



**VETERINARY EXAMINING BOARD**

**CR 106 Board Room, 2811 Agriculture Drive, Madison, Wisconsin**

**Contact: Matt Tompach (608) 224-5024**

**January 24, 2018**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**9:00 A.M. OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Introductions**

1. Sheila Harsdorf, Secretary
2. Keith Ripp, Assistant Deputy Secretary

**B. Approval of the Agenda**

**C. Approval of Board Meeting Minutes of**

1. October 25, 2017
2. November 2, 2017
3. November 13, 2017
4. November 30, 2017

**APPEARANCE – Department of Agriculture, Trade, and Consumer Protection (DATCP) Office of the Secretary: Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Robert Van Lanen, Regulatory Specialist – Senior; Matt Tompach, Administrative Policy Advisor; Sally Ballweg, License/Permit Program Associate; Kelly Markor, Executive Staff Assistant; Introductions and Discussion.**

**D. Public Comments -** *Each speaker is limited to five minutes or less, depending on the number of speakers. Each speaker must fill out and submit an appearance card to the Board clerk.*

**E. American Association of Veterinary State Boards (AAVSB) Matters – Call for Nominations 2018**

**F. Administrative Items**

1. 2017 Renewal Cycle - Update
2. Election of Officers
  - a) Chair
  - b) Vice Chair
  - c) Secretary
3. Appointment of Liaisons, Alternates, and Delegates
  - a) Education and Exams

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- b) Continuing Education
- c) Legislative
- d) Administrative Rules
- e) Monitoring
- f) Screening Panel
- g) Credentialing Committee

**4. Delegated Authority Motions**

- a) Urgent Matters
- b) Screening Panel
- c) Credentialing Committee
- d) Document Signatures
- e) Monitoring Liaison and Department Monitor

**G. Licensing/Exam Inquiries - Credit for CEs taken prior to the Board signing an Order**

**H. Legislative/Administrative Rule Matters**

- 1. VE 7 – Hearing Draft on Complementary, Alternative and Integrative Therapies (Informational)
- 2. VE 11 – Hearing Draft to create permanent Wis. Admin. Code § VE 11, relating to a Veterinary Professional Assistance Procedure (Informational)
- 3. VE 1 - Final Draft to amend Wis. Admin. Code § VE 1.02 (9), relating to the definition of veterinary medical surgery (Informational)

**I. Scope of Practice**

- 1. WVMA request for guidance on release of rabies vaccination records to a municipality
- 2. Review of archived VEB Position Statements
- 3. When does a common non-veterinary practice (dew claw removal, docking tails, etc.) become a practice that shall be performed by a licensed veterinarian

**J. Future Meeting Dates and Times**

- 1. Screening Committee
- 2. Special Board meeting/conference call on VE 7 and VE 11
- 3. Next Board Meeting – April 18, 2018 (9:00 a.m.)

**K. Future Agenda Items**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).**

**L. Deliberation on Licenses and Certificates**

- 1. L. A. Application

**M. Deliberation on Proposed Stipulations, Final Decisions and Orders**

1. 16 VET 004 LV Full Licensure
2. 16 VET 021 DK Full Licensure
3. 17 VET 007 RB FDO
4. 17 VET 007 Stipulation
5. 17 VET 016 KF FDO
6. 17 VET 016 KF Stipulation
7. 17 VET 021 PL Full Licensure

**N. Review of Veterinary Examining Board Pending Cases Status Report as of January 12, 2018.**

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**O. Open Session Items Noticed Above not Completed in the Initial Open Session**

**P. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate**

**Q. Ratification of Licenses and Certificates**

**ADJOURNMENT**

*The Board may break for lunch sometime during the meeting and reconvene shortly thereafter.*

**October 25, 2017**



## VETERINARY EXAMINING BOARD

### MEETING MINUTES

Wednesday, October 25, 2017

**PRESENT:** Philip Johnson, D.V.M., Robert Forbes, D.V.M., Lisa Weisensel Nesson, D.V.M., Bruce Berth, Sheldon Schall, Diane Dommer Martin, D.V.M., Dana Reimer C.V.T., Kevin Kreier, D.V.M.,

**STAFF:** Department of Agriculture, Trade, and Consumer Protection (DATCP): Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Matt Tompach, Administrative Policy Advisory; Sally Ballweg, License/Permit Program Associate; Robert Van Lanen, Regulatory Specialist – Senior; Kelly Markor, Executive Staff Assistant.

