



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Sheila E. Harsdorf, Secretary

DATE: September 6, 2018

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Sheila Harsdorf, Secretary *Sheila Harsdorf*
Melissa Mace, Acting Administrator, Division of Animal Health

SUBJECT: Reorganization of VE code structure / incorporation of fee amounts
VE 1-10, Wis. Admin. Code (Statement of Scope)

PRESENTED BY: Melissa Mace, Acting Administrator, Division of Animal Health *Melissa Mace*
Darlene Konkle, DVM, MS, DACVIM, Acting State Veterinarian,
Division of Animal Health

REQUESTED ACTION: Approval of portion of Statement of Scope relating to fees

At the September 20, 2018 meeting of the Board of Agriculture, Trade and Consumer Protection, the Department will ask the DATCP Board to approve a portion of the Veterinary Examining Board (VEB) statement of scope pertaining to fees included in Wis. Admin. Code Chapters VE 1-10.

SUMMARY

This proposed VE rule package simplifies the structure of the VE administrative code by condensing the 11 currently existing chapters into four or five larger chapters. For the purposes of the DATCP Board, one of the proposed VE rules would expressly state the dollar amounts of various fees that must, according to Wis. Stat. § 89.063, be determined by the Department.

Proposed Rule

Wis. Stat. § 15.135(5) states as follows:

- (a) There is created a veterinary examining board in the department of agriculture, trade and consumer protection. The veterinary examining board shall consist of the following 8 members appointed for staggered 4-year terms:
1. Five veterinarians licensed in this state.
 2. One veterinary technician certified in this state.
 3. Two public members.

Agriculture generates \$88 billion for Wisconsin

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

Wis. Stat. § 89.03 grants the VEB authority to promulgate rules related to the profession. However, a separate provision of the VEB statute, Wis. Stat. § 89.063, delineates that it shall be the Department that determines by rule the fees for each initial license, certification, and permit issued by the VEB, as well as the renewals of licenses, certifications, or permits, including late fees. For this reason, the Department must approve the provision of the VE rules related to fees only.

Next Steps

If the DATCP Board approves the statement of scope related to fees, and once the VEB also approves the scope statement, the Department will begin work on drafting the permanent rules. As you are aware, approval of a statement of scope is the first, preliminary step in a lengthy process for enacting permanent rules. The VEB and DATCP Board will have at least two further opportunities to review the proposed rules. As is customary, the VEB and DATCP Board must approve a hearing draft before the Department may hold public hearings on any rule proposal. The VEB and DATCP Board must also approve the final draft before the VEB formally adopts the rules. The permanent VE rules will be effective when the final draft has been approved by the VEB, the DATCP Board, the Governor, and meet the criterion of the legislative review process.

STATEMENT OF SCOPE

VETERINARY EXAMINING BOARD (VEB)

Rule No.: Chs. VE 1 to 10, Wis. Adm. Code

Relating to: Licensing, Practice Scope, and Standard of Practice for Veterinarians and Veterinary Technicians.

1. Description of the objective of the rule:

The objective of the proposed rule is to reorganize existing Veterinary Examining Board (VEB) requirements for purposes of clarity and to codify existing licensing policies and fees. Most notably, the VEB proposes to consolidate the ten current administrative chapters into three subject areas relating to veterinarians, veterinary technicians, and a professional assistance program, respectively. Also, the VEB proposes to review, revise, and update the current provisions of the code.

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

2015 Wisconsin Act 55 transferred the VEB from the Department of Safety and Professional Services (DSPS) to the Department of Agriculture, Trade and Consumer Protection (DATCP). However, most of the general licensing rules, specifying the procedures and requirements for all boards under DSPS, were not transferred to DATCP's portion of the Administrative Code, including the rules that specified the amount of license fees, late fees, testing fees, and the like. While the VEB, now under the umbrella of DATCP, continues to employ the same procedures and fees that were employed when the VEB was affiliated with DSPS, the referenced fee structure and administrative practices should be expressly stated in the rule, so that applicants will have notice of what is expected of them and of what fees are requisite to obtain a veterinarian license or veterinary technician license.

