



**VETERINARY EXAMINING BOARD**

**CR 106 Board Room, 2811 Agriculture Drive, Madison, Wisconsin**

**Contact: Melissa Mace (608) 224-4883**

**November 7, 2018**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**9:00 A.M. OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Introductions**

**B. Approval of the Agenda**

**C. Approval of Board Meeting Minutes of**

1. [July 24, 2018 VEB Meeting](#)

**APPEARANCE – Department of Agriculture, Trade, and Consumer Protection (DATCP) Division of Animal Health: Melissa Mace, Executive Director; Office of the Secretary: Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Robert Van Lanen, Regulatory Specialist – Senior; Sally Ballweg, License/Permit Program Associate; Kelly Markor, Executive Staff Assistant; Introductions and Discussion.**

- D. Public Comments -** *Each speaker is limited to five minutes or less, depending on the number of speakers. Each speaker must fill out and submit an appearance card to the Board clerk.*

**E. Administrative Items**

1. Department, Staff, and Program Updates
2. [Overview of VEB Budget](#)
3. [License Report.](#)
4. Status of VE 11 implementation RFP

**F. American Association of Veterinary State Boards (AAVSB) Matters – Annual Meeting, September 13-15, 2018, Washington, DC**

1. [Recap – Review resolutions and any associated actions to be taken by the board.](#)

**G. Licensing/Exam Inquiries**

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**H. Legislative/Administrative Rule Matters**

1. [Scope for VE 1-10 \(Approval\)](#)
2. [Status of VE 1 and VE 7](#)

**I. Future Meeting Dates and Times**

1. Screening Committee
2. [2019 VEB Meeting Dates](#)

**J. Future Agenda Items**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.)**

**J. Deliberation on Licenses and Certificates**

**07 VET 002 AB  
16 VET 042 JT  
17 VET 002 EB  
17 VET 031 BG  
17 VET 035 CD  
18 VET 025 ES  
18 VET 035 JM  
18 VET 038 AR**

**K. Deliberation on Proposed Stipulations, Final Decisions and Orders**

**17 VET 021 MR  
17 VET 025 MH  
18 VET 024 TS  
18 TECH 005 ST**

**M. Review of Veterinary Examining Board Pending Cases Status Report as of October 10, 2018**

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**K. Open Session Items Noticed Above not Completed in the Initial Open Session**

**L. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate**

**M. Ratification of Licenses and Certificates**

**ADJOURNMENT**

*The Board may break for lunch sometime during the meeting and reconvene shortly thereafter.*

# July 24, 2018 VEB Meeting



**VETERINARY EXAMINING BOARD**

**MEETING MINUTES**

**Wednesday, July 25, 2018**

**PRESENT:** Bruce Berth, Robert Forbes, D.V.M. (via phone), Philip Johnson, D.V.M., Kevin Kreier, D.V.M., Dana Reimer C.V.T., Lisa Weisensel Nesson, D.V.M.

**STAFF:** Department of Agriculture, Trade, and Consumer Protection (DATCP) Division of Animal Health: Melissa Mace, Executive Director; Office of the Secretary: Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Robert Van Lanen, Regulatory Specialist – Senior; Kelly Markor, Executive Staff Assistant.

**CALL TO ORDER**

Philip Johnson, Chair, called the meeting to order at 9:02 AM. A quorum of five (5) members was confirmed.

**APPROVAL OF THE AGENDA**

**MOTION:** Dana Reimer moved, seconded by Kevin Kreier, to approve the Agenda. Motion carried unanimously.

**APPROVAL OF THE BOARD MEETING MINUTES OF THE APRIL 18, 2018 MEETING**

**MOTION:** Lisa Weisensel Nesson moved, seconded by, Kevin Kreier to approve the Minutes from the Wednesday, April 18, 2018 Meeting. Motion carried unanimously.

**PUBLIC COMMENTS**

John Prosaski, President of the American Embryo Transfer Association and owner of a dairy farm, voiced support for the original rule language regarding embryo transfer requirements.

Aaron Prosaski, Sunshine Genetics, voiced support for the original rule language regarding embryo transfer requirements.

Ashley Swenson, representing herself, supported the original rule language regarding embryo transfer requirements.

Jordan Lamb, Representing the WVMA, supported the changes to surgery rule and the definition.

David Duxbury, Representing Midwest Embryo Transfer Service, supported the original rule language regarding embryo transfer by a Certified Veterinary Technician.

**ADMINISTRATIVE UPDATES**

## DEPARTMENT, STAFF, AND PROGRAM UPDATES

Melissa Mace discussed her role as the new interim Executive Director

### PENDING APPOINTMENTS

Cheryl Daniels discussed the pending appointments to the Veterinary Examining Board. She advised that anyone can continue to serve until a new appointment is made. She advised Board members that the Board members can express their wishes to continue/or not to continue to the appointment director at the Governor's Office.

## AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB) MATTERS –ANNUAL MEETING, SEPTEMBER 13-15, 2018, WASHINGTON DC

### AAVSB PRACTICE ACT MODEL & VCPR CHANGES INCLUDING TELEHEALTH GUIDELINES

The delegates will be voting on the practice act model during September's annual AAVSB meeting. The Practice Act Model are guidelines that the AAVSB suggests but does not require states to implement.

### CONFIRM ATTENDEES

Dr. Forbes, Dr. Dommer, and Melissa Mace are attending the meeting.

### LICENSING/EXAM INQUIRIES

### AVMA GUIDANCE ON CANNABIS USE AND PETS

Cheryl Daniels discussed the current regulations and guidance. Hemp seed oil is available and can be utilized. Dr. Forbes discussed that on June 25<sup>th</sup> the FDA approved the drug [Ebidialex](#) and that this may impact the Veterinary Examining Board position statement.

**MOTION:** Lisa Weisensel Nesson moved, seconded by Kevin Kreier, to reaffirm that under current statutes that products containing THC are prohibited in the practice of veterinary medicine. Motion carried unanimously.

## LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

### VE 1 DISCUSSION AND FINAL DRAFT APPROVAL

**MOTION:** Robert Forbes moved, seconded by Kevin Kreier, to approve the final draft of VE 1 and 7 with the amendments to read: VE 1.029(b) Activities considered the practice of veterinary medicine, but may be delegated to a certified veterinary technician, as specified in s. VE 7.02(4)..7. Performing amniocentesis embryo collection and transfer, follicular aspiration, and transvaginal oocyte collection and recovery on livestock.

VE 7.02(4) (h) is created to read (h) Performing amniocentesis, embryo collection and transfer, follicular aspiration, and transvaginal oocyte collection and recovery on livestock.

Motion carried unanimously.

#### **UPDATE ON SCOPE STATEMENT VE 1-10**

This is currently awaiting Governor's office approval. This should be ready for the November meeting. The fees will need to be approved by the DATCP Board during their September 20, 2018 meeting.

#### **UPDATE ON VE 11 AND VE 7**

Discussed the status of the Professional Assistance Program and that it is currently on schedule. The proposal is currently going through the request for proposal.

VE 7 is currently at the Governor's office and since the legislature is back in session on January.

#### **FUTURE MEETING DATES AND TIMES**

##### **SCREENING COMMITTEE**

August 21, 2018 at 9:00

September 19, 2018 at 9:00

November 7, 2018 after VEB Meeting

##### **BOARD MEETING**

November 7, 2018, 9:00 am at DATCP

#### **FUTURE AGENDA ITEMS**

Report from AAVSB convention

Scope Statement

#### **CLOSED SESSION MOTION**

**MOTION:** Philip Johnson moved, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Philip Johnson read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Philip Johnson -yes; Robert Forbes -yes; Dana Reimer -yes; Lisa Weisensel Nesson -yes; Kevin Kreier -yes;; Motion carried unanimously.

