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Chapter VE 3

UNPROFESSIONAL CONDUCT

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History: Chapter VE 3 as it existed on December 31, 1976 was repealed and a new chapter VE 3 was created effective January 1, 1977.

VE 3.01 Definitions. (1) "Board" means the veterinary examining board.

(2) "Veterinary student" means a person enrolled in a veterinary college which has been approved by the board, in a curriculum leading to a doctor of veterinary medicine degree, or a graduate of a school outside the United States or Canada who is enrolled in the educational commission for foreign veterinary graduates certification program of the American veterinary medical association.

(3) "Supervision" means that a veterinarian may allow the veterinary student to observe and assist only while in the immediate visual area of that veterinarian.

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

(5) "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 inter or intra state health certificates.

(6) "Deception" means:

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

(b) Claiming to have given a fictitious treatment or giving needless treatment.

(c) Using a different treatment than stated.

(7) "Advertising" means to give notice in any circular, card, notice, telephone book listing, magazine, newspaper or other printed material or any communication by radio or television.

(8) "Informational service" means advertising to inform and assist the public in easily contracting for veterinary services. Such informational advertising is limited to: office name(s), doctors' name(s), address(es) and telephone number(s), regular and emergency office hours, areas of practice limitations (i.e., large animal, small animal, horses, poultry), diplomate status of individual doctors, the opening of new or remodeled facilities. Informational advertising also includes notices to clients of record advising them of informational meetings or of vaccinations and other services due.

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(9) "Variable services" include but are not limited to services on which the fee charged the client is based on the individual veterinarian's judgment, as to each individual patient's condition when presented to the veterinarian. Variable services are based upon the level and area(s) of expertise, advanced training, the professional time involved, and other factors related to the art of practice as the basis for that service. Variable services include surgery (with local and general anesthesia), diagnosis, prognosis, treatment, the prescription of medications.

(10) "Non-variable services" include but are not limited to services for which the fee charged the client can be objectively determined without viewing the specific patient. Non-variable services include but are not limited to boarding of healthy animals, dehorning, collection of samples for testing, dispensing other than prescription legend animal drugs under FDA Reg. 21 CFR 1.106c and drugs listed in U.S. Controlled Substances Act of 1970 as amended.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (9) and (10), Register, September, 1978, No. 273, eff. 10-1-78; am. (2), Register, December, 1983, No. 336, eff. 1-1-84.

VE 3.02 Unprofessional conduct. The following acts constitute unprofessional conduct by a veterinarian and are prohibited:

(1) Failure to report to the state department of agriculture the existence of any communicable disease known to the veterinarian. "Communicable disease" within the meaning of this subsection shall include the following:

(a) Disease for which eradication or control programs or emergency stand-by programs have been established by the state department of agriculture.

(b) Diseases not presently established in the state, but which may pose a threat to the animal health of the state. Including, but not limited to: hoof and mouth disease, Rhinderpest, African Swine Fever and Venezuelan Equine Encephalomyelitis.

(c) Brucellosis, tuberculosis, sheep scabies, Johnne's disease, hog cholera, rabies, scrapie, vesicular exanthema, anthrax, and such other diseases as may be designated as communicable by the state department of agriculture.

(2) Fraud, gross negligence or deception in the practice of veterinary medicine.

(3) Gross negligence, fraud or deception in the inspection, examination, testing or reporting of test results in violation of the Wisconsin department of agriculture, food and consumer protection ch. 95, Stats. 1977 and ch. Ag 10 Wis. Adm. Code, January 1, 1978, or United States department of agriculture 9 CFR - chapter 1 Animal and Plant Health Inspection Services, department of agriculture, January 1, 1978, applicable on the date the tests were made or should have been made or interstate, intrastate or international movement of animals. Gross negligence under this subsection includes the following acts but is not limited to them:

(a) Serology testing

1. Accepting and submitting blood which is not drawn or properly identified by an accredited veterinarian.

2. Screening blood samples and only submitting negative samples to state laboratory.

3. Allowing an unauthorized person to conduct the test.

(b) Intradermal testing

1. Failure to properly administer and interpret the test.

2. Failure to properly identify animal being tested.

(c) Interstate - Export Health Certificates

1. Contain data not based on fact.

2. Failure to submit copies to Wisconsin department of agriculture - animal health division within time specified.

(4) Gross negligence, fraud or deception in the issuance of interstate or intrastate health certificates.

