterinary technicians in Wisconsin.

There were some comments, in the initial posting for economic impact, from some persons who practice equine massage therapy, but are not licensed as massage therapists in Wisconsin. Some expressed concern that veterinarians would no longer be able to refer clients to an unlicensed massage therapist practicing equine massage therapy. However, the rule clarifies that the referral by a veterinarian is only to a licensed professional, as CAITs are already currently within the statutory definition of the practice of veterinary medicine, and only a referral to another licensed professional or delegating with the established VCPR comports with the statutory language. However, this rule does make clear that it does not interfere with the relationship between any animal owner and a person the owner chooses to perform a CAIT on the owner's animal. In addition, the rule also clarifies that this is a referral and the other licensed professional does not work under the supervision of the referring veterinarian. Only where a certified veterinary technician is delegated by the veterinarian to perform a CAIT, will the performance of the CAIT be under the direct supervision of the veterinarian and within the VCPR.

Reporting, Bookkeeping and other Procedures

The rule would not require any additional reporting, bookkeeping, or other procedures.

Professional Skills Required

The proposed rule does not require any new professional skills.

Accommodation for Small Business

While this rule change is anticipated to have an effect on small business, as many veterinary practices are small business, it is anticipated that the effect of certainty for veterinarians in making referrals to other licensed professionals will be positive for both persons. While some unlicensed massage therapists, performing equine massage therapy, requested an exemption to allow veterinary referrals, given that the current statutory definition of the practice of veterinary medicine includes CAITs for animals, this rule, as written, comports with current statutory language and the accommodation request cannot be made under current statutory language.

Conclusion

The expectation by those advocating for the rule change, including veterinarians, certified veterinary technicians, and other licensed professionals in Wisconsin, is that it will result in greater use of complementary, alternative, and integrative therapies as additional tools for the benefit of animals and their owners.

This rule is not expected to have a substantial adverse economic effect on “small business” so it is not subject to the delayed “small business” effective date provided in s. 227.22(2) (e), Stats.

Dated this _____ day of _____, 2017.

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

By _____
Cheryl Furstace Daniels
Board Counsel