

**VETERINARY EXAMINING BOARD  
ADMINISTRATIVE RULES COMMITTEE  
August 26, 2024  
10:00 am**

Via Internet Access: <https://www.zoomgov.com/j/1619160176?pwd=6exUfAbJ7j4g27NlS0CEzfuHN6aava.1>

Via Telephone Access: Dial 1-669-254-5252, Meeting ID 161 916 0176, and passcode 443554

**AGENDA**

- I. 10:00 A.M. OPEN SESSION – CALL TO ORDER – ROLL CALL**
- II. Approval of the Agenda**
- III. VE 1 Veterinarian Licensing Process Evaluation, Discussion, and Proposals**
- IV. ADJOURNMENT**

# VEB Vet Licensing Process Evaluation

Last Updated: 8/13/24

## Current Application Processes:

### Applicant with No Prior Veterinary License in Any Jurisdiction, Took the NAVLE within the Last 5 Years

Currently license by examination

- s. 89.06, Wis. Stat.
- s. VE 1.14 and VE 1.16, Wis. Admin. Code

### Applicant Previously Licensed in Wisconsin

Currently license renewal

- s. 89.062, Wis. Stat.
- s. VE 1.28, Wis. Admin. Code

### Applicant Licensed in another Jurisdiction

Currently license by endorsement

- s. 89.072, Wis. Stat.
- s. VE 1.14 and VE 1.18, Wis. Admin. Code
- Applicants that are licensed in another jurisdiction apply by endorsement, under s. 89.072, if the applicant is not currently under investigation and have never been disciplined by the licensing authority in the other state, territory or country, has not been found guilty of a crime the circumstances of which are substantially related to the practice of veterinary medicine, is not currently a party in pending litigation in which it is alleged that the applicant is liable for damages for acts committed in the course of practice and has never been found liable for damages for acts committed in the course of practice which evidenced a lack of ability or fitness to practice.
- If the applicant has prior discipline from their current license jurisdiction, the applicant must become licensed in another jurisdiction, have no discipline in that new jurisdiction, and then apply to Wisconsin. If someone is licensed in multiple jurisdictions and has no discipline in at least one, they can apply for endorsement using the non-discipline jurisdiction. This is based on legal advice that Wis. Stat. s. 89.072 says that the applicant has never been disciplined in “the” other jurisdiction and not “any” other jurisdiction.
- If the applicant has been found guilty of a crime, is currently a party in pending litigation, or has been found liable for damages, then the application goes to the Credentialing Committee for review to determine if the circumstances are substantially related to the practice of veterinary medicine or evidence a lack of ability or fitness to practice.
- Applicants who are not currently licensed in another jurisdiction with no prior discipline cannot apply through s. 89.072, Wis. Stat.

### Applicant Previously Licensed in Another Jurisdiction, but Not Currently Licensed in Another Jurisdiction, and Never Licensed in Wisconsin

Currently no process

- There is currently no process for these applicants, because s. VE 1.14 (6) says the applicant must apply by endorsement, but s. 89.072, Wis. Stat., says the applicant must

be currently licensed in another jurisdiction to apply by endorsement. Before the 2022 rule change, these applicants would have applied by examination.

Applicant who is a Service Member, Former Service Member, or their Spouse

Currently reciprocal credentials

- s. VE 1.22, Wis. Admin. Code
- s. 89.073, Wis. Stat.

**Proposals and Discussion Items:**

The attached VE 1 Track Changes document shows the following proposed changes:

1. Remove the language in s. VE 1.14 (6) that limits who must apply by examination or endorsement. The language was added in 2022 and has created problems by limiting the licensing processes available to applicants. Removing this language would allow applicants who cannot apply by endorsement to instead apply by examination. This change would also remove an inconsistency that currently says a Wisconsin licensee must apply by endorsement.
2. Add language to ss. VE 1.14 (1) and VE 1.28 (1) and (2) to make it clear that the board may review the application for items listed under s. VE 1.20. This clarification should address the concerns that led to the limitations under s. VE 1.14 (6) that were created in 2022. For example, an applicant with discipline in another jurisdiction applying by examination is still subject to s. VE 1.20.
3. Add language to s. VE 1.20 to make it clear that the section applies to both new applicants for licensure and applicants for renewal. This clarification should address the concerns that led to the limitations under s. VE 1.14 (6) that were created in 2022. For example, an applicant who was previously licensed in Wisconsin, then licensed in another jurisdiction, and received discipline from the other jurisdiction, is still subject to s. VE 1.20.
4. Add language to s. VE 1.16 (1) to create a process for applicants by examination who have not passed the NAVLE in the past 5 years. This addition includes language consistent with s. VE 1.28 (2) regarding the board inquiring as to whether the applicant is competent to practice and imposing reasonable conditions.
5. Add language to s. VE 1.18 (3) to create a process for applicants by endorsement who have neither satisfied the qualifications for licensure, in s. VE 1.16, within the last 5 years nor actively practiced for 4,000 hours during the 5 years preceding application. This addition includes language consistent with s. VE 1.28 (2) regarding the board inquiring as to whether the applicant is competent to practice and imposing reasonable conditions.
6. Minor edits throughout the licensing processes to consistently use the term “jurisdiction”.

## Chapter VE 1 VETERINARIANS

### Subchapter I – Authority and Definitions

VE 1.01 Authority.  
VE 1.02 Definitions.

### Subchapter II – Examinations

VE 1.04 Administration.  
VE 1.06 Competency tested.  
VE 1.08 Passing scores.  
VE 1.10 Claim of examination error.

### Subchapter III – Licensure

VE 1.12 License exemptions.  
VE 1.14 Qualifications for licensure; examination or endorsement.  
VE 1.16 Qualifications for licensure by examination.  
VE 1.18 Qualifications for licensure by endorsement.  
VE 1.20 Licensure review by board.  
VE 1.22 Reciprocal credentials for service members, former services members, their spouses.  
VE 1.24 Issuing a license.  
VE 1.26 Administrative fees.  
VE 1.28 Renewal of license.

VE 1.30 Continuing education; requirements.  
VE 1.32 Continuing education; programs and courses.

### Subchapter IV – Permits

VE 1.34 Temporary veterinary permits.  
VE 1.36 Veterinary consulting permits.

### Subchapter V – Practice Related to Veterinary Schools

VE 1.38 Faculty license.  
VE 1.40 Post graduate training permit.  
VE 1.42 Veterinary students.

### Subchapter VI – Standards of Practice and Unprofessional Conduct

VE 1.44 Delegation of veterinary medical acts.  
VE 1.46 Veterinary consulting.  
VE 1.48 Veterinary referral to a license holder in another profession.  
VE 1.50 Veterinary telemedicine.  
VE 1.52 Records.  
VE 1.54 Change of name and address.  
VE 1.56 Display of license.  
VE 1.58 Unprofessional conduct.  
VE 1.60 Board action.

Note: Chapter VE 1 as it existed on July 31, 2022, was repealed and a new Chapter VE 1 was created Register July 2022 No. 799, effective August 1, 2022.

### Subchapter I – Authority and Definitions

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

History: CR 21-062; cr. Register July 2022 No. 799, eff. 8-1-22.

