

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

BullSemenCollection

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

DEADLINE FOR SUBMISSION

The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 89, Wis. Admin. Code, ch. VE 1 and 7.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Dr. Robert Forbes

Chair

Veterinary Examining Board



Wisconsin Department of Agriculture, Trade and Consumer Protection

Veterinary Examining Board

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GUIDANCE DOCUMENT

Bull Semen Collection

This guidance document is based on Wis. Stat. ch. 89 and chapter(s) VE 1 and 7 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

22 (VEB)

This guidance document clarifies which procedures involving electro-ejaculation bull semen collection a licensed veterinarian must perform, which procedures may be delegated to a certified veterinary technician, and which procedures may be delegated to an unlicensed assistant.

Dr. Robert Forbes – VEB Chair, Veterinary Examining Board	<i>Robert Forbes DVM</i> Click or tap to enter a date. DATE 11/2/19
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Contributors:



State of Wisconsin

Veterinary Examining Board

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Guidance Document VEB-GD-001 Bull Semen Collection (Electro-Ejaculation)

Wis. Stat. § 89.03 (1)
Wis. Admin. Code § VE 7.02
10/23/19

Topic

This guidance document clarifies which procedures involving electro-ejaculation bull semen collection, as listed below, a licensed veterinarian must perform, which procedures may be delegated to a certified veterinary technician, and which procedures may be delegated to an unlicensed assistant.

1. Insert the probe
2. Ejaculate the bull
3. Collect the semen sample
4. Evaluate the semen for concentration, motility, and morphology
5. Measure scrotal circumference
6. Based on the evaluation parameters listed in 4 and 5, give a rating as to semen quality

Relevant Statutes and Administrative Code

Wis. Stat. § 89.02 (6) defines the practice of veterinary medicine as to examine into the fact or cause of animal health, disease or physical condition, or to treat, operate, prescribe or advise for the same, or to under-take, offer, advertise, announce, or hold out in any manner to do any of said acts, for compensation, direct or indirect, or in the expectation thereof.

Wis. Stat. § 89.03 (1) authorizes the board to promulgate rules to establish the scope of the practice permitted for veterinarians and veterinary technicians, within the limits of the definition under Wis. Stat. § 89.02 (6).

Wis. Admin. Code § VE 1.01 (5) defines “direct supervision” as immediate availability to continually coordinate, direct and inspect personally the practice of another.

Wis. Admin. Code § VE 7.02 (1) (a) limits the diagnosis and prognosis of animal diseases and conditions to veterinarians and prohibits the delegation of such acts to veterinary technicians or other persons not holding such license or permit.

Wis. Admin. Code § VE 7.02 (3) (b) allows veterinarians to delegate to certified veterinary technicians, while under the direct supervision of the veterinarian, the provision of observations and findings related to animal diseases and conditions to be utilized by a veterinarian in establishing a diagnosis or prognosis, including nonsurgical specimen collection.

Wis. Admin. Code § VE 7.02 (5) (a) allows veterinarians to delegate to unlicensed assistants, while under the direct supervision of the veterinarian, the provision of basic diagnostic studies, including nonsurgical specimen collection.

Wis. Admin. Code § VE 7.02 (6) (b) allows veterinarians to delegate to unlicensed assistants, while under the direct supervision of the veterinarian when the veterinarian is personally present on the premises where the services are provided, the provision of observations and findings related to animal diseases and conditions to be utilized by a veterinarian in establishing a diagnosis or prognosis.

Wis. Admin. Code § VE 7.02 (8) (c) requires that, when the veterinarian is not required to be personally present on the premises where the delegated services are performed, the veterinarian must be available at all times for consultation either in person or within 15 minutes of contact by telephone, by video conference, or by electronic communication device.

Board Position

The Board determined that steps 1 (insert the probe), 2 (ejaculate the bull), and 3 (collect the semen sample) are acts of nonsurgical specimen collection. As such, a veterinarian may delegate steps 1 through 3 to a certified veterinary technician under the direct supervision of the veterinarian (VE 7.02 (3) (b), Wis. Admin. Code) and/or to an unlicensed assistant under the direct supervision of the veterinarian (VE 7.02 (5) (a), Wis. Admin. Code).

The Board determined that step 4 (evaluate the semen for concentration, motility, and morphology) is within the scope of observations and findings related to animal diseases and conditions to be utilized by a veterinarian in establishing a diagnosis or prognosis. As such, a veterinarian may delegate step 4 to a certified veterinary technician under the direct supervision of the veterinarian (VE 7.02 (3) (b), Wis. Admin. Code) and/or to an unlicensed assistant under the direct supervision of the veterinarian while the veterinarian is personally present on the premises where the services are provided (VE 7.02 (6) (b), Wis. Admin Code).

The Board determined that step 5 (measure scrotal circumference) on its own would not be the practice of veterinary medicine. However, the process of bull semen collection is the practice of veterinary medicine. As such, all steps of the process of bull semen collection must either be performed by a veterinarian or be delegated by the veterinarian to a certified veterinary technician or an unlicensed assistant. A layperson could potentially measure scrotal circumference if the act is not a part of the process of bull semen collection and not a part of any other process that is the practice of veterinary medicine.

The Board determined that step 6 (based on the evaluation parameters listed in 4 and 5, give a rating as to semen quality) is a diagnosis. As such, step 6 is limited to veterinarians and may not be delegated to or performed by veterinary technicians or other persons not holding such a license or permit (VE 7.02 (1) (a), Wis. Admin. Code).