

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 13-031**
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I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is 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 Board is mandated by s. 453.03, Stats., to review its rules at least once every 5 years to determine whether they are consistent with current practice. The proposed rule carries out the mandate of s. 453.03, Stats., by updating current language to match practice within the veterinary profession. The updates include defining the meaning of terms such as “client,” “surgery,” “advertising,” and “complementary alternative, and integrative therapies,” modernizing language concerning delegated medical acts, and adding new provisions regarding retention of records. The proposed rule also creates additional provisions for maintaining records for food and fiber patients and created new record requirements for equine patients.

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

The Veterinary Examining Board held a public hearing on May 29, 2013. The following people attended the hearing:

Ron Kuehn, Wisconsin Veterinary Medical Association
Kim Brown Pokorny, Wisconsin Veterinary Medical Association

Yvonne Bellay, Madison, WI
Lyn Maki, UW School of Veterinary Medicine
Amy Mikla, UW School of Veterinary Medicine

The following people either testified at the hearing or submitted written comments:
Kim Brown Pokorny and Yvonne Bellay.

The Board summarizes the comments received either by hearing testimony or by written submission as follows:

Kim Brown Pokorny. Ms. Pokorny, represented the Wisconsin Veterinary Medical Association provided written comments and testified at the hearing. She testified that the term “medically-pertinent communication” was vague and unclear. She stated the term does not clearly communicate what information is required of veterinarians. She urged the board to either define the term or reconsider including the term. She also testified regarding the term vaccination history. Ms. Brown expressed concern that an animal’s full vaccination history may be unavailable to the treating veterinarian due to an animal’s care in a shelter or other rescue situation. She opined that, “maintaining a vaccination history for each patient may be overly burdensome.” She suggested the Board use the term “vaccines administered” instead of “vaccination history”.

Yvonne Bellay. Ms. Bellay provided testimony at the hearing. She referred the Board to s. 95.21, Stats., as the source of the information found in s. VE 7.06 (24) (Note).

The Board explains modifications to its rule-making proposal prompted by public comments as follows:

The Board declined to amend the term medically pertinent communication. However, the Board followed the recommendation offered by Ms. Pokorny to change “vaccination history” to “vaccine administered”. The Board also decided to delete the note referred to in s. VE 7.06 (24).

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment e.: Form, Style and Placement in Administrative Code Section VE 7.06 (24) (Note) appears to be a policy statement. Does the Note clarify this subsection of the rule? [See s. 190, Manual.] Notes may not include substantive requirements and are not part of the substantive law. The department should consider clarifying the reference to the rabies control program referred to in this Note, as it does not appear directly related to s. VE 7.06 (24) or to s. 453.075, Stats.

Response: The note was deleted.

Comment d: Clarity, Grammar, Punctuation, and Use of Plain Language Section VE 7.03 (3) (g), as indicated in the rule reads “meat or milk withholdings” while the comparable text in the existing rule reads “meat or milk withholdings”. Which is correct?

Response: Meat or milk withholdings is the correct terminology.

Comment f: Section VE 7.03 (3) (j) refers to “communication” and s. VE 7.03 (4) (m) refers to “communications”. Which is correct?

Response: Communications is the correct term.

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:

None.