

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

VE 1, Authority and Definitions and VE 7, Standards of Practice and Unprofessional Conduct for Veterinarians

3. Subject

Amending definition of surgery and exemptions

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The Veterinary Examining Board ("VEB") administers Wis. Stat. ch. 89 as well as the administrative rules in Wis. Admin. Code chs. VE 1-11. Currently, in Wis. Admin. Code s. VE 1.02 (9), the definition of surgery, for veterinary medical practice, is limited to procedures that are for therapeutic purposes. This leaves uncertainty for the profession and the VEB as to whether surgeries for other purposes, including reproduction and cosmetic changes, are included. In addition, with changes to the definition of surgery, Wis. Stat. s. VE 7.02(4) requires additions to veterinary medical acts that may be delegated by a veterinarian to a certified veterinary technician ("CVT").

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This proposed rule change is anticipated to affect all licensed veterinarians. This rule change is anticipated to have an effect on small business, as many veterinarian practices that will be subject to this definition change, are small businesses.

11. Identify the local governmental units that participated in the development of this EIA.

Local governmental units are not impacted by this rule and did not participate in development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule makes minor changes to current rules and is expected to have no economic and fiscal impact.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

A change to the definition is important to clarify that surgical procedures are broader than for therapeutic purposes. However, the proposed rule also identifies additional procedures that are not considered surgery, as well as additional veterinary medical acts that may be delegated by a veterinarian to a CVT, under the direct supervision of the veterinarian while personally present on the premises, in order to facilitate the best use of the veterinarian and his or her staff in a practice. This will ensure all persons, who are subject to these rules, have reasonable notice as to practice conduct falling within the VEB's jurisdiction.

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14. Long Range Implications of Implementing the Rule

To the extent that the proposed rule will clarify what is included in the practice of veterinary medicine, this may have a positive impact in giving certainty to veterinarians concerning the regulation of surgery for reproductive, cosmetic, and other purposes that do not fall clearly within the notion of "therapeutic" and those acts that may be delegated to a certified veterinary technician.

15. Compare With Approaches Being Used by Federal Government

There are no federal regulations governing the practice of veterinary medical surgeries.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

None of the surrounding states of Illinois, Indiana, Iowa, Michigan, or Minnesota, have their own definition of surgery for the purpose of practicing veterinary medicine. Illinois does include animal reproductive services in the definition of the practice of veterinary medicine. Iowa does include cosmetic surgery in the practice of the veterinary medicine definition.

17. Comments Received in Response to Web Posting and DATCP Response

No comments were received in response either to the posting on the Department external website or the statewide administrative rules website. Other comments were received at the public hearings and during the period for written comments, and all were considered by the VEB. In addition, there was an objection made to the VEB, as a whole, and the matter received adequate consideration, with notice and opportunities for persons to speak to the VEB on the issue, at a regular VEB meeting, pursuant to Wis. Stat. s. 227.18(3). Information presented at the hearing led the VEB to make further changes to the rule, to accommodate the concerns of this stakeholder. Even after these changes were made, additional written comments were received from other stakeholders followed by comments taken at the next VEB meeting. The VEB gave consideration to these additional comments as it made limitations to its decision from the previous meeting before voting to approve the final rule draft. The VEB sent the rule to the Governor for approval, only later to withdraw the rule draft to gather more information and engage in further consideration of the impact of the rule. There were discussions by stakeholder groups, and the VEB decided to implement further language modifications that will assist in ensuring all stakeholders are able to practice veterinary medicine in the best way for their own business models, while still assuring safety in the practice of veterinary medicine.

17. Contact Name

Cheryl Furstace Daniels, VEB Legal Counsel

18. Contact Phone Number

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The rule has an impact on small businesses because many Wisconsin veterinarians practice in small businesses. No direct economic impact will result from the proposed rule language because the practices included in the rule already are accounted for within the practice of veterinary medicine.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

Working with the Wisconsin Veterinary Medical Association ("WVMA") and receiving several comments from veterinarians in small businesses.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements

Other, describe:

The ability of veterinarians to delegate certain procedures to certified veterinary technicians.

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

The rule does include several additional procedures that a veterinarian may delegate to a certified veterinary technician, under the direct supervision of the veterinarian while personally present on the premises, in order to facilitate the best use of the veterinarian and his or her staff in a practice.

5. Describe the Rule's Enforcement Provisions

Issues involving the standards of professional conduct for veterinarians are handled on a complaint-based, case-by-case basis. However, the VEB will assist veterinarians with questions by giving guidance on whether a specific fact situation is allowed under the rule provisions.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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