

**PROPOSED ORDER
OF THE STATE OF WISCONSIN VETERINARY EXAMINING BOARD
ADOPTING RULES**

1 The Wisconsin Veterinary Examining Board proposes the following permanent rule *to repeal*
2 *and recreate chs.* VE 1 to 3; to repeal chs. VE 4 to 10; *to amend* VE 11.04 (1) (a) and (i), VE
3 11.10 (1) (d) and (g) 1. and 2.; *to renumber* VE 11; *relating to* veterinarians and veterinary
4 technicians.

Analysis Prepared by the Veterinary Examining Board

6 The proposed rule makes structural changes, minor language changes, and telehealth changes.

8 **Statutes Interpreted:** Wis. Stat. §§ 89.02 (6) and (8) (c), 89.03, 89.05 (1), 89.063, 89.068 (1) (c),
9 89.07 (1), 89.075, and 95.21 (2) (a).

10 **Statutory Authority:** Wis. Stat. §§ 89.03 and 89.063.

Explanation of Statutory Authority

14 Wis. Stat. § 89.03 authorizes the Veterinary Examining Board (Board) to promulgate rules
15 related to the practice of veterinary medicine.

17 Wis. Stat. § 89.063 authorizes the Department of Agriculture, Trade and Consumer Protection
18 (Department) to determine by rule applicable fee amounts.

Related Statutes and Rules

21 Wis. Admin. Code chs. VE 1 to 11.

Plain Language Analysis

23 The proposed rule makes structural changes, minor language changes, and telehealth changes as
24 described below.

25 *Structural Changes*

28 — Consolidates the eleven existing rule chapters into three chapters: one for veterinarians,
29 one for veterinary technicians, and one for the professional assistance program.
30 Consolidation makes the rules easier to access quickly.

31 — Adds a chapter for relevant complaint procedures that did not transfer in the previous
32 rules from DSPS to DATCP.

33 — States the current fee amounts in rule. Fee amounts do not change.

34 *Minor Language Changes*

35 — Makes changes regarding procedures and processes.

36 — Removes the word annual from references to the review of colleges and technical
37 schools.

38 — Expands the temporary veterinary permit process to include applicants who are
39 scheduled to take or are awaiting results from the examination on state laws and rules.

40 — Clarifies that applicants for licensure who have previously been licensed in Wisconsin
41 or another jurisdiction must apply by endorsement.

42 — Adds for clarity and consistency a section identifying common situations in which the
43 board may require additional information from an applicant when reviewing an application.

44 — States more clearly that the board may reprimand the licensee or deny, suspend, limit or
45 revoke a credential for cause, including filing an incomplete or fraudulent application,
46 misrepresenting information on an application, or violating the rule chapter or Wis. Stat.
47 ch. 89.

48 — Makes technical changes and updates.

49 — Adds the denial of a license to the list of reasons for a temporary veterinary permit to
50 expire.

51 — Allows applicants to provide proof of graduation through the American Association of
52 Veterinary State Boards (AAVSB), which allows for electronic submissions using the
53 AAVSB online system.

54 — Adds direction in the rules to assure the requirements for access to health care records
55 required in Wis. Stat. s. 89.075 are clear and consistently applied.

56 — Removes an obsolete provision regarding continuing education auditing of journal
57 articles read. The Board previously eliminated the ability to self-study journal articles and
58 mistakenly did not also eliminate this provision regarding auditing.

- 59 — Clarifies the continuing education requirements for persons who have not been
60 credentialed for more than 5 years.
- 61 — Adds language to clearly state license exemptions.
- 62 — Allows veterinarians to delegate additional veterinary medical acts to certified veterinary
63 technicians and unlicensed assistants.
- 64 — Allows veterinarians to delegate the placement of intravenous catheters to unlicensed
65 assistants under the direct supervision of the veterinarian present on the premises, per
66 requests from stakeholders.
- 67 — Additional changes to the delegation of veterinary medical acts are included in the
68 telehealth section of this summary.
- 69 — Makes changes for consistency and ease of use the places in which rule requirements repeat,
70 or refer to requirements in statute.
- 71 — Modifies language regarding unprofessional conduct so that it also refers to Wis. Stat. s.
72 89.07 (1).
- 73 — Modifies language regarding prescribing and dispensing a veterinary drug to refer to
74 Wis. Stat. s. 89.068 (1) (c).
- 75 — Makes a correction to the delegation of rabies vaccinations to reflect Wis. Stat. s. 95.21
76 (2) (a).
- 77 — Modifies terminology for clarity and consistency.
- 78 — Adds additional definitions and updates existing definitions language for clarity.
- 79 — Renames “temporary permit” to “temporary veterinary permit” and renamed “temporary
80 consulting permit” to “veterinary consulting permit.”
- 81 — Changes language to use the word “dispense” rather than “sell” to be more consistent
82 with statutory language and definitions to make the language clearer and easier to
83 understand.
- 84 — Adds a note clarifying that the board accepts “veterinary nurse” as equivalent to
85 “veterinary technician.”

86 *Telehealth Changes*

- 87
88 — Adds definitions related to telehealth.

89

90 — Adds definitions related to veterinary consulting and clarifies that a consulting veterinarian or
91 other consultant may not do any of the following:

92 — Visit the patient or client or communicate directly with the client without the knowledge
93 of the attending veterinarian.

94 — Take charge of a case or problem without the consent of the attending veterinarian and
95 the client.

96
97 — Clarifies that the practice of veterinary medicine takes place where the animal is located at the
98 time of practice, in alignment with Wis. Stat. §§ 89.05 (1) and 89.02 (6).
99

100 — Clarifies that in order to practice veterinary medicine in Wisconsin a veterinarian must be
101 licensed in Wisconsin and have an established veterinary-client-patient relationship (VCPR) with
102 the client. A VCPR must be established via an in person physical exam, or timely medically
103 appropriate visits to the premises on which the patient is kept. It may not be established by
104 telehealth technologies.

105
106 — Clarifies that the VCPR, once established, extends to other veterinarians within the practice,
107 or relief veterinarians within the practice, that have access to, and have reviewed, the medical
108 history and records of the animal.

109 — Clarifies that records must be kept, regardless of the encounter type.

110
111
112 — Clarifies, in accordance with Wis. Stat. § 89.02(8) (c), that an animal owner must be able to
113 easily seek follow-up care or information from the veterinarian who conducts an encounter while
114 using telehealth technologies.

115
116 — Expands the delegation of medical services to allow a veterinarian to delegate the following
117 items to a certified veterinary technician (CVT) if the veterinarian is available to communicate
118 via telehealth technologies within five minutes. Under current rules, these items may only be
119 delegated to a CVT if the veterinarian is personally present on the premises.

120
121 — Performing diagnostic radiographic awake contrast studies not requiring general
122 anesthesia.

123 — Sample collection via a cystocentesis procedure.

124 — Placement of intravenous catheters.

125 — Suturing of tubes and catheters.

126 — Fine needle aspirate of a mass.

127
128 ***Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations***

129 Pursuant to 9 CFR 160 to 162, a veterinarian must be specifically authorized by the United States
130 Department of Agriculture – Animal and Plant Health Inspection Service to perform animal
131 disease eradication and control functions under federal animal health laws.

132
133 Licensure requirements to practice veterinary medicine are established by each state and should
134 not be affected by federal requirements.

135

Summary of Comments Received during Hearing and Comment Periods

Preliminary Public Hearing and Comment Period on the Statement of Scope

136 The Board held a preliminary hearing on SS 064-20 on August 19, 2020, with a written comment
137 period through August 26, 2020. The Board received three comments. One comment was for
138 information. Two comments expressed support of the scope, both expressed support of including
139 telehealth in the scope, and one also expressed support of including addressing the circumstances
140 under which a veterinarian may dispense a drug for a patient of another veterinarian in the scope.

Comment Period on the Economic Impact Analysis

The economic impact analysis was posted for 14 days, with comments accepted through June 21, 2021. One comment was received. The comment noted a typo in the plain language analysis, which has been corrected. The comment also expressed objection to the term “veterinary nurse,” stated that there are objections from the national nursing organization regarding the term, and stated that “nurse” does not adequately encompass the skills and knowledge base of veterinary technicians. The rule draft does not use “veterinary nurse” to refer to veterinary technicians, but does include a note that states that the Board accepts the classification of “veterinary nurse” in other jurisdictions as equivalent to “veterinary technician.” While the Board, and this rule, does not use “veterinary nurse” to refer to veterinary technicians, this note clarifies that the Board accepts the term as equivalent when used by other jurisdictions.

Public Hearing and Comment Period on the Preliminary Rule Draft

141 The Board held public hearings on the preliminary rule draft on September 9 and 15, 2021, with
142 comments accepted through September 29, 2021. Both hearings offered a combination of in-
143 person access and remote access. The Board sent an email notice to licensees notifying them of
144 the hearing and comment period, in addition to the posting in the Administrative Register. The
145 Board received 3 comments at public hearings and 25 written comments. There were 26 total
146 commenters. Of these 26:

147 — Nine expressed support of the proposed rule. Of these nine:

148 — Nine also specified support of the veterinary-client-patient relationship (VCPR)
149 definition

150 — Eight also specified support of the omission of Assisted Reproductive Technologies
151 (ART) procedures in delegation changes

- 152 — Two also expressed that ART procedures should not be delegated to a CVT at all
- 153 — One also expressed opposition to delegation without the veterinarian on the premises
- 154 generally
- 155 — Six also expressed support of language regarding veterinarians filling prescriptions for
- 156 other veterinarians

157 — Fourteen expressed opposition to the VCPR definition

158 — One expressed opposition to the omission of ART in delegation changes

159 — Two did not express a position for/against the proposal

160 — One expressed concerns about existing rabies provisions

161

162 *VCPR Definition*

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164 The hearing draft created a new section regarding telemedicine and stated that “In order to
165 practice veterinary telemedicine in Wisconsin, a veterinarian must be licensed in Wisconsin and
166 have an established VCPR with the client. A VCPR must be established via an in-person
167 physical exam, or timely medically appropriate visits to the premises on which the patient is
168 kept. The VCPR may not be established by telehealth technologies.”

169

170 Comments expressing opposition to the VCPR definition expressed that:

171 — There are cases where a veterinarian cannot do a physical exam because of the
172 aggression displayed by the patient

173 — The VCPR definition is restrictive and will negatively impact pet owners, foster care
174 providers, and animal shelters

175 — Telecommunicating might make veterinary services more affordable

176 — Access to veterinary care in northern Wisconsin is challenging and referral after hours is
177 to a clinic over an hour away

178 — Being able to establish a VCPR via virtual tool would allow more pets to receive care at
179 critical times

180 — Telemedicine can provide quality, and potentially lifesaving care, improve efficiency
181 and flexibility in scheduling options, and provide benefits to pet owners without access to
182 transportation or who are unable to easily leave their homes

183 — Dogs and cats needlessly suffer, experience premature death, or are relinquished to
184 animal shelters due to gaps in veterinary access, and telemedicine is a critical tool for the
185 veterinary community to bridge gaps in care

186 — While physical veterinary medical examinations are sometimes critical, responsible use
187 of telemedicine can bring essential care to more animals

188 — The education and licensing requirements that veterinarians undertake prepare them to
189 utilize professional judgement in determining whether telemedicine is appropriate in the
190 care of a particular animal or condition

191 — The rule could require safeguards with criteria for establishing a VCPR through
192 electronic means

- 193 — Telehealth technologies have been used to create a human physician-patient
- 194 relationship, including infants and nonverbal children
- 195 — The American Association of Veterinary State Boards (AAVSB) practice act model
- 196 language supports allowing a veterinarian to establish a VCPR through telemedicine
- 197 — Support options 2 and 3
- 198 — Support Michigan and Washington policies
- 199

200 Comments expressing support of the VCPR definition expressed that:

- 201 — The statutory definition of VCPR under Wis. Stat. s. 89.02 (8) requires that the
- 202 veterinarian has recently examined the patient or has made medically appropriate and
- 203 timely visits to the premises on which the patient is kept, the VEB is granted authority to
- 204 promulgate rules within the limits established by the statutory authority granted to it by the
- 205 legislature, and the VEB may not change the VCPR definition but may allow the use of
- 206 telehealth technologies within the scope of the statutory definition

- 207 — The telehealth changes are good and oppose moving them beyond what was proposed in
- 208 the hearing draft

- 209 — In-person contact is critical for the long-term care of the patient

- 210 — While telehealth is an excellent tool for managing very specific cases, it does not
- 211 provide enough background for a broad picture view of a farm in its entirety

- 212 — There is a critical difference between providing care to animals and humans because
- 213 animal patients cannot directly communicate their pain or their symptoms to a veterinarian
- 214 using language

- 215 — The owner can misinterpret an animal's condition

- 216 — A physical exam or visit to the premises provides a more complete understanding of the
- 217 animal, its medical history, the environment, and the client in order to provide the highest
- 218 standard of care, and it is critical to the safe and effective provision of veterinary medicine
- 219 using telehealth technologies

- 220 — An in-person visit by the veterinarian serves to protect patients and clients by assuring
- 221 that animals have been appropriately evaluated

- 222 — Eliminating the requirement for an in-person evaluation can present substantial risks,
- 223 including suboptimal diagnosis and treatment, misinterpretation of animals' clinical signs
- 224 by owners/caretakers, overprescribing, animal disease risks associated with transport of
- 225 livestock for which an in-person evaluation was not conducted prior to issuing a Certificate
- 226 of Veterinary Inspection, public health risks associated with delayed or missed diagnosis of
- 227 zoonotic disease, and claims of malpractice

228 — Medical care delivered to patients must continue to be of high quality, and technological
229 tools used to support electronic veterinary visits are still in their early stages of
230 development and as of yet do not provide the same amount of information as an in-person
231 encounter

232 — Addressing care disparities is not as straightforward as allowing the VCPR to be
233 established electronically, and barriers to the receipt of veterinary care include
234 socioeconomic, geographic, knowledge and demographic/culture based

235 — Through research the lack of physical proximity and the requirement for an in-person
236 visit do not appear to be the primary barriers to accessing veterinary care

237 — Telemedicine itself is not free of access barriers, right now only 10% of veterinary
238 clients are using it (8% telephone only), and surveys on the human health side revealed
239 technological barriers, such as lack of access to technology, insufficiency of broadband
240 internet, and digital literacy

241 — Telemedicine is not a clear solution to the problem of cost, results are mixed as to
242 whether telehealth reduces downstream utilization of health care, and study on the human
243 side resulted no reduction in overall spending for patients

244 — The VCPR language is consistent with federal law, the Food and Drug Administration
245 (FDA) does not allow a VCPR to be established through electronic means and does allow it
246 to be maintained through electronic means, and Wisconsin veterinarians are required under
247 federal law to follow federal VCPR requirement in each applicable circumstance, such as
248 any extralabel drug use or when authorizing a veterinary feed directive

249 — The proposal is consistent with American Veterinary Medical Association (AVMA) and
250 FDA policies, and is supported by the Wisconsin Veterinary Medical Association
251 (WVMA)

252 — The practice of veterinary medicine should be as broad and expansive as is allowed
253 under Wisconsin law and as is protective of animal health, and the proposed rule meets
254 both of those criteria

255
256 Based on public comments, the Board decided to maintain the same VCPR definition in this final
257 draft as was in the preliminary hearing draft. However, the Board did make changes to make
258 related provisions clearer. The Board moved provisions regarding emergency care, general
259 advice, and consulting, and from the definitions into the body of the rule and added language to
260 the telemedicine section of the rule to make it clearer that those specified items do not require the
261 establishment of a VCPR.

262
263 *ART Procedures*
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265 The hearing draft included creating a new category of delegation to allow a veterinarian to
266 delegate specific acts to a CVT when the veterinarian is available via telehealth technologies
267 within five minutes, rather than requiring that the veterinarian be personally present on the
268 premises as current rule requires. This new category of delegation did not include ART
269 procedures, which are performing amniocentesis, embryo collection and transfer, follicular
270 aspiration, and transvaginal oocyte collection and recovery on livestock.

271
272 The comment expressing opposition to the omission of ART in delegation changes expressed
273 that:

- 274 — CVTs safely and effectively perform ART under the direct supervision of a veterinarian
275 hundreds of times each week
- 276 — The omission of ART will prevent the incorporation of technology into future operations,
277 have a financial effect on farms, and cause delays to procedures due to the lack of large
278 animal veterinarians
- 279 — Human medicine has broadly applied telehealth to existing procedures by modifying the
280 definition of direct supervision generally and not based on individual services

281
282 Comments expressing support of the omission of ART in delegation changes expressed that:

- 283 — ART procedures are very tactile in nature, it is not uncommon to find reproductive
284 abnormalities and pathology that require diagnosis by palpation, palpation is critical for the
285 procedures, and specific tactile manipulations that cannot be visualized in their entirety from
286 the exterior of the animal
- 287 — ART procedures pose a significant risk for complications that cannot be managed in a
288 timely fashion unless the veterinarian is present on the premises
- 289 — Severe complications can have life-threatening and permanent consequences to a
290 previously healthy animal, and the veterinarian needs to be present on the premises to
291 mitigate the risk of permanent damage
- 292 — The required level of care cannot be accomplished via telehealth
- 293 — The risk of complications from ART procedures is significant, and the convenience of
294 using telehealth does not outweigh the risk to the animal
- 295 — Relaxing these rules could hurt the perception of the Wisconsin dairy industry by giving
296 the impression that Wisconsin quality is not up to standards, while delegating ART
297 procedures could save some money up front, the long-term implications outweigh any
298 potential short-term gain, and we need to continue to set the bar high when it comes to caring
299 for animals and educating the public
- 300 — There may be business or financial reasons that could make the delegation of ART
301 procedures using telehealth appealing to practitioners, clients, or businesses, but the
302 argument is inappropriate in this context, the role of the VEB is to define the safe provision
303 of veterinary care for animals and to protect animal health and not to make the practice of
304 veterinary medicine fast or economical, and cited North Carolina State Board of Dental
305 Examiners, *Petitioner v. Federal Trade Commission*, 574 U.S. 494 (2015)
- 306 — ART procedures should not be delegated to a CVT at all, and that performing them with
307 telehealth would be a step in the wrong direction for the industry
- 308 — A veterinarian must be present on the premises for procedures delegated to a CVT in
309 general, and being available within five minutes when the aorta has been lacerated during a
310 cystocentesis is not acceptable

311 — The procedures identified in the draft can be safely supervised by a veterinarian using
312 telehealth, but would oppose expansion of the proposed list

313

314 Based on public comments, the Board decided not to add ART procedures to the delegation
315 changes. The delegation changes in this proposed final draft are the same as those in the hearing
316 draft.

