

**ORDER OF THE WISCONSIN VETERINARY EXAMINING BOARD
ADOPTING RULES**

The Wisconsin veterinary examining board adopts the following rule to repeal VE 10.03 (3) (b) and (i) relating to continuing education.

Analysis prepared by the Department of Agriculture, trade and Consumer Protection.

ANALYSIS

Statutes interpreted:

Section 89.062 (2) (a) and (b), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 453.03 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides examining boards, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .” The proposed rule seeks to provide guidance to licensed veterinarians and licensed veterinary technicians on compliance with continuing education requirements.

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency, “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 89.03 (2), Stats., provides that 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, . . .”

Related statute or rule:

None

Plain language analysis:

In accordance with s. 89.062 (2) (a) and (b), Stats., licensed veterinarians are required to complete 30 hours of continuing education and licensed veterinary technicians are required to complete 15 hours of continuing education. Continuing education requirements for both veterinarians and veterinary technicians are found in Chapter VE10. Recently, the Veterinary Examining Board identified several provisions within ch. VE 10 that required revising, specifically s. VE 10.03 (3) (b). The Board determined that this provision allowing self-study of veterinary medical or scientific journals was obsolete due to the abundance of continuing education offered via the internet. The Board also identified s. VE 10.03 (3) (i), regarding certification to use, handle, distribute and dispose of pesticides as outdated due to recent legislation, 2009 Wisconsin Act 139. Act 139 specified that the Board may not require training or continuing education concerning the use, handling, distribution, and disposal of pesticides, other than for disciplinary purposes.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

Illinois Administrative Code allows renewal applicants to use self-study courses offered by an approved provider (Ill. Admin. Code tit. 68, pt.1500.25 and Ill. Admin. Code tit. 68, pt. 1505.55).

Iowa:

Iowa Administrative Code allows the completion of distance education courses but does not explicitly allow for the completion of self-study courses to fulfill continuing education requirements (Iowa Admin. Code r. 811-11.1).

Michigan:

Continuing education is not required to renew a license as a veterinarian or a veterinary technician in the state of Michigan.

Minnesota:

Minnesota Administrative Code specifies that not more than ten hours of continuing education credit from self-study sources may be accepted toward the 40- hour continuing education credit requirement for license renewal (Minn. R. 9100.100 subp. 5.)

Summary of factual data and analytical methodologies:

The Board reviewed the continuing education rules for consistency with the Wisconsin Statutes and contemporary practices. Adjacent states' requirements were also reviewed.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals for a period of 14 days. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Katie Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Vieira@wisconsin.gov.

Place where comments are to be submitted and deadline for submission: Comments may be submitted to Katie Vieira (Paff), Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Vieira@wisconsin.gov. Comments must be received on or before the public hearing to be held on November 4, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. VE 10.03 (3) (b) and (i) are repealed.

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

Dated this 29th day of February, 2016.