### CALL TO ORDER

Philip Johnson, Chair, called the meeting to order at 9:01 am. A quorum of eight (8) members was confirmed.

### APPROVAL OF THE AGENDA

**MOTION:** Sheldon Schall moved, seconded by Kevin Kreier, to approve the Agenda. Motion carried unanimously.

### APPROVAL OF THE BOARD MEETING MINUTES OF THE JULY 27, 2017 MEETING

**MOTION:** Dana Reimer moved, seconded by, Robert Forbes, to approve the minutes from the Wednesday, July 27, 2017 VEB meeting. Motion carried unanimously.

### PUBLIC COMMENTS

#### Chrystal Seeley-Schreck, Wisconsin Technical College System (WTCS)

Chrystal Seeley-Schreck, Education Director, Agriculture, Natural Resources, & STEM, Wisconsin Technical College System (WTCS) introduced herself to the Board and gave a brief overview of the WTCS vet tech programs. WTCS is interested in current trends in vet tech credentialing and how the system may best respond to those trends.

#### VE 1 and VE 7 – Final Draft

The following individuals submitted written comments to the Board in opposition to the proposed VE 1 and VE 7 – Final Draft to amend Wis. Admin. Code VE 1.02 (9), relating to the definition of veterinary medical surgery and VE 7.02 (4), relating to delegation of veterinary medical acts:

Dan Gander, D.V.M.

Scott Armbrust, D.V.M.

Brent Beck, D.V.M.

Ashley Swenson, D.V.M.

Board, American Embryo Transfer Association

Mitch Bruenig, Mystic Valley Dairy

David Duxbury, D.V.M.  
Gary Janssen, Golden Oaks Farm  
Michael Kieler, D.V.M.  
Tom Kestell, Ever-Green-View Farms  
Chester Rawson, D.V.M.  
John Schneller, D.V.M.  
Dagmara Schroeder, D.V.M.  
Greg Schueller, D.V.M.  
Bob Steiner, D.V.M.  
Byron Williams, D.V.M.

Jordan Lamb, representing the Wisconsin Veterinary Medical Association (WVMA) appeared before the Board requesting changes to narrow the rule language and limit CVTs to performing certain assisted reproductive technologies (ART) on livestock while keeping other procedures within the practice of veterinary medicine.

Greg Schueller, D.V.M., representing Sunshine Genetics and the American Embryo Transfer Association, also appeared before the Board in opposition to the rule as currently drafted and answered questions from members about ART.

Harry Momont, D.V.M., representing the School of Veterinary Medicine at the University of Wisconsin at Madison, appeared before the Board to express concerns the rule changes would discourage people from entering the practice of veterinary medicine.

Craig Carncross, a dairy producer, appeared before the Board in opposition to the rule as currently drafted.

#### **Other Comments**

Jordan Lamb, representing WVMA, also appeared before the Board to inquire about state law relating to the release of rabies vaccination records to a municipality. The Board directed VEB staff to review the issue and place it on a future meeting agenda.

Howard Ketover, D.V.M., appeared before the Board to discuss rules and statues governing access to veterinary medical records for new owners when an animal transfers ownership.

### **ADMINISTRATIVE ITEMS**

#### **2017 Renewal Cycle**

Matt Tompach updated members on the progress of 2017 veterinary credential renewals, the first renewal cycle under DATCP. So far, 1,303 individuals have renewed their credentials. The renewal deadline is December 31, 2017.

#### **Late Processing of Renewals/Expired Licenses**

Robert Forbes moved, seconded by Sheldon Schall, that in case of potential delays in processing veterinary credential renewals during this first renewal cycle under DATCP, the Board will exercise its discretion under VE 7.07 Wisconsin Administrative Code to take no disciplinary action *for failure to renew* against those veterinarians and veterinary technicians whose credentials expire on Dec. 31, 2017 and complete the renewal process with reasonable expediency. Motion carried unanimously.

#### **Request Expungement of Order – Mark Hein, D.V.M.,**

Sheldon Schall moved, seconded by Kevin Kreier, to expunge the Board order approved at the April 26, 2017, meeting against Dr. Mark A. Hein (16 VET 036) for falsely certifying completion of 30 CE hours over the 14-15

licensing period. An administrative warning will be given to keep records accessible by the Board in a timely manner. Motion carried unanimously.