### RECONVENE TO OPEN SESSION

**MOTION:** Kevin Kreier moved seconded by Dana Reimer, to reconvene to open session. Motion carried unanimously. The Board reconvened at 11:04.

**MOTION:** Dr. Nesson moved, seconded by Dana Reimer, to grant the request of JP for 15 VET 001 to reduce the tests to two per month. Motion carried unanimously.

**MOTION:** Dr. Kreier moved, seconded by Dr. Nesson, to return to full licensure 13 VET 045 LM and 14 VET 034 MP. Motion carried unanimously.

**MOTION:** Dr. Forbes moved, seconded by Dr. Kreier, to stay the suspension on 16 VET 007 BB. Motion carried unanimously.

**MOTION:** Dana Reimer moved, seconded by Dr. Kreier, to return to full licensure 17 VET 016 KF. Motion carried unanimously.

**MOTION:** Dr. Nesson moved, seconded by Dr. Forbes, to table 17 VET 025 MH to the November 7 VEB Meeting. Motion carried unanimously.

**MOTION:** Kevin Kreier moved, seconded by Robert Forbes, to approve the proposed stipulations, final decisions and orders for 17 VET 035 CD, 17 VET 026 and 18 VET 015 JK, 18 VET 25. Motion carried unanimously.

**MOTION:** Dana Reimer moved, seconded by Kevin Kreier, to approve the administrative warning for 18 VET 026 AR. Motion carried unanimously.

**MOTION:** Lisa Weisensel Nesson moved, seconded by Dana Reimer, to delegate ratification of examination results to DATCP staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

### ADJOURNMENT

**MOTION:** Kevin Kreier moved, seconded by Robert Forbes, to adjourn. Motion carried unanimously.

The meeting adjourned at 11:13 am.



# Overview of VEB Budget

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Melissa Mace Executive Director VEB		<b>2) Date When Request Submitted:</b>  Oct 12, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>													
<b>3) Name of Board, Committee, Council, Sections:</b>  Veterinarian Examining Board															
<b>4) Meeting Date:</b>  Nov 7, 2018	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Overview of the VEB budget													
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>													
<b>10) Describe the issue and action that should be addressed:</b>  Review of the VEB budget, biennial budget initiative and annual operating budget.															
<b>11) Authorization</b>  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black; width: 70%;"><b>Melissa Mace 10-12-2018</b></td> <td style="border-bottom: 1px solid black; width: 30%;"></td> </tr> <tr> <td style="font-size: small;">Signature of person making this request</td> <td style="font-size: small;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black; height: 20px;"> </td> <td style="border-bottom: 1px solid black; height: 20px;"> </td> </tr> <tr> <td style="font-size: small;">Supervisor (if required)</td> <td style="font-size: small;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black; height: 20px;"> </td> <td style="border-bottom: 1px solid black; height: 20px;"> </td> </tr> <tr> <td style="font-size: small;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="font-size: small;">Date</td> </tr> </table>				<b>Melissa Mace 10-12-2018</b>		Signature of person making this request	Date			Supervisor (if required)	Date			Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date
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<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.															

## **E.2.B Elimination VEB licensing fees Issue Paper 9-7-18**

# **Elimination of First-Time Veterinary Licensing Fees**

Biennial Budget Issue Paper

DIN 5001

Wisconsin Department of Agriculture, Trade and Consumer Protection

September 17, 2018

## **Request:**

The department requests to permanently eliminate the initial fee for Certified Veterinary Technicians (CVTs) and Doctors of Veterinary Medicine (DVMs) seeking a new certification to practice veterinary medicine in Wisconsin who meet specific requirements.

## **Analysis:**

In the state of Wisconsin, the Veterinary Examining Board (VEB) defines professional standards and regulatory policies for veterinary technicians and veterinarians. The Board determines the education and experience required for obtaining a credential, develops and evaluates credentialing examinations, and establishes and enforces standards of professional conduct. The 2015 Wisconsin Act 55 transferred the Veterinary Examining Board to DATCP.

Under current VEB licensing practices, there are three paths to receive licensure in the state as a CVT:

- Certification by education from an accredited technical school or college certified by the VEB.
- Certification by On-the-Job (ONJ). Applicant has been an employee of a veterinarian for at least two years, with at least 50% of the applicant's time spent in practical field experience and the remainder of the applicant's time spent in laboratory work, office procedure, and technical veterinary training with a veterinarian.
- Certification by passing the Veterinary Technician National Exam (VTNE) through another state program.

Under current VEB licensing practices, to become licensed as a DVM, the applicant must have passed the North American Veterinary Licensure Examination (NAVLE) and the Wisconsin state exam.

Under current VEB licensing practices, the cost for both CVTs and DVMs to receive a license to practice veterinary medicine in the state of Wisconsin is \$115. The cost to renew a credential is \$160. Every CVT and DVM practicing in the state of Wisconsin is required to renew their license every two years. This request would eliminate the \$115 initial certification license fee only for applicants meeting specified exemption criteria.

In 2017, there were 171 applicants that received new certification to practice veterinary medicine in Wisconsin as a CVT or DVM. At an application cost of \$115, the total estimated elimination in fees is \$19,665. Fiscal year 2018 ended with an unexpended balance in the veterinary examining board appropriation exceeding \$800,000, so the requested changes would not significantly impact the fiscal health of the program.

This initiative would encourage and assist Wisconsin residents and recent graduates to enter the state's workforce in the area of veterinary medicine. In Wisconsin, there is an identified shortage of veterinarians working with large animals, specifically dairy and beef cattle, and also with expertise in working with swine, poultry, goats and sheep. Statewide, there is a shortage of veterinarians to work with government agencies and other organizations that deal with the intersection of animal health and public health.

# License Report.

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

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<b>3) Name of Board, Committee, Council, Sections:</b>  <b>Veterinarian Examining Board</b>			
<b>4) Meeting Date:</b>  <b>Nov 7, 2018</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  <b>License Report</b>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  <b>Summary of the number of each type of license; how many did not renew and summary of follow-up done with those individuals.</b>            			
<b>11) Authorization</b>  <b>Melissa Mace 10-12-2018</b> <hr/> <b>Signature of person making this request</b> <span style="float: right;"><b>Date</b></span>  <hr/> <b>Supervisor (if required)</b> <span style="float: right;"><b>Date</b></span>  <hr/> <b>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</b> <span style="float: right;"><b>Date</b></span>			
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# E.4.Veterinary License Report



# Veterinary License Report

As of 10-17-18

## ACTIVE NUMBERS OF EACH CREDENTIAL TYPE:

Veterinary Medicine Licenses	3360
Faculty Licenses	33
Post Graduate Training Permits	28
Temporary Consulting/Permits	9
Veterinary Technician Certifications	2341
Total Veterinary Credentials	6071

## NUMBER OF CREDENTIAL HOLDERS THAT DID NOT RENEW DECEMBER 2017:

Veterinary Medicine Licenses	243
Veterinary Technician Certifications	241
Total non-renewed Credential Holders	484

## FOLLOW-UP

Seventeen of the above non-renewed credential holders did receive follow-up by our compliance department. Follow-ups were initiated on individuals that initiated a partial renewal. Submitting either payment or application, but not both.