317

318 *Other Comments*

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320 Six commenters expressed support of language regarding veterinarians filling prescriptions for
321 other veterinarians. No commenters expressed opposition to this aspect of the rule proposal.

322

323 One commenter expressed concerns about existing rabies provisions, including that cats also
324 have a risk of rabies, it is restrictive to require a veterinarian to be physically present for a CVT
325 to give a rabies vaccine, and a veterinary assistant should be able to provide the rabies vaccine if
326 the veterinarian is present. This rule draft references Wis. Stat. s. 95.21 (2) (a), which requires
327 that rabies vaccinations required for dogs be administered “by a veterinarian or, if a veterinarian
328 is physically present at the location the vaccine is administered, by a veterinary technician.” This
329 requirement is statutory, and therefore the Board is unable to evaluate a change in rule.

Rules Clearinghouse

330 The Board modified the rule draft to address all Clearinghouse comments. Most significantly,
331 per Clearinghouse comments, the Board evaluated the definitions sections for clarity and
332 consistency. The Board identified several terms that are used only once or twice in rule, or in
333 some cases not used at all in the body of the rule, and moved the content from the definitions into
334 the body of the rule, including:

335 — In VE 1:

336 — Complementary, alternative, and integrative therapies

337 — Consulting veterinarian

338 — Consultant

339 — Consultation

340 — Deception

341 — Faculty license

342 — Fraud

343 — General Advice

344 — Gross negligence

345 — Post graduate training permit

346 — Preceptor

347 — Standard of care

348 — Surgery

349 — Telemedicine

350 — Tele-triage

351 — Temporary veterinary permit

352 — Veterinary consulting permit

353 — In VE 2:

- 354 — Advertising
- 355 — Board approved technical school or college
- 356 — Gross negligence
- 357 — Surgery

Comparison with Rules in Adjacent States

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359
360 The structural changes and minor language changes in the proposed rule are unique to Wisconsin
361 rules and make the rules clearer and easier to use. Veterinary telehealth regulations in Wisconsin,
362 Illinois, Iowa, Michigan, and Minnesota are compared below. Regulatory recommendations by
363 the American Association of Veterinary State Boards, the American Veterinary Medical
364 Association, and the Wisconsin Veterinary Medical Association are also included for
365 comparison.

Wisconsin

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369 Under both the existing rule and the proposed rule, a veterinarian must be licensed in Wisconsin
370 in order to practice veterinary medicine and have an established VCPR with the client. A VCPR
371 must be established via an in-person physical exam, or timely medically appropriate visits to the
372 premises on which the patient is kept. It may not be established by telehealth technologies.

373
374 The proposed rule clarifies items related to telehealth and also expands the delegation of medical
375 services to allow a veterinarian to delegate the specific items to a CVT if the veterinarian is
376 available to communicate via telehealth technologies within five minutes.

Illinois

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380 In Illinois, a valid VCPR cannot be established solely by telephonic or electronic
381 communications. No further information was provided regarding whether Illinois would allow
382 telehealth to be used if a VCPR was previously established.

Iowa

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386 In Iowa, a valid VCPR cannot be established solely by telephonic or electronic communications.
387 No further information was provided regarding whether Iowa would allow telehealth to be used
388 if a VCPR was previously established.

Michigan

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392 Michigan recently promulgated a new rule related to the practice of veterinary medicine using
393 telehealth technologies, which became effective April 15, 2021. The Michigan rules now require:
394 — Disclosure of the identity and contact information of the veterinarian providing telehealth
395 services. Licensing information shall be provided upon request.
396 — Ensure that the technology method and equipment used to provide telehealth services
397 complies with all current privacy-protection laws.

- 398 — Employ sound professional judgement to determine whether using telehealth is an
399 appropriate method for delivering medical advice or treatment to the animal patient.
- 400 — Have sufficient knowledge of the animal patient to render telehealth services
401 demonstrating by satisfying one of the following:
 - 402 — Have recently examined the animal patient in-person or have obtained current
403 knowledge of the animal patient through the use of instrumentation and diagnostic
404 equipment through which images and medical records may be transmitted
405 electronically.
 - 406 — Have conducted medically appropriate and timely visits to the premises where the
407 group of animal patients is kept.
- 408 — Act within the scope of practice.
- 409 — Exercise the same standard of care applicable to traditional, in-person veterinary care
410 service.
- 411 — Be readily available to the animal patient for follow-up veterinary services or ensure there
412 is another suitable provider available for follow-up care.
- 413 — Consent for medical advice and treatment shall be obtained before providing a telehealth
414 service.
- 415 — Evidence of consent for medical advice and treatment must be maintained in the animal
416 patient's medical record.
- 417 — A veterinarian providing a telehealth service may prescribe a drug if the veterinarian is a
418 prescriber acting within the scope of practice and in compliance.

419

420 **Minnesota**

421

422 Minnesota only allows patient-specific telemedicine within a VCPR. A VCPR cannot be
423 established without an in-person examination. A veterinarian licensed in another state can serve
424 as a consultant to the Minnesota veterinarian that holds the VCPR for that patient. The same
425 standards of care apply to services rendered via telemedicine as to in-person visits.

426

427 **American Association of Veterinary State Boards (AAVSB)**

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429 The AAVSB practice act model and AAVSB guidelines for telehealth are both available at
430 <https://www.aavsb.org/board-services/member-board-resources/practice-act-model/>. Regarding
431 the VCPR, the AAVSB practice model act and AAVSB guidelines for telehealth state that:

432

- 433 — Veterinarian-Client-Patient Relationship (VCPR) exists when:
 - 434 — Both the Veterinarian and Client agree for the Veterinarian to assume
435 responsibility for making medical judgments regarding the health of the Animal(s);
436 and
 - 437 — The Veterinarian has sufficient knowledge of the Animal(s) to initiate at least a
438 general or preliminary diagnosis of the medical condition of the Animal(s); and
 - 439 — The Veterinarian has provided the client with information for obtaining timely
440 follow up care.

441

- 442 — The AAVSB recommends that each jurisdiction promulgate appropriate regulations
443 clarifying who may be included within the scope of a single VCPR such as a Veterinarian or

444 another Veterinarian within the same practice group with access to medical records. The
445 AAVSB recommends that each jurisdiction promulgate appropriate regulations defining how
446 to establish sufficient knowledge of the Animal(s), including the following:

- 447 — A recent examination of the Animal or group of Animals, either physically or by
448 the use of instrumentation and diagnostic equipment through which images and
449 medical records may be transmitted electronically; or
- 450 — Through medically appropriate and timely visits to the premises at which the
451 Animal or group of Animals are kept.

452
453 — The AAVSB recommends that each Jurisdiction promulgate appropriate regulations for
454 the Veterinarian to provide instructions to the Client for obtaining follow up care that may
455 include directing the Client to another Veterinarian or emergency clinic. It is essential for the
456 VCPR to be easily established in order to require the Veterinarian to assume accountability
457 for the Veterinary Medical Services rendered. Furthermore, as standards of practice and
458 codes of conduct change over time, it is easier to promulgate new rules incorporating such
459 changes rather than adopting legislative modifications.

460 461 **American Veterinary Medical Association (AVMA)**

462
463 AVMA guidelines for the use of telehealth in veterinary practice are available at
464 <https://www.avma.org/sites/default/files/2021-01/AVMA-Veterinary-Telehealth-Guidelines.pdf>.

465 Regarding the VCPR, the AVMA guidelines state that:

466
467 — Having a VCPR in place is critical whenever practicing veterinary medicine, whether
468 practicing in person or remotely using telemedicine. The AVMA Model Veterinary Practice
469 Act, which many governmental bodies use as a guide when establishing or revising laws
470 governing veterinary practice, includes the following definition of the VCPR: The
471 veterinarian-client-patient relationship is the basis for veterinary care. To establish such a
472 relationship the following conditions must be satisfied:

- 473 — The licensed veterinarian has assumed the responsibility for making medical
474 judgments regarding the health of the patient(s) and the need for medical therapy and
475 has instructed the client on a course of therapy appropriate to the circumstance.
- 476 — There is sufficient knowledge of the patient(s) by the veterinarian to initiate at
477 least a general or preliminary diagnosis of the medical condition(s) of the patient(s).
- 478 — The client has agreed to follow the licensed veterinarian's recommendations.
- 479 — The licensed veterinarian is readily available for follow up evaluation or has
480 arranged for:
 - 481 — Emergency or urgent care coverage, or
 - 482 — Continuing care and treatment has been designated by the veterinarian with
483 the prior relationship to a licensed veterinarian who has access to the patient's
484 medical records and/or who can provide reasonable and appropriate medical
485 care.
- 486 — The veterinarian provides oversight of treatment.
- 487 — Such a relationship can exist only when the veterinarian has performed a timely
488 physical examination of the patient(s) or is personally acquainted with the keeping

489 and care of the patient(s) by virtue of medically appropriate and timely visits to the
490 operation where the patient(s) is(are) kept, or both.
491 — Patient records are maintained. Both the licensed veterinarian and the client have
492 the right to establish or decline a veterinarian-client-patient relationship within the
493 guidelines set forth in the AVMA Principles of Veterinary Medical Ethics. A licensed
494 veterinarian who in good faith engages in the practice of veterinary medicine by
495 rendering or attempting to render emergency or urgent care to a patient when a client
496 cannot be identified, and a veterinarian-client-patient relationship is not established,
497 should not be subject to penalty based solely on the veterinarian's inability to
498 establish a veterinarian-client-patient relationship.
499

500 — Many states have adopted this definition of the VCPR, or a very similar one, as a
501 component of their state veterinary practice act or regulations. In addition, federal law
502 requires a veterinarian to establish a VCPR before undertaking any extra-label drug use in
503 animals, issuing a Veterinary Feed Directive, or the creation and use of certain types of
504 biologics. It is also important for veterinarians to understand that they must comply with the
505 federal law requiring a VCPR under these circumstances, regardless of how a state may
506 ultimately define a VCPR in state law or regulation.
507

508 — Given current technological capabilities, available research, and the existing state and
509 federal regulatory landscape, the AVMA believes veterinary telemedicine should only be
510 conducted within an existing VCPR. An exception may be made for advice given in an
511 emergency until a patient can be seen by a veterinarian. Ultimately, how a state defines the
512 VCPR, the congruence of that state VCPR with federal requirements, and whether or not a
513 VCPR exists in a given situation based on those definitions, determine what services can be
514 offered.
515

516 — Within an established VCPR: A variety of telehealth and telemedicine service models are
517 available to veterinarians and veterinary practices. Client-facing telemedicine services may
518 include use of tools that allow the veterinarian to remotely and securely gather essential
519 patient health information from the animal owner or another caretaker; access the patient's
520 medical records; and conduct a virtual evaluation of the patient through real-time video or
521 transmitted photographs or other data.
522

523 — Without an established VCPR: The veterinarian may provide non-patient-specific advice,
524 but must stay clear of diagnosing, prognosis of, or treating patients. Two exceptions may
525 apply: (1) if state law allows a VCPR to be established electronically, the veterinarian has
526 met the requirements for doing so, and activities that would invoke a requirement for
527 adherence to the federal VCPR are not conducted or (2) advice given in an emergency until a
528 patient can be seen by a veterinarian. Non-client electronic communications that include the
529 provision of non-patient-specific advice and general educational content are usually
530 acceptable.
531

532 **Wisconsin Veterinary Medical Association (WVMA)**
533

534 WVMA formed a Telehealth Task Force and submitted suggested guidelines to the Board on
535 December 19, 2019. Regarding the VCPR, the WVMA suggested guidelines state that:

536
537 — VCPR Required: Veterinary services may only be provided using telehealth technologies
538 where a VCPR is established. If an existing VCPR relationship is present, then telehealth
539 technologies may be used as long as the VCPR is maintained in accordance with Wis. Stat. s.
540 89.02 (8) and the requirements in this Section. If an existing VCPR relationship is not
541 present, then a veterinarian must take appropriate steps to establish a VCPR consistent with
542 Wis. Stat. s. 89.02 (8) and the requirements in this Section.

543
544 — Establishing an Initial VCPR for Telehealth: For purposes of establishing an initial VCPR
545 prior to engaging in the practice of veterinary medicine using telehealth technologies, the
546 veterinarian must meet the requirements of Wis. Stat. s. 89.02 (8) and:

547 — For livestock, (food and fiber animals), the veterinarian must have either
548 conducted an in-person physical examination of the patient or must have visited the
549 premises on which the patient is kept at least once in the immediate six (6) months
550 prior to engaging in any telehealth treatment or services.

551 — For companion animals and equine animals, the veterinarian must have conducted
552 an in-person physical examination of the patient at least once in the immediate six (6)
553 months prior to engaging in any telehealth treatment or services.

554
555 — Maintaining a VCPR for Telehealth: Once a VCPR is established, for purposes of
556 maintaining that VCPR and engaging in the ongoing practice of veterinary medicine using
557 telehealth technologies, the veterinarian must meet the requirements of Wis. Stat. s. 89.02 (8)
558 and:

559 — For livestock (food and fiber animals), the veterinarian must either conduct an in-
560 person physical examination of the patient or must visit the premises on which the
561 patient is kept at least once every six (6) months.

562 — For companion animals and equine animals, the veterinarian must conduct an in-
563 person physical examination of the patient at least once every twelve (12) months.

564
565 ***Summary of Factual Data and Analytical Methodologies***

566
567 The proposed rule makes the rules clearer and easier to use. Restructuring the chapters makes the
568 rules easier to read and reference quickly. Adding a chapter for relevant complaint procedures
569 makes these procedures clearer and more accessible to credential holders and members of the
570 public. The fee amounts remain the same, but are stated in the proposed rule to make them
571 readily accessible. Minor language changes relating to procedures and processes, technical
572 changes and updates, delegation of veterinary medical acts, references to statutory requirements,
573 and terminology make the proposed rule more consistent and easier to understand. The proposed
574 rule includes language changes to respond to public interest in the use of telehealth technologies
575 in veterinary medicine. The proposed rule could reduce the burden to veterinarians, veterinary
576 technicians, and consumers of veterinary services, as the proposed rule is easier to read and
577 understand quickly.

578

579 The Board held a preliminary public hearing on SS 125-19 on February 17, 2020, with a written
580 comment period through February 24, 2020. The Board received three comments. All three
581 comments requested that the statement of scope be expanded to address the use of telehealth
582 technologies in the practice of veterinary medicine. One comment also requested that the
583 statement of scope address the circumstances under which a veterinarian may dispense a drug for
584 a patient of another veterinarian. This statement of scope for this rule proposal (SS 064-20)
585 includes both of these topics.

586
587 The Board held a preliminary hearing on SS 064-20 on August 19, 2020, with a written comment
588 period through August 26, 2020. The Board received three comments. One comment was for
589 information. Two comments expressed support of the scope, both expressed support of including
590 telehealth in the scope, and one also expressed support of including addressing the circumstances
591 under which a veterinarian may dispense a drug for a patient of another veterinarian in the scope.
592

593 The Board convened a Telehealth Advisory Committee (Committee) to advise the Board in
594 relation to the veterinary telehealth. The Committee was comprised of 13 representatives: 10
595 veterinarians and 3 certified veterinary technicians. Of the veterinarians, 1 works in large and
596 small animal practice, 3 work in large animal practice, 1 works in equine and small animal
597 practice, and 5 work in small animal practice. The veterinarians included representatives from
598 the Wisconsin Veterinary Medical Association, Sexing Technologies, and the Dairy Business
599 Association. The Department submitted a notice to JCRAR with the names of the Committee
600 members on February 9, 2021.

601
602 The Committee met on March 4, March 25, and April 8, 2021, to discuss potential veterinary
603 telehealth options. The following is a summary of proposals that the Telehealth Advisory
604 Committee discussed, as well as the responses of the Committee members:

605
606 **A. Definitions**

607
608 Attending Veterinarian: means the veterinarian who holds the Veterinarian-Client-Patient
609 Relationship and is responsible for the medical care and treatment of the animal.

610
611 Consulting Veterinarian: means the veterinarian who gives advice or assistance, whether
612 in-person or by any method of communication, to the attending veterinarian, for the
613 benefit of an animal patient.

614
615 Consultant: means a person whose subject matter expertise, in the opinion of the
616 attending veterinarian, will benefit an animal patient, and who gives the attending
617 veterinarian advice or assistance, whether in-person or by any method of communication.

618
619 Consultation: means the advice or assistance given by a consulting veterinarian or other
620 consultant to the attending veterinarian where the responsibility for patient treatment,
621 prescriptions, and welfare remain with the attending veterinarian.

622
623 A consulting veterinarian or other consultant may not do any of the following:

- 624 a. Visit the patient or client or communicate directly with the client without the
625 knowledge of the attending veterinarian.
626 b. Take charge of a case or problem without the consent of the attending veterinarian
627 and the client.

628
629 Informed Consent: means the veterinarian has informed the client or the client's
630 authorized representative, in a manner understood by the client or representative, of the
631 diagnostic and treatment options, risk assessment, and prognosis, and the client has
632 consented to the recommended treatment.

633
634 General Advice: means any advice provided by a veterinarian or certified veterinary
635 technician, via any method of communication within or outside of an established VCPR,
636 which is given in general terms and is not specific to an individual animal or group of
637 animals, diagnosis, or treatment.

638
639 Telehealth: is the collection of technology tools used to remotely deliver virtual
640 veterinary medical, health, and education services, allowing a veterinarian to deliver
641 enhance care and education.

642
643 Telemedicine: is the remote delivery of veterinary healthcare services, such as health
644 assessments or consultations, over the telecommunications infrastructure, allowing a
645 veterinarian to evaluate, diagnose and treat patients without the need for an in-person
646 visit.

647
648 Tele-triage: means emergency animal care, including animal poison control services, for
649 immediate, potentially life-threatening animal health situations, including poison
650 exposure mitigation, animal CPR instructions, and other critical lifesaving treatment or
651 advice that may be performed within or outside of a VCPR.

652
653 Members asked for clarification about the consulting veterinarian, consultant, and
654 consultation definitions but no member expressed opposition to these definitions. No
655 member expressed concerns about any of the other definitions.

656 **B. Location of Practice**

657
658
659 The practice of veterinary medicine takes place where the animal is located at time of
660 practice, in alignment with Wis. Stat. §§ 89.05 (1) and 89.02 (6).