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

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

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

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

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

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

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

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

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

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

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

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

authorized representative has consented to the recommended treatment.

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

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

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

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

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

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

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

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

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

History: CR 21-062; cr. Register July 2022 No. 799, eff. 8-1-22.

### Subchapter II – Examinations

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

(2) Prior to November 1, 2000, the board shall accept as its licensure examinations the national board examination and the

clinical competency test. On and after November 1, 2000, the board shall accept as its licensure examination the NAVLE.

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

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

**VE 1.08 Passing scores.** (1) Passing scores for veterinary applicants for the national board examination and the clinical competency test, and for the NAVLE, shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. The board shall make the determination, after consulting with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and set the passing score for the examination at the point representing the minimum acceptable competence in the profession. The board may accept any recommendation of the national examination provider.

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

- The applicant's name and address.
- The type of license for which the applicant applied.
- A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specific questions or procedures claimed to be in error.
- The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

### Subchapter III – Licensure

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

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

(1) ~~Submits an application form provided by the board which includes the applicant's notarized signature. The board may review the application for items listed under s. VE 1.20.~~

**Note:** Applications are available upon request to the board office located at 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708-8911 or at the website at [www.datcp.wi.gov](http://www.datcp.wi.gov).

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

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

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

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

(b) Certification of graduation provided by the AAVSB.

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

(5) Provides all documents in English.

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

**Commented [FAH1]:** This edit would make it clear to applicants (both by examination and endorsement) that the board may review the application for items under s. VE 1.20.

**Commented [FAH2]:** This language was added in 2022 and has created problems by limiting the licensing processes available to applicants. Removing this language would allow applicants who cannot apply by endorsement to instead apply by examination. Draft language was proposed under sub. (1) to make it clear that the board may review the application for items listed under s. VE 1.20, which should address the concerns that led to this language under sub. (6) being added in 2022 (ie someone with discipline from another jurisdiction applying by examination is still subject to s. VE 1.20).

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

(1) ~~Passed the NAVLE within the last five years. If the applicant has not passed the NAVLE within the last five years, the board shall inquire as to whether the applicant is competent to practice as a veterinarian in this state and shall impose any reasonable conditions on instatement of the license, including reexamination, as the board deems appropriate. An applicant under this section is presumed to be competent to practice as a veterinarian in this state if at the time of application the applicant holds a full unexpired license issued by a similar licensing board of another jurisdiction whose standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure in this state. The board may review the application for items listed under s. VE 1.20.~~

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

(3) Pay the nonrefundable application fee of \$115.  
History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22; correction in (2) made under s. 35.17, Stats., Register July 2022 No. 799.

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

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

(2) ~~The applicant holds a current license to practice veterinary medicine in another state or U.S. territory or province of a jurisdiction of the United States or Canada.~~

(3) ~~The applicant has satisfied the qualifications for licensure, in s. VE 1.16, within the last 5 years or has actively practiced for 4000 hours during the 5 years preceding application. If the applicant has neither satisfied the qualifications for licensure, in s. VE 1.16, within the last 5 years nor actively practiced for 4000 hours during the 5 years preceding application, the board shall inquire as to whether the applicant is competent to practice as a veterinarian in this state and shall impose any reasonable conditions on instatement of the license, including reexamination, as the board deems appropriate. An applicant under this section is presumed to be competent to practice as a veterinarian in this state if at the time of application the applicant holds a full unexpired license issued by a similar licensing board of another jurisdiction whose standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure in this state.~~

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

(5) For an applicant holding a current unrestricted license to practice veterinary medicine in a country other than the United States or Canada, who is a graduate of a school of veterinary medicine approved by the board, in addition to the requirements of sub. (3), submit the following:

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

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

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

(7) Pays the nonrefundable application fee of \$185.  
History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

**VE 1.20 Licensure review by board.** The board may determine that an applicant is not eligible for licensure, or a licensee is not eligible for renewal, if any of the following apply:

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

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

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

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

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

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

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

History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

**VE 1.22 Reciprocal credentials for service members, former services members, their spouses.**

(1) The board shall grant a license or permit to an individual who the board determines meets all of the requirements under s. 89.073, Stats.

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

- \$40 for a service member or former service member.
- \$141 for a spouse as defined by s. 89.073 (1) (c), Stats.

**Commented [FAH3]:** This edit would create a process for applicants who have not passed the NAVLE in the last five years, with language similar to s. VE 1.28(2) regarding competency.

**Commented [FAH6]:** This edit would make "jurisdiction" more consistent throughout the rule.

**Commented [FAH7]:** This edit would make it clear that these items apply to both new applicants for licensure and licensees applying for renewal.

**Commented [FAH4]:** This edit would make "jurisdiction" more consistent throughout the rule.

**Commented [FAH5]:** This edit would create a process for applicants who have not practiced in the last five years, with language similar to s. VE 1.28(2) regarding competency.

History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22; correction in (1), (2) (intro.), (b) made under s. 35.17, Stats., Register July 2022 No. 799.

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

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

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

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

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

History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

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

History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

(1) If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee, payment of the late fee if applicable, and fulfillment of 30 hours of continuing education required under s. VE 1.30 completed before the license renewal. The board may review the application for items listed under s. VE 1.20.

(2) If the licensee applies for renewal of the license 5 or more years after its expiration, in addition to requiring the licensee to pay the renewal fee and late fee, and to fulfill the continuing education hours required under s. VE 1.30 completed before the license renewal, the board shall inquire as to whether the applicant is competent to practice as a veterinarian in this state and shall impose any reasonable conditions on reinstatement of the license, including reexamination, as the board deems appropriate. An applicant under this subsection is presumed to be competent to practice as a veterinarian in this state if at the time of application for renewal the applicant holds a full unexpired license issued by a similar licensing board of another ~~state or territory of the United States or of a foreign country or provincee jurisdiction~~ whose standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure in this state. Notwithstanding any presumption of competency under this subsection, the board shall require each applicant under this subsection to pass the examination specified under s. VE 1.14 (2). The board may review the application for items listed under s. VE 1.20.

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

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

History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

**VE 1.30 Continuing education; requirements.** (1)

(a) Except as provided in subs. (2) and (3), a veterinarian shall complete at least 30 hours of continuing education pertinent to veterinary medicine in each biennial renewal period. The 30 hours of continuing education shall include at least 25 hours of continuing education that relates to scientific topics pertinent to veterinary medicine.

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

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

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

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

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

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

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

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

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

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

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

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

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

History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

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

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

(2) UNRELATED SUBJECT MATTER. If a continuing education course includes subject matter that is not pertinent to veterinary medicine, only those portions of the course that relate to

**Commented [FAH8]:** This edit would make it clear to applicants that the board may review the application for items under s. VE 1.20.

**Commented [FAH9]:** This edit would make "jurisdiction" more consistent throughout the rule.

**Commented [FAH10]:** This edit would make it clear to applicants that the board may review the application for items under s. VE 1.20.

veterinary medicine will qualify as continuing education under this chapter.

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

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

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

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

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

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

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

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

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

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

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

(b) A federal or state agency.

(c) An accredited college or university.