### Investigation results:

7-not currently working in the field,

4-not working in Wisconsin,

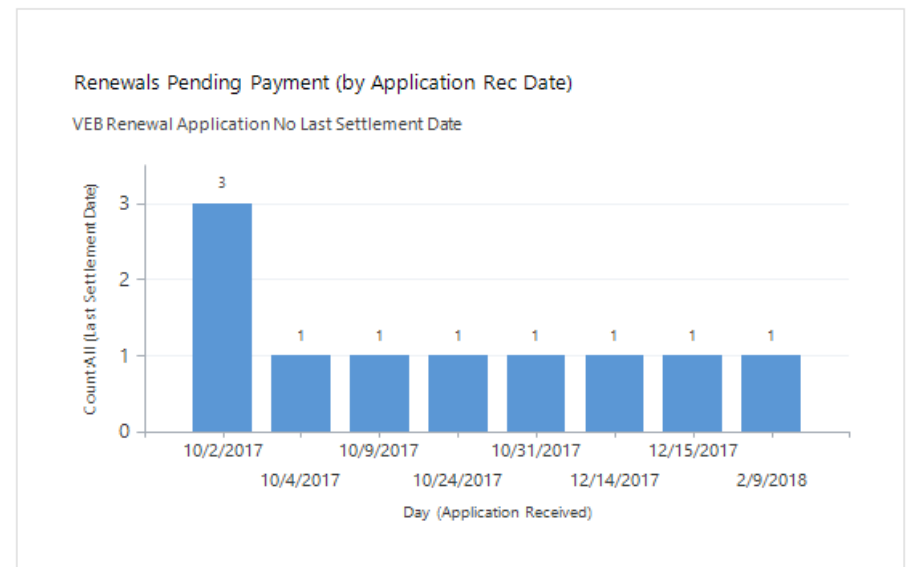
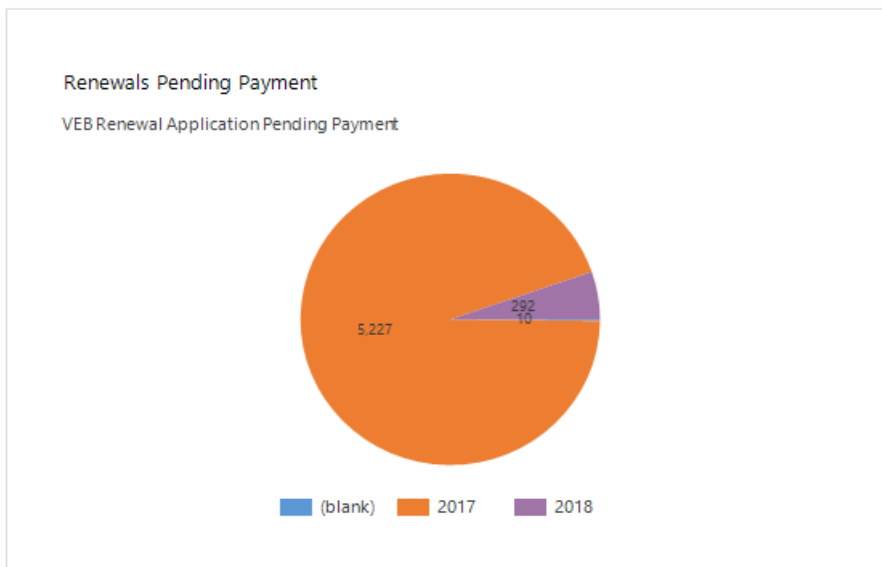
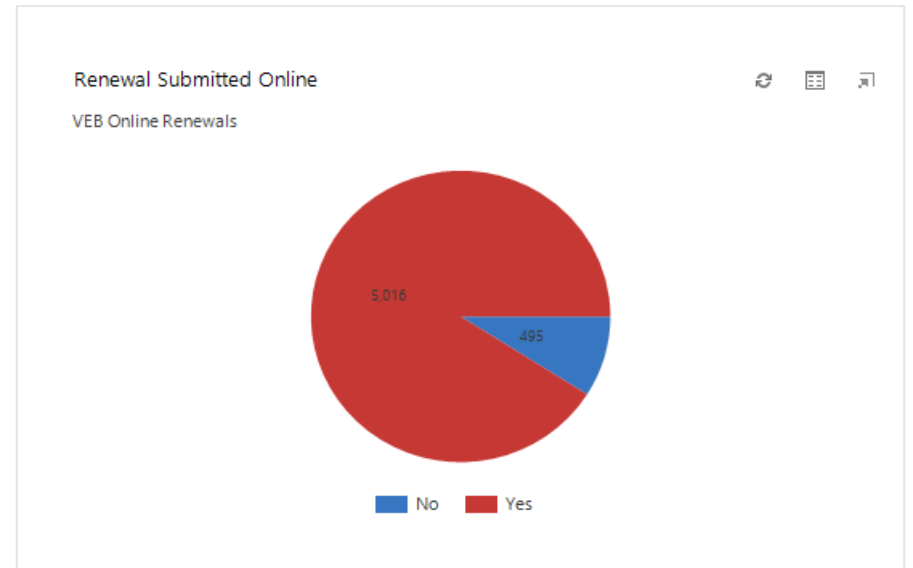
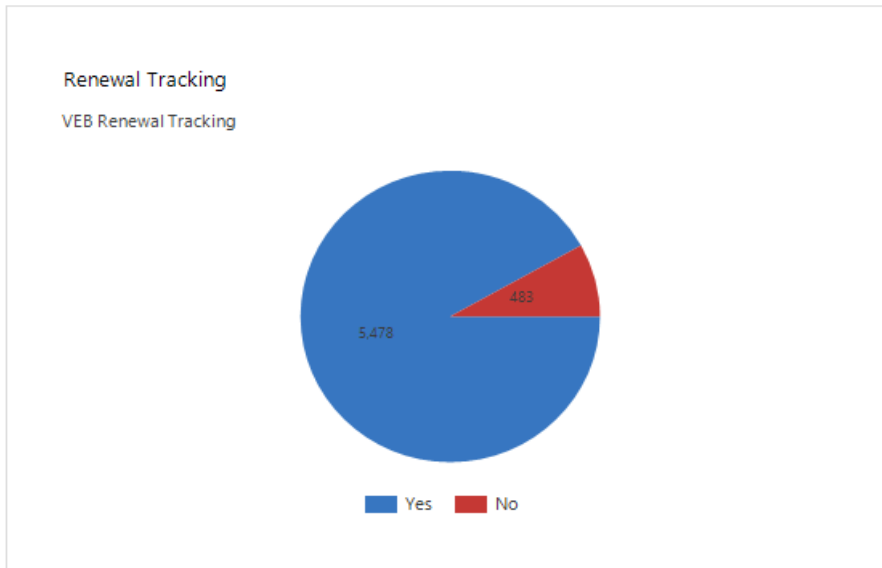
2-Retired,

2-completed the renewal,

1-still open

1 was an error (New appl)

# VEB Renewal Tracking ▾



**Recap – Review resolutions and any associated actions  
to be taken by the board.**

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

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<b>4) Meeting Date:</b>  <b>Nov 7, 2018</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  <b>AAVSB Report Out</b>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  <b>Summary for the board of the AAVSB annual conference</b>  <b>Delegate Assembly:</b> Proposed By law amendments 2018-19 Board members – election results Resolution 2018-01 Proposed Changes to the Practice act: <a href="https://www.aavsb.org/board-services/educational-resources/practice-act-model">https://www.aavsb.org/board-services/educational-resources/practice-act-model</a> Proposed Changes to the VCPR/Telehealth guidelines			
<b>11) Authorization</b>  <b>Melissa Mace 10-12-2018</b>			
Signature of person making this request		Date	
Supervisor (if required)		Date	
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## **F.1.B.AAVSB \_ Bylaw amendments**

Amendment 1

*AAVSB Bylaws, 6*

Section 7. Parliamentary Authority.

The rules contained in the most current edition of Robert's Rules of Order Newly Revised shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the Association may adopt.

Section 8. Records.

The Association shall keep accurate and complete minutes of all business meetings of the Delegate Assembly, and shall make these minutes available to any Member Board for any proper purposes at any reasonable time.

**ARTICLE VII. BOARD OF DIRECTORS AND OFFICERS.**

Section 1. Composition.

There shall be ten (10) members of the Board of Directors including four (4) Officers and six (6) Directors at Large.