### **Request Waiver of 2016 – 2017 CE Requirement - Dr. Dean Peterson**

Robert Forbes moved, seconded by Kevin Kreier that the Board exercise its authority under VE 10.02 (4) and waive the continuing education requirement of Dr. Dean Peterson, D.V.M. for the 2016-17 licensing period due to a long term illness. Motion carried unanimously.

## **SCOPE OF PRACTICE INQUIRIES**

### **For-Fee Class Presentations by CVT**

The Board discussed an inquiry from a CVT interested in putting on classes for the public at the veterinary clinic. Dr. Johnson had initially reviewed the request and questioned whether the course may constitute the practice of veterinary medicine due to the \$25 cost, and whether a licensed veterinarian should be present at the course.

The Board requested additional information on: the level of certification the CVT instructor had for the topics in the course; the level of supervision by a veterinarian; and, whether the \$25 fee would go to the CVT or the clinic.

### **CVT Submitting Lab Work Requests**

The Board discussed an inquiry to staff relating to lab work orders going out under the name of a CVT. The practice's system submits lab work requests under the name of the CVT who physically inputs the order. Therefore, it may appear that the CVT - rather than the D.V.M. - is ordering diagnostics and practicing veterinary medicine in violation of state law.

Board members agreed with Dr. Johnson (who initially reviewed the inquiry) that, as long as the practice keeps its written medical records up to date and indicate the D.V.M. who requested the tests, the clinic would be in compliance. However, members also agreed that the practice may wish to consider changing its system so that it clearly indicates the D.V.M. requesting the tests.

## **LEGISLATIVE/ ADMINISTRATIVE RULE MATTERS**

### **Discussion of Wis. Stat. s. 89.075, Access to Health Care Records**

At the July 26, 2017 VEB meeting, Lisa Weisensel Nesson requested that a discussion of Wis. Stat. s. 89.075, Access to Health Care Records, be included on the October meeting agenda. Board members discussed issues relating to animal identification requirements and the burden of proof of ownership. The Board also discussed educating the public on the health records and that they are transferable. The Board discussed initiating a rule-making process for 89.075 to clarify the law.

**MOTION:** Lisa Weisensel Nesson moved, seconded by Diane Dommer Martin, to affirm the Board's long-standing interpretation that the language in 89.075 means that "the owner of any animal patient of a veterinarian" is the owner that has the current VCPR with the veterinarian. Motion carried unanimously.

Cheryl Daniels requested the Board revisit the health care records topic after Dr. Yvonne Bellay, DATCP Human Officer, provided documentation of a DSPS interpretation that contravenes the Board's motion.

**MOTION:** Lisa Weisensel Nesson moved, seconded by Diane Dommer, to table the affirmation vote until the next VEB meeting. Motion carried unanimously.

**VE 1 and VE 7 – Final Draft to amend Wis. Admin. Code VE 1.02 (9), relating to the definition of veterinary medical surgery and VE 7.02 (4), relating to delegation of veterinary medical acts**

**MOTION:** Bruce Berth moved, seconded by Dana Reimer, to strike number 1.02 (9) (b) (7) in its entirety. In addition the Board will amend 7.02(4) (h) to say “Performing embryo implantation on livestock.” Motion carried unanimously.

**MOTION:** Kevin Kreier moved, seconded by Dana Reimer, to approve the Final Draft as amended for VE 1 and VE 7. Motion carried unanimously.

**LRB – 4123 and LRB-4291: Proposals updating veterinary statutes – informational**

For informational purposes, members reviewed and discussed legislative proposals to update Wisconsin statutes specific to veterinarians and artificial insemination. Under current law, non-veterinarians are allowed to perform artificial insemination procedures. These bills would add the updated nomenclature of “Assisted Reproductive Technologies” to that, but specify that these procedures be performed by a certified veterinary technician under the direct supervision of a veterinarian.

The Board adjourned for lunch at 12:05 p.m.

The Board reconvened at 12:30 pm.

**VE 1 and 7 – Approval of Draft for Hearing, via Complementary, Alternative and Integrative Therapies Rules Advisory Committee Meeting of July 12, 2017**

**MOTION:** Robert Forbes moved, seconded by Sheldon Schall, to send the draft of VE 1 and VE 7 to public hearing. Motion carried unanimously.