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

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

#### Subchapter IV – Permits

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

(2) An applicant may be granted a temporary veterinary permit before the board receives notice of successful completion

of the NAVLE or the examination on state laws and rules related to the practice of veterinary medicine, if the applicant provides evidence that the applicant is either scheduled to take the examination for the first time, or is awaiting results of the examination.

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

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

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

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

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

(b) Be available for direct communication with the temporary veterinary permit holder when the temporary veterinary permit holder is providing veterinary services. Direct communication shall be in person, by telephone, video conference, or electronic communication device.

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

(a) Notification of failure of any examination.

(b) Failure to take the next scheduled examination.

(c) Issuance of a license.

(d) Denial of a license.

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

#### Subchapter V – Practice Related to Veterinary Schools

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

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

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

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

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

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

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

2. Certification of graduation provided by the AAVSB.

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

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

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

VE 1.40 **Post graduate training permit.** (1) The board may grant a post graduate training permit allowing the permit holder to practice veterinary medicine on privately owned animals only within the scope of the permittee's internship or

residency program at a school of veterinary medicine in this state.

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

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

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

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

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

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

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

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

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

#### Subchapter VI – Standards of Practice and Unprofessional Conduct

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

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

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

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

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

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

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

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

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

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

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

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

1. Activities not considered the practice of veterinary medicine, as follows:

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

b. Subcutaneous insertion of a microchip for identifying an animal.

c. Ear tag or tattoo placement for identifying an animal.

d. Euthanasia by injection.

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

a. Simple dental extractions that require minor manipulation and minimal elevation.

b. Administration of injections, including local and general anesthesia.

c. Sample collection via a cystocentesis procedure.

d. Placement of intravenous and arterial catheters.

e. Suturing of tubes and catheters.

f. Fine needle aspirate of a mass.

g. Performing amniocentesis, embryo collection and transfer, follicular aspiration, and transvaginal oocyte collection and recovery on livestock.

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

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

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

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

(b) Observations and findings related to animal diseases and conditions to be utilized by a veterinarian in establishing a diagnosis or prognosis, including routine radiographs, nonsurgical specimen collection, drawing of blood for diagnostic purposes, and laboratory testing procedures.

(c) Administration of sedatives and presurgical medications.

(d) Nutritional evaluation and counseling.

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

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

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

(b) Sample collection via cystocentesis procedure.

(c) Placement of intravenous catheters.

(d) Suturing of tubes and catheters.

(f) Fine needle aspirate of a mass.

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

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

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

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

(d) Placement of arterial catheters.

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

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

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

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

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

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

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

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

(c) Dental prophylaxis.

(d) Nutritional evaluation and counseling.

(e) Placement of intravenous catheters.

**(9)** Notwithstanding subs. (1) to (8), a veterinary student, certified veterinary technician or unlicensed assistant employed by a veterinarian may, under the supervision of the veterinarian

and pursuant to mutually acceptable written protocols, perform evaluative and treatment procedures necessary to provide an appropriate response to life-threatening emergency situations for the purpose of stabilizing the patient pending further treatment.

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22; correction in numbering of (2) (c) 1., 2. made under s. 13.92 (4) (b) 7., Stats., Register July 2022 No. 799.

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

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

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

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

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

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

(a) Veterinary acupuncture, acuthery, and acupressure.

(b) Veterinary homeopathy.

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

(d) Veterinary nutraceutical therapy.

(e) Veterinary phytotherapy.

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

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

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

(3) The VCPR, as defined in s. 89.02 (8), Stats., does not extend to the provision of any complementary, alternative, or

integrative therapy performed on a veterinarian's patient, under either of the following circumstances:

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

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

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

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

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

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

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

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22; correction in (2), (9) made under s. 35.17, Stats., Register July 2022 No. 799.

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

(2) The individual patient record shall contain clinical information pertaining to patients other than food and fiber patients and equine patients with sufficient information to justify the diagnosis and warrant treatment, including information regarding each of the following matters which apply:

- (a) Date.
- (b) Client name.
- (c) Patient identification.
- (d) History.
- (e) Complaint.
- (f) Present illness.
- (g) Provisional diagnosis.
- (h) Physical examination findings.
- (i) Record of client's informed consent by signature and date or other specified means.
- (j) Treatment — medical, surgical.
- (k) Vaccinations administered.
- (L) Drugs prescribed, dispensed or administered, including strength or concentration, route of administration, dosing schedule, number dispensed and number of refills allowed.
- (m) Final diagnosis.
- (n) Consultation, if any.
- (o) Clinical laboratory reports.
- (p) Radiographic reports.
- (q) Necropsy findings.
- (r) Identification of the veterinarian providing the care.

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

- (a) Date.
- (b) Client name.
- (c) Type of call.
- (d) Individual or herd diagnosis.
- (e) Record of client's informed consent by signature and date or other specified means.
- (f) Treatment and drugs used including amounts of drugs administered and method of administration.
- (g) Drugs dispensed including dosing schedule and number dispensed.
- (h) Meat or milk withholdings.
- (i) Clinical laboratory reports.
- (j) Identification of the veterinarian providing the care.

(4) The client record for equine patients shall contain at least the following information which applies:

- (a) Date.
- (b) Client name.
- (c) Patient identification.
- (d) History.
- (e) Physical examination findings.
- (f) Diagnosis.
- (g) Record of client's informed consent by signature and date or other specified means.
- (h) Treatment-medical, surgical.
- (i) Treatment and drugs used including amount of drugs administered and method of administration.
- (j) Drugs dispensed including dosing schedule and number dispensed.
- (k) Clinical laboratory reports.
- (L) Radiographic reports.
- (m) Necropsy findings.

(n) Identification of the veterinarian providing the care.

(5) A veterinarian shall provide access to health care records in accordance with s. 89.075, Stats.

History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22; correction in (5) made under s. 35.17, Stats., Register July 2022 No. 799.

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

History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

History: CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

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

- (1) Unprofessional conduct under s. 89.07 (1), Stats.
- (2) Conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles or skills.
- (3) Fraud in the practice of veterinary medicine, including any of the following:
  - (a) The making of false claims regarding knowledge, ability, skills or facilities for use in treatment or diagnosis of a disease.
  - (b) The making of false claims regarding testing, inspecting, reporting or issuing of inter-state, intra-state or export health certificates.
- (4) Gross, serious, or grave negligence, as compared to less serious or more ordinary acts of negligence, in the practice of veterinary medicine.
- (5) "Deception" in the practice of veterinary medicine, including any of the following:
  - (a) Claiming to have performed an act or given a treatment which has not in fact been performed or given.
  - (b) Giving needless treatment.
  - (c) Using a different treatment than stated.
- (6) Being convicted of a crime the circumstances of which substantially relate to the practice of veterinary medicine.
- (7) Violating or aiding and abetting the violation of any law or administrative rule or regulation substantially related to the practice of veterinary medicine.
- (8) Advertising in a manner which is false, fraudulent, misleading or deceptive, or knowingly maintaining a professional association with another veterinarian or veterinary firm that advertises in a manner which is false, fraudulent, misleading or deceptive.
- (9) Having a veterinary license or federal veterinary accreditation limited, suspended or revoked, or having been subject to any other related discipline or restriction.
- (10) Practicing or attempting to practice, while the veterinarian has a physical or mental impairment, including impairment related to drugs or alcohol which is reasonably related to the applicant's ability to adequately undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public.
- (11) The personal use, misuse, or sale, other than for medical treatment of patients, of the drugs listed in the U.S. Controlled Substances Act of 1979, as amended, or ch. 961, Stats., except

personal use of drugs prescribed by a physician for individual use by the veterinarian.