The Officers shall be identified as President, President-Elect, Immediate Past President and Treasurer. The Officers and Directors at Large are collectively referred to as the Board of Directors. The Officers may, at times be collectively referred to as the Executive Committee. Notwithstanding any other provisions of these Bylaws, the Board of Directors shall be comprised of at least six Licensed Veterinarians and one Affiliate Member. The Executive Director shall serve as Secretary and as an ex-officio non-voting member of the Board of Directors.

Section 2. Qualifications.

a. Officers

To be eligible to serve as an Officer, a candidate shall when nominated and elected be currently serving on the Board of Directors, be a Delegate, Alternate Delegate, or be a member of a Member Board.

b. Directors at Large

To be eligible to serve as a Director at Large, a candidate shall when nominated be a Delegate, Alternate Delegate, member of a Member Board or have served as a member of a Member Board as of June 1st of the year preceding the election year.

~~With the exception of the Affiliate Member, if a Director ceases to meet eligibility criteria stated above, such Board of Director member shall, after completion of the current term, be eligible to serve one additional term on the Board of Directors. In the event the Affiliate Member ceases to meet eligibility criteria, there shall be an immediate vacancy filled pursuant to these Bylaws.~~

Section 3. Elections.

The Board of Directors shall be elected at the Annual Delegate Assembly of the Association by the Delegates, either from nominations submitted by the Nominating Committee,

Amendment 2

AAVSB Bylaws, 13

Section 5. Bylaws and Resolution Committee.

There shall be at least five (5) members on the Bylaws and Resolution Committee, appointed by the President with approval from the Board of Directors. The Bylaws and Resolution Committee shall propose amendments to the Bylaws when it determines that such amendment is necessary, and shall receive and consider proposed amendments to the Bylaws submitted in accordance with these Bylaws. The committee shall receive and consider all resolutions submitted in accordance with Association policies.

Section 6. Conference Committee.

There shall be at least six (6) members of the Conference Committee all appointed by the President with approval from the Board of Directors. The composition of the Conference Committee shall be as follows:

- Two (2) Licensed Veterinarians from Member Boards,
- Two (2) executive directors of Member Boards, and
- Two (2) at-large members.

Members of the committee shall serve for a two (2) year term and can be reappointed by the Board of Directors for an additional two (2) year term. The President will appoint the committee chair with the approval from the Board of Directors. With the assistance of Association staff, the Conference Committee shall prepare a conference budget, site recommendation, a selection of conference speakers, conference agenda including program and social events, and conference evaluation for Board of Directors approval.

Section 7. Finance Committee.

There shall be ~~five (5)~~ six (6) members on the Finance Committee. The President-Elect and Treasurer shall be members of the committee, with the Treasurer as chairperson. The President, upon approval from the Board of Directors, shall appoint the ~~three~~ four (4) remaining members of the committee who shall serve one ~~three-year~~ four-year term with no right of reappointment. The Finance Committee shall advise the Board of Directors on issues related to the use of the Association's assets to assure prudence and integrity of fiscal management and responsiveness to Member Boards' needs. The Finance Committee shall recommend financial policies which provide guidelines for fiscal management, and shall review and revise financial forecast assumptions.

- a. For purposes of continuing staggered terms, the term of the new appointed position in the year of adoption shall be a three-year term. The current members of the committee in the year of adoption shall continue with their current terms. Further, the section (a) of Article X, Section 7 shall be automatically removed from these Bylaws one (1) year after the adoption of this amended Section 7, without further action from the Delegate Assembly.

Section 8. Ad-hoc Committees.

Ad-hoc committees may be established and appointed by the President as needed, with approval from the Board of Directors.

# **F.1.C.AAVSB \_ Board Of Directors 2018-2019**



aavsb logo

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# AAVSB Elects 2018-2019 Board of Directors

## AAVSB Elects 2018-2019 Board of Directors

**Washington, DC (September 15, 2018)** - The American Association of Veterinary State Boards (AAVSB) is pleased to announce its new President and members of the 2018-2019 Board of Directors. Elections were held at the 2018 AAVSB Annual Meeting & Conference in Washington, DC on September 15, 2018. At this meeting, Michael Gotchey, DVM, moved into the President position. He will serve in this role for a one-year term.

Dr. Gotchey has served on the AAVSB Board of Directors since 2012, most recently as President-Elect. He has also served the AAVSB as Treasurer, Director, and as a member of the PAVE Committee. He is a former member and President of the Colorado State Board of Veterinary Medicine and is a licensed veterinarian in the state of Colorado.

Roger Redman, DVM, was elected to the President-Elect position, moving from his position as Director. He will serve a one-year term. Dr. Redman has served on the AAVSB Board of Directors since 2013, most recently as Director. He has also served as a member of the Bylaws & Resolution Committee and the Finance Committee. He was a member of the Ohio Veterinary Medical Licensing Board from 2006-2016. Dr. Redman is a licensed veterinarian in Ohio.

Frank Richardson, DVM, was elected to the position of Director. He is new to the Board of Directors and will serve a two-year term. Dr. Richardson previously served the AAVSB as a member of the Finance Committee. He has been the Registrar/CEO of the Nova Scotia Veterinary Medical Association since 1990 and is a licensed veterinarian in Nova Scotia.

Vito DelVento, DVM, and Larry McTague, DVM, were both reelected to the position of Director, where they will each serve a two-year term.

The 2018-2019 AAVSB Board of Directors, in its entirety, consists of the following individuals:

Michael Gotchey, DVM (Colorado), President  
Roger Redman, DVM (Ohio), President-Elect  
Mark Olson, DVM (Kansas), Immediate Past President  
Chris Runde, DVM (Maryland), Treasurer  
Vito DelVento, DVM (District of Columbia), Director  
Kim Gemeinhardt, DVM (North Carolina), Director  
Leslie Knachel (Virginia), Director  
Timothy Kolb, DVM (Ohio), Director  
Larry McTague, DVM (Oklahoma), Director  
Frank Richardson, DVM (Nova Scotia), Director

James T. Penrod, CAE, FASLA, Ex-Officio Member (non-voting), Secretary & Executive Director

**About the AAVSB:** The AAVSB is a 501(c)(3) non-profit organization whose mission is to support and advance the regulatory process for veterinary medicine. The membership of the AAVSB consists of 62 jurisdictions representing all of the United States and the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and nine Canadian provinces: Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland & Labrador, Nova Scotia, Ontario, Prince Edward Island, and Saskatchewan.

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## **F.1.D.AAVSB Proposed Changes to the VCPR**



# AAVSB RECOMMENDED GUIDELINES FOR THE APPROPRIATE USE OF TELEHEALTH TECHNOLOGIES IN THE PRACTICE OF VETERINARY MEDICINE

September, 2018

## Introduction

When telehealth is used within the confines of state and provincial regulations, it provides valuable tools to augment the delivery and availability of high quality veterinary care. According to the Center for Connected Health Policy, “Telehealth encompasses a broad variety of technologies and tactics to deliver virtual medical, health, and education services. Telehealth is not a specific service, but a collection of means to enhance care and education delivery.”<sup>1</sup> Advancements in communication and information technology provide opportunities for new approaches to the delivery of veterinary medicine.

The American Association of Veterinary State Boards (AAVSB) charged the AAVSB Regulatory Policy Task Force to draft proactive guidelines that provide an appropriate balance between enabling access to veterinary care while ensuring patient safety. This document provides guidance to AAVSB Member Boards for regulating the use of telehealth technologies in the practice of veterinary medicine. Key components of the document include: definitions, veterinarian-client-patient relationship (VCPR), licensure, evaluation and treatment of the patient, continuity of care, medical records, emergency services, prescribing medication, and telemedicine service requirements.

Veterinary medical boards face complex regulatory challenges and patient and public safety concerns in adapting regulations and standards historically intended for the hands-on provision of veterinary medical care to new delivery models involving telehealth technologies. Challenges include determining when a VCPR is established, assuring confidentiality and privacy of client and patient data, guaranteeing creation and maintenance of appropriate medical records, proper diagnosis and treatment of the patient, and limiting the prescribing and dispensing of certain medications.