(5) Fraud, gross negligence or deception in the inspection of foodstuffs or in the issuance of inspection certificates.

(6) Conviction of a crime the circumstances of which substantially relates to the practice of veterinary medicine.

(7) Inebriety while practicing veterinary medicine.

(8) The personal use, misuse, or sale, other than for medical treatment of animal patients, of the drugs listed in the U.S. Controlled Substances Act of 1970, as amended, or ch. 161, Stats. 1977. Not included are drugs prescribed by a physician for individual use by the veterinarian at any given time.

(9) Conviction by a court of law of a charge of cruelty to animals.

(10) Failure to keep the veterinary facility and all equipment in a clean and sanitary condition while practicing as a veterinarian.

(11) Failure of a licensee to notify the board prior to engaging in the supervision of a veterinary student.

(a) Allowing a veterinary student to treat an animal without the veterinarian giving supervision.

(b) Failure of the veterinarian to advise the client that the person assisting is a veterinary student and the number of years of veterinary curriculum completed by such veterinary student.

(12) Failure to comply with any provision of ch. 95, Stats. 1977 or ch. Ag 10 of the Wis. Adm. Code, April 1977.

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

(14) Knowingly having a professional association with, or employing any person to practice veterinary medicine in violation of the Veterinary Practice Act, ch. 453 Stats. or the rules of the veterinary examining board.

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

(16) The following kinds of advertising:

(a) Advertising professional superiority or the performance of professional services in a superior manner.

(b) False or misleading advertising.

(c) Advertising secret remedies, exclusive methods or guaranteed cures.

(d) Authorizing or permitting advertising as a member of a corporation or partnership which would be unprofessional for an individual veterinarian.

(e) Advertising case reports other than reporting on that case in the professional media.

(f) Advertising of variable services (non-variable and informational services may be advertised.)

(17) Selling animal prescription drugs, other than as permitted under the United States Food and Drug Act and regulations promulgated thereunder (21 CFR 1.106(c), prescription legend animal drugs), which regulations restrict the listed drugs to use only by or on the order of a licensed veterinarian.

(18) Practicing under an expired license.

(19) Allowing a certified animal technician to do any of the acts prohibited under ch. VE 7 or to fail to make a good faith investigation to ascertain that the certified animal technician abides by the requirements of ch. VE 7.

(20) 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.

(21) Failure to keep records as a dispenser of controlled substances as required by s. 161.31, Stats., and s. Phar 8.02.

(22) 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.

(23) Failure to maintain and keep for at least 3 years individual client records for herd or food animal patients and individual patient records for companion animal patients which specify adequately the diagnosis

made, treatment provided and the name of the veterinarian who provided care.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; cr. (19), Register, July, 1978, No. 271, eff. 8-1-78; am. (8) and (12), cr. (18), Register, September, 1978, No. 273, eff. 10-1-78; am. (3) and (6), Register, May, 1979, No. 281, eff. 6-1-79; cr. (20) to (22), Register, October, 1981, No. 310, eff. 11-1-81; am. (21), renum. (22) to be (23) and am., cr. (22), Register, August, 1984, No. 344, eff. 9-1-84.

VE 3.03 Board action. The board may reprimand the licensee or deny, suspend, limit or revoke the license of any person to practice veterinary medicine who engages in any of the acts prohibited in VE 3.02.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, May, 1979, No. 281, eff. 6-1-79.