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

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

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

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

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

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

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

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

(20) Refusal, upon request, to cooperate in a timely manner with the board's investigation of complaints lodged against the veterinarian. Persons taking longer than 30 days to provide requested information shall have the burden of demonstrating that they have acted in a "timely manner."

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

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

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

(24) Practicing under an expired license.

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

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

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

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

(27) Failure to inform a client prior to treatment of the diagnostic and treatment options consistent with the veterinary profession's standard of care, meaning diagnostic procedures

and modes of treatment considered by the veterinary profession to be within the scope of current, acceptable veterinary medical practice, and the associated benefits and risks of those options.

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22; correction in (1) made under s. 35.17, Stats., Register July 2022 No. 799.

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

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

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

**History:** CR 21-062: cr. Register July 2022 No. 799, eff. 8-1-22.

# STATEMENT OF SCOPE

## Veterinary Examining Board

**Rule No.:** Ch. VE 1, Wis. Admin. Code (Existing)

**Relating to:** Veterinarians

**Rule Type:** Permanent

### 1. Finding/nature of emergency (Emergency Rule only):

Not applicable.

### 2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to evaluate veterinary licensing processes for clarity, consistency, and to ensure there are processes for all applicant types.

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

#### *Existing Policies Relevant to the Rule:*

Under s. 89.06 (1), Stats., except as provided under ss. 89.072 and 89.073, veterinary licenses shall be issued only to persons who successfully pass an examination conducted by the examining board and pay the fee established under s. 89.063. An applicant for an initial license shall be a graduate of a veterinary college that has been approved by the examining board or have successfully completed either the educational commission for foreign veterinary graduates certification program of the American Veterinary Medical Association or the program for the assessment of veterinary education equivalence offered by the American Association of Veterinary State Boards.

Under s. 89.072 (1), Stats., upon application and payment of the fee established under s. 89.063, the examining board may issue a license to practice veterinary medicine to any person licensed to practice veterinary medicine in another state or territory of the United States or in another country if the applicant is not currently under investigation and has never been disciplined by the licensing authority in the other state, territory or country, has not been found guilty of a crime the circumstances of which are substantially related to the practice of veterinary medicine, is not currently a party in pending litigation in which it is alleged that the applicant is liable for damages for acts committed in the course of practice and has never been found liable for damages for acts committed in the course of practice which evidenced a lack of ability or fitness to practice.

Veterinary licensing processes are contained in ch. VE 1. Under s. VE 1.14 (6), applicants who have never been previously licensed in any jurisdiction must apply by examination, and applicants who have previously been licensed in Wisconsin or any other jurisdiction must apply by endorsement. Under s. VE 1.28, applicants who have previously been licensed in Wisconsin and allowed the license to expire may apply for renewal of the license.

There are unintentional gaps and inconsistencies in licensing processes. For example, the current rules do not have a clear process for applicants who have been disciplined by a licensing authority in the past. Under s. 89.072, the applicant cannot be licensed by endorsement, but under s. VE 1.14 (6) the applicant cannot be licensed by examination. As another example, VE 1.14 (6) requires applicants who have

previously been licensed in Wisconsin to apply by endorsement, but VE 1.28 allows these applicants to apply for renewal.

*New Policies Proposed to be Included in the Rule and Analysis of Policy Alternatives:*

The VEB proposes evaluating veterinary licensing processes for clarity, consistency, and to ensure there are processes for all applicant types. Without the proposed rule, there would continue to be unintentional gaps in veterinary licensing processes.

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

Section 89.03, Stats., authorizes the VEB to promulgate rules as follows:

**89.03 Rules.**

- (1) The examining board shall promulgate rules, within the limits of the definitions under s. 89.02 (6), establishing the scope of practice permitted for veterinarians and veterinary technicians and shall review the rules at least once every 5 years to determine whether they are consistent with current practice. The examining board may promulgate rules relating to licensure qualifications, denial of a license, certification, or temporary permit, unprofessional conduct, and disciplinary proceedings.
- (2) The examining board shall promulgate rules requiring training and continuing education sufficient to assure competency of veterinarians and veterinary technicians in the practice of veterinary medicine, except that the board may not require training or continuing education concerning the use, handling, distribution, and disposal of pesticides other than for disciplinary purposes.
- (3) The examining board shall promulgate rules specifying a procedure for addressing allegations that a person licensed or certified by the veterinary examining board under this chapter has practiced as a veterinarian or veterinary technician while impaired by alcohol or other drugs or that his or her ability to practice is impaired by alcohol or other drugs, and for assisting a person licensed by the veterinary examining board under this chapter who requests to participate in the procedure or who requests assistance in obtaining mental health services. In promulgating rules under this subsection, the examining board shall seek to facilitate early identification of chemically dependent veterinarians or veterinary technicians and encourage their rehabilitation. The rules promulgated under this subsection may be used in conjunction with the formal disciplinary process under this chapter. The examining board may contract with another entity to administer the procedure specified under the rules promulgated under this subsection.

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

DATCP estimates that it will use approximately 200 staff hours to develop this rule. This estimate includes time required for the investigation and analysis, rule drafting, preparing related documents, holding public hearings, and communicating with affected persons and groups. DATCP will use existing staff to develop this rule.

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

Entities impacted by this rule include veterinarians, veterinary clinics, and consumers of veterinary services.

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

The proposed rule is specific to Wisconsin statutes. There is not a federal licensing process for veterinarians.

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

The proposed rule would evaluate VEB licensing processes for clarity, consistency, and to ensure there are processes for all applicant types. Most affected entities are small businesses, pursuant to the definition under s. 227.485 (1) (c), Wis. Stats. The overall anticipated economic impact is minor.

**Contact Person:** Angela Fisher (Angela.Fisher1@wisconsin.gov); Phone (608) 219-5761

Signed this \_\_\_\_ day of \_\_\_\_\_ 2023

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Hunter Lang, DVM  
Chair  
State of Wisconsin Veterinary Examining Board



## CHAPTER 89

## VETERINARY EXAMINING BOARD

89.02	Definitions.	89.071	Administrative warnings.
89.03	Rules.	89.0715	Assessment of costs.
89.04	Violations.	89.072	Licenses of other jurisdictions.
89.05	Practice; penalties.	89.073	Reciprocal credentials for service members, former service members, and their spouses.
89.06	Licensure.	89.075	Access to health care records.
89.062	Renewal; continuing education.	89.078	Background investigations.
89.063	Fees.	89.079	Unauthorized practice.
89.065	Examinations.	89.08	Injunctive relief.
89.068	Drugs for animal use.		
89.07	Discipline.		

**Cross-reference:** See also [VE](#), Wis. adm. code.

**89.02 Definitions.** As used in this chapter, unless the context requires otherwise:

**(1g)** “Administer,” when used in reference to administering a drug to an animal, means directly applying the drug, whether by injection, ingestion, or any other means, to the body of the animal.