These guidelines should be used in conjunction with the AAVSB Practice Act Model and in no way be construed to alter the scope of practice of any veterinarian or veterinary technician or authorize the delivery of veterinary medical services in a setting or in a manner that is not otherwise authorized by law. In fact, these guidelines support a consistent standard of care and

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<sup>1</sup> The Center for Connected Health Policy ([www.cchpca.org](http://www.cchpca.org))

scope of practice. Veterinarians and veterinary technicians must review and understand the laws, regulations, and policies of each jurisdiction where they practice.

The veterinarian must employ sound professional judgment to determine whether using telehealth is suitable each time veterinary services are provided and only furnish medical advice or treatment via telemedicine when it is medically appropriate. A veterinarian using telemedicine must take appropriate steps to establish the VCPR, obtain informed consent from the client, and conduct all necessary patient evaluations consistent with currently acceptable standards of care. Some patient presentations are appropriate for the utilization of telemedicine as a component of, or in lieu of, hands-on medical care, while others are not.

## Definitions

When used in these guidelines, these words and phrases shall be capitalized and are defined as follows:

- **Animal** means any member of the animal kingdom other than humans, whether living or dead.
- **Client** means a Person who has entered into an agreement with a Veterinarian for the purposes of obtaining veterinary medical services in-person or by any means of communication.
- **Consultation** means when a Veterinarian receives advice or assistance in-person, or by any method of communication, from another veterinarian or other Person whose expertise, in the opinion of the Veterinarian, would benefit a Patient. Under any circumstance, the responsibility for the welfare of the Patient remains with the Veterinarian receiving Consultation.
- **Informed Consent** means the Veterinarian has informed the Client or the Client's authorized representative, in a manner understood by the Client or representative, of the diagnostic and treatment options, risk assessment, and prognosis, and the Client has consented to the recommended treatment.
- **General Advice** means any advice provided by a Veterinarian or Veterinary Technician via any method of communication within or outside of an established VCPR that is given in general terms and is not specific to an individual Animal, group of Animals, diagnosis, or treatment.
- **Jurisdiction** means any commonwealth, state, or territory, including the District of Columbia, of the United States of America, or any province of Canada.
- **Patient** means any Animal or group of Animals receiving veterinary care from a Veterinarian or Veterinary Technician.
- **Person** means any individual, firm, partnership, association, joint venture, cooperative, corporation, governmental body, or any other group, legal entity or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such Person.

- **Telehealth** is the overarching term that encompasses all uses of technology geared to remotely deliver health information or education. Telehealth encompasses a broad variety of technologies and tactics to deliver virtual medical, health, and education services. Telehealth is not a specific service, but a collection of tools which allow Veterinarians to enhance care and education delivery. Telehealth encompasses both Telemedicine and General Advice.
- **Telemedicine** is the remote delivery of healthcare services, such as health assessments or consultations, over the telecommunications infrastructure. It allows Veterinarians to evaluate, diagnose and treat patients without the need for an in-person visit.
- **Teletriage** means emergency Animal care, including Animal poison control services, for immediate, potentially life-threatening Animal health situations (e.g., poison exposure mitigation, Animal CPR instructions, other critical lifesaving treatment or advice).
- **Veterinarian** means an individual who is duly licensed to practice Veterinary Medicine under the Jurisdiction’s practice act. When not capitalized, means an individual who is duly licensed to practice Veterinary Medicine in another Jurisdiction.
- **Veterinarian-Client-Patient Relationship (VCPR)** exists when:
  - 1) Both the Veterinarian<sup>2</sup> and Client agree for the Veterinarian to assume responsibility for making medical judgments regarding the health of the Animal(s); and
  - 2) The Veterinarian has sufficient knowledge<sup>3</sup> of the Animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the Animal(s); and
  - 3) The practicing Veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.
- **Veterinary Technician** means an individual who is duly licensed to practice Veterinary Technology under the Jurisdiction’s practice act.

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<sup>2</sup> AAVSB recommends that each jurisdiction promulgate appropriate regulations clarifying who may be included within the scope of a single VCPR such as a Veterinarian or another Veterinarian within the same practice group with access to medical records, or a veterinarian with whom he/she is consulting.

<sup>3</sup> AAVSB recommends that each jurisdiction promulgate appropriate regulations defining how to establish sufficient knowledge, including the following:

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

## Guidelines for the Appropriate Use of Telehealth Technologies in Veterinary Medical Practice

### Licensure

A Veterinarian or Veterinary Technician must be licensed by, or under the authority of, the Board of Veterinary Medicine in the Jurisdiction where the VCPR is established (location of Patient at time of VCPR establishment)<sup>4</sup>.

Any veterinarian who is licensed in another Jurisdiction, or any Person whose expertise, in the opinion of the Veterinarian with an established VCPR, would benefit an Animal, and who is consulting with the Veterinarian, is exempt from licensure in this Jurisdiction, provided such service is limited to such Consultation.

### Evaluation and Treatment of the Patient(s)

The Veterinarian must employ sound professional judgment to determine whether using Telehealth is suitable each time veterinary services are provided and only furnish medical advice or treatment via Telemedicine when it is medically appropriate. A Veterinarian using Telemedicine must take appropriate steps to establish the VCPR, obtain Informed Consent from the Client, and conduct all necessary Patient evaluations consistent with currently acceptable standards of care. Some Patient presentations are appropriate for the utilization of Telemedicine as a component of, or in lieu of, hands-on medical care, while others are not.

The Veterinarian must take appropriate precautions to safe guard the confidentiality of a Client's or Patient's records. Such includes ensuring that technology and physical settings used as part of Telemedicine services are compliant with Jurisdictional or federal requirements.

The Veterinarian must ensure that the Client is aware of the Veterinarian's identity, location and Jurisdiction's license number and licensure status. Evidence documenting Informed Consent for the use of Telemedicine must be obtained and maintained in the medical record.

### Continuity of Care/Medical Records

Veterinarians must maintain appropriate medical records<sup>5</sup> that contain sufficient information for continued care and are compliant with Jurisdictional requirements. Documentation of the Telemedicine encounter should be readily available upon request by the Client.

### Emergency Services

Teletriage may be performed by a Veterinarian or Veterinary Technician without establishing a VCPR or obtaining Informed Consent to provide emergency, potentially life-saving Telemedicine services.

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<sup>4</sup> Arguments can also be made that identify the location of practice under these circumstances as occurring in both Jurisdictions; that is where the Patient is located and where the Veterinarian is located.

<sup>5</sup> See the AAVSB Practice Act Model Article V for suggested language.



## Prescribing Medications

Prescribing medications in-person or via Telemedicine requires a VCPR and is at the professional discretion of the Veterinarian. The indication, appropriateness, and safety considerations for each prescription issued in association with Telemedicine services must be evaluated by the Veterinarian in accordance with all Jurisdictional and federal laws<sup>6</sup> and standards of care.

## Telemedicine Service Requirements

A provider of Telemedicine services must ensure that the Client is aware of the Veterinarian's identity, location and Jurisdiction's license number and licensure status, and should provide to Clients a clear mechanism to:

1. Access, supplement and amend Client-provided contact information and health information about the Patient; and
2. Register complaints with the appropriate Board of Veterinary Medicine or other regulatory body.

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<sup>6</sup> The Federal definition of the VCPR must be followed when issuing prescriptions in accordance with the Veterinary Feed Directive (VFD) and Animal Medicinal Drug Use Clarification Act (AMDUCA) of 1994.

