

STATEMENT OF SCOPE

Wisconsin Veterinary Examining Board (VEB)

Rule No: Ch. VE 11 Wis. Adm. Code (New)

Relating to: Professional Assistance Program for Veterinary Professionals

Rule Type: Emergency

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

The Wisconsin Veterinary Examining Board (“VEB”) was attached, for limited purposes, to the Wisconsin Department of Agriculture, Trade and Consumer Protection (“DATCP”), pursuant to 2015 Wisconsin Act 55. However, while the VEB continued to oversee chs VE 1-10, Wis. Adm. Code, the Professional Assistance Procedure in ch. SPS 7, Wis. Adm. Code, did not transfer. That procedure is overseen by the Wisconsin Department of Safety and Professional Services (“DSPS”), the agency to which the VEB was previously attached.

2017 Wisconsin Act 59, the Budget Bill, created s. 89.03(3), Stats., a provision requiring the VEB to promulgate rules specifying procedures for addressing alcohol or other drug, or mental health impairments of veterinarians or certified veterinary technicians, both prior to and within the disciplinary process. In addition, a non-statutory provision in this Act specified the VEB may use the emergency rule procedure to create this rule, but a Finding of Emergency is not necessary for promulgating this emergency rule, as follows:

SECTION 9102. Nonstatutory provisions; Agriculture, Trade and Consumer Protection.

(2) PROFESSIONAL ASSISTANCE PROCEDURES; EMERGENCY RULES. The veterinary examining board may use the procedure under section 227.24 of the statutes to promulgate rules under section 89.03 (3) of the statutes for the period before the effective date of the permanent rule promulgated under section 89.03 (3) of the statutes but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to one extension of 60 days under section 227.24 (2) of the statutes. If the board uses this procedure to promulgate these rules, the board shall promulgate the rules no later than the 60th day after the effective date of this subsection. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

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

This emergency rule will specify a procedure for addressing allegations that a person licensed or certified by the veterinary examining board, pursuant to ch. 89, Stats., 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. It will also specify a procedure for assisting a person, licensed by the veterinary examining board under that chapter, who requests to participate in the procedure or who requests assistance in obtaining mental health services or in obtaining assistance with impairment caused by alcohol or other drugs. This emergency rule shall be written to facilitate early identification of chemically dependent veterinarians or veterinary technicians and encourage their rehabilitation. The emergency rule, promulgated under this subsection, may be used in conjunction with the formal disciplinary process under this chapter. The emergency rule will also specify that the VEB may contract with another entity to administer the procedure specified under the rules promulgated under s. 89.03 (3), Stats.

The VEB expects to promulgate a permanent rule in conjunction with the proposed emergency rule

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:

DSPS already has a rule for a Professional Assistance Procedure to be used in conjunction with discipline imposed by professional boards attached to that agency. In this instance, the VEB shall develop the rule described above, as required in s. 89.03 (3), Stats.

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

The VEB has specific authority to adopt these rules s. 89.03 (3), Stats. Additionally, the VEB has specific authority to promulgate an emergency rule, related to a veterinary professional assistance program in Section 9102 of 2017 Wisconsin Act 59.

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

This emergency rule, in conjunction with the permanent rule also being developed, will take approximately 20 hours of staff time to develop.

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

The rule will affect any Wisconsin-licensed veterinarian or Wisconsin-certified veterinary technician, who may seek assistance or be identified as needing assistance in the disciplinary process, for alcohol or other drug or mental health impairments.

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 :

There are no federal regulations for veterinary professional assistance programs.

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

The Department expects the proposed emergency rule to have no negative economic impact on Wisconsin's licensed veterinarians or certified veterinary technicians. Instead, this rule will benefit Wisconsin veterinary professionals, allowing them to seek early assistance for alcohol or other drug or mental health impairments.

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