**(1m)** “Animal” means any animal except a human being.

**(3)** “Client” means the person who owns or who has primary responsibility for the care of a patient.

**(3d)** “Department” means the department of agriculture, trade and consumer protection.

**(3g)** “Dispense” means the act of delivering a drug to a person who may lawfully possess the drug, including the compounding, packaging or labeling necessary to prepare the drug for delivery.

**(3r)** “Drug” has the meaning given in s. 450.01 (10).

**(4)** “Examining board” means the veterinary examining board.

**(4e)** “Extra-label use” means use of a drug in a manner that is not in accordance with the directions for use that are contained on the label affixed to the container in which the drug is dispensed.

**(4m)** “Food-producing animal” means an animal that is raised to produce food for human consumption.

**(4s)** “Patient” means an animal that is examined or treated by a veterinarian.

**(5)** “Pesticide” has the meaning specified in s. 94.67 (25).

**(5m)** “Pharmacist” means an individual who is licensed as a pharmacist under ch. 450.

**(6)** To “practice veterinary medicine” means to examine into the fact or cause of animal health, disease or physical condition, or to treat, operate, prescribe or advise for the same, or to undertake, offer, advertise, announce, or hold out in any manner to do any of said acts, for compensation, direct or indirect, or in the expectation thereof.

**(6m)** “Prescription” means a written, oral or electronic order from a veterinarian to a pharmacist or to another veterinarian that authorizes the pharmacist or other veterinarian to dispense a drug, or from a veterinarian to a client that authorizes the client to make extra-label use of a drug.

**(7)** “Veterinarian” means a practitioner of veterinary medicine who is duly licensed by the examining board.

**(8)** “Veterinarian–client–patient relationship” means a relationship between a veterinarian, a client and the patient in which all of the following apply:

(a) The veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient and the patient’s need for medical treatment, and the client has agreed

to accept those medical judgments and to follow the related instructions of the veterinarian.

(b) The veterinarian has sufficient knowledge of the patient to initiate a general or preliminary diagnosis of the medical condition of the patient because the veterinarian has recently examined the patient or has made medically appropriate and timely visits to the premises on which the patient is kept.

(c) The veterinarian is readily available for follow-up treatment of the patient if the patient has an adverse reaction to veterinary treatment.

**(9)** “Veterinary drug” means any of the following:

(a) A drug that is recognized as a drug for animal use in the official U.S. pharmacopoeia or the official national formulary or any supplement to either of them.

(b) A drug that is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in an animal.

(c) A drug that is intended to affect the structure or function of the body of an animal, including medicated feed or a growth-promoting implant, but not including feed that does not contain a drug.

(d) A substance that is intended for use as a component of a drug described in par. (a), (b) or (c).

(e) A drug that is produced and intended for human use but that is prescribed by a veterinarian for animal use.

**(10)** “Veterinary over-the-counter drug” means a drug that is labeled for animal use, that may be dispensed without a prescription and that is not required to bear the label statement: “CAUTION: Federal law restricts this drug to use by or on the order of a licensed veterinarian.”

**(11)** “Veterinary prescription drug” means a drug that may not be dispensed without the prescription of a veterinarian.

**(12)** “Veterinary technician” means a person duly certified by the examining board to work under the direct supervision of a licensed veterinarian.

**History:** 1975 c. 309; 1983 a. 189; 1987 a. 39; 1989 a. 279; 1991 a. 306; 1993 a. 213; 1995 a. 321; 1997 a. 27; 2015 a. 55 s. 2597, 4491; Stats. 2015 s. 89.02; 2015 a. 196.

The termination of the life of an animal by injection is not the practice of veterinary medicine. 65 Atty. Gen. 231.

**89.03 Rules.** (1) The examining board shall promulgate rules, within the limits of the definition under s. 89.02 (6), establishing the scope of practice permitted for veterinarians and veterinary technicians and shall review the rules at least once every 5 years to determine whether they are consistent with current practice. The examining board may promulgate rules relating to licensure qualifications, denial of a license, certification, or temporary permit, unprofessional conduct, and disciplinary proceedings.

(2) The examining board shall promulgate rules requiring training and continuing education sufficient to assure competency of veterinarians and veterinary technicians in the practice

**89.03 VETERINARY EXAMINING BOARD**

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of veterinary medicine, except that the board may not require training or continuing education concerning the use, handling, distribution, and disposal of pesticides other than for disciplinary purposes.

(3) The examining board shall promulgate rules specifying a procedure for addressing allegations that a person licensed or certified by the veterinary examining board under this chapter has practiced as a veterinarian or veterinary technician while impaired by alcohol or other drugs or that his or her ability to practice is impaired by alcohol or other drugs, and for assisting a person licensed by the veterinary examining board under this chapter who requests to participate in the procedure or who requests assistance in obtaining mental health services. In promulgating rules under this subsection, the examining board shall seek to facilitate early identification of chemically dependent veterinarians or veterinary technicians and encourage their rehabilitation. The rules promulgated under this subsection may be used in conjunction with the formal disciplinary process under this chapter. The examining board may contract with another entity to administer the procedure specified under the rules promulgated under this subsection.

**History:** 1987 a. 39; 1989 a. 279; 1995 a. 321; 2003 a. 103; 2009 a. 139; 2015 a. 55 s. 4492; Stats. 2015 s. 89.03; 2017 a. 59.

**Cross-reference:** See also VE, Wis. adm. code.

**89.04 Violations.** The chairperson of the examining board shall institute actions for violations of this chapter by any person and for violations of ch. 450 or 961 by veterinarians. The district attorney of the county in which the offense is committed shall promptly prosecute any such violation upon being informed thereof, from any source.

**History:** 1985 a. 146; 1993 a. 184; 1995 a. 448; 2015 a. 55 s. 4493; Stats. 2015 s. 89.04.

**89.05 Practice; penalties. (1)** Except as provided under sub. (2) and ss. 256.155 and 257.03, no person may offer to practice, advertise to practice or practice veterinary medicine, or use, in connection with his or her name, any title or description which may convey the impression that he or she is a veterinarian, without a license or temporary permit from the examining board. For purposes of this subsection, a person who makes extra-label use of a drug on an animal without a prescription or in any manner not authorized by that prescription is considered to be practicing veterinary medicine.

(2) No veterinary license or temporary permit is required for the following activities or persons:

(a) Artificial insemination, or for continuing the practice of pregnancy examinations of animals when such practice was engaged in prior to February 11, 1968.

(b) Castrating male livestock, as defined in s. 95.68 (1) (d) or for dehorning or branding animals.

(c) Students at a veterinary college approved by the examining board.

(d) Certified veterinary technicians while working under the direct supervision of a veterinarian.

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

(f) Employees of an educational or research institution while engaged in teaching or research. This paragraph does not apply to employees of a school of veterinary medicine in this state who practice veterinary medicine on privately owned animals.

(g) Employees of a school of veterinary medicine in this state who practice veterinary medicine on privately owned animals only as a part of their employment and who are licensed under s. 89.06 (2m).