## **F.1.E.AAVSB Resolution 2018-01**



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## **RESOLUTION 2018-01**

**Submitted by: AAVSB Board of Directors as recommended by the Member Services Task Force**

**AAVSB Bylaws and Resolution Committee Suggestion: PASS**

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WHEREAS, the AAVSB Board of Directors appointed a Member Services Task Force as a result of Resolution 2017-1 to encourage and elicit the support and feedback of its Member Boards; and

WHEREAS, all regulatory boards are under heightened legal and political scrutiny, primarily being reviewed for their effectiveness and efficiencies particularly those needs related to mobility and license portability; and

WHEREAS, the regulatory boards of veterinary medicine acknowledge the membership benefits through AAVSB of the collective voice of the veterinary regulatory community and having direct input in the programs and services intended to assist the boards in regulating the profession, including making licensure eligibility and renewal determinations; and

WHEREAS, the AAVSB developed and implemented the Veterinary Information Verification Agency (VIVA) at the request of and for the benefit of the AAVSB membership in 1998; and

WHEREAS, the goals of the VIVA program are to have all Member Board participation in providing license information for new licensees as well as updated license information and in providing final public disciplinary information; and

WHEREAS, the AAVSB has developed and begun implementation of the Veterinary Application for Uniform Licensure Transfer (VAULT) program to increase the efficiency of collecting and transmitting relevant documents necessary for Member Boards to make licensure eligibility determinations in support of a licensure application with a Member Board; and thereby reduces the administrative burden on Member Boards to collect, file, and maintain applicant credential information.

THEREFORE, BE IT RESOLVED THAT, each AAVSB Member Board, in the spirit of providing input into the AAVSB programs and services, will review applicable statutes, rules/regulation, and policies

related to accepting the primary source data verified by AAVSB staff and maintained in the secure centralized databank known as VIVA and transmitted to Member Boards at the licensee's request through the AAVSB VAULT program; and

THEREFORE, BE IT FURTHER RESOLVED THAT, each AAVSB Member Board will share with the AAVSB any barriers or restrictions in the jurisdiction's statutes, rules/regulation, and policies related to participating in the AAVSB VAULT program and timely reporting of license information for new licensees as well as updated license information and final public disciplinary information to the AAVSB VIVA databank; and

THEREFORE, BE IT FURTHER RESOLVED THAT, each AAVSB member board will identify the benefits of accepting and participating in the AAVSB VAULT program and timely reporting of license information for new licensee as well as updated license information and disciplinary information to the AAVSB VIVA databank; and

THEREFORE, BE IT FURTHER RESOLVED THAT, the AAVSB will continue to seek guidance from its Member Boards to tailor services to meet Member Board needs.

## **Scope for VE 1-10 (Approval)**

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Melissa Mace Executive Director VEB		<b>2) Date When Request Submitted:</b>  Oct 12, 2015 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>									
<b>3) Name of Board, Committee, Council, Sections:</b>  Veterinarian Examining Board											
<b>4) Meeting Date:</b>  Nov 7, 2018	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Scope VE 1-10 approval									
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>									
<b>10) Describe the issue and action that should be addressed:</b>  The board is being asked to approve a scope statement that will allow work to begin on the reorganization of existing VEB rules 1-10. The rule process will examine consolidating VE rules from 11 chapters to fewer more comprehensive chapters, codifying existing license processes and fees, codifying disciplinary processes.											
<b>11) Authorization</b>  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%; border-top: 1px solid black;"><b>Melissa Mace</b> 10-12-2018</td> <td style="width: 20%; border-top: 1px solid black;">Date</td> </tr> <tr> <td style="border-top: 1px solid black;">Signature of person making this request</td> <td style="border-top: 1px solid black;">Date</td> </tr> <tr> <td style="border-top: 1px solid black;">Supervisor (if required)</td> <td style="border-top: 1px solid black;">Date</td> </tr> <tr> <td style="border-top: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border-top: 1px solid black;">Date</td> </tr> </table>				<b>Melissa Mace</b> 10-12-2018	Date	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date
<b>Melissa Mace</b> 10-12-2018	Date										
Signature of person making this request	Date										
Supervisor (if required)	Date										
Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date										
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.											

## **H.1.2.VE 1-10 Permanent scope approval**



**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



## **H.1.3.VE 1-10 Statement of Scope - Final to GOV**

# 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:** Paul J. McGraw, DVM, Executive Director, Veterinary Examining Board;  
(608) 224-4884

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Paul J. McGraw, DVM, Executive Director  
Veterinary Examining Board

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Date Submitted

## Status of VE 1 and VE 7

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Melissa Mace, ED</b>		<b>2) Date When Request Submitted:</b>  <b>10-30-2018</b> <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>	
<b>3) Name of Board, Committee, Council, Sections:</b>  <b>VEB</b>			
<b>4) Meeting Date:</b>  <b>11/7/2018</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  <b>VE 1 (Surgery Rule) and VE 7 (CAITS Rule) Status</b>	
<b>7) Place Item in:</b> <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  <b>VE 1 and VE 7 – have been sent to the Governor for approval, pending the governors approval it will then be sent to legislature for review.</b>			
<b>11) Authorization</b>			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

## **H.3.2018-07-25 VE 1 to Gov**

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

1 The Wisconsin veterinary examining board hereby proposes the following rule *to amend* VE 1.02 (9) and  
2 *to create* VE 7.02(4); *relating to* the definition of veterinary medical surgery and the delegation of  
3 veterinary medical acts, and affecting small business.

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**Analysis Prepared by the Veterinary Examining Board**

The Wisconsin Veterinary Examining Board (VEB) proposes a rule revision in ch. VE 1, Wis. Adm. Code, to broaden the definition of surgery removing the limitation in s. VE 1.02 (9), Wis. Adm. Code, to procedures that are for therapeutic purposes. This rule revision also specifies additional procedures exempted from the definition. In addition, the VEB proposes a rule revision in s. VE 7.02(4), Wis. Adm. Code, to include those additional exemptions added to the definition, still defined as the practice of veterinary medicine, but are services a veterinarian may delegate to a certified veterinary technician (“CVT”) for providing. The veterinarian may do so as long as the CVT is under the direct supervision of the veterinarian when the veterinarian is personally present on the premises where the CVT provides those services.

***Statutes Interpreted***

Statute Interpreted: ss. 89.02 (6) and 89.05 (1), Stats.

***Statutory Authority***

Statutory Authority: s. 89.03 (1) and 227.11, Stats.

***Explanation of Statutory Authority***

The VEB has specific authority, under the provisions cited above, to adopt rules establishing the scope of practice permitted for veterinarians

***Related Statutes and Rules***

The VEB administers ch. 89, Stats., as well as the administrative rules in VE 1-11, Wis. Adm. Code. In the administration of these statute and rules, the VEB may issue administrative orders imposing discipline for unprofessional conduct related to the practice of veterinary medicine, including issuing an administrative warning to, or reprimanding, any person holding a veterinary medical license, or denying, revoking, suspending, limiting, the person’s license, as specified by statute.



### ***Plain Language Analysis***

Currently, in s. VE 1.02 (9), Wis. Adm. Code, the definition of surgery, for veterinary medical practice, is limited to procedures that are for therapeutic purposes. This leaves uncertainty for the profession and the VEB, as to whether surgeries for other purposes, including reproduction and cosmetic changes, are included. A change to the definition is important to clarify that surgical procedures are broader than for therapeutic purposes, only, but also specifying additional procedures not considered surgery. The rule clarifies that some procedures not considered surgery also do not fall within the definition of the practice of veterinary medicine, under s. VE 1.02(6). Additionally, the rule clarifies that other procedures, not falling within the definition of surgery, remain within the practice of veterinary medicine. Finally, in s. VE 7.02(4), the rule creates additional veterinary medical acts, not considered surgery but still within the practice of veterinary medicine, that a veterinarian may delegate to a certified veterinary technicians (“CVT”) for providing. The veterinarian may do so as long as the CVT is under the direct supervision of the veterinarian when the veterinarian is personally present on the premises where the CVT is providing the services.

