

Report From Agency

**STATE OF WISCONSIN
VETERINARY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
VETERINARY EXAMINING BOARD : CR 12-052
:
:**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, are attached.

II. REFERENCE TO APPLICABLE FORMS:

None.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The proposed rule carries out the intent of s. 453.03 (2), Stats., as amended by 2009 Wisconsin Act 139 (2009 Assembly Bill 166) by prohibiting the Veterinary Examining Board from requiring a veterinarian or certified veterinarian technician to provide certification of training or continuing education concerning the use, handling, distribution, and disposal of pesticides other than for disciplinary purposes.

The proposed rule also repeals s. VE 10.04 which required a certified statement regarding one of the following: (1) that veterinarians or veterinarian technicians do not personally use or direct the use of pesticides and does not repackage pesticides for use by others, (2) that veterinarians or veterinarian technicians are currently certified by a certification program acceptable to the board in the use, handling, distribution and disposal of pesticides, and that (3) the veterinarian or veterinarian technician has completed one credit of continuing education in the use, handling, distribution and disposal of pesticides. These two changes carry out the intent of the pertinent statute and recent legislation.

V. SUMMARY OF PUBLIC COMMENTS AND THE SECTION'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Board held a public hearing on January 30, 2013. No one from the public testified at the hearing or submitted written comments.

The Board did not make any modifications to its rule-making proposal prompted by public comments because there were no comments from the public.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 2 (e) Repealing ss. VE 10.02 (1) (a) 1. And (2) (a) 1. in SECTION 5 of the rule obviates the need to subdivide ss. VE 10.02 (1) (a) and (2) (a). The board should therefore consider repealing subds. 1. And 2. Of both of these paragraphs and amending ss. VE 10.02 (1) (a) and (2) (a) to incorporate the language currently in ss. VE 10.02 (1) (a) and (2) (a) 2. If these changes are made, the board should revise the introductory clause accordingly.

Response: The recommend change was considered by the board but declined. The language as amended reflects the intent of the board.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This proposed rule does not have an economic impact on small business as defined in s. 227.114 (1), Stats.