661

662 No member expressed concerns.

663

664 **C. Establishing Veterinarian-Client-Patient Relationship (VCPR)**

665

666 — Option 1: In order to practice veterinary medicine in WI a veterinarian must be
667 licensed in WI and have an established VCPR with the client. A VCPR must be

668 established via an in person physical exam, or timely medically appropriate visits to the
669 premises on which the patient is kept. It may not be established by telehealth
670 technologies.

671
672 — Option 2: In order to practice veterinary medicine in WI a veterinarian must be
673 licensed in WI and have an established VCPR with the client prior to treating a patient. A
674 VCPR may be established by utilizing telehealth technologies to examine the patient as
675 medically appropriate to the circumstance.

676
677 — Option 3: In order to practice veterinary medicine in WI a veterinarian must be
678 licensed in WI and have an established VCPR with the client prior to treating a patient.
679 To establish a VCPR the veterinarian must meet the requirements of Wis. Stat. § 89.02
680 (8). A licensed veterinarian may satisfy the exam requirement under Wis. Stat. § 89.02
681 (8) (b) for the establishment of the VCPR via telehealth technologies through the use of
682 instrumentation and diagnostic equipment where images and medical records are able to
683 be transmitted electronically or a physical in person exam.

684
685 Six members expressed support of option 1. One member expressed support of either
686 option 1 or 3, as long as the veterinarian physically touches the animal at some point. One
687 member expressed support of option 2. Two members expressed support of either option
688 2 or 3. One member expressed support of either option 2 or 3, as long as a VCPR is
689 established in person at some point during the life of the patient.

690
691 Seven members expressed support of keeping the current timeframe requirements as
692 timely and medically appropriate. One member expressed support of a one-year
693 minimum requirement. One member expressed support of a 12 or 18-month minimum
694 requirement. One member expressed support of a one or two-year minimum requirement.

695 696 **D. Extending VCPR**

697
698 The VCPR, once established, extends to other veterinarians within the practice, or relief
699 veterinarians within the practice, that have access to, and have reviewed, the medical
700 history and records of the animal.

701
702 All members expressed support.

703 704 **E. Prescribing**

705
706 Medication may not be prescribed without either a physical examination or medically
707 appropriate and timely visits to the premises where the animal or group of animals is
708 kept.

709
710 Nine members expressed that the language is not necessary or is redundant to the VCPR
711 language. One member expressed no opinion.

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F. Record Keeping

Records must be kept, regardless of encounter type, in accordance with the current Wis. Admin. Code ch. VE 7.

All members agreed.

G. Continuity of Care

In accordance with Wis. Stat. § 89.02(8) (c), an animal owner must be able to easily seek follow-up care or information from the veterinarian who conducts an encounter while using telehealth technologies. The veterinarian must ensure that the client is aware of the veterinarian's identity and location.

Seven members expressed support of including identity and location. Of those, two specified that at least to the level of the state. One member expressed no need for the language. Two members expressed no opinion.

H. Permit and/or Continuing Education (CE)

Require a permit and/or telehealth-specific continuing education (CE) to practice telehealth.

Eight members expressed that a permit and/or specific CE should not be required to practice telehealth. One member expressed that CE on telehealth should be required, similar to what is required to practice telehealth in human medicine. One member expressed support of requiring both a permit and CE, but also expressed concerns about the logistics of it.

I. Delegated Medical Services – CVTs

Based on the discussion, staff highlighted the following items to consider with regards to CVTs and telehealth:

- (b) Performing diagnostic radiographic contrast studies: Only awake contrast studies not requiring general anesthesia
- (d) Sample collection via a cystocentesis procedure.
- (e) Placement of intravenous catheters (not arterial catheters)
- (f) Suturing of tubes and catheters.
- (g) Fine needle aspirate of a mass.
- (h) Performing amniocentesis, embryo collection and transfer, follicular aspiration, and transvaginal oocyte collection and recovery on livestock.

754
755 Eleven members expressed support of allowing b (only awake contrast studies not
756 requiring general anesthesia), d, e (not arterial catheters), f, and g as shown above to be
757 performed by a CVT with the ability to communicate with the veterinarian via telehealth.

758
759 Ten members expressed opposition to allowing h to be performed by a CVT without the
760 veterinarian present on the premises. One member expressed support of allowing h to be
761 performed by a CVT without the veterinarian present on the premises with the ability to
762 communicate with the veterinarian via telehealth.

763
764 Eleven members expressed support of requiring a shorter than 15 minute timespan for
765 communicating with the veterinarian via telehealth regarding the specified medical
766 services. Of those, five members expressed support of five minutes, one member expressed
767 support of ten minutes, and two members expressed support of five or ten minutes.

768
769 **J. Delegated Medical Services – Unlicensed Assistants**

770
771 Staff highlighted items currently delegable to unlicensed assistants to discuss with regards
772 to telehealth.

773 Eleven members expressed that the medical services currently delegable to unlicensed
774 assistants with the veterinarian present on the premises should continue to require the
775 veterinarian to be present on the premises.

776
777 ***Analysis and Supporting Documents Used to Determine Effect on Small Business and in***
778 ***Preparation of an Economic Impact Analysis***

779
780 The proposed rule will directly affect Wisconsin licensed veterinarians and certified veterinary
781 technicians. Most veterinary practices are small businesses. Current fee amounts would not
782 change. Adjustments to make rule language and structure clearer, and to simplify processes
783 where possible, may reduce the burden to each of these affected entities, by making the rules
784 easier to access and understand quickly.

785
786 The Board convened a Telehealth Advisory Committee (Committee) to advise the Board in
787 relation to the veterinary telehealth. The Committee was comprised of 13 representatives: 10
788 veterinarians and 3 certified veterinary technicians. Of the veterinarians, 1 works in large and
789 small animal practice, 3 work in large animal practice, 1 works in equine and small animal
790 practice, and 5 work in small animal practice. The veterinarians included representatives from
791 the Wisconsin Veterinary Medical Association, Sexing Technologies, and the Dairy Business
792 Association.

793

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

794

795

Effect on Small Business

796 The Board expects the proposed rule to have minimal to no economic impact. No fee amounts
797 will be changed in the proposed rule.

798

799 Most veterinary practices are small businesses. The proposed rule's structural changes and minor
800 language changes may reduce the burden to veterinarians, veterinary technicians, and consumers
801 of veterinary services, as the rules may become easier to access and understand quickly.

802

803 The proposed rule also allows for more use of telehealth technologies than the existing rule. New
804 language regarding telehealth may reduce the economic burden to veterinarians and animal
805 owners, especially in rural areas. The proposed rule expands the delegation of medical services
806 to allow a veterinarian to delegate the following items to a CVT if the veterinarian is available to
807 communicate via telehealth technologies within five minutes. Under current rules, these items
808 may only be delegated to a CVT if the veterinarian is personally present on the premises.

809

810

— Performing diagnostic radiographic awake contrast studies not requiring general
anesthesia.

811

— Sample collection via a cystocentesis procedure.

812

— Placement of intravenous catheters.

813

— Suturing of tubes and catheters.

814

— Fine needle aspirate of a mass.

815

The Department's Regulatory Review Coordinator may be contacted by:

Email at Bradford.Steine1@wisconsin.gov

Telephone at (608) 224-5024

The Regulatory Flexibility Analysis is attached.

Department Contact Person

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(608) 224-4890

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816

817

RULE TEXT

818

819 SECTION 1. Ch. VE 1 is repealed and recreated to read:

820 **Chapter VE 1 Veterinarians**

821 **Subchapter I – Authority and Definitions**

822 **VE 1.01 Authority.** The rules in this chapter are adopted by the veterinary examining
823 board pursuant to the authority delegated by ss. 15.08 (5), 89.03 (1) and (2), and 227.11 (2),
824 Stats.

825 **VE 1.02 Definitions.** In this chapter:

826 (1) “AAVSB” means the American Association of Veterinary State Boards.

827 (2) “Accredited college or university” means an educational institution that is accredited
828 by a regional or national accrediting agency recognized by the U.S. department of education.

829 (3) “Advertising” means to give notice by any means, including any circular, card, notice,
830 telephone book listing, magazine, newspaper or other printed material or any electronic medium.

831 (4) “Approved veterinary college” means a veterinary college which is AVMA accredited
832 or approved.

833 (5) “Attending veterinarian” means the veterinarian who holds the VCPR and is
834 responsible for the medical care and treatment of the animal.

835 (6) “AVMA” means the American Veterinary Medical Association.

836 (7) “Board” means the veterinary examining board.

837 Note: The board office is located at 2811 Agriculture Drive, P.O. Box 8911, Madison,
838 Wisconsin 53708–8911.

839 (8) “Client” has the meaning set forth at s. 89.02 (3), Stats.

840 (9) “Department” has the meaning set forth at s. 89.02 (3d), Stats.

841 (10) “Informed consent” means the veterinarian has informed the client or the client’s
842 authorized representative, in a manner understood by the client or the client’s authorized
843 representative, of the diagnostic and treatment options, risk assessment, and prognosis, and the
844 client or the client’s authorized representative has consented to the recommended treatment.

845 (11) “License” means a credential issued to a person by the board signifying the person
846 has met the requirements of ss. 89.06 (1) or (2m) (a) or 89.072, Stats., to practice veterinary
847 medicine in this state.

848 (12) “NAVLE” means the North American Veterinary Licensing Examination.

849 (13) “Patient” has the meaning set forth at s. 89.02 (4s), Stats.

850 (14) “Supervision” means available at all times for consultation, either in person or
851 within 15 minutes of contact by telephone, by video conference or by electronic communications
852 device, except where other provisions are specified in rule.

853 (15) “Telehealth technologies” means the collection of technology tools used to remotely
854 deliver virtual veterinary medical, health, and education services, allowing a veterinarian to
855 deliver enhanced care and education.

856 (16) “Unlicensed assistant” means a person working under the supervision of a
857 veterinarian, but not holding a license, permit, or certificate issued by the board.

858 (17) “VCPR” means a veterinarian–client–patient relationship and has the meaning set
859 forth at s. 89.02 (8), Stats.

860 (18) “Veterinary prescription drug” has the meaning set forth at s. 89.02 (11), Stats.

861 (19) “Veterinary student” means a person enrolled in an approved veterinary college in a
862 curriculum leading to a doctor of veterinary medicine degree.

863 **Subchapter II – Examinations**

864 **VE 1.04 Administration.** (1) The board or its designee shall administer the
865 examinations required of applicants for licensure as a veterinarian by s. VE 1.12 and of
866 applicants for certification as a veterinary technician by s. VE 2.04 at least once each year.

867 (2) Prior to November 1, 2000, the board shall accept as its licensure examinations the
868 national board examination and the clinical competency test. On and after November 1, 2000, the
869 board shall accept as its licensure examination the NAVLE.

870 (3) The board or its designee shall provide an examination admission document to the
871 applicant. The applicant shall present the admission document with any required identification at
872 the examination.

873 (4) The board or its designee shall provide rules of conduct at the beginning of the
874 examination. Time limits may be placed on each portion of the examination.

875 (5) The board may deny release of grades or issuance of a license or certificate if the
876 board determines that the applicant violated rules of conduct or otherwise acted dishonestly.

877 Note: Qualified applicants with disabilities shall be provided with reasonable
878 accommodations.

879 **VE 1.06 Competency tested.** (1) Examinations administered under this chapter test
880 entry level competency and seek to determine that an applicant's knowledge of animals and their
881 treatment is sufficient to protect public health and safety.

882 (2) The board shall furnish to individuals, upon request, general information describing
883 the competencies upon which the examination is based.

884 **VE 1.08 Passing scores.** (1) Passing scores for veterinary applicants for the national
885 board examination and the clinical competency test, and for the NAVLE, shall be based on the
886 board's determination of the level of examination performance required for minimum acceptable

887 competence in the profession. The board shall make the determination, after consulting with
888 subject matter experts who have reviewed a representative sample of the examination questions
889 and available candidate performance statistics, and set the passing score for the examination at
890 the point representing the minimum acceptable competence in the profession. The board may
891 accept any recommendation of the national examination provider.

892 (2) The passing score for an examination on state laws and rules related to the practice of
893 veterinary medicine shall be based on the board's determination of the level of examination
894 performance required for minimum acceptable competence in the profession. The board shall
895 make the determination, after consulting with subject matter experts who have reviewed a
896 representative sample of the examination questions and available candidate performance
897 statistics, and set the passing score for the examination at the point representing the minimum
898 acceptable competence in the profession.

899 **VE 1.10 Claim of examination error.** (1) An applicant for veterinary licensure wishing
900 to claim examination error shall file a written request for board review in the board office within
901 30 days of the date the examination was reviewed. The request shall include all of the following:

902 (a) The applicant's name and address.

903 (b) The type of license for which the applicant applied.

904 (c) A description of the mistakes the applicant believes were made in the examination
905 content, procedures, or scoring, including the specific questions or procedures claimed to be in
906 error.

907 (d) The facts which the applicant intends to prove, including reference text citations or
908 other supporting evidence for the applicant's claim.

909 (2) The board shall review the claim, make a determination of the validity of the
910 objections and notify the applicant in writing of the board's decision and any resulting grade
911 changes.

912 (3) If the board confirms the failing status following its review, the application shall be
913 deemed incomplete, and the applicant may be reexamined under s. VE 1.04.

914 **Subchapter III – Licensure**

915 **VE 1.12 License exemptions.** No veterinary license or permit is required for the
916 following veterinarians:

917 (1) Employees of the federal government while engaged in their official duties.

918 (2) Employees of an educational or research institution while engaged in teaching or
919 research, except if employed by a school of veterinary medicine in this state and the employee
920 practices veterinary medicine on privately owned animals.

921 (3) Graduates of schools outside the United States and Canada who are enrolled in the
922 educational commission for foreign veterinary graduates certification program of the AVMA or
923 the program for the assessment of veterinary education equivalence offered by the AAVSB while
924 completing the required year of clinical assessment under the supervision of a veterinarian.

925 **VE 1.14 Qualifications for licensure; examination or endorsement.** The board may
926 issue a license to practice veterinary medicine to an applicant who satisfies all of the following:

927 (1) Submits an application form provided by the board which includes the applicant's
928 notarized signature.

929 Note: Applications are available upon request to the board office located at 2811
930 Agriculture Drive, P.O. Box 8911, Madison, WI 53708-8911 or at the website at
931 www.datcp.wi.gov.

932 (2) Successfully completes an examination on state laws and rules related to the practice
933 of veterinary medicine.

934 Note: The examination on state laws and rules is separate from the NAVLE and the
935 national board examination and clinical competency test.

936 (3) Provides proof of graduation through one of the following means:

937 (a) A certificate of graduation from a veterinary college which shall be signed and sealed
938 by the dean of the school and submitted directly to the board by the school. The certificate may
939 be provided by electronic means if the seal is visible.

940 (b) Certification of graduation provided by the AAVSB.

941 (4) Does not have a conviction record or pending criminal charge relating to an offense
942 the circumstances of which substantially relate to the practice of veterinary medicine. An
943 applicant who has a conviction record or pending criminal charge shall request appropriate
944 authorities to provide information about the record or charge directly to the board in sufficient
945 specificity to enable the board to make a determination whether the record or charge
946 substantially relates to the practice of veterinary medicine.

947 (5) Provides all documents in English.

948 (6) Satisfies the requirements for either licensure by examination or licensure by
949 endorsement. Applicants who have never previously been licensed in any jurisdiction must apply
950 by examination. Applicants who have previously been licensed in Wisconsin or any other
951 jurisdiction must apply by endorsement.

952 **VE 1.16 Qualifications for licensure by examination.** Applicants for licensure by
953 examination shall satisfy all of the following:

954 (1) Passed the NAVLE within the last five years.

955 (2) For applicants who graduated from a veterinary college which is not board approved,
956 provide proof of graduation required under VE 1.14 (3), and evidence of successful completion
957 of either the educational commission for foreign veterinary graduates certification program or the
958 program for the assessment of veterinary education equivalence offered by the AAVSB which
959 shall be submitted directly to the board by the AVMA or the AAVSB.

960 (3) Pay the nonrefundable application fee of \$115.

961 **VE 1.18 Qualifications for licensure by endorsement.** Applicants for licensure by
962 endorsement shall satisfy all of the following:

963 (1) The applicant has not previously failed the NAVLE, unless the applicant has
964 subsequently retaken and passed the NAVLE.

965 (2) The applicant holds a current license to practice veterinary medicine in another state
966 or U.S. territory or province of Canada.

967 (3) The applicant has satisfied the qualifications for licensure, in s. VE 1.16, within the
968 last 5 years or has actively practiced for 4000 hours during the 5 years preceding application.

969 (4) For an applicant holding a current unrestricted license to practice veterinary
970 medicine in a country other than the United States or Canada, who is not a graduate of an
971 approved veterinary college, in addition to the requirements of sub. (3), submit evidence that the
972 applicant has successfully completed either the certification program of the educational
973 commission for foreign veterinary graduates of the AVMA or the program for the assessment of
974 veterinary education equivalence offered by the AAVSB.

975 (5) For an applicant holding a current unrestricted license to practice veterinary medicine
976 in a country other than the United States or Canada, who is a graduate of a school of veterinary

977 medicine approved by the board, in addition to the requirements of sub. (3), submit the
978 following:

979 (a) Evidence satisfactory to the board that the requirements for initial licensure in the
980 country where the applicant was originally licensed, including examination requirements, are
981 substantially equivalent to the requirements for graduates of schools of veterinary medicine
982 approved by the board who are seeking initial licensure in this state; or

983 (b) Before November 1, 2000, evidence that the applicant has successfully completed the
984 national board examination and the clinical competency test. On or after November 1, 2000,
985 evidence that the applicant has successfully completed the NAVLE.

986 (6) Provides verification of licensure records and status which has been provided directly
987 to the board by every state or country in which the applicant has ever held a license or certificate
988 to practice veterinary medicine or by the AAVSB.

989 (7) Pays the nonrefundable application fee of \$185.

990 **VE 1.20 Licensure review by board.** The board may determine that an applicant is not
991 eligible for licensure if any of the following apply:

992 (1) The applicant has a conviction record or pending criminal charge relating to an
993 offense the circumstances of which substantially relate to the practice of veterinary medicine.

994 (2) The applicant has been disciplined by the veterinary licensing authority in any other
995 state, territory or country.

996 (3) The applicant is a party in pending litigation in which it is alleged that the applicant is
997 liable for acts committed in the course of practice which evidence a lack of ability or fitness to
998 practice, as determined by the board.

