

1987 Senate Bill 82

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1987 Wisconsin Act 39

AN ACT to repeal 453.02 (5), 453.06 (3) (b) and 453.06 (3) (c); to renumber and amend 453.06 (3) (a); to amend 453.05 (1) and (2) and 453.06 (title) and (1); to repeal and recreate 453.07 and 453.08; and to create 453.03, 453.05 (2) (g) and (h), 453.06 (2m), 453.065, 453.072 and 453.075 of the statutes, relating to various changes in the statutes pertaining to the veterinary examining board and the licensure of veterinarians and animal technicians and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 453.02 (5) of the statutes is repealed.

SECTION 2. 453.03 of the statutes is created to read:

453.03 Rules. The examining board shall promulgate rules, within the limits of the definition under s. 453.02 (6), establishing the scope of practice permitted for veterinarians and animal 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, certificate or temporary permit, unprofessional conduct and disciplinary proceedings.

SECTION 3. 453.05 (1) and (2) of the statutes are amended to read:

453.05 (1) Except as provided under s. ~~453.06 (3) (c)~~ sub. (2), no person may offer to practice, advertise to practice or practice veterinary medicine, or use, in connection with his or her name, any title or description which may convey the impression that he or she is

a veterinarian, without a license or temporary permit from the examining board.

(2) No veterinary license or temporary permit is required for ~~artificial~~ the following activities or persons:

(a) Artificial insemination, or for continuing the practice of pregnancy examinations of animals when such practice was engaged in prior to February 11, 1968. ~~No license is required for castrating~~

(b) Castrating male dogs, cats, horses, pigs, goats, sheep or cattle or for dehorning or branding animals. ~~No license is required for students~~

(c) Students at a veterinary college approved by the examining board ~~or for a certified~~.

(d) Certified animal technician technicians while working under the direct supervision of a licensed veterinarian; ~~for employees~~.

(e) Employees of the federal government while engaged in their official duties; ~~or for employees~~.

(f) Employees of an educational or research institution while engaged in teaching or research. This paragraph does not apply to employees of a school of

veterinary medicine in this state who practice veterinary medicine on privately owned animals.

SECTION 4. 453.05 (2) (g) and (h) of the statutes are created to read:

453.05 (2) (g) Employes of a school of veterinary medicine in this state who practice veterinary medicine on privately owned animals only as a part of their employment and who are licensed under s. 453.06 (2m).

(h) Graduates of schools outside the United States and Canada who are enrolled in the educational commission for foreign veterinary graduates certification program of the American veterinary medical association while completing the required year of clinical assessment under the supervision of a veterinarian.

SECTION 5. 453.06 (title) and (1) of the statutes are amended to read:

453.06 (title) Licensure. (1) Veterinary ~~Except as provided under s. 453.072, veterinary~~ licenses shall be issued only to persons who successfully pass an examination conducted by the examining board and pay the fee specified in s. 440.05 (1). ~~At least one examination shall be held annually.~~ An applicant for ~~a new~~ an initial license shall be ~~at least 18 years of age and a graduate of a veterinary college which has been approved by the examining board or have successfully completed the educational commission for foreign veterinary graduates certification program of the American veterinary medical association.~~ Persons who qualify for examination may be granted temporary permits to engage in the practice of veterinary medicine in the employment and under the supervision of a licensed veterinarian until the results of the next examination conducted by the examining board. ~~Veterinarians holding an existing license are not required to take any examination for renewal of their license. The examining board may grant a license, without any examination, to any person who holds a veterinarian's license issued by another state or country, if the license requirements in such state or country are substantially equivalent to those in this state and if such state or country recognizes licenses issued under this chapter are available.~~ In case of failure at any examination, the applicant shall have the privilege of taking subsequent examinations, upon the payment of another fee for each examination.

SECTION 6. 453.06 (2m) of the statutes is created to read:

453.06 (2m) (a) Upon application, the examining board may issue a veterinary faculty license to an employe of a school of veterinary medicine in this state who has received the degree of doctor of veterinary medicine from a veterinary college approved by the examining board or if the examining board determines that the person possesses substantially equivalent qualifications. A person holding a veterinary faculty license may practice veterinary medicine on privately owned animals only within the scope of the person's employment at the school.

(b) Upon application, the examining board may grant a veterinary postgraduate training permit to a person undertaking intern or resident training at a school of veterinary medicine in this state. The applicant shall submit evidence that the applicant has successfully completed the national board examination and the clinical competency test, is scheduled to take the national board examination and clinical competency test for the first time, or is awaiting results on the national board examination and clinical competency test. The only purpose of the veterinary postgraduate training permit is to provide opportunities in this state for the postgraduate education of persons who have received the degree of doctor of veterinary medicine but who have not yet met the requirements for licensure in this state. Issuance of a postgraduate training permit does not modify in any respect the requirements for licensure to practice veterinary medicine in this state, and a permittee may practice veterinary medicine on privately owned animals only within the scope of the permittee's internship or residency program. Violation of this restriction or of any applicable provision of this chapter constitutes cause for revocation of the permit.

