

# STATEMENT OF SCOPE

## Veterinary Examining Board

**Rule No.:** Ch. VE 1, Wis. Admin. Code (Existing)

**Relating to:** Veterinarians

**Rule Type:** Permanent

### 1. Finding/nature of emergency (Emergency Rule only):

Not applicable.

### 2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to evaluate veterinary licensing processes for clarity, consistency, and to ensure there are processes for all applicant types.

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

#### *Existing Policies Relevant to the Rule:*

Under s. 89.06 (1), Stats., except as provided under ss. 89.072 and 89.073, veterinary licenses shall be issued only to persons who successfully pass an examination conducted by the examining board and pay the fee established under s. 89.063. An applicant for an initial license shall be a graduate of a veterinary college that has been approved by the examining board or have successfully completed either the educational commission for foreign veterinary graduates certification program of the American Veterinary Medical Association or the program for the assessment of veterinary education equivalence offered by the American Association of Veterinary State Boards.

Under s. 89.072 (1), Stats., upon application and payment of the fee established under s. 89.063, the examining board may issue a license to practice veterinary medicine to any person licensed to practice veterinary medicine in another state or territory of the United States or in another country if the applicant is not currently under investigation and has never been disciplined by the licensing authority in the other state, territory or country, has not been found guilty of a crime the circumstances of which are substantially related to the practice of veterinary medicine, is not currently a party in pending litigation in which it is alleged that the applicant is liable for damages for acts committed in the course of practice and has never been found liable for damages for acts committed in the course of practice which evidenced a lack of ability or fitness to practice.

Veterinary licensing processes are contained in ch. VE 1. Under s. VE 1.14 (6), applicants who have never been previously licensed in any jurisdiction must apply by examination, and applicants who have previously been licensed in Wisconsin or any other jurisdiction must apply by endorsement. Under s. VE 1.28, applicants who have previously been licensed in Wisconsin and allowed the license to expire may apply for renewal of the license.

There are unintentional gaps and inconsistencies in licensing processes. For example, the current rules do not have a clear process for applicants who have been disciplined by a licensing authority in the past. Under s. 89.072, the applicant cannot be licensed by endorsement, but under s. VE 1.14 (6) the applicant cannot be licensed by examination. As another example, VE 1.14 (6) requires applicants who have

previously been licensed in Wisconsin to apply by endorsement, but VE 1.28 allows these applicants to apply for renewal.

*New Policies Proposed to be Included in the Rule and Analysis of Policy Alternatives:*

The VEB proposes evaluating veterinary licensing processes for clarity, consistency, and to ensure there are processes for all applicant types. Without the proposed rule, there would continue to be unintentional gaps in veterinary licensing processes.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

Section 89.03, Stats., authorizes the VEB to promulgate rules as follows:

**89.03 Rules.**

- (1) The examining board shall promulgate rules, within the limits of the definitions under s. 89.02 (6), establishing the scope of practice permitted for veterinarians and veterinary technicians and shall review the rules at least once every 5 years to determine whether they are consistent with current practice. The examining board may promulgate rules relating to licensure qualifications, denial of a license, certification, or temporary permit, unprofessional conduct, and disciplinary proceedings.
- (2) The examining board shall promulgate rules requiring training and continuing education sufficient to assure competency of veterinarians and veterinary technicians in the practice of veterinary medicine, except that the board may not require training or continuing education concerning the use, handling, distribution, and disposal of pesticides other than for disciplinary purposes.
- (3) The examining board shall promulgate rules specifying a procedure for addressing allegations that a person licensed or certified by the veterinary examining board under this chapter has practiced as a veterinarian or veterinary technician while impaired by alcohol or other drugs or that his or her ability to practice is impaired by alcohol or other drugs, and for assisting a person licensed by the veterinary examining board under this chapter who requests to participate in the procedure or who requests assistance in obtaining mental health services. In promulgating rules under this subsection, the examining board shall seek to facilitate early identification of chemically dependent veterinarians or veterinary technicians and encourage their rehabilitation. The rules promulgated under this subsection may be used in conjunction with the formal disciplinary process under this chapter. The examining board may contract with another entity to administer the procedure specified under the rules promulgated under this subsection.

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

DATCP estimates that it will use approximately 200 staff hours to develop this rule. This estimate includes time required for the investigation and analysis, rule drafting, preparing related documents, holding public hearings, and communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

**6. List with description of all entities that may be affected by the proposed rule:**

Entities impacted by this rule include veterinarians, veterinary clinics, and consumers of veterinary services.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :**

The proposed rule is specific to Wisconsin statutes. There is not a federal licensing process for veterinarians.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule would evaluate VEB licensing processes for clarity, consistency, and to ensure there are processes for all applicant types. Most affected entities are small businesses, pursuant to the definition under s. 227.485 (1) (c), Wis. Stats. The overall anticipated economic impact is minor.

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