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

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

### ***Comparison with Rules in Adjacent States***

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

### ***Summary of Factual Data and Analytical Methodologies***

The VEB developed this rule after consultation with veterinary medical groups and looking at other state rules related to veterinary surgery. After hearing, there was an objection to the rule from a stakeholder, who was concerned about the effect on its business operations involving assisted reproductive techniques and its use of certified veterinary technicians, instead of veterinarians, to perform these techniques. The VEB exercised its jurisdiction, pursuant to s. 227.18(3), Stats., to hear arguments before the entire VEB, at a regularly scheduled meeting. The VEB listened to the presenters and made certain changes to the rule, based upon the presentations. However, after changes were made, many additional stakeholders presented their concerns with the proposed change that would accommodate this particular stakeholder’s business model using , in writing and at a VEB meeting, and the draft was further modified. The VEB sent the rule to the Governor for approval, but the VEB withdrew the rule after further consideration of its effect. There were discussions by stakeholder groups and the VEB decided on further language modification that will assist in assuring all stakeholders are able to practice veterinary medicine in the best way for their own business models, while still assuring safety in the practice of veterinary medicine.

### ***Analysis and Supporting Documents Used to Determine Effect on Small Business***

The VEB held discussions with stakeholder groups as to the effect of the proposed rule on small business. The VEB also carefully considered comments from attendees at hearings. The VEB also held an additional hearing, pursuant to s. 227.18(3), Stats., to consider objections to the rule. The VEB

directed staff to make changes, based upon the presentations at the hearing. However, after the VEB made changes to the rule, many small business stakeholders presented their concerns, in writing and at VEB meetings, and the VEB further modified the draft.

### *Effect on Small Business*

The VEB anticipates this rule change will have an effect on small business, as many veterinary practices that will be subject to this definition change, are small businesses. However, the proposed rule will clarify exclusions from the practice of veterinary medicine, as well as inclusions in the practice but a veterinarian may delegated. This may have a positive impact in giving certainty to veterinarians concerning the regulation of surgery for reproductive, cosmetic and other purposes that do not fall clearly within the notion of "therapeutic". The rule does include several additional procedures that a veterinarian may delegate to a certified veterinary technician, under the direct supervision of the veterinarian while personally present on the premises, in order to facilitate the best use of the veterinarian's skills and those of his or her staff in a practice. This will also ensure all persons, who are subject to these rules, are on notice as to practice conduct falling within the VEB's jurisdiction.

This rule will not have a significant adverse economic effect on "small business" so it is not subject to the delayed "small business" effective date provided in s. 227.22(2) (e), Stats.

### *VEB Contact Where and When Comments May Be Submitted*

Questions and comments related to this this rule may be directed to:

Cheryl Daniels, Board Counsel  
Veterinary Examining Board  
c/o Department of Agriculture, Trade and Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911  
Telephone: (608) 224-5026 E-Mail: [Cheryl.Daniels@Wisconsin.gov](mailto:Cheryl.Daniels@Wisconsin.gov)

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4           **SECTION 1.** VE 1.02(9) is amended to read:

5           **(9)** "Surgery" means any procedure in which the skin or tissue of the patient is penetrated or  
6           severed ~~for therapeutic purposes, except for~~ but does not include any of the following: activities identified  
7           ~~in s. 89.05 (2). Surgery does not include giving injections or simple dental extractions that require minor~~  
8           ~~manipulation and minimal elevation.~~

9           (a) Activities not considered the practice of veterinary medicine, as follows.

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

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

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

13 4. Euthanasia by injection.

14 (b) Activities considered the practice of veterinary medicine, but which a veterinarian may  
15 delegate to a certified veterinary technician, as specified in s. VE 7.02(4), as follows.

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

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

18 3. Sample collection via a cystocentesis procedure.

19 4. Placement of intravenous and arterial catheters.

20 5. Suturing of tubes and catheters.

21 6. Fine needle aspirate of a mass.

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

24 **SECTION 2.** VE 7.02(4) (d)-(h) are created to read:

25 (d) Sample collection via a cystocentesis procedure.

26 (e) Placement of intravenous and arterial catheters.

27 (f) Suturing of tubes and catheters.

28 (g) Fine needle aspirate of a mass.

29 (h) Performing amniocentesis, embryo collection and transfer, follicular aspiration, and  
30 transvaginal oocyte collection and recovery on livestock.

31 **SECTION 3. EFFECTIVE DATE AND INITIAL APPLICABILITY.** This rule takes effect on the  
32 first day of the month following publication in the Wisconsin administrative register, as provided under  
33 s. 227.22(2)(intro.).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

FOR THE WISCONSIN VETERINARY EXAMINING BOARD

By \_\_\_\_\_  
Melissa Mace, Executive Director

# **H.4.2018-02-20 VE 7 Final Draft Rule (GOV FINAL) (002)**

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

- 1 The Wisconsin veterinary examining board hereby proposes the following rule *to create* VE 7.02
- 2 (3) (d) and VE 7.025; *relating to* the provision of complementary, alternative, and integrative
- 3 therapies, and affecting small business.

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**Analysis Prepared by the Veterinary Examining Board**

The Wisconsin Veterinary Examining Board (VEB) proposes a rule revision in ch. VEB 7, Wis. Adm. Code, to clarify the circumstances under which a veterinarian may make a referral of a veterinary client to another licensed professional, or supervise a certified veterinary technician, for the provision of complementary, alternative, or integrative therapies, as defined in s. VEB 1.02 (3m), Wis. Adm. Code, on the client's animal.

***Statutes Interpreted***

Statute Interpreted: ss. 89.01 (6) and 89.05 (1), Stats.

***Statutory Authority***

Statutory Authority: s. 89.03 (1), Stats.

***Explanation of Statutory Authority***

VEB has specific authority, under the provisions cited above, to adopt rules establishing the scope of practice permitted for veterinarians.

***Related Statutes and Rules***

VEB administers ch. 89, Stats., as well as the administrative rules in VE 1-10, Wis. Adm. Code, and in the administration of these statute and rules, VEB may issue administrative orders imposing discipline for unprofessional conduct related to the practice of veterinary medicine, including issuing an administrative warning to, or reprimanding, any person holding a veterinary medical license, or denying, revoking, suspending, limiting, the person's license, as specified by statute.

### ***Plain Language Analysis***

There is a current definition, in s. VE 1.02 (3m), Wis. Adm. Code, of veterinary complementary, alternative, and integrative therapies (“CAITs”). However, that definition does not specify how these CAITs are to be treated within the practice of veterinary medicine. There have been numerous requests made to the VEB, from veterinarians, certified veterinary technicians, and members of other licensed professions, to clarify the referral relationship that a veterinarian may have with these other professionals for the veterinarian’s clients, and the delegation to certified veterinary technicians for the provision of CAITs upon a veterinarian’s animal patients.

The VEB proposes to create a rule, s. VE 7.025, specifying that a veterinarian may make a referral to another Wisconsin-licensed professional, so long as the other professional gives evidence to the veterinarian of his or her license in good standing with the Wisconsin Department of Safety and Professional Services, to perform the type of CAIT for which the referral is made, and his or her education, training, and experience in performing that type of CAIT on an animal. The proposed rule includes a provision that the veterinarian-client-patient relationship (“VCPR”), as defined in s. 89.02(8), Stats., does not extend to the CAIT provided by the other professional, where the veterinarian demonstrates meeting the requirements in making the referral or the client obtains a therapy provider for the client’s animal without a referral.

In addition, the VEB proposes to create an additional provision, within s. VE 7.02 delegation of veterinary medical acts, for the veterinarian to delegate to a certified veterinary technician the performance of a CAIT on an animal patient, where the certified veterinary technician is not a licensed professional performing a CAIT. By including this provision in the section on delegation of veterinary medical acts, the VEB makes clear that the technician’s CAIT performance is under the direct supervision of the veterinarian, who will continue to have all of the supervisory responsibilities specified in this section, and within the VCPR.

