

CR 93-103

**CERTIFICATE**

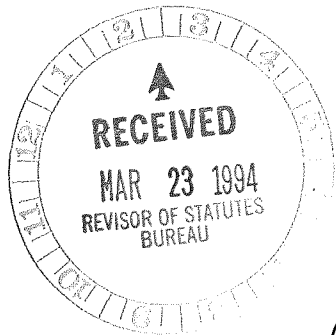
**STATE OF WISCONSIN**

**DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:**

**I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Veterinary Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Veterinary Examining Board on the 16th day of March, 1994.**

**I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.**



**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 16th day of March, 1994.**

A handwritten signature in cursive script, appearing to read "Patrick D. Braatz". The signature is written in dark ink and is positioned above the printed name of the signatory.

**Patrick D. Braatz, Director  
Bureau of Health Professions  
Department of Regulation and  
Licensing**

STATE OF WISCONSIN  
VETERINARY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	VETERINARY EXAMINING BOARD
VETERINARY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 93-103)

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ORDER

An order of the Veterinary Examining Board to repeal VE 9.02 (2) (d); to amend VE 1.02 (6), 5.04 (1) and (2), 9.01, 9.02 and 9.05 (1); to repeal and recreate VE 7.02 and 9.02 (1); and to create VE 1.02 (10m) relating to definitions and relating to delegation of veterinary medical acts and standards of practice.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 and 453.03, Stats.

Statutes interpreted: ss. 453.03 and 453.05, Stats.

In this proposed rule-making order the Veterinary Examining Board is repealing, amending and recreating various administrative rules to define the responsibilities of licensed veterinarians when they delegate the provision of animal patient services falling within the practice of veterinary medicine to persons not holding a license, permit or certificate to provide those services independently. In so doing, the board codifies existing professional practice as it relates to delegation of the provision of veterinary medical services by licensed veterinarians to ancillary veterinary health care personnel. The concept of delegation finds its authority in the common law doctrine of respondeat superior, and is one which has long been accepted in Wisconsin by the medical, nursing and veterinary professions.

By way of demonstration, in *Huss v. Vande Hey*, 29 Wis. 2d 34 (1965), the appellants contended that a physician's fee for rendition of physical therapy services was unlawful. Appellant pointed out that a nurse who had actually performed the treatments was not licensed as either a physician or a physical therapist and had rendered treatments at times when the physician was not presently present. The Supreme Court rejected this claim, stating:

Whether the medical doctor is physically present or absent at the time physical therapy is rendered by a nurse in his office, the doctor is fully responsible for conduct under the doctrine of respondeat superior.... The services in the instant case were performed by a nurse at the direction of and as an aid to a licensed medical doctor, and we reject the appellant's argument that the doctor's charge for such services was unlawful.

Similarly, the concept of delegation of professional nursing acts is well accepted in the health care community in Wisconsin and is supported by at least one Opinion of the Attorney General. [See 65 OAG 71 (1976)]. Accordingly, the Board of Nursing has promulgated rules governing the delegation of professional nursing acts to LPN's and less skilled ancillary personnel at chapter N 6 of their administrative rules.

Consistent with both the foregoing and with longstanding practice within the veterinary medical community, these proposed rules are intended to define and to establish the parameters for the delegation of various services constituting the practice of veterinary medicine to veterinary students, certified animal technicians and unlicensed assistants.

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TEXT OF RULE

SECTION 1. VE 1.02 (6) is amended to read:

VE 1.02 (6) "License" means a document issued to a person by the board, after the person has met the requirements of ss. 453.06 (1), 453.06 (2m) (a) and or 453.072, Stats., signifying that the person has met the statutory requirements to practice veterinary medicine in this state.

SECTION 2. VE 1.02 (10m) is created to read:

VE 1.02 (10m) "Unlicensed assistant" means a person not holding a license, permit or certificate issued by the board.

