

CHAPTER 453

VETERINARY EXAMINING BOARD

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

- (1) "Animal" means any animal except a human being.
- (2) "Animal technician" means a person duly certified by the examining board to work under the direct supervision of a licensed veterinarian.
- (4) "Examining board" means the veterinary examining board.
- (5) "Pesticide" has the meaning specified in s. 94.67 (25).
- (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.
- (7) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed by the examining board.

History: 1975 c. 309; 1983 a. 189; 1987 a. 39; 1989 a. 279.

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

453.03 Rules. (1) The examining board shall promulgate rules, within the limits of the definition under s. 453.02 (6), establishing the scope of practice permitted for veterinarians and animal 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, certificate 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 animal technicians in the use, handling, distribution and disposal of pesticides.

History: 1987 a. 39; 1989 a. 279.

453.04 Violations. The chairman of the examining board shall institute actions for violations of this chapter by any person and for violations of ch. 161 or 450 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.

453.05 Practice; penalties. (1) Except as provided under sub. (2), 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.

(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 dogs, cats, horses, pigs, goats, sheep or cattle or for dehorning or branding animals.

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

(d) Certified animal 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. 453.06 (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 shall for the first offense be fined not less than \$25 nor more than \$200, and for any 2nd offense within 3 years be fined not less than \$500 nor more than \$1,000.

History: 1975 c. 309; 1977 c. 418; 1979 c. 337; 1981 c. 125; 1987 a. 39.

Sub (2) (a) does not require license for person to engage in artificial insemination of animals but does require license for persons engaged in pregnancy examinations if they were not engaged in practice prior to February 11, 1968. 78 Atty. Gen. 236.

453.06 Licensure. (1) Except as provided under s. 453.072, veterinary licenses shall be issued only to persons who successfully pass an examination conducted by the examining board and pay the fee specified in s. 440.05 (1). An applicant for an initial license shall be a graduate of a veterinary college which has been approved by the examining board or have successfully completed the educational commission for foreign veterinary graduates certification program of the American veterinary medical association. 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.

(2) Veterinary licenses shall expire on December 31 of each odd-numbered year following issuance. The license renewal fee shall be that specified in s. 440.05 (3) to (5). An expired license may be reinstated and renewed within 2 years of the date of expiration upon payment of the fees specified in s. 440.05 (4) or (5). Reexamination shall be required of a

licensee requesting reinstatement after 2 years of expired status.

(2m) (a) Upon application, the examining board may issue a veterinary faculty license to an employe 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 applicant shall submit evidence that the applicant has successfully completed the national board examination and the clinical competency test, is scheduled to take the national board examination and clinical competency test for the first time, or is awaiting results on the national board examination and clinical competency test. 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 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 permittee may practice veterinary medicine on privately owned animals only within the scope of the permittee'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 permittee's internship or residency program, upon the permittee's failure to take the national board examination or the clinical competency test as scheduled, or upon notification to the permittee that he or she has failed to successfully complete either the national board examination or the clinical competency test.

(3) An animal 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 an animal technician; or

(b) Been an employe 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 an animal technician. The 2-year employment requirement of this paragraph shall include at least 50% 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.

(4) Animal technician certifications shall expire on December 31 of each odd-numbered year following issuance. An expired certificate may be reinstated and renewed within 2 years of the date of expiration upon payment of the fees specified in s. 440.05 (4) or (5). Reexamination shall be

required of an animal technician requesting reinstatement after 2 years of expired status.

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.

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

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

History: 1987 a. 39.

453.07 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 ch. 440 or any federal or state statute or rule which 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 and the rules adopted under s. 440.03 (1), 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, certificate 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.

History: 1987 a. 39; 1989 a. 279.

453.072 Licensees of other jurisdictions. **(1)** Upon application and payment of the fee specified in s. 440.05 (2), the examining board may issue a license to practice veterinary medicine to any person licensed to practice veterinary

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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 specified in s. 440.05 (6), 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.

453.075 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.

453.08 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.