(h) Graduates of schools outside the United States and Canada who are enrolled in the educational commission for foreign veterinary graduates certification program of the American Veterinary Medical Association while completing the required year of clinical assessment under the supervision of a veterinarian.

(3) Any person violating this section may for the first offense be fined not more than \$1,000, and for any 2nd offense within 3 years be fined not more than \$3,000.

**History:** 1975 c. 309; 1977 c. 418; 1979 c. 337; 1981 c. 125; 1987 a. 39; 1991 a. 306; 1995 a. 321; 2005 a. 96, 237; 2009 a. 42; 2015 a. 55 s. 4494; Stats. 2015 s. 89.05; 2017 a. 166.

A license under sub. (2) (a) is not required for person to engage in artificial insemination of animals but is required for persons engaged in pregnancy examinations who were not engaged in practice prior to February 11, 1968. 78 Atty. Gen. 236.

**89.06 Licensure. (1)** Except as provided under ss. 89.072 and 89.073, veterinary licenses shall be issued only to persons who successfully pass an examination conducted by the examining board and pay the fee established under s. 89.063. An applicant for an initial license shall be a graduate of a veterinary college that has been approved by the examining board or have successfully completed either the educational commission for foreign veterinary graduates certification program of the American Veterinary Medical Association or the program for the assessment of veterinary education equivalence offered by the American Association of Veterinary State Boards. Persons who qualify for examination may be granted temporary permits to engage in the practice of veterinary medicine in the employment and under the supervision of a veterinarian until the results of the next examination conducted by the examining board are available. In case of failure at any examination, the applicant shall have the privilege of taking subsequent examinations, upon the payment of another fee for each examination.

(2m) (a) Upon application, the examining board may issue a veterinary faculty license to an employee of a school of veterinary medicine in this state who has received the degree of doctor of veterinary medicine from a veterinary college approved by the examining board or if the examining board determines that the person possesses substantially equivalent qualifications. A person holding a veterinary faculty license may practice veterinary medicine on privately owned animals only within the scope of the person's employment at the school.

(b) Upon application, the examining board may grant a veterinary postgraduate training permit to a person undertaking intern or resident training at a school of veterinary medicine in this state. The only purpose of the veterinary postgraduate training permit is to provide opportunities in this state for the postgraduate education of persons who have received the degree of doctor of veterinary medicine or an equivalent degree but who have not yet met the requirements for licensure in this state. Issuance of a postgraduate training permit does not modify in any respect the requirements for licensure to practice veterinary medicine in this state, and a permit holder may practice veterinary medicine on privately owned animals only within the scope of the permit holder's internship or residency program. Violation of this restriction or of any applicable provision of this chapter constitutes cause for revocation of the permit.

(c) A license issued under this subsection expires upon termination of the licensee's employment at a school of veterinary medicine in this state. A postgraduate training permit expires upon termination of the permit holder's internship or residency program.

(3) A veterinary technician certification may be issued only to a person who is at least 18 years of age and has either:

(a) Successfully completed a 4-semester course of study in animal technology or its equivalent, at a technical school or college approved by the examining board, and has passed an examination, administered by the examining board, which establishes that the applicant's knowledge of animals and their treatment is sufficient to qualify the applicant as a veterinary technician; or

(b) Been an employee of a veterinarian for a total of 2 years and has passed an examination, administered by the examining board, which establishes that the applicant's knowledge of animals and their treatment is sufficient to qualify the applicant as a veterinary technician. The 2-year employment requirement of this paragraph shall include at least 50 percent 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.

**History:** 1971 c. 213 s. 5; 1975 c. 309; 1977 c. 29, 418; 1979 c. 34 s. 2102 (58) (b); 1981 c. 125; 1985 a. 182 s. 57; 1987 a. 39; 1991 a. 39; 1995 a. 321; 2001 a. 76; 2003 a. 103; 2009 a. 396; 2015 a. 55 s. 4495; Stats. 2015 s. 89.06; 2015 a. 179; 2017 a. 365 s. 111.

**Cross-reference:** See also chs. VE 3, 4, 5, 6, 8, and 10, Wis. adm. code.

The examining board lacks authority to condition the renewal of licenses upon either reexamination or continuing education. 65 Atty. Gen. 35.

**89.062 Renewal; continuing education. (1) RENEWAL.** The renewal date for veterinary licenses and veterinary technician certifications is December 15 of each odd-numbered year, and the renewal fees for such licenses and certifications are determined by the department under s. 89.063.

**(2) CONTINUING EDUCATION.** (a) Except as provided in sub. (3), the examining board may not renew a veterinary license unless the applicant certifies that he or she has completed, during the preceding 2-year licensure period, at least 30 hours of continuing education programs or courses approved by the examining board.

(b) Except as provided in sub. (3), the examining board may not renew a veterinary technician certification unless the applicant certifies that he or she has completed, during the preceding 2-year certification period, at least 15 hours of continuing education programs or courses approved by the examining board.

(c) If any complaint is made against a veterinarian or veterinary technician, the examining board may require the veterinarian or veterinary technician to submit proof of the continuing education programs or courses that he or she has completed during the preceding 2-year licensure or certification period.

**(3) EXCEPTIONS.** (a) Subsection (2) (a) and (b) does not apply to an applicant who applies to renew a license or certification that expires on the first expiration date after initial issuance of the license or certification.

(b) The examining board may waive the requirements of sub. (2) (a) or (b) if it finds that exceptional circumstances, such as prolonged illness, disability, or other similar circumstances, have prevented an applicant from meeting the requirements.

**History:** 2003 a. 103 ss. 2, 4; 2007 a. 20; 2015 a. 55 s. 4496; Stats. 2015 s. 89.062.

**89.063 Fees.** The department shall determine by rule the fees for each initial license, certification, and permit issued under ss. 89.06, 89.072, and 89.073, and, if applicable, for renewal of the license, certification, or permit, including late fees, based on the department's administrative and enforcement costs under this chapter. The department shall notify the holder of each such license, certification, or permit of any fee adjustment under this subsection that affects that license, certification, or permit holder.

**History:** 2015 a. 55, 179.

**89.065 Examinations. (1)** Examinations under this chapter shall be designed to determine whether an applicant is competent to engage in the practice of veterinary medicine and shall be administered at least once annually. Examinations shall be objective and reliable, reasonably related to the skills likely to be needed by an applicant and seek to determine the applicant's preparedness to exercise such skills.

**(2)** The examining board may require passage of a nationally recognized examination if the examination meets basic standards of objectivity. The examining board may administer a state written examination in elements of practice that are not covered in a national examination. The examining board may administer a practical or oral examination if such an examination tests knowledge and skills that cannot be measured or tested in a written examination.

**(3)** The passing score on examinations for licensure and certification shall be determined by the examining board to repre-

sent a standard of minimum competency in the profession, as established by the examining board by rule.

**History:** 1987 a. 39; 2015 a. 55 s. 4497; Stats. 2015 s. 89.065.

**Cross-reference:** See also ch. VE 2, Wis. adm. code.

**89.068 Drugs for animal use. (1) PRESCRIBING; DISPENSING.** (a) *Extra-label use on animal; prescription required.* No person may make extra-label use of a drug on an animal without a prescription or in any manner not authorized by that prescription.