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

There are no federal regulations governing the practice of veterinary complementary, alternative, and integrative therapies.

### ***Comparison with Rules in Adjacent States***

Illinois’s veterinary medicine and surgery practice act defines CAITs very similarly to the current definition in s. VE 1.02(9), Wis. Adm. Code. The act specifically allows a member in good standing of another licensed or regulated profession within any state or an Illinois-approved member of an organization or group to provide hands-on active participation in the treatment and care of a patient, within a veterinarian-client-patient relationship and with informed consent from the client, so long as the member works under the supervision of the veterinarian. The veterinarian maintains the veterinarian-client-patient relationship, but is immune from civil and criminal liability for the member’s assistance, except for willful and wanton conduct. The other professional may not state or imply in any way that they are licensed or engaging in the practice of veterinary medicine.

Iowa’s and Michigan’s veterinary statutes and rules do not address this issue.

Within Minnesota's practice of veterinary medicine act, there is a provision that specifically states that the act does not prohibit a licensed chiropractor from registering with its chiropractor board and performing animal chiropractic on animals that have been referred to the chiropractor by a veterinarian.

### *Analysis and Supporting Documents Used to Determine Effect on Small Business*

This rule was developed with the assistance of a VEB-appointed rules advisory committee that included five Wisconsin-licensed veterinarians, two Wisconsin-certified veterinary technicians, two Wisconsin-licensed members of other professions who provide complimentary, alternative, or integrative therapies on animals, two public members, and a VEB member as a liaison to the Board. The committee looked at practices in other states, consulted with veterinary medical groups, and brought expertise on the use of these CAITs in assisting animals for their health and well-being. Written comments were collected after posting the rule for a 30-day period, oral comments were made during the four rule hearings in Eau Claire, Green Bay, Waukesha and Madison, and additional written comments during the remainder of the public comment period, which ended on January 31, 2018.

### *Effect on Small Business*

This rule change is anticipated to have an effect on small business, as many veterinary practices that will be subject to this definition change, are small businesses. However, it is not expected to have any adverse economic impact on these veterinary small businesses.

Instead, the proposed rule is anticipated to have a positive impact for veterinarians, certified veterinary technicians, and other Wisconsin-licensed professionals, as it clarifies the steps a veterinarian shall use to make a referral to another professional for CAITs and the delegation for these CAITs to certified veterinary technicians under the veterinarian's supervision. The VEB has received many requests for just this type of guidance from veterinarians, other professions practicing these therapies, and certified veterinary technicians in Wisconsin. Comments from licensed professionals, at hearings and in writing, were very supportive of the clarification, believing it will be very beneficial for the development of these businesses, but more importantly, for the health of these animal patients.

There were comments, in the initial posting for economic impact, at the four hearings, and in written comments after the hearing, specifically about animal massage therapy. The rule clarifies that a veterinarian, in order to transfer the client-patient for the therapy to the other professional, must make the referral to a professional licensed for that therapy in Wisconsin. Some persons who perform animal massage therapy have been trained or have experience in this modality, but are not licensed massage therapists, although others animal massage therapists are Wisconsin-licensed massage therapists.

The rule only limits the veterinarian, in making a direct referral, to make it to a person who is licensed in Wisconsin to perform this therapy, and some of the commenters felt this was an unfair limitation. These commenters, including non-licensed animal massage therapists and some animal owners, requested that animal massage therapy be exempted as a therapy under this rule. However, by the statutory definition "to practice veterinary medicine" in s. 89.02 (6), Stats., and



the administrative rule definition of “complementary, alternative and integrative therapies” in s. VE 1.02 (3m), Wis. Adm. Code, animal massage therapy is within the statutory definition of the practice of veterinary medicine, and the advisory committee came to the conclusion that the VEB is not statutorily authorized to make the exemption in the rule. In addition, while at least one commenter made reference to Illinois, veterinary CAITs are under specific statutory provisions. And while Colorado and Indiana exempt animal massage therapy and equine massage therapy, respectively, from the practice of veterinary medicine, each state does so by statute.

In addition, some of the comments seem to be indicate that they thought the rule also limited an animal owner’s choice in this regard. Although the initial draft tried to clarify that the rule does not affect that choice, the final rule’s provision has additional language to clarify that the rule does not interfere with the relationship between any animal owner and a person the animal owner chooses to perform a CAIT on the owner’s animal.

Given the statutory and administrative rule definitions that animal massage therapy, and all other CAITs are within the practice of veterinary medicine, the rule also clarifies that a veterinarian using this referral process to another licensed professional transfers the patient-client relationship for the therapy provision, from the veterinarian to the other licensed professional, who will have their own professional client-patient relationship with the animal owner and patient. Only where a certified veterinary technician is delegated by the veterinarian to perform a CAIT, will the performance of the CAIT be under the direct supervision of the veterinarian and within the VCPR. This is a very specific assurance that veterinarians and other licensed professionals believe is important to make clear the professional who has the responsibilities in this regard.

This rule is not expected to have a substantial adverse economic effect on “small business” so it is not subject to the delayed “small business” effective date provided in s. 227.22(2) (e), Stats.

***VEB Contact  
Where and When Comments May Be Submitted***

Questions and comments related to this this rule may be directed to:

Cheryl Daniels, Board Counsel  
Veterinary Examining Board  
c/o Department of Agriculture, Trade and Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911  
Telephone: (608) 224-5026  
E-Mail: [Cheryl.Daniels@Wisconsin.gov](mailto:Cheryl.Daniels@Wisconsin.gov)

Rule comments will be accepted up to two weeks after the last public hearing is held on this rule. Hearing dates will be scheduled after this rule hearing draft is approved by the Veterinary Examining Board.

4           **SECTION 1.** VE 7.02(3) (d) is created to read:

5           **7.02 (3)** (f) Except to certified veterinary technicians who are also licensed professionals  
6 governed by the provisions in s. VE 7.025, the provision of any complementary, alternative, or  
7 integrative therapy, as defined in s. VE 1.02 (3m).

8           **SECTION 2.** VE 7.025 is created to read:

9           **7.025 Veterinary referral to a license holder in another profession. (1)** A veterinarian  
10 may make a referral to a client, for treatment of a patient by a license holder in another profession,  
11 using complementary, alternative, or integrative therapies, as defined in s. VE 1.02 (3m), if the  
12 license holder, to whom the client and patient are referred, provides all of the following evidence  
13 to the veterinarian for performing the type of therapy for which the referral is being made:

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

16           (b) The license holder's education, training, and experience in performing the therapy on  
17 an animal.

18           **(2)** The veterinarian-client-patient relationship, as defined in s. 89.02 (8), Stats., does not  
19 extend to the provision of any complementary, alternative, or integrative therapy performed on a  
20 veterinarian's patient, under either of the following circumstances:

21           (a) The therapy is performed by a license holder in another profession, where the  
22 veterinarian demonstrates meeting the requirements, in sub. (1), for making the referral to the  
23 license holder.

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

26           **SECTION 3.    EFFECTIVE DATE.** This rule takes effect on the first day of the month  
27 following publication in the Wisconsin administrative register, as provided under s.  
28 227.22(2)(intro.).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**VETERINARY EXAMINING BOARD**

By \_\_\_\_\_  
Member of the Board

## 2019 VEB Meeting Dates

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Melissa Mace</b>		<b>2) Date When Request Submitted:</b> <b>10/30/2018</b>	
		Items will be considered late if submitted after 12:00 p.m. on the deadline date.	
<b>3) Name of Board, Committee, Council, Sections:</b>  <b>VEB</b>			
<b>4) Meeting Date:</b>  <b>11/07/2018</b>	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  <b>2019 VEB Meeting Dates</b>	
<b>7) Place Item in:</b> <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Setting time frame for the VEB meeting dates for 2019.  2018 Dates for reference:  January 24 February 13 April 18 July 25 November 7			
<b>11) Authorization</b>			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			