999 (4) The applicant is currently under investigation by another veterinary licensing
1000 authority, for acts, related to the license to practice veterinary medicine, which may provide a
1001 basis for disciplinary action in this state, as determined by the board.

1002 (5) The applicant has been found liable for damages for acts committed in the course of
1003 practice of veterinary medicine which evidenced a lack of ability or fitness to practice, as
1004 determined by the board.

1005 (6) The applicant has had United States drug enforcement administration privileges
1006 restricted or revoked.

1007 (7) The applicant has had physical or mental impairment, including impairment related to
1008 drugs or alcohol, which is reasonably related to the applicant's ability to adequately undertake the
1009 practice of veterinary medicine in a manner consistent with the safety of a patient or the public.

1010 **VE 1.22 Reciprocal credentials for service members, former services members, their**
1011 **spouses.** (1) The board shall grant a license or permit to an individual who the board determines
1012 meets all of the requirements under s. 89.073, Wis. Stat.

1013 (2) A person applying for a reciprocal credential under s. 89.073, Wis. Stat., shall pay one
1014 of the following nonrefundable fees as applicable:

1015 (a) \$40 for a service member or former service member.

1016 (b) \$141 for a spouse as defined by s. 89.073 (1) (c), Wis. Stat.

1017 **VE 1.24 Issuing a license.** (1) The board shall review its records to determine eligibility
1018 of the applicant for licensure. Within 30 business days of determining an applicant is eligible for
1019 licensure, the board shall issue a license to the applicant.

1020 (2) The board shall inquire as to whether the applicant is competent to practice as a
1021 veterinarian in this state and shall impose any reasonable conditions in issuing the license,
1022 including reexamination, as the board deems appropriate, if any of the following apply:

1023 (a) The applicant has not previously been licensed in any jurisdiction and passed the
1024 NAVLE more than 5 years ago.

1025 (b) The applicant was previously licensed in Wisconsin or another jurisdiction and has
1026 not been licensed in any jurisdiction for more than 5 years.

1027 (c) The board has reviewed the application under any provision in s. VE 1.20.

1028 **VE 1.26 Administrative fees.** (1) A person requesting a printed license shall pay a
1029 nonrefundable fee of \$10.

1030 (2) A person requesting verification of licensure to another state or organization shall pay
1031 a nonrefundable fee of \$10.

1032 **VE 1.28 Renewal of license.** A license expires if not renewed by January 1 of even-
1033 numbered years. A licensee who allows the license to expire may apply to the board for renewal
1034 of the license as follows:

1035 (1) If the licensee applies for renewal of the license less than 5 years after its expiration,
1036 the license shall be renewed upon payment of the renewal fee, payment of the late fee if
1037 applicable, and fulfillment of 30 hours of continuing education required under s. VE 1.30
1038 completed before the license renewal.

1039 (2) If the licensee applies for renewal of the license 5 or more years after its expiration,
1040 in addition to requiring the licensee to pay the renewal fee and late fee, and to fulfill the
1041 continuing education hours required under s. VE 1.30 completed before the license renewal, the
1042 board shall inquire as to whether the applicant is competent to practice as a veterinarian in this

1043 state and shall impose any reasonable conditions on reinstatement of the license, including
1044 reexamination, as the board deems appropriate. An applicant under this subsection is presumed
1045 to be competent to practice as a veterinarian in this state if at the time of application for renewal
1046 the applicant holds a full unexpired license issued by a similar licensing board of another state or
1047 territory of the United States or of a foreign country or province whose standards, in the opinion
1048 of the board, are equivalent to or higher than the requirements for licensure in this state.
1049 Notwithstanding any presumption of competency under this subsection, the board shall require
1050 each applicant under this subsection to pass the examination specified under s. VE 1.14 (2).

1051 (3) The licensee shall pay a nonrefundable renewal fee of \$160.

1052 (4) A licensee who submits a license renewal after January 1 of even numbered years
1053 shall pay, in addition to the renewal fee under sub. (3), a nonrefundable late fee of \$25.

1054 **VE 1.30 Continuing education; requirements.** (1) (a) Except as provided in subs. (2)
1055 and (3), a veterinarian shall complete at least 30 hours of continuing education pertinent to
1056 veterinary medicine in each biennial renewal period. The 30 hours of continuing education shall
1057 include at least 25 hours of continuing education that relates to scientific topics pertinent to
1058 veterinary medicine.

1059 (b) All 30 continuing education hours in this subsection shall be documented. A
1060 minimum of 25 hours of continuing education shall be documented by an approved continuing
1061 education provider.

1062 (c) A continuing education hour shall consist of 50 minutes of contact time.

1063 (2) Subsection (1) does not apply to an applicant who applies to renew a license that
1064 expires on the first expiration date after the initial issuance of the license.

1065 (3) The board may waive the requirements, under sub. (1), if it finds that exceptional
1066 circumstances, such as prolonged illness, disability, or other similar circumstances, have
1067 prevented an applicant from meeting the requirements.

1068 (4) Continuing education hours shall be completed during the preceding 2-year licensure
1069 period.

1070 (5) To obtain credit for completion of continuing education hours, a licensee shall, at the
1071 time of each renewal, sign a statement saying that the licensee has completed, during the
1072 preceding 2-year licensure period, the continuing education programs required under sub. (1).

1073 (6) A veterinarian who fails to complete the continuing education requirements by the
1074 renewal date shall not practice as a veterinarian until the license is renewed.

1075 (7) For auditing purposes, every veterinarian shall maintain records of continuing
1076 education hours for at least 5 years from the date the certification statement required under sub.
1077 (5) is signed. The board may audit for compliance by requiring a veterinarian to submit evidence
1078 of compliance to the board for the biennium immediately preceding the biennium in which the
1079 audit is performed. Documentation of completion of continuing education hours shall include
1080 one of the following:

1081 (a) A certificate of attendance from an approved course provider.

1082 (b) A grade report or transcript from an accredited college or university.

1083 (c) A copy of a published work authored or co-authored by the licensee.

1084 (d) A copy of a meeting syllabus, announcement, abstract or proceeding for a
1085 presentation.

1086 (e) A signed document from an internship or residency institution certifying enrollment in
1087 a program.

1088 **VE 1.32 Continuing education; programs and courses.** (1) CRITERIA FOR
1089 PROGRAMS AND COURSE APPROVAL. To be approved, a continuing education program or
1090 course shall meet the following criteria:

1091 (a) The subject matter of the program or course shall be pertinent to veterinary medicine.

1092 (b) The program or course sponsor agrees to record registration and furnish a certificate
1093 of attendance to each participant.

1094 (2) UNRELATED SUBJECT MATTER. If a continuing education course includes
1095 subject matter that is not pertinent to veterinary medicine, only those portions of the course that
1096 relate to veterinary medicine will qualify as continuing education under this chapter.

1097 (3) MODALITIES AND METHODS OF DELIVERY. Modalities and methods of
1098 delivery of continuing education programs acceptable to the board include one or more of the
1099 following:

1100 (a) Attendance at a scientific workshop, seminar, or laboratory demonstration pertinent to
1101 veterinary medicine.

1102 (b) Enrollment in graduate or other college level courses pertinent to veterinary medicine.
1103 Credit for qualified courses will be approved on the basis of multiplying each college credit hour
1104 by 10.

1105 (c) Enrollment in an internship, residency or certification program approved by a
1106 veterinary specialty organization recognized by the AVMA or in an AVMA accredited
1107 veterinary school.

1108 (d) Authorship or co-authorship of a published work, such as review articles, abstracts,
1109 presentations, proceedings, book chapters, and web-based continuing education materials shall
1110 be approved for 5 hours each.

1111 (e) A peer reviewed publication shall be approved for 5 hours.

1112 (f) Development and presentation of research findings, scientific workshops, seminars or
1113 laboratory demonstrations pertinent to veterinary medicine shall be approved for 5 contact hours
1114 each.

1115 (g) Up to 15 hours per biennium shall be granted for a combination of continuing
1116 education hours completed under pars. (d) to (f), provided the continuing education is published
1117 or presented under the auspices of a provider approved under sub. (4).

1118 (h) On-line, video, audio, correspondence courses, or other interactive distance learning
1119 courses pertinent to veterinary medicine, or to employment as a veterinarian.

1120 (4) APPROVED PROGRAM PROVIDERS. Subject to compliance with the
1121 requirements set forth in subs. (1) to (3), the board shall approve attendance at and completion of
1122 one or more continuing education programs approved by any one of the following approved
1123 program providers as fulfilling the continuing education hours required under this chapter:

1124 (a) A national, regional, state, or local veterinary medical or veterinary technician
1125 association.

1126 (b) A federal or state agency.

1127 (c) An accredited college or university.

1128 (d) An association listed in the AVMA or the National Association of Veterinary
1129 Technicians in America directory.

1130 (e) An AVMA accredited veterinary school or veterinary technician program.

1131 (f) A program approved by the AAVSB through its Registry of Approved Continuing
1132 Education approval program.

1133 (g) A foreign veterinary medical or veterinary technician association, an accredited
1134 college or university, or a governmental agency that is, as determined by the board comparable
1135 to a program provider listed under pars. (a) to (f).

1136 **Subchapter IV – Permits**

1137 **VE 1.34 Temporary veterinary permits.** (1) In this section, “Preceptor” means a
1138 veterinarian who agrees to supervise a holder of a temporary veterinary permit.

1139 (2) An applicant may be granted a temporary veterinary permit before the board receives
1140 notice of successful completion of the NAVLE or the examination on state laws and rules related
1141 to the practice of veterinary medicine, if the applicant provides evidence that the applicant is
1142 either scheduled to take the examination for the first time, or is awaiting results of the
1143 examination.

1144 (3) An applicant shall complete an application for temporary veterinary permit and
1145 submit the nonrefundable fee of \$10.

1146 (4) The board shall receive written verification of employment signed and provided
1147 directly to the board by the preceptor.

1148 (5) The application and verification required by subs. (3) and (4) shall be received by the
1149 board office at least 2 weeks prior to the date the applicant intends to begin work.

1150 (6) In order to provide supervision for a holder of a temporary veterinary permit, a
1151 preceptor shall do all of the following:

1152 (a) Delegate only those tasks commensurate with demonstrated abilities of the temporary
1153 veterinary permit holder.

1154 (b) Be available for direct communication with the temporary veterinary permit holder
1155 when the temporary veterinary permit holder is providing veterinary services. Direct

1156 communication shall be in person, by telephone, video conference, or electronic communication
1157 device.

1158 (7) A temporary veterinary permit shall expire upon any of the following:

1159 (a) Notification of failure of any examination.

1160 (b) Failure to take the next scheduled examination.

1161 (c) Issuance of a license.

1162 (d) Denial of a license.

1163 (8) An applicant may be granted a temporary veterinary permit only once.

1164 (9) Any change or addition of preceptor shall be reported to the board by filing a new
1165 verification as specified in sub. (4).

1166 (10) Within 30 business days of determining an applicant is eligible for a temporary
1167 permit, the board shall issue a permit to the applicant. Notification of issuance shall also be
1168 provided to the preceptor.

1169 **VE 1.36 Veterinary consulting permits.** (1) The board may issue a veterinary
1170 consulting permit to practice veterinary medicine in this state to a person holding a license to
1171 practice veterinary medicine in another state or territory of the U.S. or in another country,
1172 provided the licensee is in good standing in the other jurisdiction, and a veterinarian has
1173 requested a consultation.

1174 (2) A veterinary consulting permit may be used up to 60 total days per calendar year.

1175 (3) The veterinary consulting permit shall expire on December 31 of each year or on the
1176 60th day of use in a calendar year. The holder of a consulting permit may apply for a new permit
1177 for a subsequent year by completing the application procedure specified in this section.

1178 (4) An applicant for a veterinary consulting permit shall file a completed application
1179 with the board. All supporting documents shall be provided in English. An application is not
1180 complete until the board receives all of the following:

1181 (a) An application form provided by the board and completed by the applicant which
1182 includes the applicant's notarized signature.

1183 Note: Applications are available upon request to the board office located 2811
1184 Agriculture Drive, P.O. Box 8911, Madison, WI 53708-8911.

1185 (b) The required nonrefundable fee of \$160.

1186 (c) Verification of licensure records and status which has been provided directly to the
1187 board by the jurisdictions or the AAVSB for every state or country in which the applicant has
1188 ever held a license or certificate to practice veterinary medicine.

1189 (d) Written verification from a veterinarian that a consultation is being sought.

1190 (5) A veterinary consulting permit shall automatically expire upon notice to the board
1191 that the consultation has been completed.

1192 (6) After hearing, a veterinary consulting permit may be denied, suspended, limited or
1193 revoked, or the permittee may be reprimanded, for any of the following reasons:

1194 (a) Revisiting the patient or client or communicating directly with the client without the
1195 knowledge of the attending veterinarian.

1196 (b) Taking charge of a case or problem without the consent of the attending veterinarian
1197 and the client.

1198 (c) Violating any law or rule related to the practice of veterinary medicine.

1199 **Subchapter V – Practice Related to Veterinary Schools**

1200 **VE 1.38 Faculty license.** (1) APPLICATION. An applicant for a faculty license under s.
1201 89.06 (2m) (a), Stats., shall file a completed application with the board. All supporting
1202 documents shall be submitted in English. An application is not complete until the board receives
1203 all of the following:

1204 (a) An application form provided by the board and completed by the applicant, which
1205 includes the applicant's notarized signature.

1206 Note: Applications are available upon request to the board office located at 2811
1207 Agriculture Drive, P.O. Box 8911, Madison, Wisconsin 53708-8911.

1208 (b) The required nonrefundable fee of \$185.

1209 (c) Verification of employment by a school of veterinary medicine in this state which has
1210 been submitted directly to the board by the dean of the school.

1211 (d) Proof of graduation through one of the following means:

1212 1. A certificate of graduation from an approved veterinary college signed and sealed by
1213 the dean of the school submitted directly to the board by the school, or evidence of substantially
1214 equivalent qualifications.

1215 2. Certification of graduation provided by the AAVSB.

1216 (e) Successful completion of an examination on state laws and rules related to the
1217 practice of veterinary medicine.

1218 (2) DISCIPLINARY ACTION. A faculty license may be denied, suspended, limited or
1219 revoked, or the licensee may be reprimanded, for any of the following reasons:

1220 (a) Violation of any law or regulation substantially related to the practice of veterinary
1221 medicine.

1222 (b) Engaging in the practice of veterinary medicine in this state outside the scope of
1223 employment unless licensed to do so.

1224 (3) EXPIRATION. The faculty license expires upon termination of the faculty employee's
1225 employment with the school of veterinary medicine, as reported by the dean of the school of
1226 veterinary medicine.

1227 **VE 1.40 Post graduate training permit.** (1) The board may grant a post graduate
1228 training permit allowing the permit holder to practice veterinary medicine on privately owned
1229 animals only within the scope of the permittee's internship or residency program at a school of
1230 veterinary medicine in this state.

1231 (2) An applicant for a post graduate training permit under s. 89.06 (2m) (b), Stats., shall
1232 file a completed application with the board. All supporting documents shall be provided in
1233 English. An application shall not be considered complete until the board receives all of the
1234 following:

1235 (a) An application form provided by the board and completed by the applicant, including
1236 the applicant's notarized signature.

1237 Note: Applications are available upon request to the board office located at 2811
1238 Agriculture Drive, P.O. Box 8911, Madison, Wisconsin 53708-8911.

1239 (b) Evidence that the applicant has received a degree from a school of veterinary
1240 medicine or an equivalent degree.

1241 (c) The required nonrefundable fee of \$100.

1242 (d) Verification that the applicant is undertaking intern or resident training at a school of
1243 veterinary medicine in this state. Verification shall consist of certification signed and sealed by
1244 the dean of the school and submitted directly to the board by the school.

1245 (3) An applicant for a post graduate training permit shall successfully complete an
1246 examination on state laws and rules related to the practice of veterinary medicine before a permit
1247 may be issued.

1248 (4) A post graduate training permit may be denied, suspended, limited or revoked, or the
1249 licensee may be reprimanded, for any of the following reasons:

1250 (a) Violation of any law or regulation substantially related to the practice of veterinary
1251 medicine.

1252 (b) Engaging in the practice of veterinary medicine in the State of Wisconsin outside the
1253 scope of the training program unless licensed to do so.

1254 (5) The post graduate training permit expires upon termination of the permittee's
1255 internship or residency program, as reported by the dean of the school of veterinary medicine.

1256 **VE 1.42 Veterinary students.** (1) A veterinary student may practice veterinary
1257 medicine within the school of veterinary medicine pursuant to standards and supervisory
1258 protocols established by the school.

1259 (2) A veterinary student may perform delegated veterinary acts outside of the school
1260 setting as set forth under s. VE 1.44 (1), (3), and (9).

1261 **Subchapter VI – Standards of Practice and Unprofessional Conduct**

1262 **VE 1.44 Delegation of veterinary medical acts.** (1) In delegating the provision of
1263 veterinary medical acts to veterinary students, certified veterinary technicians and others, the
1264 veterinarian shall do all of the following:

1265 (a) Delegate only those tasks commensurate with the education, training, experience and
1266 demonstrated abilities of the person supervised.

1267 (b) Provide the supervision required under subs. (2) to (8).

1268 (c) Where the veterinarian is not required to be personally present on the premises where
1269 the delegated services are provided, be available at all times for consultation either in person or
1270 within 15 minutes of contact by telephone, by video conference or by electronic communication
1271 device.

1272 (d) Observe and monitor the activities of those supervised on a daily basis.

1273 (e) Evaluate the effectiveness of delegated acts performed under supervision on a daily
1274 basis.

1275 (f) Establish and maintain a daily log of each delegated patient service which has been
1276 provided off the premises of the supervising veterinarian.

1277 (g) Notify the client that some services may be provided by a veterinary student, certified
1278 veterinary technician or an unlicensed assistant.

1279 (2) The following acts are limited to those holding a license under s. 89.06 (1), 89.06
1280 (2m) (a), or 89.072, Stats.; a permit under s. VE 1.36, 1.38, or 1.40; or active status as a student
1281 at a college of veterinary medicine approved by the board, and may not be delegated to or
1282 performed by veterinary technicians or other persons not holding such license or permit:

1283 (a) Diagnosis and prognosis of animal diseases and conditions.

1284 (b) Prescribing of drugs, medicines, treatments and appliances.

1285 (c) Performing surgery, which means any procedure in which the skin or tissue of the
1286 patient is penetrated or severed but does not include any of the following:

1287 (a) Activities not considered the practice of veterinary medicine, as follows:

1288 1. Activities identified in s. 89.05 (2) (a) and (b), Stats.

