



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Animal Health

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GUIDANCE DOCUMENT

StatusModifySuspendRevoke

This guidance document is based on Wis. Stat. chs. 93, 95, and 173 and chapter(s) ATCP 10, 12, and 16 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

Policy regarding summary actions: status modifications, suspensions, and revocations.

Darlene M. Konkle

11/24/2020

Dr. Darlene Konkle - Administrator Division of Animal Health

DATE

Contributors:

Policy Number:	LIC-008
Date:	9/21/2012
Staff Affected:	Licensing Staff
Subject:	Summary Actions: Status Modifications, Suspensions, and Revocations
Replaces:	New Policy

BACKGROUND

Under chs. 95 and 173, Wis. Stats., and ATCP 10 and 12, Wis. Admin. Code, the department (division of animal health):

- Registers keepers of farm-raised deer, fish farm operators, animal transport vehicles and livestock premises.
- Licenses animal dealers, markets, truckers, and animal shelters/dog breeders/dog sellers.
- Certifies humane officers.
- Certifies herds/flocks for disease status (brucellosis, TB, PRV, CWD, Johne's disease, poultry NPIP).
- Approves intermediate livestock handling facilities.

There are provisions in ch. 93, Wis. Stats., which authorize the department to bring administrative case actions to suspend or revoke or place conditions on licenses, registrations and certifications issued by the department. Those actions can take significant time to reach the final resolution. However, the department is also authorized to take summary actions in specific situations listed in the rules. These are called "summary special orders" (see s. ATCP 1.01 (28), Wis. Admin. Code). These are orders issued against a named or identified licensed person, or person who holds a certification, without prior notice to the order recipient, or without a prior opportunity for the order recipient to appear or contest the order. The order recipient does have the option to request an administration action (contested case proceeding under ch. 227, Wis. Stats.) or request an informal hearing on the order. The summary special order must state that the recipient has the right to "appeal or contest" the order.

The Division of Animal Health may bring summary special orders against the following (this is not an all-inclusive list):

1. A Wisconsin certified veterinarian to remove certification (see s. ATCP 10.05, Wis. Admin. Code).
2. A brucellosis-free cattle herd certification to suspend or revoke certification (see s. ATCP 10.12 (2), Wis. Admin. Code).

3. A tuberculosis-free bovine herd certification to suspend or revoke certification (see s. ATCP 10.14 (2), Wis. Admin. Code).
4. A Johne's disease vaccination certified veterinarian to withdraw the certification (see s. ATCP 10.20 (3), Wis. Admin. Code).
5. A qualified pseudorabies negative or negative grow-out swine herd certification, or feeder swine pseudorabies monitored herd certification to suspend or revoke certification (see s. ATCP 10.27 (4), Wis. Admin Code).
6. A brucellosis-free swine herd certification to suspend or revoke certification (see s. ATCP 10.29 (2), Wis. Admin. Code).
7. An accredited tuberculosis-free, tuberculosis monitored or tuberculosis qualified farm-raised deer herd certification to suspend or revoke certification (see s. ATCP 10.49 (3), Wis. Admin. Code.)
8. A brucellosis-free or brucellosis-monitored farm-raised deer herd certification to suspend or revoke certification (see s. ATCP 10.51 (3), Wis. Admin. Code).
9. A chronic wasting disease herd status program enrollment for farm-raised deer to suspend or revoke the enrollment (see s. ATCP 10.53 (7) and (8), Wis. Admin. Code).
10. A qualified fish health inspector to disqualify the person (see s. ATCP 10.67 (1) (b), Wis. Admin. Code).
11. A qualified fish disease testing laboratory to disqualify the laboratory (see s. ATCP 10.67 (2), Wis. Admin. Code).
12. A brucella ovis-free sheep flock certification to revoke certification (see s. ATCP 10.68 (3), Wis. Admin. Code).
13. A brucellosis-free goat herd certification to revoke certification (see s. ATCP 10.73 (4), Wis. Admin. Code).
14. An accredited tuberculosis-free goat herd certification to suspend or revoke certification (see s. ATCP 10.74 (3), Wis. Admin. Code).
15. A dog seller and dog facility operator license to suspend the license (see s. ATCP 16.10 (4), Wis. Admin. Code).

POLICY

Any order regarding license, registration, certification or program enrollment resulting in withdrawal, suspension, disqualification or revocation, issued as a summary special order under DATCP's authority in s. ATCP 1.03 (3), Wis. Admin. Code, and any of the above listed provisions, must be approved and signed by the program manager. Any order resulting in withdrawal, disqualification, or revocation must also be approved and signed by the applicable bureau director.

Approved by:  Date: 9/21/12
 State Veterinarian
 Robert G. Ehlenfeldt, DVM

Note: Other administrative rules and division policies apply when the division takes actions to deny applications, quarantine animals, issue holding orders, and condemnation orders, etc.