

Report From Agency

**STATE OF WISCONSIN
VETERINARY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
VETERINARY EXAMINING BOARD : CR 14-064**

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 purpose of the proposed rule is to carry out the legislative intent of 2013 Wisconsin Act 114. Act 114 states that the Department of Safety and Professional Services, and its attached boards, may not require a person to complete any postsecondary education prior to being eligible to take an examination for a credential that the Department or its attached board issues. Currently under s. VE 2.01 (2), applicants seeking a veterinary license are required to graduate from an approved veterinary college or a foreign school of veterinary medicine listed by the American Veterinary Medical Association (AVMA), in order to qualify sit for the North American Licensing Veterinary Examination. This provision is now obsolete due to Act 114. Therefore, the proposed rule repeals this provision in accordance with Act 114. This proposed rule amends other pertinent provisions such as s. VE 3.03 and s. VE 8.03 for consistency with Act 114.

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

The Board held a public hearing on January 28, 2015. No one testified at the hearing; however written comments were received from Heather Case, Executive Director of the National Board of Veterinary Medical Examiners.

The Board summarizes the comments received by written submission as follows: Ms. Case represents the National Board of Veterinary Medical Examiners (NBVME). This organization administers the North American Veterinary Licensing Examination

(NAVLE). Ms. Case stated that the plain language analysis of the rule did not accurately reflect that applicants could take the NAVLE before completing the applicant's post-secondary education before the passage of Act 114 as long as the applicant was expected to graduate within 10 months after the last date of an applicable testing period. Ms. Case further asserted that, "the language in the explanation of the rule change and the deletion of the Wisconsin Administrative Code VE Section 2.01 (2) without replacement leaves the rule vague and will make it difficult for applicants to understand the applicable requirements, including the interplay between Wisconsin law and NBVME rules and regulations." She suggested revising the plain language analysis. Ms. Case also stated that, "[b]y moving Wisconsin Administrative Code VE Section 3.03 (5) to Wisconsin Administrative Code VE 3.02 (6), there is no longer a specific mechanism by which the Department verifies the education status of potential NAVLE candidates who have not yet graduated." She suggested the Department may want to consider allowing NAVLE candidates to be approved through NBVME.

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

The plain language analysis has been revised due to the suggestion of Ms. Case. The following changes have been incorporated:

"Now Wisconsin law no longer prohibits applicants for veterinary licensure in Wisconsin ~~are able to take~~ from taking the NAVLE before completing their post-secondary education. However, applicants must continue to comply with the National Board of Veterinary Medical Examiners' requirements before taking the NAVLE which may require that the applicants who take the NAVLE graduate within a certain time period."

The proposed rule was further revised by combining s. VE 3.02 with s. VE 3.03 and titling the new provision Qualifications for licensure by examination. This new provision is consistent with Act 114 in that it allows applicants to fulfill the qualifications for veterinary licensure without requiring graduation from post-secondary education as a prerequisite to taking either the NAVLE or the state laws and rules examination.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: Under the current rule, an applicant for licensure or certification must submit his or her application within a certain number of days prior to the "scheduled examination period". Since the proposed rule eliminates this requirement, should the rule specify a timeframe prior to applying for licensure or certification within which an applicant must have successfully completed the required examination?

Response: 2013 Wisconsin Act 114 changed the way in which the Department processes applications for veterinary license and veterinary technician certification. The 140 day time period was used to receive all relevant documentation and to process each application before the "scheduled examination period". That time period is no longer needed because applicants may submit the required documentation for licensure or

certification in any order. In fact applicants may continue to submit the required documentation after they have taken the required examination. The applicant will not be issued a credential until all of the required information has been submitted.

Comment: In SECTION 3, why is the requirement to provide a certificate of graduation moved from the application provisions in s. VE 3.03 to the qualifications provisions in s. VE 3.02? A similar graduation requirement in s. VE 8.03 (1) (e) is not moved from the application provisions in s. VE 8.03 to the qualifications provisions in s. VE 8.02. What is the significance of the rest “to take board examination” in the title of s. VE 3.03? Is the application referred to in that section for the veterinary license or it is an application to take the examination? This should be clarified in the text of s. VE 3.03.

Response: Sections VE 3.02 and VE 3.03 have been combined and titled Qualifications for licensure by examination to communicate to applicants that they may complete the qualifications for licensure in any order and are not required to fulfil the qualifications for licensure in a set time period before the next scheduled examination. The reorganization also signifies to applicants that that they do not need to provide the Board with a certificate of graduation before sitting for the exam. Similarly ss. VE 8.02 and 8.03 have been combined for the same reasons.

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.