(c) A license issued under this subsection expires upon termination of the licensee's employment at a school of veterinary medicine in this state. A postgraduate training permit expires upon termination of the permittee's internship or residency program, upon the permittee's failure to take the national board examination or the clinical competency test as scheduled, or upon notification to the permittee that he or she has failed to successfully complete either the national board examination or the clinical competency test.

SECTION 7. 453.06 (3) (a) of the statutes is renumbered 453.06 (3), and 453.06 (3) (b), as renumbered, is amended to read:

453.06 (3) (b) Been an employe of any licensed a veterinarian for a total of 2 years and has passed an examination, administered by the examining board, which establishes that the applicant's knowledge of animals and their treatment is sufficient to qualify the applicant as an animal technician. The 2-year employment requirement of this subdivision paragraph shall include at least 50% of the applicant's time spent in practical field experience and the remainder of the applicant's time spent in laboratory work, office procedure, and technical veterinary training with a licensed veterinarian.

SECTION 8. 453.06 (3) (b) of the statutes is repealed.

SECTION 9. 453.06 (3) (c) of the statutes is repealed.

SECTION 10. 453.065 of the statutes is created to read:

453.065 Examinations. (1) Examinations under this chapter shall be designed to determine whether an applicant is competent to engage in the practice of vet-

erinary medicine and shall be administered at least once annually. Examinations shall be objective and reliable, reasonably related to the skills likely to be needed by an applicant and seek to determine the applicant's preparedness to exercise such skills.

(2) The examining board may require passage of a nationally recognized examination if the examination meets basic standards of objectivity. The examining board may administer a state written examination in elements of practice that are not covered in a national examination. The examining board may administer a practical or oral examination if such an examination tests knowledge and skills that cannot be measured or tested in a written examination.

(3) The passing score on examinations for licensure and certification shall be determined by the examining board to represent a standard of minimum competency in the profession, as established by the examining board by rule.

SECTION 11. 453.07 of the statutes is repealed and recreated to read:

453.07 Discipline. (1) In this section, "unprofessional conduct" includes, but is not limited to:

(a) Making any materially false statement or giving any materially false information in connection with an application for a license or for renewal or reinstatement of a license or in making a report to the examining board.

(b) Violating this chapter or ch. 440 or any federal or state statute or rule which substantially relates to the practice of veterinary medicine.

(c) Practicing veterinary medicine while the person's ability to practice is impaired by alcohol or other drugs or physical or mental disability or disease.

(d) Engaging in false, misleading or deceptive advertising.

(e) Making a substantial misrepresentation in the course of practice which is relied upon by a client.

(f) Engaging in conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles or skills.

(g) Obtaining or attempting to obtain compensation by fraud or deceit.

(h) Violating any order of the examining board.

(2) Subject to subch. II of ch. 111 and the rules adopted under s. 440.03 (1), the examining board may, by order, reprimand any person holding a license, certificate or permit under this chapter or deny, revoke, suspend, limit or any combination thereof, the person's license, certificate or permit if the person has:

(a) Engaged in unprofessional conduct.

(b) Been adjudicated mentally incompetent by a court.

(c) Been found guilty of an offense the circumstances of which substantially relate to the practice of veterinary medicine.

SECTION 12. 453.072 of the statutes is created to read:

453.072 Licensees of other jurisdictions. (1) Upon application and payment of the fee specified in s. 440.05 (2), 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.

(2) Upon application and payment of the fee specified in s. 440.05 (6), the examining board may issue a temporary consulting permit to practice veterinary medicine in this state for up to 60 days per year to any nonresident licensed to practice veterinary medicine in another state or territory of the United States or in another country.

SECTION 13. 453.075 of the statutes is created to read:

453.075 Access to health care records. The owner of any animal patient of a veterinarian, or any other person who submits to the veterinarian a statement of written informed consent signed by the owner, may, upon request to the veterinarian:

(1) Receive a copy of the animal patient's health care records upon payment of reasonable costs.

(2) Have the animal patient's X-rays referred to another veterinarian of the owner's choice upon payment of reasonable costs.

SECTION 14. 453.08 of the statutes is repealed and recreated to read:

453.08 Injunctive relief. If it appears upon complaint to the examining board by any person, or if it is known to the examining board, that any person is practicing veterinary medicine without a license, the examining board, the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of the state against the person to enjoin the person from such practice.

SECTION 15. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

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A
Statute Sections
15.251 (intro.)

B
References Deleted
none

C
References Inserted
453.08