1289 2. Subcutaneous insertion of a microchip for identifying an animal.

1290 3. Ear tag or tattoo placement for identifying an animal.

1291 4. Euthanasia by injection.

1292 (b) Activities considered the practice of veterinary medicine, but which a veterinarian
1293 may delegate to a certified veterinary technician, as specified in s. VE 1.44 (5) and (6), as
1294 follows:

1295 1. Simple dental extractions that require minor manipulation and minimal elevation.

1296 2. Administration of injections, including local and general anesthesia.

1297 3. Sample collection via a cystocentesis procedure.

1298 4. Placement of intravenous and arterial catheters.

1299 5. Suturing of tubes and catheters.

1300 6. Fine needle aspirate of a mass.

1301 7. Performing amniocentesis, embryo collection and transfer, follicular aspiration, and
1302 transvaginal oocyte collection and recovery on livestock.

1303 (3) Except as provided under s. 95.21 (2), Stats., veterinarians may delegate to veterinary
1304 students the provision of veterinary medical services under the supervision of the veterinarian
1305 when the veterinarian is personally present on the premises where the services are provided.

1306 (4) Except as provided under s. 95.21 (2), Stats., veterinarians may delegate to certified
1307 veterinary technicians the provision of the following veterinary medical services under the
1308 supervision of the veterinarian:

1309 (a) Nonsurgical veterinary treatment of animal diseases and conditions, including
1310 administration of vaccines.

1311 Note: See s. 95.21 (2) (a), Stats., for the delegation of rabies vaccinations.

1312 (b) Observations and findings related to animal diseases and conditions to be utilized by a
1313 veterinarian in establishing a diagnosis or prognosis, including routine radiographs, nonsurgical

1314 specimen collection, drawing of blood for diagnostic purposes, and laboratory testing
1315 procedures.

1316 (c) Administration of sedatives and presurgical medications.

1317 (d) Nutritional evaluation and counseling.

1318 (e) Except to certified veterinary technicians who are also licensed professionals
1319 governed by the provisions in s. VE 1.48, the provision of any complementary, alternative, or
1320 integrative therapy, as defined in s. VE 1.48 (1).

1321 (5) Veterinarians may delegate to certified veterinary technicians the provision of the
1322 following veterinary medical services under the supervision of the veterinarian when the
1323 veterinarian is available to communicate via telehealth technologies within 5 minutes or the
1324 veterinarian is personally present on the premises where the services are provided:

1325 (a) Performing diagnostic radiographic awake contrast studies not requiring general
1326 anesthesia.

1327 (b) Sample collection via cystocentesis procedure.

1328 (c) Placement of intravenous catheters.

1329 (d) Suturing of tubes and catheters.

1330 (f) Fine needle aspirate of a mass.

1331 (6) Veterinarians may delegate to certified veterinary technicians the provision of the
1332 following veterinary medical services under the supervision of the veterinarian when the
1333 veterinarian is personally present on the premises where the services are provided:

1334 (a) Administration of local or general anesthesia, including induction and monitoring.

1335 (b) Performing diagnostic radiographic contrast studies, including those requiring general
1336 anesthesia.

1337 (c) Dental prophylaxis and simple extractions that require minor manipulation and
1338 minimal elevation.

1339 (d) Placement of arterial catheters.

1340 (e) Performing amniocentesis, embryo collection and transfer, follicular aspiration, and
1341 transvaginal oocyte collection and recovery on livestock.

1342 (7) Veterinarians may delegate to unlicensed assistants the provision of the following
1343 veterinary medical services under the supervision of the veterinarian:

1344 (a) Basic diagnostic studies, including routine radiographs, nonsurgical specimen
1345 collection, and laboratory testing procedures.

1346 (b) Monitoring and reporting to the veterinarian changes in the condition of a hospitalized
1347 patient.

1348 (c) Dispensing prescription drugs pursuant to the written order of the veterinarian.

1349 (8) Except as provided under s. 95.21, Stats., veterinarians may delegate to unlicensed
1350 assistants the provision of the following veterinary medical services under the supervision of the
1351 veterinarian when the veterinarian is personally present on the premises where the services are
1352 provided:

1353 (a) Nonsurgical veterinary treatment of animal diseases and conditions, including
1354 administration of vaccines, and administration of sedatives and presurgical medications.

1355 (b) Observations and findings related to animal diseases and conditions to be utilized by a
1356 veterinarian in establishing a diagnosis or prognosis, including the drawing of blood for
1357 diagnostic purposes.

1358 (c) Dental prophylaxis.

1359 (d) Nutritional evaluation and counseling.

1360 (e) Placement of intravenous catheters.

1361 (9) Notwithstanding subs. (1) to (8), a veterinary student, certified veterinary technician
1362 or unlicensed assistant employed by a veterinarian may, under the supervision of the veterinarian
1363 and pursuant to mutually acceptable written protocols, perform evaluative and treatment
1364 procedures necessary to provide an appropriate response to life-threatening emergency situations
1365 for the purpose of stabilizing the patient pending further treatment.

1366 **VE 1.46 Veterinary consulting.** (1) DEFINITIONS. In this section:

1367 (a) “Consulting veterinarian” means the veterinarian who gives advice or assistance,
1368 whether in-person or by any method of communication, to the attending veterinarian, for the
1369 benefit of a patient.

1370 (b) “Consultant” means a person whose subject matter expertise, in the opinion of the
1371 attending veterinarian, will benefit a patient, and who gives the attending veterinarian advice or
1372 assistance, whether in-person or by any method of communication.

1373 (2) A consulting veterinarian or other consultant may give advice or assistance to the
1374 attending veterinarian where the VCPR remains with the attending veterinarian and the
1375 responsibility for patient treatment, prescriptions, and welfare remain with the attending
1376 veterinarian.

1377 (3) A consulting veterinarian or other consultant may not do any of the following:

1378 (a) Visit the patient or client or communicate directly with the client without the
1379 knowledge of the attending veterinarian.

1380 (b) Take charge of a case or problem without the consent of the attending veterinarian
1381 and the client.

1382 (4) Subsection (3) does not apply to other veterinarians licensed by the board, practicing
1383 with the attending veterinarian, who have access to, and have reviewed, the medical history and
1384 records of the animal.

1385 **VE 1.48 Veterinary referral to a license holder in another profession.** (1) In this
1386 section, “Complementary, alternative, and integrative therapies” means a heterogeneous group of
1387 preventive, diagnostic, and therapeutic philosophies and practices. These therapies include:

1388 (a) Veterinary acupuncture, acuthery, and acupressure.

1389 (b) Veterinary homeopathy.

1390 (c) Veterinary manual or manipulative therapy, meaning therapies based on techniques
1391 practiced in osteopathy, chiropractic medicine, or physical medicine and therapy.

1392 (d) Veterinary nutraceutical therapy.

1393 (e) Veterinary phytotherapy.

1394 (2) A veterinarian may make a referral to a client, for treatment of a patient by a license
1395 holder in another profession, using complimentary, alternative, or integrative therapies, as
1396 defined in sub. (1), if the license holder, to whom the client and patient are referred, provides all
1397 of the following evidence to the veterinarian for performing the type of therapy for which the
1398 referral is being made:

1399 (a) The license holder’s current licensing in good standing, with the applicable board
1400 through the department of safety and professional services.

1401 (b) The license holder’s education, training, and experience in performing the therapy on
1402 an animal.

1403 (3) The VCPR, as defined in s. 89.02 (8), Stats., does not extend to the provision of any
1404 complementary, alternative, or integrative therapy performed on a veterinarian's patient, under
1405 either of the following circumstances:

1406 (a) The therapy is performed by a license holder in another profession, where the
1407 veterinarian demonstrates meeting the requirements, in sub. (2), for making the referral to the
1408 license holder.

1409 (b) The veterinarian's client obtains any complementary, alternative, or integrative
1410 therapy services for a veterinarian's patient without a referral by the veterinarian.

1411 **VE 1.50 Veterinary telemedicine.** (1) In this section, "Telemedicine" means the remote
1412 delivery of veterinary healthcare services, such as health assessments or consultations, over the
1413 telecommunications infrastructure, allowing a veterinarian to evaluate, diagnose and treat
1414 patients without the need for an in-person visit.

1415 (2) The practice of veterinary medicine, in accordance with ss. 89.05 (1) and 89.02 (6),
1416 Wis. Stats., takes place where the animal is located at the time of practice.

1417 (3) In order to practice veterinary telemedicine in Wisconsin, a veterinarian must be
1418 licensed in Wisconsin.

1419 (4) Except as provided under subs. (6) and (7) and s. VE 1.46, the veterinarian must have
1420 an established VCPR with the client. The VCPR must be established via an in-person physical
1421 exam, or timely medically appropriate visits to the premises on which the patient is kept. The
1422 VCPR may not be established by telehealth technologies.

1423 (5) The VCPR, once established, extends to other veterinarians licensed by the board,
1424 who are practicing with the attending veterinarian, and who have access to, and have reviewed,
1425 the medical history and records of the animal.

1426 (6) Tele-triage and emergency animal care, including animal poison control services, for
1427 immediate, potentially life-threatening animal health situations, including poison exposure
1428 mitigation, animal cardiopulmonary resuscitation instructions, and other critical lifesaving
1429 treatment or advice that may be performed within or outside of a VCPR.

1430 (7) A veterinarian may provide general advice in general terms that is not specific to an
1431 individual animal or group of animals, diagnosis, or treatment, and may provide this general
1432 advice within or outside of an established VCPR.

1433 (8) Records must be kept in accordance with this chapter.

1434 (9) In accordance with s. 89.02 (8) (c), Wis. Stat., an animal owner must be able to easily
1435 seek follow-up care or information from the veterinarian who conducts an encounter while using
1436 telehealth technologies.

1437 (10) A veterinarian using telehealth technologies is required to follow all applicable
1438 requirements of this chapter.

1439 **VE 1.52 Records.** (1) A veterinarian shall maintain individual patient records on every
1440 patient administered to by the veterinarian other than food and fiber patients and equine patients
1441 for a period of not less than 3 years after the date of the last entry. The veterinarian shall keep
1442 individual client records for equine and food and fiber patients for 3 years after the date of the
1443 last entry. A computerized system may be used for maintaining a record, as required under this
1444 section, if the system is capable of producing a printout of records contained in such system
1445 within 48 hours of a request.

1446 (2) The individual patient record shall contain clinical information pertaining to patients
1447 other than food and fiber patients and equine patients with sufficient information to justify the

1448 diagnosis and warrant treatment, including information regarding each of the following matters
1449 which apply:

1450 (a) Date.

1451 (b) Client name.

1452 (c) Patient identification.

1453 (d) History.

1454 (e) Complaint.

1455 (f) Present illness.

1456 (g) Provisional diagnosis.

1457 (h) Physical examination findings.

1458 (i) Record of client's informed consent by signature and date or other specified means.

1459 (j) Treatment — medical, surgical.

1460 (k) Vaccinations administered.

1461 (L) Drugs prescribed, dispensed or administered, including strength or concentration,
1462 route of administration, dosing schedule, number dispensed and number of refills allowed.

1463 (m) Final diagnosis.

1464 (n) Consultation, if any.

1465 (o) Clinical laboratory reports.

1466 (p) Radiographic reports.

1467 (q) Necropsy findings.

1468 (r) Identification of the veterinarian providing the care.

1469 (3) The client record for food and fiber patients shall contain at least the following
1470 information which apply:

- 1471 (a) Date.
- 1472 (b) Client name.
- 1473 (c) Type of call.
- 1474 (d) Individual or herd diagnosis.
- 1475 (e) Record of client's informed consent by signature and date or other specified means.
- 1476 (f) Treatment and drugs used including amounts of drugs administered and method of
- 1477 administration.
- 1478 (g) Drugs dispensed including dosing schedule and number dispensed.
- 1479 (h) Meat or milk withholdings.
- 1480 (i) Clinical laboratory reports.
- 1481 (j) Identification of the veterinarian providing the care.
- 1482 (4) The client record for equine patients shall contain at least the following information
- 1483 which applies:
- 1484 (a) Date.
- 1485 (b) Client name.
- 1486 (c) Patient identification.
- 1487 (d) History.
- 1488 (e) Physical examination findings.
- 1489 (f) Diagnosis.
- 1490 (g) Record of client's informed consent by signature and date or other specified means.
- 1491 (h) Treatment-medical, surgical.
- 1492 (i) Treatment and drugs used including amount of drugs administered and method of
- 1493 administration.

- 1494 (j) Drugs dispensed including dosing schedule and number dispensed.
- 1495 (k) Clinical laboratory reports.
- 1496 (L) Radiographic reports.
- 1497 (m) Necropsy findings.
- 1498 (n) Identification of the veterinarian providing the care.
- 1499 (5) A veterinarian shall provide access to health care records in accordance with s.
- 1500 89.075, Wis. Stat.

1501 **VE 1.54 Change of name and address.** Every veterinarian shall notify the board of a
1502 change of name or address within 30 days.

1503 **VE 1.56 Display of license.** Each veterinarian shall display a current license in a manner
1504 conspicuous to the public view, and shall at all times have evidence of licensure available for
1505 inspection when practicing at a remote location.

1506 **VE 1.58 Unprofessional conduct.** Unprofessional conduct by a veterinarian is
1507 prohibited. Unprofessional conduct includes:

1508 (1) Unprofessional conduct under s. 89.07 (1), Wis. Stat.

1509 (2) Conduct in the practice of veterinary medicine which evidences a lack of knowledge
1510 or ability to apply professional principles or skills.

1511 (3) Fraud in the practice of veterinary medicine, including any of the following:

1512 (a) The making of false claims regarding knowledge, ability, skills or facilities for use in
1513 treatment or diagnosis of a disease.

1514 (b) The making of false claims regarding testing, inspecting, reporting or issuing of
1515 inter-state, intra-state or export health certificates.

1516 (4) Gross, serious, or grave negligence, as compared to less serious or more ordinary acts
1517 of negligence, in the practice of veterinary medicine.

1518 (5) "Deception" in the practice of veterinary medicine, including any of the following:

1519 (a) Claiming to have performed an act or given a treatment which has not in fact been
1520 performed or given.

1521 (b) Giving needless treatment.

1522 (c) Using a different treatment than stated.

1523 (6) Being convicted of a crime the circumstances of which substantially relate to the
1524 practice of veterinary medicine.

1525 (7) Violating or aiding and abetting the violation of any law or administrative rule or
1526 regulation substantially related to the practice of veterinary medicine.

1527 (8) Advertising in a manner which is false, fraudulent, misleading or deceptive, or
1528 knowingly maintaining a professional association with another veterinarian or veterinary firm
1529 that advertises in a manner which is false, fraudulent, misleading or deceptive.

1530 (9) Having a veterinary license or federal veterinary accreditation limited, suspended or
1531 revoked, or having been subject to any other related discipline or restriction.

1532 (10) Practicing or attempting to practice, while the veterinarian has a physical or mental
1533 impairment, including impairment related to drugs or alcohol which is reasonably related to the
1534 applicant's ability to adequately undertake the practice of veterinary medicine in a manner
1535 consistent with the safety of a patient or the public.

1536 (11) The personal use, misuse, or sale, other than for medical treatment of patients, of the
1537 drugs listed in the U.S. Controlled Substances Act of 1979, as amended, or ch. 961, Stats., except
1538 personal use of drugs prescribed by a physician for individual use by the veterinarian.

1539 (12) Prescribing, ordering, dispensing, administering, supplying or giving of any
1540 amphetamine, its salts, isomers and salts of its isomers or related sympathomimetic amine drug
1541 designated as a Schedule II drug in ch. 961, Stats., except for the treatment of narcolepsy or
1542 hyperkinesis in animals who do not respond to other methods of treatment, or for clinical
1543 research of these compounds as approved by the board. A written description of the intended
1544 research project proposed shall be filed with the board prior to conducting the research.

1545 (13) Prescribing or dispensing veterinary prescription drugs to a client without following
1546 the requirements in s. 89.068 (1) (c), Stats.

1547 (14) Dispensing any veterinary prescription drugs to a person unless the person requests
1548 fulfillment of a prescription meeting the requirements of s. 89.068 (1) (b), Stats.

1549 (15) Failure to include on the label of a prescription drug the generic or brand name of
1550 the drug dispensed, the name and address of the clinic or veterinarian dispensing the drug, the
1551 directions for use and caution statements required by law. In case of companion animals, the
1552 prescription shall bear the name or identification of the patient.

1553 (16) Prescribing, ordering, dispensing, administering, supplying or giving any controlled
1554 substance solely for training or racing purposes and not for a medically sound reason.

1555 (17) Allowing a veterinary student to treat a patient without the veterinarian giving
1556 supervision.

1557 (18) Failure of the veterinarian to advise the client that the person assisting is a
1558 veterinary student or unlicensed assistant.

1559 (19) Failure to maintain records as required by s. VE 1.52.

1560 (20) Refusal, upon request, to cooperate in a timely manner with the board's
1561 investigation of complaints lodged against the veterinarian. Persons taking longer than 30 days to

1562 provide requested information shall have the burden of demonstrating that they have acted in a
1563 "timely manner."

1564 (21) Failure to keep the veterinary facility and all equipment, including mobile units, in a
1565 clean and sanitary condition while practicing as a veterinarian.

1566 (22) Failure of a veterinarian to permit the board or its agents to enter and inspect the
1567 veterinarian's practice facilities, vehicle, equipment and records during office hours and other
1568 reasonable hours.

1569 (23) Engaging in unsolicited communications to members of the board regarding a
1570 matter under investigation by the board other than to the investigative member of the board.

1571 (24) Practicing under an expired license.

1572 (25) Exceeding the scope of veterinary practice, as defined in s. 89.02 (6), Stats., by
1573 providing medical treatment to humans or distributing, prescribing or dispensing for human use
1574 prescription drugs, as defined in s. 450.01 (20), Stats., or any drug labelled for veterinary or
1575 animal use only.

1576 (26) Falsely certifying to the board under s. VE 1.30 (5) that the veterinarian:

1577 (a) Has completed the 30 hours of continuing education required under s. VE 1.30 (1).

1578 (b) Is exempt under s. VE 1.30 (2) from having to complete the 30 hours of continuing
1579 education required under s. VE 1.30 (1).

1580 (27) Failure to inform a client prior to treatment of the diagnostic and treatment options
1581 consistent with the veterinary profession's standard of care, meaning diagnostic procedures and
1582 modes of treatment considered by the veterinary profession to be within the scope of current,
1583 acceptable veterinary medical practice, and the associated benefits and risks of those options.

