

STATEMENT OF SCOPE

Wisconsin Veterinary Examining Board (VEB)

Rule No: Ch. VE 11 Wis. Adm. Code (New)

Relating to: Professional Assistance Program for Veterinary Professionals

Rule Type: Permanent

1. Detailed description of the objective of the proposed rule:

This new rule will specify a procedure for addressing allegations that a person licensed or certified by the veterinary examining board, under ch, 89, Stats., has practiced as a veterinarian or veterinary technician while impaired by alcohol or other drugs or that his or her ability to practice is impaired by alcohol or other drugs. It will also specify a procedure for assisting a person, licensed by the veterinary examining board under that chapter, who requests to participate in the procedure or who requests assistance in obtaining mental health services or in obtaining assistance with impairment caused by alcohol or other drugs. This rule shall be written to facilitate early identification of chemically dependent veterinarians or veterinary technicians and encourage their rehabilitation. This proposed rule, promulgated under this subsection, may be used in conjunction with the formal disciplinary process under this chapter. The new rule will also specify that the VEB may contract with another entity to administer the procedure specified under the rules, promulgated pursuant to s. 89.03(3), Stats.

2. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives; the history, background and justification for the proposed rule .

The Wisconsin Veterinary Examining Board (“VEB”) was attached, for limited purposes, to the Wisconsin Department of Agriculture, Trade and Consumer Protection (“DATCP”), pursuant to 2015 Wisconsin Act 55. However, while the VEB continued to oversee chs VE 1-10, Wis. Adm. Code, the Professional Assistance Procedure in ch. SPS 7, Wis. Adm. Code, did not transfer. That procedure is overseen by the Wisconsin Department of Safety and Professional Services (“DSPS”), the agency to which the VEB was previously attached.

2017 Wisconsin Act 59, the Budget Bill, created s. 89.03(3), Stats., a provision requiring the VEB to promulgate rules specifying procedures for addressing alcohol or other drug, or mental health impairments of veterinarians or certified veterinary technicians, both prior to and within the disciplinary process. In addition, a non-statutory provision in this Act specified the VEB may use the emergency rule procedure to create this rule, but a Finding of Emergency is not necessary for promulgating this emergency rule. The VEB also created a Scope Statement to promulgate an emergency rule, in a parallel process to the permanent rule procedure for this proposed rule.

3. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

The VEB is specifically required to adopt these rules, pursuant to s. 89.03(3), Stats., as follows:

89.03 (3) The examining board shall promulgate rules specifying a procedure for addressing allegations that a person licensed or certified by the veterinary examining board under this chapter has practiced as a veterinarian or veterinary technician while impaired by alcohol or other drugs or that his or her ability to practice is impaired by alcohol or other drugs, and for assisting a person licensed by the veterinary examining board under this chapter who requests to participate in the procedure or who requests assistance in obtaining mental health services. In

promulgating rules under this subsection, the examining board shall seek to facilitate early identification of chemically dependent veterinarians or veterinary technicians and encourage their rehabilitation. The rules promulgated under this subsection may be used in conjunction with the formal disciplinary process under this chapter. The examining board may contract with another entity to administer the procedure specified under the rules promulgated under this subsection.

4. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

This rule, in conjunction with the emergency rule also being developed, will take approximately 20 hours of staff time to develop.

5. List with description of all entities that may be affected by the proposed rule :

The rule will affect any Wisconsin-licensed veterinarian or Wisconsin-certified veterinary technician, who may seek assistance or be identified as needing assistance in the disciplinary process, for alcohol or other drug or mental health impairments.

6. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

There are no federal regulations for veterinary professional assistance programs.

7. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The Department expects the proposed rule to have no negative economic impact on Wisconsin's licensed veterinarians or certified veterinary technicians. Instead, this rule will benefit Wisconsin veterinary professionals, allowing them to seek early assistance for alcohol or other drug or mental health impairments.

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