

Clearinghouse Rule 12-052

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : VETERINARY EXAMINING BOARD
VETERINARY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An Order of the Veterinary Examining Board to repeal §§ VE 7.06(22)(c), (d), (e) and (Note), VE 9.05(12)(c), (d), (e) and (Note), VE 10.02(1)(a)1., VE 10.02(2)(a)1., and VE 10.04; and amend §§ VE 7.06(22) and VE 9.05(12) relating to continuing education and training in the use of pesticides by veterinarians and certified veterinary technicians.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: § 453.03(2), Wis. Stats.

Statutory authority: §§ 15.08(5)(b) and 453.03(2), Wis. Stats.

Explanation of agency authority: An examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains. The Veterinary Examining Board may not require training or continuing education concerning the use, handling, distribution, and disposal of pesticides other than for disciplinary purposes.

Related statute or rule: § 453.03(2), Wis. Stats.

Plain language analysis:

The passage of 2009 Wisconsin Act 139 amended § 453.03(2), Wis. Stats., to create an exception to the promulgation of rules requiring training and continuing education sufficient to assure the competency of veterinarians and certified veterinary technicians in the practice of veterinarians and certified veterinary technicians in the practice of veterinary medicine. Per the statutory amendment, the Board may not require training or continuing education concerning the use, handling, distribution, and disposal of pesticides other than for disciplinary purposes.

Currently VE 10.04 requires a certification on the renewal application that veterinarians and certified veterinary technicians have taken one credit of continuing education in the

use, handling, distribution and disposal of pesticides during the two years prior to the renewal. Section 6 repeals this requirement.

Sections 1-5 amends or repeals portions of the Administrative Code to remove all references to VE 10.04.

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

None

Comparison with rules in adjacent states:

Illinois: Illinois does not require continuing education in the use, handling, distribution and disposal of pesticides.

Iowa: Iowa does not require continuing education in the use, handling, distribution and disposal of pesticides.

Michigan: Michigan does not require any continuing education for veterinarians or veterinary technicians.

Minnesota: Minnesota does not require continuing education in the use, handling, distribution and disposal of pesticides.

Summary of factual data and analytical methodologies:

The Veterinary Examining Board ensured the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

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

Per 2009 Act 139, the Board may not require training or continuing education concerning pesticides and this rule will repeal the requirements currently in place. This 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 relating to the economic impact of the rule.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, paralegal, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, paralegal, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on January 30, 2012 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. VE 7.06(22) is amended to read:

VE 7.06(22) Falsely certifying to the board under s. VE 10.02 (6) ~~or 10.04 (1)~~ that the veterinarian:

SECTION 2. VE 7.06(22)(c), (d), (e), and Note are repealed.

SECTION 3. VE 9.05(12) is amended to read:

VE 9.05(12) Falsely certifying to the board under s. VE 10.02 (6) ~~or 10.04 (1)~~ that the veterinary technician:

SECTION 4. VE 9.05(12)(c), (d), (e) and Note are repealed.

SECTION 5. VE 10.02(1)(a)1. and 10.02(2)(a)1. are repealed.

SECTION 6. VE 10.04 is repealed

(END OF TEXT OF RULE)

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 _____

Agency _____

Member of the Board