1584 (28) Failure to release a patient's medical records as required by s. 89.075, Stats.

1585 (29) Advertising a specialty or claiming to be a specialist when not a diplomate of a
1586 veterinary specialty organization recognized by the AVMA American Board of Veterinary
1587 Specialties or by a foreign veterinary specialty organization which, in the opinion of the board, is
1588 equivalent to an AVMA American Board of Veterinary Specialists recognized veterinary
1589 specialty organization.

1590 (30) Failure to provide copies of or information from veterinary records, with or without
1591 the client's consent, to the board or to public health, animal health, animal welfare, wildlife or
1592 agriculture authorities, employed by federal, state, or local governmental agencies who have a
1593 legal or regulatory interest in the contents of said records for the protection of animal or public
1594 health.

1595 **VE 1.60 Board action.** The board may reprimand the licensee or deny, suspend, limit or
1596 revoke a veterinary license or permit under this chapter for cause, including any of the following:

1597 (1) Filing an incomplete or fraudulent application, or misrepresenting any information on
1598 an application.

1599 (2) Violating this chapter or ch. 89, Stats.

1600 SECTION 2. Ch. VE 2 is repealed and recreated to read:

1601 **Chapter VE 2 Veterinary Technicians**

1602 **Subchapter I – Authority and Definitions**

1603 **VE 2.01 Authority.** The rules in this chapter are adopted by the veterinary examining
1604 board pursuant to the authority delegated by ss. 15.08 (5), 89.03 (1) and (2), and 227.11 (2),
1605 Stats.

1606 **VE 2.02 Definitions.** In this chapter:

1607 (1) “Accredited college or university” means an educational institution that is accredited
1608 by a regional or national accrediting agency recognized by the U.S. Department of Education.

1609 (2) “AVMA” means the American veterinary medical association.

1610 (3) “Board” means the veterinary examining board.

1611 Note: The board office is located at 2811 Agriculture Drive, P.O. Box 8911, Madison,
1612 Wisconsin 53708–8911.

1613 (4) “Certificate” means a document issued to a person by the board, after the person has
1614 met the requirements of s. 89.06 (3), Stats., signifying that the person has met the statutory
1615 requirements to practice veterinary technology in Wisconsin.

1616 (5) “Client” has the meaning set forth at s. 89.02 (3), Stats.

1617 (6) “Department” has the meaning set forth at s. 89.02 (3d), Stats.

1618 (7) “Patient” has the meaning set forth at s. 89.02 (4s), Stats.

1619 (8) “VTNE” means the veterinary technician national exam.

1620 **Subchapter II – Certification**

1621 **VE 2.04 Certification.** (1) The board may issue a certificate to practice as a veterinary
1622 technician to an applicant who does all of the following:

1623 (a) Submits an application form provided by the board which includes the applicant's
1624 notarized signature.

1625 Note: Applications are available upon request to the board office located at 2811
1626 Agriculture Drive, P.O. Box 8911, Madison, WI 53708-8911 or at the website at
1627 www.datcp.wi.gov.

1628 (b) Meets the age and training requirements of s. 89.06 (3), Stats.

1629 (c) Pays one of the following nonrefundable fees as applicable:

1630 1. \$115 for an applicant who has never been credentialed in Wisconsin or another
1631 jurisdiction.

1632 2. \$185 for an applicant who has previously been credentialed in Wisconsin or another
1633 jurisdiction.

1634 (d) Has successfully completed both the VTNE and an examination on state laws and
1635 rules related to the practice of veterinary technology, the results of which shall be submitted
1636 directly to the board by the department's office of examinations or the interstate reporting
1637 services.

1638 (e) Provides verification of licensure records and status which has been provided directly
1639 to the board by the jurisdictions or the American Association of Veterinary State Boards for
1640 every state or country in which the applicant has ever held a license or certificate to practice
1641 veterinary technology.

1642 Note: The board accepts the classification of "veterinary nurse" in other jurisdictions as
1643 equivalent to "veterinary technician."

1644 (f) Does not have a conviction record or pending criminal charge relating to an offense
1645 the circumstances of which substantially relate to the practice of veterinary technology. An
1646 applicant who has a conviction record or pending criminal charge shall request appropriate
1647 authorities to provide information about the record or charge directly to the board in sufficient
1648 specificity to enable the board to make a determination.

1649 (g) Provides all supporting documents in English.

1650 (2) The board shall review its records to determine eligibility of the applicant. Within 30
1651 business days of determining an applicant is eligible for certification, the board shall issue a
1652 certificate to the applicant.

1653 (3) The board shall inquire as to whether the applicant is competent to practice as a
1654 veterinary technician in this state and shall impose any reasonable conditions on instatement of
1655 the certificate, including reexamination, as the board deems appropriate, if any of the following
1656 apply:

1657 (a) The applicant has not previously been certified in any jurisdiction and passed the
1658 VTNE more than 5 years ago.

1659 (b) The applicant was previously certified in Wisconsin or another jurisdiction and has
1660 not been certified in any jurisdiction for more than 5 years.

1661 (c) The applicant has prior related discipline or litigation in another jurisdiction.

1662 (d) The applicant has pending related discipline or litigation in any jurisdiction.

1663 **VE 2.06 Reciprocal credentials for service members, former services members, their**

1664 **spouses.** (1) The board shall grant a certification to an individual who the board determines
1665 meets all of the requirements under s. 89.073, Wis. Stat.

1666 (2) A person applying for a reciprocal credential under s. 89.073, Wis. Stat., shall pay one
1667 of the following nonrefundable fees as applicable:

1668 (a) \$40 for a service member or former service member.

1669 (b) \$141 for a spouse as defined by s. 89.073 (1) (c), Wis. Stat.

1670 **VE 2.08 Passing scores.** (1) The passing score for veterinary technician applicants on
1671 the written national examination shall be based on the board's determination of the level of
1672 examination performance required for minimum acceptable competence in the profession. The
1673 board shall make the determination after consultation with subject matter experts who have
1674 reviewed a representative sample of the examination questions and available candidate
1675 performance statistics, and shall set the passing score for the examination at that point that

1676 represents minimum acceptable competence in the profession. The board may accept the
1677 recommendation of the national examination provider.

1678 (2) The passing score for an examination on state laws and rules related to the practice of
1679 veterinary technology shall be based on the board's determination of the level of examination
1680 performance required for minimum acceptable competence in the profession. The board shall
1681 make the determination after consultation with subject matter experts who have reviewed a
1682 representative sample of the examination questions and available candidate performance
1683 statistics, and shall set the passing score for the examination at that point that represents
1684 minimum acceptable competence in the profession.

1685 **VE 2.10 Administrative fees.** (1) A person requesting a printed certificate shall pay a
1686 nonrefundable fee of \$10.

1687 (2) A person requesting verification of certification to another state or organization shall
1688 pay a nonrefundable fee of \$10.

1689 **VE 2.12 Renewal of certification.** A certificate expires if not renewed by January 1 of
1690 even-numbered years. A certificate holder who allows the certificate to expire may apply to the
1691 board for renewal of the certificate as follows:

1692 (1) If the certificate holder applies for renewal of the certificate less than 5 years after its
1693 expiration, the certificate shall be renewed upon payment of the renewal fee and late fee and
1694 fulfillment of 15 hours of continuing education required under s. VE 2.14 completed before the
1695 certificate renewal.

1696 (2) If the certificate holder applies for renewal of the certificate 5 or more years after its
1697 expiration, in addition to requiring the certificate holder to pay the renewal fee and late fee, and
1698 to fulfill the continuing education hours required under s. VE 2.14 completed before the

1699 certificate renewal, the board shall inquire as to whether the applicant is competent to practice as
1700 a veterinary technician in this state and shall impose any reasonable conditions on renewal of the
1701 certificate including reexamination, as the board deems appropriate. An applicant under this
1702 subsection is presumed to be competent to practice as a veterinary technician in this state if at the
1703 time of application for renewal the applicant holds a full unexpired certificate issued by a similar
1704 licensing board of another state or territory of the United States or of a foreign country or
1705 province whose standards, in the opinion of the board, are equivalent to or higher than the
1706 requirements for certification in this state. Notwithstanding any presumptions of competency
1707 under this subsection, the board shall require each applicant under this subsection to pass the
1708 examination specified under s. VE 2.04 (2).

1709 (3) The certificate holder shall pay a nonrefundable renewal fee of \$160.

1710 (4) A certificate holder who submits a certificate renewal after January 1 of even
1711 numbered years shall pay, in addition to the renewal fee under sub. (3), a nonrefundable late fee
1712 of \$25.

1713 **VE 2.14 Continuing education; requirements.** (1) (a) Except as provided in subs. (2)
1714 and (3), a veterinary technician shall complete at least 15 hours of continuing education pertinent
1715 to veterinary medicine or veterinary technology in each biennial renewal period. The 15 hours of
1716 continuing education shall include at least 10 hours of continuing education that relates to
1717 scientific topics pertinent to veterinary medicine.

1718 (b) All 15 continuing education hours required in this subsection shall be documented. A
1719 minimum of 12 hours of continuing education shall be documented by an approved continuing
1720 education provider.

1721 (c) A continuing education hour shall consist of 50 minutes of contact time.

1722 (2) Subsection (1) does not apply to an applicant who applies to renew a certificate that
1723 expires on the first expiration date after the initial issuance of the certificate.

1724 (3) The board may waive the requirements under sub. (1) if it finds that exceptional
1725 circumstances, such as prolonged illness, disability, or other similar circumstances, have
1726 prevented an applicant from meeting the requirements.

1727 (4) Continuing education hours shall be completed during the preceding 2-year
1728 certification period.

1729 (5) To obtain credit for completion of continuing education hours, a certificate holder
1730 shall, at the time of each renewal, sign a statement saying that the certificate holder has
1731 completed, during the preceding 2-year certification period, the continuing education programs
1732 required under sub. (1).

1733 (6) A veterinary technician who fails to complete the continuing education requirements
1734 by the renewal date shall not practice as a veterinary technician until the certificate is renewed.

1735 (7) For auditing purposes, every veterinary technician shall maintain records of
1736 continuing education hours for at least 5 years from the date the certification statement required
1737 under sub. (5) is signed. The board may audit for compliance by requiring a veterinary technician
1738 to submit evidence of compliance to the board for the biennium immediately preceding the
1739 biennium in which the audit is performed. Documentation of completion of continuing education
1740 hours shall include one of the following:

1741 (a) A certificate of attendance from an approved course provider.

1742 (b) A grade report or transcript from an accredited college or university.

1743 (c) A copy of a published work authored or co-authored by the licensee.

1744 (d) A copy of a meeting syllabus, announcement, abstract or proceeding for a
1745 presentation.

1746 (f) A signed document from an internship or residency institution certifying enrollment in
1747 a program.

1748 **VE 2.16 Continuing education; programs and courses. (1) CRITERIA FOR**
1749 **PROGRAMS AND COURSE APPROVAL.** To be approved, a continuing education program or
1750 course shall meet the following criteria:

1751 (a) The subject matter of the program or course shall be pertinent to veterinary
1752 technology.

1753 (b) The program or course sponsor agrees to record registration and furnish a certificate
1754 of attendance to each participant.

1755 (2) UNRELATED SUBJECT MATTER. If a continuing education course includes
1756 subject matter that is not pertinent to veterinary technology, only those portions of the course that
1757 relate to veterinary technology will qualify as continuing education under this chapter.

1758 (3) MODALITIES AND METHODS OF DELIVERY. Modalities and methods of
1759 delivery of continuing education programs acceptable to the board include one or more of the
1760 following:

1761 (a) Attendance at a scientific workshop, seminar, or laboratory demonstration pertinent to
1762 veterinary technology.

1763 (b) Enrollment in graduate or other college level courses pertinent to veterinary
1764 technology. Credit for qualified courses will be approved on the basis of multiplying each
1765 college credit hour by 10.

1766 (c) Enrollment in an internship, residency or certification program approved by a
1767 veterinary specialty organization recognized by the AVMA or in an AVMA accredited
1768 veterinary school.

1769 (d) Authorship or co-authorship of a published work, such as review articles, abstracts,
1770 presentations, proceedings, book chapters, and web-based continuing education materials shall
1771 be approved for 5 hours each.

1772 (e) A peer reviewed publication shall be approved for 5 hours.

1773 (f) Development and presentation of research findings, scientific workshops, seminars or
1774 laboratory demonstrations pertinent to veterinary technology shall be approved for 5 contact
1775 hours each.

1776 (g) Up to 8 hours per biennium shall be granted for a combination of continuing
1777 education hours completed under pars. (d) to (f), provided the continuing education is published
1778 or presented under the auspices of a provider approved under sub. (4).

1779 (h) On-line, video, audio, correspondence courses, or other interactive distance learning
1780 courses pertinent to veterinary technology, or to employment as a veterinary technician.

1781 (4) APPROVED PROGRAM PROVIDERS. Subject to compliance with the
1782 requirements set forth in subs. (1) to (3), the board shall approve attendance at and completion of
1783 one or more continuing education programs approved by any one of the following approved
1784 program providers as fulfilling the continuing education hours required under this chapter:

1785 (a) A national, regional, state, or local veterinary medical or veterinary technician
1786 association.

1787 (b) A federal or state agency.

1788 (c) An accredited college or university.

- 1789 (d) An association listed in the AVMA or the National Association of Veterinary
1790 Technicians in America directory.
- 1791 (e) An AVMA accredited veterinary school or veterinary technician program.
- 1792 (f) A program approved by the American Association of Veterinary State Boards through
1793 its Registry of Approved Continuing Education approval program.
- 1794 (g) A foreign veterinary medical or veterinary technician association, an accredited
1795 college or university, or a governmental agency that is, as determined by the board comparable
1796 to a program provider listed under pars. (a) to (f).

1797 **Subchapter III – Standards of Practice and Unprofessional Conduct**

1798 **VE 2.18 Prohibited acts.** The following acts are limited to veterinarians and therefore
1799 prohibited for veterinary technicians:

- 1800 (1) Diagnosis and prognosis of animal diseases and conditions.
- 1801 (2) Prescribing of drugs, medicines, treatments and appliances.
- 1802 (3) Performing surgery as defined by VE 1.44 (2) (c).

1803 **VE 2.20 Change of name and address.** Every veterinary technician shall notify the
1804 board of a change of name or address within 30 days.

1805 **VE 2.22 Display of certificate.** Each veterinary technician shall display a current
1806 certificate in a manner conspicuous to the public view.

1807 **VE 2.24 Standards of practice.** (1) Veterinary technicians may perform delegated
1808 veterinary acts as set forth under s. VE 1.44 (4), (5), (6), and (9).

1809 (2) In the performance of delegated veterinary acts a veterinary technician shall:

- 1810 (a) Accept only those delegated veterinary acts for which there are mutually approved
1811 protocols, written standing orders or verbal directions.

1812 (b) Accept only those delegated veterinary acts for which the veterinary technician is
1813 competent to perform based on education, training or experience.

1814 (c) Consult with a veterinarian in cases where the veterinary technician knows or should
1815 know a delegated veterinary act may harm a patient.

1816 **VE 2.26 Unprofessional conduct.** The following acts constitute unprofessional conduct
1817 by a veterinary technician and are prohibited:

1818 (1) Unprofessional conduct under s. 89.07 (1), Wis. Stat.

1819 (2) Performing as a veterinary technician unless supervised as specified under s. VE 1.44
1820 (4), (5), (6), and (9).

1821 (3) Misrepresentation in obtaining a veterinary technician certificate or in performing as
1822 a veterinary technician.

1823 (4) Conduct in the practice of veterinary technology which evidences a lack of
1824 knowledge or ability to apply professional principles or skills.

1825 (5) Gross, serious, or grave negligence, as compared to less serious or more ordinary acts
1826 of negligence, while performing as a veterinary technician.

1827 (6) The personal use, misuse or sale other than for medical treatment of patients, of drugs
1828 listed in the U.S. controlled substances act of 1970, as amended, or ch. 961, Stats., other than
1829 drugs prescribed by a physician for use by the veterinary technician.

1830 (7) Practicing or attempting to practice while the veterinary technician has a physical or
1831 mental impairment, including impairment related to drugs or alcohol, which is reasonably related
1832 to the applicant's ability to adequately undertake the practice of veterinary technology in a
1833 manner consistent with the safety of a patient or the public.

1834 (8) Being convicted of a crime the circumstances of which substantially relate to the
1835 practice of veterinary technology.

1836 (9) Violating or aiding and abetting the violation of any law or administrative rule
1837 substantially related to the practice of veterinary technology.

1838 (10) Having a veterinary technician certificate limited, suspended or revoked or subject
1839 to any other disciplinary action in another state or U.S. jurisdiction.

1840 (11) Accepting fees for animal health care services from a client.

1841 (12) Practicing under an expired certificate.

1842 (13) Falsely certifying to the board under s. VE 2.14 (5) that the veterinary technician:

1843 (a) Has completed the 15 hours of continuing education required under s. VE 2.14 (1).

1844 (b) Is exempt under s. VE 2.14 (2) from having to complete the 15 hours of continuing
1845 education required under s. VE 2.14 (1).

1846 (14) Advertising, as defined under s. VE 1.02 (3), a specialty or claiming to be a
1847 specialist when not recognized as such by a veterinary technician specialty academy recognized
1848 by the National Association of Veterinary Technicians in America or by a foreign veterinary
1849 technician specialty academy which, in the opinion of the board, is equivalent to a National
1850 Association of Veterinary Technicians in America recognized veterinary technician specialty
1851 academy.

1852 **VE 2.28 Board action.** The board may reprimand the certificate holder or deny, suspend,
1853 limit or revoke a certification under this chapter for cause, including any of the following:

1854 (1) Filing an incomplete or fraudulent application, or misrepresenting any information on
1855 an application.

1856 (2) Violating this chapter or ch. 89, Stats.

1857 SECTION 3. Ch. VE 3 is repealed and recreated to read:

1858 **Chapter VE 3 Complaint Procedures**

1859 **Subchapter I – Authority and Definitions**

1860 **3.01 Authority.** The rules in this chapter are adopted by the veterinary examining board
1861 pursuant to the authority in ss. 89.03 (1), 227.11 (2) (a) and 227.51 (3), Stats.

1862 **3.02 Definitions.** In this chapter:

1863 (1) “Administrative injunction” means a special order enjoining a person from the
1864 continuation of a practice or use of a title without a credential required under ch. 89, Stats.

