

Chapter VE 7

STANDARDS OF PRACTICE AND UNPROFESSIONAL CONDUCT FOR VETERINARIANS

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Note: Chapter VE 7 as it existed on September 30, 1989, was repealed and a new chapter VE 7 was created effective October 1, 1989.

VE 7.01 Definitions. As used in this chapter:

(1) "Advertising" means to give notice by any means, including but not limited to any circular, card, notice, telephone book listing, magazine, newspaper or other printed material or any communication by radio or television.

(2) "Deception" means:

(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.

(3) "Fraud" means:

(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 negligence" means a gross, serious or grave degree of negligence as compared to less serious or more ordinary acts of negligence.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

VE 7.02 Scope of practice for veterinarians. (1) The following acts are limited to veterinarians and may not be delegated to or performed by animal technicians or other persons not holding a license, permit or student status under ch. 453, Stats.:

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

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

(c) Performing surgery.

(2) Except as provided in sub. (1) veterinarians may delegate acts within the practice of veterinary medicine as defined by s. 453.02 (6), Stats., if the veterinarian provides direct supervision.

(3) In the direction and supervision of delegated veterinary acts a veterinarian shall:

(a) Delegate tasks commensurate with educational preparation and demonstrated abilities of the person supervised;

(b) Provide direction and assistance to those supervised;

(c) Observe and monitor the activities of those supervised;

(d) Evaluate the effectiveness of acts performed under supervision; and

(e) Notify the client that some services may be provided by an animal technician or other non-licensed person.

(4) Notwithstanding sub. (2), a veterinarian may delegate administration of local or general anesthesia only when the veterinarian is physically present in the immediate area to provide emergency treatment if the need arises.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

VE 7.03 Records. (1) A veterinarian shall maintain medical records on every patient administered to by the veterinarian other than food and fiber 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 food and fiber patients for 3 years after the date of the last entry.

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

(a) Patient identification;

(b) Complaint;

(c) Present illness;

(d) Vaccination record;

(e) History;

(f) Physical examination findings;

(g) Provisional diagnosis;

(h) Clinical laboratory reports;

(i) Radiographic reports;

(j) Consultation (if any);

(k) Treatment — medical, surgical;

(l) Drugs prescribed or dispensed;

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- (m) Tissue examination report;
 - (n) Final diagnosis;
 - (o) Necropsy findings;
 - (p) 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) Client name;
 - (b) Date;
 - (c) Type of call;
 - (d) Number of patients examined;
 - (e) Individual diagnosis;
 - (f) Treatment and drugs used;
 - (g) Drugs dispensed;
 - (h) Lab work and tests;
 - (i) Meat or milk withholdings; and
 - (j) Identification of the veterinarian.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

VE 7.04 Change of name and address. Every veterinarian shall notify the board of a change of name or address within 30 days. Failure of notification may result in the loss of license and may result in a forfeiture under s. 440.11 (3), Stats.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.

VE 7.05 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. Register, September, 1989, No. 405, eff. 10-1-89.

VE 7.055 Reinstatement of a lapsed 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 reinstatement of the credential 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 and fulfillment of the continuing education requirements under s. VE 10.04.

(2) If the licensee applies for renewal of the credential 5 or more years after its expiration, 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 reinstatement 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 province 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

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applicant under this subsection to pass the examination specified under s. VE 3.02 (4).

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94.

VE 7.06 Unprofessional conduct. Unprofessional conduct by a veterinarian is prohibited. Unprofessional conduct includes:

(1) Conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles or skills.

(2) Fraud, gross negligence or deception in the practice of veterinary medicine.

(3) Being convicted of a crime the circumstances of which substantially relate to the practice of veterinary medicine.

(4) Violating or aiding and abetting the violation of any law or administrative rule or regulation substantially related to the practice of veterinary medicine.

(5) 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.

(6) Having a veterinary license or federal veterinary accreditation limited, suspended or revoked, or having been subject to any other discipline or restriction.

(7) 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.

(8) 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. 161, Stats., 1977, except personal use of drugs prescribed by a physician for individual use by the veterinarian.

(9) Prescribing, ordering, dispensing, administering, supplying, selling 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. 161, Stats., except for the treatment of narcolepsy or hyperkinesis 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.

(10) Selling prescription legend animal drugs without establishing and maintaining a valid veterinarian, patient, or client relationship.

(11) 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.

(12) Prescribing, ordering, dispensing, administering, supplying, selling or giving any controlled substance

solely for training or racing purposes and not for a medically sound reason.

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

(14) Failure of the veterinarian to advise the client that the person assisting is a veterinary student.

(15) Failure to maintain records as required by s. VE 7.03.

(16) 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."

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

(18) 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.

(19) 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.

(20) Practicing under an expired license.

(21) Exceeding the scope of veterinary practice, as defined in s. 453.02 (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.

(22) Falsely certifying to the board that the veterinarian is exempt from the requirements of ss. VE 10.03 and 10.04 or falsely certifying that the veterinarian has met certification or continuing veterinary education requirements relating to the use, handling, distribution and disposal of pesticides.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89; cr. (21), Register, September, 1990, No. 417, eff. 10-1-90; cr. (22), Register, February, 1992, No. 434, eff. 3-1-92; am. (6), Register, October, 1993, No. 454, eff. 11-1-93.

VE 7.07 Board action. The board may reprimand the licensee or deny, suspend, limit or revoke the veterinary license of any person to practice veterinary medicine who engages in any of the acts prohibited by s. VE 7.06.

History: Cr. Register, September, 1989, No. 405, eff. 10-1-89.