(b) *Form of prescription.* A prescription shall include all of the following:

1. The name and address of the veterinarian and, if the prescription is a written order, the signature of the veterinarian.
2. The name and address of the client.
3. The species and identity of the patient for which the prescription is issued.
4. The name, strength and quantity of the drug prescribed.
5. The date on which the prescription is issued.
6. The directions for administering the drug.
7. If the patient is a food-producing animal, the withdrawal time for the veterinary drug.
8. If the prescription authorizes extra-label use, the manner in which the client may use the drug.
9. Any cautionary statements required by law.

(c) *Prescribing, dispensing and administering requirements for veterinarian.* A veterinarian may not do any of the following:

1. Prescribe for or dispense to a client a veterinary prescription drug or a drug for extra-label use without personally examining the patient unless a veterinary-client-patient relationship exists between the veterinarian, client and patient and the veterinarian determines that the client has sufficient knowledge to administer the drug properly.
2. Prescribe or dispense a veterinary prescription drug to a client unless the veterinarian indicates in the appropriate records described under sub. (3), within 72 hours after the prescription is issued or the drug is dispensed, that the prescription has been issued or that the drug has been dispensed.

3. Prescribe a drug to a client for extra-label use on a patient unless all of the following apply:

a. A veterinary-client-patient relationship exists between the veterinarian, client and patient and the veterinarian has made a careful medical diagnosis of the condition of the patient within the context of that veterinarian-client-patient relationship.

b. The veterinarian determines that there is no drug that is marketed specifically to treat the patient's diagnosed condition, or determines that all of the drugs that are marketed for that purpose are clinically ineffective.

c. The veterinarian recommends procedures for the client to follow to ensure that the identity of the patient will be maintained.

d. If the patient is a food-producing animal, the veterinarian prescribes a sufficient time period for drug withdrawal before the food from the patient may be marketed.

4. Transmit a prescription electronically unless the client approves the transmission and the prescription is transmitted to a pharmacist or veterinarian designated by the client.

**(2) LABELING.** A veterinarian or pharmacist may not dispense a drug that has been prepared, mixed, formulated or packaged by the veterinarian or pharmacist unless the veterinarian or pharmacist affixes to the container in which the drug is dispensed a label containing all of the information specified in sub. (1) (b), except the address of the client. A veterinarian or pharmacist may not dispense a veterinary prescription drug that has been prepackaged by its manufacturer for dispensing unless the veterinarian or pharmacist affixes to the container in which the drug is dispensed a label containing all of the information speci-

fied in sub. (1) (b), except the address of the client. A veterinarian or pharmacist may dispense a veterinary over-the-counter drug without affixing any information to the container in which the drug is dispensed if a label that has been affixed to the container by its manufacturer provides adequate information for its use.

(3) **PRESCRIPTION RECORDS.** A veterinarian shall maintain complete records of each veterinary prescription drug that the veterinarian receives, prescribes, dispenses or administers, and of each prescription issued by the veterinarian that authorizes extra-label use. Records of each veterinary prescription drug shall include the name of each veterinary prescription drug that is received, the name and address of the person from whom the drug is received and the date and quantity received, the name and address of the person to whom the drug is dispensed and the date and quantity dispensed and, if the veterinarian prescribes or administers the drug, the information specified in sub. (1) (b). Records of each prescription authorizing extra-label use shall include the information specified in sub. (1) (b). A veterinarian shall maintain records of each veterinary prescription drug under this subsection for not less than 3 years after the date on which the veterinarian prescribes, dispenses or administers the drug or extra-label use.

(4) **ENFORCEMENT.** (a) *Inspections.* Except as provided in par. (b), if the examining board has reason to believe that a person is violating or has violated this section, the examining board, the attorney general or the district attorney of the proper county may do any of the following:

1. Inspect the premises on which the person possesses, prescribes, dispenses, labels or administers veterinary drugs.
2. Inspect pertinent records, equipment, materials, containers or facilities that are relevant to determining whether the person is violating or has violated this section.
3. Collect relevant samples of veterinary drugs.

(b) *Records exempt from inspection.* The examining board, attorney general or district attorney may not inspect a person's financial, pricing, personnel or sales records under this subsection, other than the records described under sub. (3).

**History:** 1991 a. 306; 1997 a. 27; 2015 a. 55 s. 4498; Stats. 2015 s. 89.068.

**89.07 Discipline.** (1) In this section, “unprofessional conduct” includes, but is not limited to:

- (a) Making any materially false statement or giving any materially false information in connection with an application for a license or for renewal or reinstatement of a license or in making a report to the examining board.
- (b) Violating this chapter or any federal or state statute or rule that substantially relates to the practice of veterinary medicine.
- (c) Practicing veterinary medicine while the person's ability to practice is impaired by alcohol or other drugs or physical or mental disability or disease.
- (d) Engaging in false, misleading or deceptive advertising.
- (e) Making a substantial misrepresentation in the course of practice which is relied upon by a client.
- (f) Engaging in conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles or skills.
- (fm) Handling, distributing, using or disposing of pesticides in violation of ss. 94.67 to 94.71 or the rules promulgated under ss. 94.67 to 94.71.
- (g) Obtaining or attempting to obtain compensation by fraud or deceit.
- (h) Violating any order of the examining board.

(2) Subject to subch. II of ch. 111, the examining board may, by order, reprimand any person holding a license, certificate, or permit under this chapter or deny, revoke, suspend, limit, or any combination thereof, the person's license, certification, or permit if the person has:

- (a) Engaged in unprofessional conduct.
- (b) Been adjudicated mentally incompetent by a court.
- (c) Been found guilty of an offense the circumstances of which substantially relate to the practice of veterinary medicine.

(3) In addition to or in lieu of a reprimand or denial, limitation, suspension, or revocation of a license, certification, or permit under sub. (2), the examining board may assess against the applicant for or the holder of the license, certification, or permit a forfeiture of not more than \$5,000 for each violation of s. 89.068.

**History:** 1987 a. 39; 1989 a. 279; 1991 a. 306; 2015 a. 55 s. 4499; Stats. 2015 s. 89.07.

**Cross-reference:** See also ch. VE 7 and 9, Wis. adm. code.

**89.071 Administrative warnings.** (1) If the examining board determines during an investigation of a complaint against a person holding a license, certification, or permit issued under s. 89.06, 89.072, or 89.073 that there is evidence that the credential holder committed misconduct, the examining board may close the investigation by issuing an administrative warning to the credential holder if the examining board determines that no further disciplinary action is warranted, the complaint involves a first occurrence of a minor violation, and the issuance of an administrative warning adequately protects the public.

(2) A credential holder may obtain review of an administrative warning through a personal appearance before the examining board.

(3) (a) An administrative warning does not constitute an adjudication of guilt or the imposition of discipline and, except as provided in par. (b), may not be used as evidence that the credential holder is guilty of the alleged misconduct.

(b) If the examining board receives a subsequent complaint of misconduct by a credential holder against whom the examining board issued an administrative warning, the examining board may reopen the matter that gave rise to the administrative warning and commence disciplinary proceedings against the credential holder, and the administrative warning may be used as evidence in a subsequent disciplinary proceeding that the credential holder had actual notice that the misconduct that was the basis for the administrative warning was contrary to law.