Meanwhile, the current rules, consisting of Chapters VE 1 through VE 10, are denominated as follows:

1. Authority and Definitions;
2. Examinations;
3. Licensure by Examination for Veterinarians;
4. Licensure by Endorsement for Veterinarians;
5. Practice Related to Veterinary Schools;
6. Temporary Consulting Permits;
7. Standards of Practice and Unprofessional Conduct for Veterinarians;
8. Certification for Veterinary Technicians;
9. Standards of Practice and Unprofessional Conduct for Veterinary Technicians; and

10. Continuing Veterinary Education for Veterinarians and Veterinary Technicians.

Another chapter, VE 11, Veterinary Professional Assistance Program, is currently in the rule-making process. These eleven smaller chapters would be condensed into three larger chapters. Additional chapters may be created if necessary. Each chapter would include applicable definitions.

It is contemplated that existing procedures, but no new policies, will be reflected in the proposed rule. All fees will remain the same but will be codified in the proposed rule.

Should the VEB not modify the existing rule, the amounts of fees will not be specified in the code. Furthermore, current requirements relating to veterinarians and veterinary technicians will remain scattered across multiple rules, making the rules more opaque and more difficult to understand.

3. Statutory authority for the rule (including the statutory citation and language):

Under Wis. Stat. ch. 89, the VEB has the authority and an obligation to "promulgate rules... establishing the scope of practice permitted for veterinarians and veterinary technicians." The VEB "shall review the rules at least once every 5 years to determine whether they are consistent with current practice." Wis. Stat. § 89.03.

The VEB must "promulgate rules requiring training and continuing education sufficient to assure competency of veterinarians and veterinary technicians in the practice of veterinary medicine" and may "promulgate rules relating to licensure qualifications, denial of a license, certification, or temporary permit, unprofessional conduct, and disciplinary proceedings." Wis. Stat. § 89.03.

Regarding the authority pertaining to fees, the statutes grant authority to the Department who "shall determine by rule the fees for each initial license, certification, and permit issued." Wis. Stat. § 89.063.

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

The Department estimates that it will use approximately .50 FTE staff to develop this rule. That calculation includes time required for investigation and analysis, drafting the rule, preparing related documents, coordinating advisory committee meetings, holding public hearings, and communicating with affected persons and groups. The Department will use existing staff to develop this rule.

5. Description of all entities that may be impacted by the rule:

This rule will have a direct impact on veterinarians and veterinary technicians licensed by the VEB.

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

Pursuant to 9 CFR 160 to 162, a veterinarian must be specifically authorized by the Animal and Plant Health Inspection Service to perform animal disease eradication and control functions under federal animal health laws.

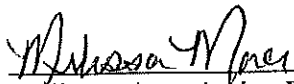
Licensure requirements to practice veterinary medicine are established by each state and should not be affected by federal requirements.

7. Anticipated economic impact

The Department expects the proposed rule to have no economic impact or at most a minimal impact.

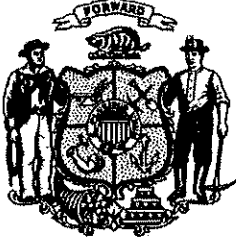
Contact Person: Melissa Mace, Acting Executive Director, Veterinary Examining Board;
(608) 224-4883

I, Melissa Mace, Acting Executive Director of the Veterinary Examining Board, the Board having submitted this statement of scope before the Governor of the state of Wisconsin and now in receipt of his approval dated August 22, 2018, hereby approve this statement of scope as evidenced by my signature below.



Melissa Mace, Acting Executive Director
Veterinary Examining Board

Aug. 23, 2018
Date



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

August 22, 2018

Philip Johnson
Wisconsin Veterinary Examining Board
DATCP
P.O. Box 8911
Madison, WI 53708-8911

RE: Scope Statement for VE 1-10 relating to licensing, practice scope, and standard of practice for veterinarians and veterinary technicians

Dear Chairperson Johnson,

I hereby approve the statement of scope submitted on June 14, 2018 to SBO, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule modifying Chapters VE 1-10 of the Wisconsin Administrative Code. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

Scott Walker
Governor