1865 (2) “Administrative law judge” means the administrative law judge assigned by the
1866 division to hear a disciplinary proceeding or summary suspension or limitation appeal, on behalf
1867 of the board, or an administrative injunction proceeding on behalf of the department.

1868 (3) “Board” means the veterinary examining board.

1869 (4) “Case advisor” means a member of the board assigned to assist disciplinary counsel in
1870 an investigation of an informal complaint about a credential holder.

1871 (5) “Complainant” means the person who signs a complaint.

1872 (6) “Complaint” means the formal charging of violations against a credential holder in a
1873 disciplinary proceeding.

1874 (7) “Court-ordered injunction” means a judgment and order by a court of competent
1875 jurisdiction enjoining a person from the continuation of a practice or use of a title without a
1876 credential required under ch. 89, Stats.

1877 (8) “Credential” means a license, certification, or permit that is issued under ch. 89, Stats.

1878 (9) "Credential holder" means an individual holding any license, permit, or certificate
1879 granted by the board, or having any right to renew a license, permit, or certificate granted by the
1880 board.

1881 (10) "Department" has the meaning set forth at s. 89.02 (3d), Stats.

1882 (11) "Department counsel" means the department attorney assigned an informal
1883 complaint against any person who may be continuing a practice or use of a title without a
1884 credential required under ch. 89, Stats.

1885 (12) "DHA" means the division of hearings and appeals in the department of
1886 administration.

1887 (13) "Division" means the division of animal health in the department.

1888 (14) "Disciplinary counsel" means the department attorney assigned an informal
1889 complaint against a credential holder.

1890 (15) "Disciplinary proceeding" means an administrative proceeding against a credential
1891 holder for any alleged violations of law constituting misconduct.

1892 (16) "Informal complaint" means any written information submitted to the board or
1893 department by any person, which alleges facts that, if true, warrant action including an
1894 administrative warning, discipline, or an injunction.

1895 (17) "Minor violation" means all of the following:

1896 (a) No significant harm was caused by misconduct of the credential holder.

1897 (b) Continued practice by the credential holder presents no immediate danger to the
1898 public.

1899 (c) If prosecuted, the likely result of prosecution would be a reprimand or a limitation
1900 requiring the credential holder to obtain additional education.

- 1901 (d) The complaint does not warrant use of prosecutorial resources.
- 1902 (18) "Misconduct" means a violation of a statute, rule, or regulation related to the
1903 profession or other conduct for which discipline may be imposed under ch. 89, Stats.
- 1904 (19) "Petition" means a petition for summary credential suspension or limitation or a
1905 special order for an administrative injunction.
- 1906 (20) "Petitioner" means the disciplinary or department counsel.
- 1907 (21) "Respondent" means a credential holder who is charged in a disciplinary proceeding
1908 or a person who is charged in an administrative injunction proceeding.
- 1909 (22) "Screening" means preliminary review of complaints to determine the disposition of
1910 any informal complaints.
- 1911 (23) "Screening committee" means the committee of the board that meets with
1912 disciplinary counsel to determine the disposition of any informal complaints.
- 1913 (24) "Special order" means an administrative order issued by the department enforced
1914 against a named or identified person.

1915 **Subchapter II – Procedures for Informal Complaints**

1916 **3.04 Scope; kinds of proceedings.** This subchapter governs procedures for investigating
1917 and disposing of informal complaints against credential holders and non-credentialed entities
1918 before the board and persons before the department.

1919 **3.06 Receiving informal complaints.** All informal complaints received shall be referred
1920 to the office of legal counsel in the department for filing, screening and, if necessary,
1921 investigation.

1922 **3.08 Screening.** Screening for complaints against credential holders shall be done by the
1923 board's screening committee, in consultation with the disciplinary counsel. Considerations in
1924 screening include:

- 1925 (1) Whether the person complained against is credentialed.
- 1926 (2) Whether the matter alleged is a violation of any statute, rule, regulation, or standard
1927 of practice.
- 1928 (3) Whether the matter alleged, if taken as a whole, is any of the following:
 - 1929 (a) Not a violation, so that the matter may be closed.
 - 1930 (b) A minor violation, so that the matter may be disposed of with an administrative
1931 warning.
 - 1932 (c) Requires further investigation by disciplinary counsel, with assistance by a case
1933 advisor and department staff as assigned.

1934 **3.10 Non-credentialed persons.** Department staff shall investigate complaints, and may
1935 consult with the board, concerning any complaint against a person who may be engaged in the
1936 practice of veterinary medicine or veterinary technology without holding a credential.

1937 **3.12 Negotiated settlement.** (1) WHEN INITIATED. At the discretion of the disciplinary
1938 counsel, in consultation with the case advisor in assigned matters, or department counsel,
1939 negotiations for settlement may be held prior to the commencement of a disciplinary proceeding.
1940 Where the informal complaint investigation reveals undisputed or clearly ascertainable facts,
1941 from documents received, resolution through negotiations is encouraged.

1942 (2) LIMITATION. Negotiations for settlement shall not be held without the consent of the
1943 credential holder. No agreement reached between the parties through negotiations, which
1944 imposes discipline upon a credential holder, shall be effective or binding until the parties

1945 stipulate to the agreement in writing, signed by the credential holder and any representative and
1946 disciplinary counsel, for approval by the board in a signed final order.

1947 (3) ORAL STATEMENTS IN NEGOTIATIONS. Oral statements made during negotiations shall
1948 not be introduced into or made part of the record in a disciplinary proceeding.

1949 **3.14 Issuing an administrative warning.** In lieu of commencing disciplinary
1950 proceedings under subch. III or injunction proceedings under subch. IV, the board or department
1951 may issue an administrative warning, after making all of the following findings:

1952 (1) That there is specific evidence of misconduct by the credential holder.

1953 (2) That the misconduct is a minor violation of a statute or rule related to the profession
1954 or other conduct for which discipline or an administrative injunction may be imposed.

1955 (3) That issuance of an administrative warning will adequately protect the public.

1956 **3.16 Contents of an administrative warning.**

1957 (1) An administrative warning shall be issued in writing, shall state the findings required
1958 by s. VE 3.12, and include a notice of the right to request a review under s. VE 3.18.

1959 (2) An administrative warning may be issued to a credential holder by mailing the
1960 administrative warning to the last address provided to the department. Service by mail is
1961 complete on the date of mailing. The warning may also be issued by email, if the credential
1962 holder has given permission to send all notices to a specified email address. Service by email is
1963 complete upon sending.

1964 **3.18 Review of an administrative warning.** A credential holder who has been issued an
1965 administrative warning may make a request in writing for the board to review its issuance within
1966 20 days after the date of mailing or emailing. The request shall be in writing and set forth:

1967 (1) The credential holder's name and address.

1968 (2) The reason for requesting a review.

1969 **3.20 Administrative warning review procedures.** The procedures for an administrative
1970 warning review are:

1971 (1) Within 45 calendar days of receipt of a request for review, the board shall notify the
1972 credential holder of the time and place of the review.

1973 (2) No discovery is permitted. A credential holder may inspect records under s. 19.35,
1974 Stats., the public records law.

1975 (3) The board shall preside over the appeal and the review shall be electronically
1976 recorded.

1977 (4) The board shall provide the credential holder with an opportunity to make a personal
1978 appearance before it and present a statement. The board may request the disciplinary counsel to
1979 appear and present a statement on issues raised by the credential holder. The board may establish
1980 a time limit for making a presentation. Unless otherwise determined by the disciplinary
1981 authority, the time for making a personal appearance shall be 20 minutes.

1982 (5) If the credential holder fails to appear for a review, or withdraws the request for a
1983 review, the disciplinary authority may note the failure to appear in the minutes and leave the
1984 administrative warning in effect without further action.

1985 (6) The board may adjourn into closed session to deliberate on the request for review.
1986 Any action taken by the board following deliberation shall be made in open session. The board
1987 shall send the final decision of its review to the credential holder.

1988 **3.22 Review record.** The credential holder may request a copy of the recorded review at
1989 no cost.

1990 **Subchapter III – Procedures for Disciplinary Proceedings**

1991 **3.24 Scope.** This subchapter governs procedures in all disciplinary proceedings against
1992 credential holders before the board.

1993 **3.26 Commencement of disciplinary proceedings.** Disciplinary proceedings commence
1994 when a complaint is served upon the respondent.

1995 **3.28 Pleadings to be captioned.** All pleadings, notices, orders, and other papers filed in
1996 disciplinary proceedings shall be captioned: "BEFORE THE WISCONSIN VETERINARY
1997 EXAMINING BOARD" and shall be entitled: "IN THE MATTER OF DISCIPLINARY
1998 PROCEEDINGS AGAINST _____, RESPONDENT."

1999 **3.30 Complaint.** The disciplinary counsel may make a complaint upon information and
2000 belief and it shall contain:

2001 (1) The name and address of the credential holder complained against and the name and
2002 address of the complainant.

2003 (2) A short statement in plain language of the cause for disciplinary action identifying
2004 with reasonable particularity the transaction, occurrence or event out of which the cause arises
2005 and specifying the statute, rule or other standard alleged to have been violated.

2006 (3) A request in essentially the following form: "Wherefore, the complainant demands
2007 that the board hear evidence relevant to matters alleged in this complaint, determine and impose
2008 the discipline warranted, and assess the costs of the proceeding against the respondent."

2009 (4) The signature of the complainant.

2010 **3.32 Service and filing of complaint.**

2011 (1) The complaint and other papers may be served on a respondent by mailing a copy of
2012 the paper to the respondent at the last known address of the respondent, by any procedure

2013 described in s. 801.14 (2), Stats., or by electronic transmission if agreed to by the respondent or
2014 respondent's authorized representative. Service by mail is complete upon mailing.

2015 (2) Any paper required to be filed with the board may be mailed to the board's office
2016 and, if an administrative law judge has been designated to preside in the matter, to the
2017 administrative law judge and shall be deemed filed on the date of the postmark. Materials
2018 submitted by personal service or by inter-departmental mail shall be considered filed on the date
2019 they are received at the board's office or by the administrative law judge. Papers required to be
2020 filed may instead be filed and served by electronic mail or facsimile transmission. For materials
2021 transmitted by electronic mail, the filing date shall be the date that the electronic mail was sent.
2022 For materials transmitted by facsimile, the date received shall determine the date of filing.

2023 **3.34 Answer.**

2024 (1) An answer to a complaint shall state in short and plain terms the defenses to each
2025 cause asserted and shall admit or deny the allegations upon which the complainant relies. If the
2026 respondent is without knowledge or information sufficient to form a belief as to the truth of the
2027 allegation, the respondent shall so state and this has the effect of a denial. Denials shall fairly
2028 meet the substance of the allegations denied. The respondent shall make denials as specific
2029 denials of designated allegations or paragraphs but if the respondent intends in good faith to deny
2030 only a part or a qualification of an allegation, the respondent shall specify so much of it as true
2031 and material and shall deny only the remainder.

2032 (2) The respondent shall set forth affirmatively in the answer any matter constituting an
2033 affirmative defense.

2034 (3) Allegations in a complaint are admitted when not denied in the answer.

2035 (4) An answer to a complaint shall be filed within 30 days from the date of service of the
2036 complaint.

2037 **3.36 Administrative law judge.**

2038 (1) DESIGNATION. The board may request DHA assign an administrative law judge to
2039 preside over any disciplinary proceeding.

2040 (2) AUTHORITY AND DUTIES. An administrative law judge may, on behalf of the board,
2041 do all of the following:

2042 (a) Gain permission from parties for service of all documents to be via electronic
2043 transmission, or other means if necessary.

2044 (b) Require parties to clarify positions or issues.

2045 (c) Hold prehearing conferences and issue memoranda for the record, summarizing all
2046 actions taken and agreements reached.

2047 (d) Make procedural rulings and issue scheduling orders, including for motions, date,
2048 time and location of hearing, discovery, identification of witnesses and evidence for hearing,
2049 stipulations by the parties for hearing and other matters aiding in the orderly disposition of the
2050 proceedings.

2051 (e) Hold motion hearings and make rulings on said motions.

2052 (f) Adjourn or postpone proceedings.

2053 (g) Grant continuances or extensions of time.

2054 (h) Issue subpoenas to compel witness attendance and document production.

2055 (i) Regulate discovery proceedings, and issue orders to compel or limit discovery.

2056 (j) Select the location of the hearing.

2057 (k) Preside over hearings and regulate the course of hearings.

2058 (L) Administer oaths and affirmations.

2059 (m) Make evidentiary rulings and receive relevant evidence.

2060 (n) Impose sanctions on disobedient parties.

2061 (o) Require or permit the parties to file written briefs and arguments.

2062 (p) Supervise the required creation of a stenographic or electronic record of the portion of

2063 the proceedings conducted under the auspices of the administrative law judge.

2064 (q) If required, order and supervise the preparation of a written transcript of proceedings

2065 conducted before the administrative law judge.

2066 (r) Issue proposed decisions.

2067 (3) LIMITS ON AUTHORITY. The administrative law judge may not exercise any authority

2068 reserved to the board.

2069 (4) IMPARTIALITY.

2070 (a) An administrative law judge shall withdraw from a contested case if the

2071 administrative law judge determines that there is a conflict of interest or other circumstance

2072 which prevents the administrative law judge from acting impartially, or which creates an undue

2073 appearance of bias.

2074 (b) If an administrative law judge receives an ex parte communication which violates s.

2075 227.50 (1), Stats., the administrative law judge shall deal with the ex parte communication as

2076 provided in s. 227.50 (2), Stats. (3)

2077 **3.38 Settlements.** At any point in a proceeding, the parties may agree to settle the case.

2078 Parties wishing to settle a case shall file both a written stipulation, signed by the respondent and

2079 any representative and disciplinary counsel, setting forth the agreed terms of settlement, and a

2080 proposed final order disposing of the case, for approval by the board. No stipulation disposing of

2081 a complaint shall be effective or binding in any respect until approved by the board in a signed
2082 final order.

2083 **3.40 Conduct of hearing.**

2084 (1) RECORD. An electronic or stenographic recording shall be made of all hearings in
2085 which the testimony of a witness is offered as evidence.

2086 (2) EVIDENCE. The respondent shall have the right to appear in person or by counsel, and
2087 both parties have the right to call, examine, and cross-examine witnesses and to introduce
2088 evidence into the record.

2089 (3) A hearing, or any portion of a hearing, may be held by telephone or video-conference if the
2090 administrative law judge determines that this method is justified for the convenience of any party or
2091 witness, and that no party is unfairly prejudiced by this method. The party calling a witness to testify by
2092 telephone or video-conference shall notify the administrative law judge before the hearing to allow for
2093 making the necessary arrangements and is responsible for providing the witness with a complete set of
2094 numbered copies of all exhibits.

2095 (3) BRIEFS. The administrative law judge may require or permit the filing of briefs.

2096 (4) MOTIONS. All motions, except those made at hearing, shall be in writing, filed by the
2097 date set by the administrative law judge, and a copy served upon the opposing party. If no date
2098 is set by the administrative law judge all motions shall be filed 10 business days before hearing.

2099 (5) SUMMARYJUDGMENT. The parties may use the summary judgment procedure
2100 provided in s. 802.08, Stats.

2101 (6) ADJOURNMENTS. The administrative law judge may, for good cause, grant
2102 continuances, adjournments and extensions of time.

2103 (7) SUBPOENAS.

2104 (a) Subpoenas for the attendance of any witness at a hearing in the proceeding may be
2105 issued in accordance with s. 885.01, Stats. Service shall be made in the manner provided in
2106 s. 805.07 (5), Stats. A subpoena may command the person to whom it is directed to produce the
2107 books, papers, documents, or tangible things designated therein.

2108 (b) An administrative law judge may issue protective orders according to the provisions
2109 of s. 805.07, Stats.

2110 **3.42 Witness fees and costs.** Witnesses subpoenaed at the request of the disciplinary
2111 counsel shall be entitled to compensation from the state for attendance and travel as provided
2112 in ch. 885, Stats.

2113 **3.44 Record of proceedings, transcripts.**

2114 **(1) RECORD OF ORAL PROCEEDINGS.** Oral proceedings in a disciplinary proceeding shall
2115 be electronically recorded unless the administrative law judge determines that a stenographic
2116 record is required.

2117 **(2) ELECTRONIC RECORDING; COPIES.** If an oral proceeding in a contested case is
2118 electronically recorded, a copy of the recording shall be furnished at cost to any party who
2119 requests a copy.

2120 **(3) STENOGRAPHIC RECORDING; COPIES.** (a) If a stenographic recording is made, the
2121 reporting service who records the proceeding may charge a fee for an original transcription and
2122 for copies. Fees are identified in the state operational purchasing bulletin for reporting services
2123 and fees allowed to be charged.

2124 Note: Purchasing bulletins may be obtained through the State Bureau of Procurement, PO
2125 Box 7867, Madison WI 53707-7867, call (800) 482-7813 or email doawispro@wisconsin.gov.

2126 (b) A person who is without means and who requires a transcript for appeal or other
2127 reasonable purposes shall be furnished with a transcript without charge upon the filing of a
2128 petition of indigency signed under oath.

2129 **3.46 Proposed decision.** The administrative law judge shall prepare a proposed decision
2130 for consideration by the board. The proposed decision shall include proposed findings of fact,
2131 conclusions of law, and a final order, with a signed opinion explaining the proposed decision.

2132 **3.48 Assessment of costs.**

2133 (1) The proposed decision shall include a recommendation whether all or part of the
2134 costs of the proceeding shall be assessed against the respondent.

2135 (2) If a respondent objects to the recommendation that costs be assessed, objections to
2136 the assessment of costs shall be filed at the same time as other objections to the proposed
2137 decision.

2138 (3) When costs are imposed, the administrative law judge shall file a supporting
2139 affidavit with the proposed decision, listing costs incurred to be paid by the respondent. Within
2140 20 days, the disciplinary counsel shall file a supporting affidavit showing costs incurred. The
2141 respondent shall file any objection to the affidavits within 15 days after service of the
2142 disciplinary counsel's affidavit.

2143 **3.50 Service of proposed decision.** The administrative law judge shall deliver the
2144 proposed decision, with a copy of the record including the electronic recording of the
2145 proceedings, to the board. The administrative law judge shall serve the proposed decision on the
2146 parties, in the manner agreed to by the parties. Each proposed decision shall contain a notice
2147 providing each party, adversely affected by the proposed decision, with an opportunity to file
2148 objections and written argument with the board. A party adversely affected by a proposed

2149 decision shall have 20 days from the date of service of the proposed decision to file objections
2150 and argument.