(4) The record that an administrative warning was issued shall be a public record. The contents of the administrative warning shall be private and confidential.

**History:** 2015 a. 179.

**89.0715 Assessment of costs.** (1) In this section, “costs of the proceeding” means all of the following:

- (a) Compensation and reasonable expenses of hearing examiners and prosecuting attorneys for the department and examining board.
- (b) A reasonable disbursement for the service of process or other papers.
- (c) Amounts actually paid out for certified copies of records in any public office and for postage, telephoning, adverse examinations and depositions, copies, expert witness fees, and witness fees and expenses.
- (d) Compensation and reasonable expenses of experts and investigators.
- (e) Compensation and reasonable expenses of a reporter for recording and transcribing testimony.

(2) In any disciplinary proceeding against a holder of a license, certification, or permit issued under s. 89.06, 89.072, or 89.073 in which the examining board orders suspension, limitation, or revocation of the credential or reprimands the credential holder, the examining board may, in addition to imposing discipline, assess all or part of the costs of the proceeding against the credential holder. Costs assessed under this subsection are payable to the department. Interest shall accrue on costs assessed under this subsection at a rate of 12 percent per year beginning on the date that payment of the costs are due as ordered by the

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examining board. Upon the request of the department, the department of justice may commence an action to recover costs assessed under this subsection and any accrued interest.

(3) In addition to any other discipline imposed, if the examining board assesses costs of the proceeding to a credential holder under sub. (2), the examining board may not restore, renew, or otherwise issue any credential to the holder until the holder has made payment to the department under sub. (2) in the full amount assessed, together with all accrued interest.

**History:** 2015 a. 179.

**89.072 Licensees of other jurisdictions.** (1) Upon application and payment of the fee established under s. 89.063, the examining board may issue a license to practice veterinary medicine to any person licensed to practice veterinary medicine in another state or territory of the United States or in another country if the applicant is not currently under investigation and has never been disciplined by the licensing authority in the other state, territory or country, has not been found guilty of a crime the circumstances of which are substantially related to the practice of veterinary medicine, is not currently a party in pending litigation in which it is alleged that the applicant is liable for damages for acts committed in the course of practice and has never been found liable for damages for acts committed in the course of practice which evidenced a lack of ability or fitness to practice.

(2) Upon application and payment of the fee established under s. 89.063, the examining board may issue a temporary consulting permit to practice veterinary medicine in this state for up to 60 days per year to any nonresident licensed to practice veterinary medicine in another state or territory of the United States or in another country.

**History:** 1987 a. 39; 2015 a. 55 s. 4500; Stats. 2015 s. 89.072.

**89.073 Reciprocal credentials for service members, former service members, and their spouses.** (1) In this section:

(a) “Former service member” means a person who was discharged from the U.S. armed forces under conditions other than dishonorable within 4 years of the date on which the service member or the spouse of the service member applies for a license, certification, or permit under this section.

(b) “Service member” means a member of the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard of any state.

(c) “Spouse” includes the spouse of a person who died while in service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces.

(2) The examining board shall grant a license, certification, or permit specified under s. 89.06 to an individual who the examining board determines meets all of the following requirements:

(a) The individual applies for a credential under this section on a form prescribed by the examining board.

(b) The individual is a service member, a former service member, or the spouse of a service member or former service member and resides in this state.

(c) The individual holds a credential that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under the appropriate credential specified under s. 89.06.

(d) The individual pays the fee established under s. 89.063.

(f) The individual is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential specified under s. 89.06.

(2m) If an individual is unable to provide documentation that the individual is a service member, former service member, or the spouse of a service member or former service member, the

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individual may submit an affidavit to the examining board stating that the individual is a service member, former service member, or the spouse of a service member or former service member.

(3) (a) A credential granted under this section expires on the renewal date specified in s. 89.062 (1), except that if the first renewal date specified in s. 89.062 (1) after the date on which the credential is granted is within 180 days of the date on which the credential is granted, the credential expires on the 2nd renewal date specified in s. 89.062 (1) after the date on which the credential is granted.

(b) The examining board shall grant a renewed license, certification, or permit specified under s. 89.06 to an applicant who pays the renewal fee specified under s. 89.063 and satisfies the renewal requirements under s. 89.062.

(4) The examining board shall expedite the issuance of a license, certification, or permit granted under this section.

(5) The examining board may promulgate rules necessary to implement this section.

**History:** 2015 a. 179; 2019 a. 143.

**89.075 Access to health care records.** The owner of any animal patient of a veterinarian, or any other person who submits to the veterinarian a statement of written informed consent signed by the owner, may, upon request to the veterinarian:

(1) Receive a copy of the animal patient’s health care records upon payment of reasonable costs.

(2) Have the animal patient’s X-rays referred to another veterinarian of the owner’s choice upon payment of reasonable costs.

**History:** 1987 a. 39; 2015 a. 55 s. 4501; Stats. 2015 s. 89.075.

**89.078 Background investigations.** (1) The examining board may conduct an investigation to determine whether an applicant for a license, certification, or permit issued under s. 89.06, 89.072, or 89.073 satisfies any of the eligibility requirements specified for the license, certification, or permit, including, subject to ss. 111.321, 111.322, and 111.335, whether the applicant does not have an arrest or conviction record. In conducting an investigation under this subsection, the examining board may require an applicant to provide any information that is necessary for the investigation.

(2) A person holding a license, certification, or permit issued under s. 89.06, 89.072, or 89.073 who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the examining board within 48 hours after the entry of the judgment of conviction. The examining board shall by rule determine what information and documentation the person holding the credential shall include with the written notice.

(3) The examining board may investigate whether an applicant for or holder of a license, certification, or permit issued under s. 89.06, 89.072, or 89.073 has been charged with or convicted of a crime.

**History:** 2015 a. 55, 179.

**89.079 Unauthorized practice.** (1) The department may conduct investigations, hold hearings, and make findings as to whether a person has engaged in a practice or used a title without a credential required under this chapter.

(2) If, after holding a public hearing, the department determines that a person has engaged in a practice or used a title without a required credential, the department may issue a special order enjoining the person from continuing the practice or use of the title.

(3) In lieu of holding a public hearing, if the department has reason to believe that a person has engaged in a practice or used a title without a required credential, the department may petition the circuit court for a temporary restraining order or an injunction as provided in ch. 813.

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(4) (a) Any person who violates a special order issued under sub. (2) may be required to forfeit not more than \$10,000 for each offense. Each day of continued violation constitutes a separate offense. The attorney general or any district attorney may commence an action in the name of the state to recover a forfeiture under this paragraph.

(b) Any person who violates a temporary restraining order or an injunction issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor more than \$5,000 or imprisoned for not more than one year in the county jail or both.

**History:** 2015 a. 55.

**89.08 Injunctive relief.** If it appears upon complaint to the examining board by any person, or if it is known to the examining board, that any person is practicing veterinary medicine without a license, the examining board, the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of the state against the person to enjoin the person from such practice.

**History:** 1987 a. 39; 2015 a. 55 s. 4502; Stats. 2015 s. 89.08.