SECTION 3. VE 5.04 (1) and (2) are amended to read:

VE 5.04 (1) A veterinary student may practice veterinary medicine ~~while under the direct supervision of appropriate licensed veterinary school faculty within the school of veterinary medicine pursuant to standards and supervisory protocols established by the school.~~

(2) A veterinary student may ~~practice veterinary medicine while under the direct supervision of a veterinarian provided that the veterinarian advises the client that the person assisting the veterinarian is a veterinary student~~ perform delegated veterinary acts outside of the school setting as set forth under s. VE 7.02 (2), (7) and (8).

SECTION 4. VE 7.02 is repealed and recreated to read:

VE 7.02 DELEGATION OF VETERINARY MEDICAL ACTS. (1) The following acts are limited to those holding a license under ss. 453.06 (1), 453.06 (2m) (a); or 453.072, Stats.; a permit under ss. VE 3.05, 5.03 or 6.02; 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 animal 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.

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

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

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

(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) Obstetrical treatment; and

(e) Nutritional evaluation and counseling.

(4) Veterinarians may delegate to certified animal technicians the provision of the following veterinary medical services under the direct 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; and

(c) Dental prophylaxis and extractions.

(5) Veterinarians may delegate to unlicensed assistants the provision of the following veterinary medical services under the direct 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 animal patient; and

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

(6) Except as provided under s. 95.21, Stats., veterinarians may delegate to unlicensed assistants the provision of the following veterinary medical services under the direct 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; and

(d) Nutritional evaluation and counseling.

(7) Notwithstanding subs. (1) to (6), a veterinary student, certified animal technician or unlicensed assistant employed by a veterinarian may, under the direct 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.

(8) In delegating the provision of veterinary medical acts to veterinary students, certified animal technicians and others, the veterinarian shall:

(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 (7);

(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 or by two-way radio or television communication;

(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; and

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

SECTION 5. VE 9.02 (1) is repealed and recreated to read:

VE 9.02 STANDARDS OF PRACTICE. (1) Animal technicians may perform delegated veterinary acts as set forth under s. VE 7.02 (3), (4) and (7).

SECTION 6. VE 9.02 (2) (d) is repealed.

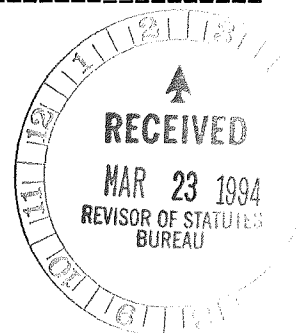
SECTION 7. VE 9.05 (1) is amended to read:

VE 9.05 (1) Performing as an animal technician unless ~~under the direct supervision of a veterinarian~~ supervised as specified under s. VE 7.02 (3), (4) and (7).

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(END OF TEXT OF RULE)

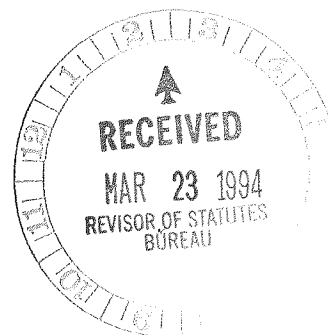
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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated 3/16/94

Agency *J. C. Jones*  
Chairperson  
Veterinary Examining Board



**CORRESPONDENCE/MEMORANDUM**

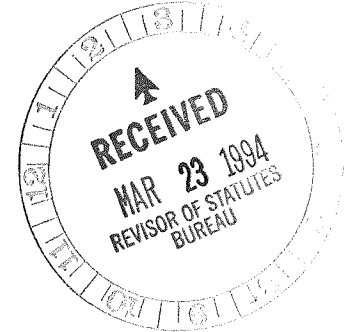
**STATE OF WISCONSIN**

**DATE:** March 23, 1994

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela A. Haack, Administrative Assistant  
Department of Regulation and Licensing  
Office of Administrative Rules

**SUBJECT:** Final Rulemaking Order



**Agency: VETERINARY EXAMINING BOARD**

**Clearinghouse Rule: 93-103**

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the code.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.