2151 Note: Objections may be electronically filed at datcpveb@wisconsin.gov or mailed to the
2152 Wisconsin Veterinary Examining Board, PO Box 8911, Madison, WI 53708-8911.

2153 **3.52 Final decision and order.** After the time expires for filing all objections to the
2154 proposed decision and order, including assessment of costs, the board shall meet to make a final
2155 decision and order in a disciplinary proceeding. The final decision and order shall include a
2156 determination whether all or part of the costs of the proceeding shall be assessed against the
2157 respondent. If the final decision varies from the administrative law judge's proposed decision,
2158 the final decision shall explain the reasons for all variations.

2159 **Subchapter IV – Summary Suspensions and Limitations**

2160 **3.54 Scope.** This subchapter governs procedures in all summary suspension or limitation
2161 proceedings against credential holders before the board.

2162 **3.56 Petition for summary suspension or limitation.**

2163 (1) The disciplinary counsel shall petition the board for a summary suspension or
2164 limitation. The petition shall state the name and credential status of the respondent, and an
2165 assertion of the facts establishing that the respondent has engaged in or is likely to engage in
2166 conduct such that the public health, safety or welfare imperatively requires summary suspension
2167 or limitation of the respondent's credential.

2168 (2) The petitioner shall sign the petition upon oath and make the petition upon
2169 information and belief or by affidavit of another person with knowledge of the necessary facts to
2170 sustain the petition.

2171 **3.58 Notice of petition to respondent.** Prior to presenting the petition, the petitioner
2172 shall give notice to the respondent and respondent's authorized representative of the time and
2173 place when the petition will be presented to the board. Notice may be given by mailing a copy of
2174 the petition and notice to the last-known address of the respondent as indicated in the records of
2175 the board, pursuant to s. 227.44 (1), Stats. Notice by mail is complete upon mailing. Notice may
2176 also be given by electronic transmission if agreed to by the respondent or authorized
2177 representative.

2178 **3.60 Issuance of summary suspension or limitation order.**

2179 (1) If the board finds that notice has been given under s. VE 3.58 and finds probable
2180 cause to believe that the respondent has engaged in or is likely to engage in conduct such that the
2181 public health, safety or welfare imperatively requires emergency suspension or limitation of the
2182 respondent's credential, the board may issue an order for summary suspension or limitation. The
2183 order may be issued at any time prior to or subsequent to the commencement of a disciplinary
2184 proceeding under s. VE 3.26.

2185 (2) The petitioner may establish probable cause under sub. (1) by affidavit or other
2186 evidence.

2187 (3) The summary suspension or limitation order shall be effective upon service, under s.
2188 VE 3.62, or upon actual notice of the summary suspension or limitation order to the respondent
2189 or respondent's attorney, whichever is sooner. The order shall continue through the effective date
2190 of the final decision and order made in the disciplinary proceeding against the respondent, unless
2191 the credential is restored or the limitation is lifted under s. VE 3.64 or the disciplinary proceeding
2192 is otherwise terminated.

2193 **3.62 Contents of summary suspension or limitation order.** The summary suspension
2194 or limitation order shall include all of the following:

2195 (1) The manner in which the respondent or the respondent's attorney was notified of the
2196 petition for summary suspension or limitation.

2197 (2) The identification of all witnesses providing evidence at the time the petition for
2198 summary suspension or limitation was presented and identification of the evidence used as a
2199 basis for the decision to issue the summary suspension or limitation order.

2200 (3) A finding that the public health, safety or welfare imperatively requires emergency
2201 suspension or limitation of the respondent's credential.

2202 (4) A statement that the suspension or limitation order is in effect and continues until the
2203 effective date of a final order and decision in the disciplinary proceeding against the respondent,
2204 unless otherwise ordered by the board.

2205 (5) A statement of the respondent's right to request a hearing at any time to show cause
2206 why the summary suspension or limitation order should not be continued, with the board's office
2207 mailing address or email address where a request for hearing may be filed.

2208 (6) A statement that the hearing to show cause shall be scheduled for hearing on a date
2209 within 20 days of receipt by the board of respondent's request for hearing, unless a later time is
2210 requested by or agreed to by the respondent.

2211 **3.64 Service of summary suspension or limitation order.** An order of summary
2212 suspension or limitation shall be served upon the respondent by mail or by email if agreed to by
2213 respondent or respondent's attorney.

2214 **3.66 Hearing to show cause.**

2215 (1) A hearing to show cause shall be scheduled for a date no later than 20 days after the
2216 filing of the request for hearing with the board, unless a later time is requested by or agreed to by
2217 the respondent.

2218 (2) Unless the parties otherwise agree, no discovery is permitted, except for the taking
2219 and preservation of evidence as provided in ch. 804, Stats., with respect to witnesses described in
2220 s. 227.45 (7) (a) to (d), Stats. A respondent may inspect records under s. 19.35, Stats., the public
2221 records law.

2222 (3) At the hearing to show cause, the disciplinary counsel may call, examine and cross-
2223 examine witnesses, or present other evidence in order sustain its burden to show, by a
2224 preponderance of the evidence, why the summary suspension or limitation order should be
2225 continued. The respondent may testify, call, examine and cross-examine witnesses, and offer
2226 other evidence to rebut disciplinary counsel's showing.

2227 (4) Immediately upon conclusion of the hearing to show cause the board shall make
2228 findings and an order on the record. If it is determined that the summary suspension or limitation
2229 order should not be continued, the suspended credential shall be immediately restored, and any
2230 limitation shall be lifted.

2231 **3.68 Delegation.**

2232 (1) The board may delegate authority to preside over and rule in a hearing to show cause
2233 to an administrative law judge employed by the division.

2234 (2) A delegation of authority under sub. (1) may be continuing.

2235 **3.70 Commencement of disciplinary proceeding.**

2236 (1) A complaint, under s. VE 3.26, commencing a disciplinary proceeding against the
2237 respondent shall be issued no later than 20 days following the issuance of the summary

2238 suspension or limitation order or the suspension or limitation shall lapse at the end of the tenth
2239 subsequent day, meaning the thirtieth day following the issuance of the summary suspension or
2240 limitation order. The formal disciplinary proceeding shall be determined promptly.

2241 (2) If at any time the disciplinary proceeding is not advancing with reasonable
2242 promptness, the respondent may make a motion to the administrative law judge for an order
2243 granting relief.

2244 (3) If it is found that the disciplinary proceeding is not advancing with reasonable
2245 promptness, and the delay is not as a result of the conduct of respondent or respondent's counsel,
2246 a remedy, as would be just, shall be granted including:

2247 (a) An order immediately terminating the summary suspension or limitation.

2248 (b) An order compelling that the disciplinary proceeding be held and determined by a
2249 specific date.

2250 **Subchapter V – Administrative Injunctions**

2251 **3.72 Scope; kinds of proceedings.** This subchapter governs procedures for public
2252 hearings before the department to determine whether a person has engaged in a practice or used a
2253 title without a credential required under ch. 89, Stats., and whether to issue a special order for an
2254 administrative injunction.

2255 **3.74 Pleadings to be captioned.** All pleadings, notices, orders, and other papers filed in
2256 an administrative injunction proceeding shall be captioned: "BEFORE THE DEPARTMENT OF
2257 AGRICULTURE, TRADE AND CONSUMER PROTECTION" and shall be entitled: "IN THE
2258 MATTER OF A PETITION FOR A SPECIAL ORDER TO ENJOIN _____,
2259 RESPONDENT."

2260 **3.76 Petition for administrative injunction.** Department counsel, on behalf of the
2261 division, may petition for a special order from the department to issue an administrative
2262 injunction, which shall allege that a person has engaged in a practice or used a title without a
2263 credential required under ch. 89, Stats. A petition may be made on information and belief and
2264 shall contain:

2265 (1) The name and address of the respondent and the name and address of the department
2266 attorney who is prosecuting the petition.

2267 (2) A short statement in plain language of the basis for the belief that the respondent has
2268 engaged in a practice or used a title without a credential required under ch. 89, Stats., and
2269 specifying the statute or rule alleged to have been violated.

2270 (3) A request in essentially the following form: "Wherefore, the petitioner requests that a
2271 public hearing be held and that the department issue a special order enjoining the person from the
2272 continuation of the practice or use of the title."

2273 (4) The signature of the petitioner.

2274 **3.78 Service and filing of petition.**

2275 (1) The petition and other papers required to be served on a respondent may be served by
2276 mailing a copy of the paper to the respondent at the last known address of the respondent, by any
2277 procedure described in s. 801.14 (2), Stats., or by electronic transmission if agreed to by the
2278 respondent or respondent's attorney. Service by mail is complete upon mailing.

2279 (2) Any paper required to be filed with the department may be mailed to the department
2280 secretary's office and, if an administrative law judge has been designated to preside in the
2281 matter, to the administrative law judge and shall be deemed filed on the date of the postmark.

2282 Materials submitted by personal service or by inter-departmental mail shall be considered filed
2283 on the date they are received at the department secretary's office or by the administrative law
2284 judge. Papers required to be filed may instead be filed and served by facsimile transmission or by
2285 electronic mail. For materials transmitted by facsimile, the date received shall determine the date
2286 of filing. For materials transmitted by electronic mail, the filing date shall be the date that the
2287 electronic mail was sent.

2288 **3.80 Answer.**

2289 (1) An answer to a petition shall state in short and plain terms the defenses to each cause
2290 asserted and shall admit or deny the allegations upon which the complainant relies. If the
2291 respondent is without knowledge or information sufficient to form a belief as to the truth of the
2292 allegation, the respondent shall so state and this has the effect of a denial. Denials shall fairly
2293 meet the substance of the allegations denied. The respondent shall make denials as specific
2294 denials of designated allegations or paragraphs but if the respondent intends in good faith to deny
2295 only a part or a qualification of an allegation, the respondent shall specify so much of it as true
2296 and material and shall deny only the remainder.

2297 (2) The respondent shall set forth affirmatively in the answer any matter constituting an
2298 affirmative defense.

2299 (3) Allegations in a petition are admitted when not denied in the answer.

2300 (4) An answer to a petition shall be filed within 20 days from the date of service of the
2301 petition.

2302 **3.82 Administrative law judge.**

2303 (1) DESIGNATION. The department may request DHA assign an administrative law judge
2304 to preside over any administrative injunction proceeding.

2305 (2) AUTHORITY AND DUTIES. An administrative law judge may, on behalf of the
2306 department, do all of the following:

2307 (a) Gain permission from parties for service of all documents to be via electronic
2308 transmission, or other means if necessary.

2309 (b) Require parties to clarify positions or issues.

2310 (c) Hold prehearing conferences and issue memoranda for the record, summarizing all
2311 actions taken and agreements reached.

2312 (d) Make procedural rulings and issue scheduling orders, including for motions, date,
2313 time and location of hearing, discovery, identification of witnesses and evidence for hearing,
2314 stipulations by the parties for hearing and other matters aiding in the orderly disposition of
2315 the proceedings.

2316 (e) Hold motion hearings.

2317 (f) Adjourn or postpone proceedings.

2318 (g) Grant continuances or extensions of time.

2319 (h) Issue subpoenas to compel the witness attendance and document production.

2320 (i) Regulate discovery proceedings, and issue orders to compel or limit discovery.

2321 (j) Select the location of the hearing.

2322 (k) Preside over hearings and regulate the course of hearings.

2323 (L) Administer oaths and affirmations.

2324 (m) Make evidentiary rulings and receive relevant evidence.

2325 (n) Impose sanctions on disobedient parties.

2326 (o) Require or permit the parties to file written briefs and arguments.

2327 (p) Supervise the required creation of a stenographic or electronic record of the portion of
2328 the proceedings conducted under the auspices of the administrative law judge.

2329 (q) If required, order and supervise the preparation of a written transcript of proceedings
2330 conducted before the administrative law judge.

2331 (r) Issue proposed decisions.

2332 (s) Issue final decisions and orders, if requested by the department.

2333 (3) LIMITS ON AUTHORITY.. The administrative law judge may not exercise any authority
2334 which is reserved to the department, except as delegated in writing under (1) (s).

2335 (4) IMPARTIALITY.

2336 (a) An administrative law judge shall withdraw from a contested case if the
2337 administrative law judge determines that there is a conflict of interest or other circumstance
2338 which prevents the administrative law judge from acting impartially, or which creates an undue
2339 appearance of bias.

2340 (b) If an administrative law judge receives an ex parte communication which violates s.
2341 227.50 (1), Stats., the administrative law judge shall deal with the ex parte communication as
2342 provided in s. 227.50 (2), Stats. (3)

2343 **3.84 Settlements.** At any point in a proceeding, the parties may agree to settle the case.
2344 Parties wishing to settle a case shall file both a written stipulation, signed by the respondent and
2345 any representative, and the division representative and department counsel, setting forth the
2346 agreed terms of settlement, and a proposed final order disposing of the case, for approval by the
2347 department. No stipulation disposing of a petition filed under this subchapter shall be effective or
2348 binding in any respect until the final order is approved and signed by the department.

2349 **3.86 Conduct of public hearing.**

2350 (1) RECORD. A stenographic, electronic or other record shall be made of all hearings in
2351 which the testimony of witnesses is offered as evidence.

2352 (2) EVIDENCE. The respondent shall have the right to appear in person or by counsel, and
2353 both parties have the right to call, examine, and cross-examine witnesses and to introduce
2354 evidence into the record.

2355 (3) BRIEFS. The administrative law judge may require or permit the filing of briefs.

2356 (4) MOTIONS. All motions, except those made at hearing, shall be in writing, filed by the
2357 date set by the administrative law judge, with a copy served upon the opposing party.

2358 (5) SUMMARYJUDGMENT. The parties may use the summary judgment procedure
2359 provided in s. 802.08, Stats.

2360 (6) ADJOURNMENTS. The administrative law judge may, for good cause, grant
2361 continuances, adjournments and extensions of time.

2362 (7) SUBPOENAS.

2363 (a) Subpoenas for the attendance of any witness at a hearing in the proceeding may be
2364 issued in accordance with s. 885.01, Stats. Service shall be made in the manner provided in
2365 s. 805.07 (5), Stats. A subpoena may command the person to whom it is directed to produce the
2366 books, papers, documents, or tangible things designated therein.

2367 (b) An administrative law judge may issue protective orders according to the provision
2368 the provisions of s. 805.07, Stats.

2369 **3.88 Witness fees and costs.** Witnesses subpoenaed at the request of the department shall
2370 be entitled to compensation from the state for attendance and travel as provided in ch. 885, Stats.

2371 **3.90 Record of proceedings, transcripts.**

2372 **(1) RECORD OF ORAL PROCEEDINGS.** Oral proceedings in an administrative injunction
2373 case shall be electronically recorded unless the administrative law judge determines that a
2374 stenographic record is necessary.

2375 **(2) ELECTRONIC RECORDING; COPIES.** If an oral proceeding in an administrative
2376 injunction case is electronically recorded, a copy of the recording shall be furnished at cost to
2377 any party who requests a copy.

2378 **(3) STENOGRAPHIC RECORDING; COPIES.** (a) If a stenographic recording is made, the
2379 reporting service who recorded the proceeding may charge a fee for an original transcription and
2380 for copies. Fees are identified in the state operational purchasing bulletin for reporting services
2381 and fees allowed to be charged.

2382 (b) A person who is without means and who requires a transcript for appeal or other
2383 reasonable purposes shall be furnished with a transcript without charge upon the filing of a
2384 petition of indigency signed under oath.

2385 **3.92 Decision.** The administrative law judge shall prepare a proposed decision for
2386 consideration by the department or a final decision, if designated as final decision maker. The
2387 decision, whether proposed or final, shall include findings of fact, conclusions of law, and an
2388 order, with a signed opinion explaining the decision.

2389 **3.94 Service of decision.** The administrative law judge shall deliver the proposed or final
2390 decision, with a copy of the record including the electronic recording of the proceedings, to the
2391 department. The proposed or final decision shall be served by the administrative law judge on the
2392 parties with a notice providing each party adversely affected by the proposed decision with an
2393 opportunity to file objections and written argument with respect to the objections to the
2394 department or to the administrator of DHA, depending on who is the final decision maker. A

2395 party adversely affected by a decision shall have 20 days from the date of service of the proposed
2396 decision to file objections and argument.

2397 **3.96 Final decision and order.** After the time expires for filing all objections to the
2398 proposed decision and order, the department or the administrator of DHA shall make a final
2399 decision and order in the administrative injunction proceeding. If the final decision varies from
2400 the administrative law judge's decision, the final decision shall explain the reasons for all
2401 variations.

2402 SECTION 4. Chs. VE 4 to 10 are repealed.

2403 SECTION 5. VE 11.04 (1) (a) is amended to read:

2404 **VE 11.04 (1) (a)** Contracting with assessment, testing, treatment, rehabilitation,
2405 monitoring, or support service providers, in accordance with the requirements in ss. VE ~~4.12~~
2406 4.12 and ~~4.14~~ 4.14. The program shall inform all service providers, and update changes in this
2407 information as soon as possible, of the employees in the program designated to receive required
2408 information from the service provider.

2409 SECTION 6. VE 11.04 (1) (i) is amended to read:

2410 **VE 11.04 (1) (i)** Reporting all require information in the disciplinary program, so the
2411 board may carry out its disciplinary authority under s. VE ~~7.07~~ 1.60 and VE 2.28.

2412 SECTION 7. VE 11.10 (1) (d) is amended to read:

2413 **VE 11.10 (1) (d)** An agreement to submit to random monitored alcohol, drug, or other
2414 chemical screens at the credential holder's expense, by a service provider for alcohol, drug, or
2415 other chemical testing approved by the program under s. VE ~~4.14~~ 4.14, if deemed necessary by
2416 the program.

2417 SECTION 8. VE 11.10 (1) (g) 2. and 3. are amended to read:

2418 **VE 11.10 (1) (g)** 2. If the credential holder violates the terms of the disciplinary program
2419 under s. ~~VE 11.08 (1)~~ 4.08 (1).

2420 3. If the credential holder is dismissed from the disciplinary program, pursuant to s. VE
2421 ~~11.08 (2)~~ 4.08 (2).

2422 SECTION 9. Ch. VE 11 is renumbered Ch. VE 4.

2423 EFFECTIVE DATE. This rule is effective on the first day of the month commencing after the date
2424 of publication, as provided under Wis. Stat. § 227.22 (2) (intro.).

(END OF RULE TEXT)