**VE 11 – Emergency and Permanent Scope Statements to create Wis. Admin Code VE 11, relating to a Professional Assistance Procedure – Informational**

Cheryl Daniels briefed members on language for emergency and permanent scope statements creating ch. VE 11 (Professional Assistance Procedure), as well as the rule-making processes associated with them.

The Board requested a meeting by conference call at 9:30am on November 2, 2017 to approve the emergency and permanent scope statements.

**AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB) ANNUAL MEETING, SEPTEMBER 14 -16, 2017, SAN ANTONIO, TX**

Philip Johnson and Robert Forbes, who served as VEB delegates, reviewed for members issues discussed at the 2017 AAVSB Meeting September 14-16 in San Antonio, TX.

**BOARD MEMBER REPORTS**

No reports



## **FUTURE MEETING DATES**

### **Board Meetings for 2017**

November 2, 2017

### **Screening Committee Meeting Dates for 2017**

Wednesday, November 29, 2017 at 9:00 am

### **Board Meeting Dates for 2018**

January 24, 2018

April 18, 2018

July 25, 2018

November 7, 2018

## **FUTURE AGENDA ITEMS**

The Board directed staff to place the following issues on a future meeting agenda:

State law relating to the release of rabies vaccination records to a municipality.

Animal ownership and access to veterinary records.

Bull soundness exams and the practice of veterinary medicine.

## **CLOSED SESSION MOTION**

**MOTION:** Lisa Weisensel Nesson moved seconded by Robert Forbes, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Philip Johnson read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Forbes -yes; Diane Dommer -yes; Kevin Kreier -yes; Lisa Weisensel Nesson -yes; Sheldon Schall -yes; Bruce Berth -yes; Dana Reimer -yes; Philip Johnson -yes; Motion carried unanimously.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Sheldon Schall moved seconded by Dana Reimer, to reconvene to open session. Motion carried unanimously. The Board reconvened at 2:08.

**MOTION:** Lisa Weisensel Nesson moved seconded by Kevin Kreier, to accept the finding of fact, conclusions of law and orders in the matter of disciplinary proceedings against John Thomsen, 16 VET 042, Paul Lindstrom, 17 VET 021, Deena Grimm, D.V.M., 16 VET 013 and Randall Peabody, D.V.M., 16 VET 018. Motion carried unanimously (Absent - Robert Forbes).

**MOTION:** Diane Dommer moved, seconded by Dana Reimer, to delegate ratification of examination results to DATCP staff and to ratify all licenses and certificates as issued. Motion carried unanimously (Absent - Robert Forbes).

### **ADJOURNMENT**

**MOTION:** Dana Reimer moved, seconded by Bruce Berth, to adjourn. Motion carried unanimously (Absent - Robert Forbes).

The meeting adjourned at 2:10 pm.

DRAFT

**November 2, 2017**



## VETERINARY EXAMINING BOARD

### MEETING MINUTES

Thursday, November 2, 2017

**PRESENT:** Robert Forbes, D.V.M., Philip Johnson, D.V.M., Kevin Kreier, D.V.M., Dana Reimer C.V.T., Sheldon Schall, Lisa Weisensel Nesson, D.V.M., Diane Dommer, D.V.M. (Absent: Bruce Berth)

**STAFF:** Department of Agriculture, Trade, and Consumer Protection (DATCP): Cheryl Daniels, DATCP Attorneys; Matt Tompach, Administrative Policy Advisory; Kelly Markor, Executive Staff Assistant.

### CALL TO ORDER

Philip Johnson, Chair, called the meeting to order at 9:30 a.m. A quorum of seven (7) members was confirmed.

### LEGISLATIVE/ ADMINISTRATIVE RULE MATTERS

**VE 11 – Emergency and Permanent Scope Statements to create Wis. Admin Code VE 11,**

**MOTION:** Lisa Weisensel Nesson moved, seconded by Kevin Kreier, to approve the emergency and permanent scope statements to create Wis. Admin Code VE 11. Motion carried unanimously.

#### **Tentative Date for VE 11 Emergency Rule approval**

The Board discussed meeting via conference call on November 13<sup>th</sup> at 9:00 to approve the emergency rule

#### **Tentative Date for VE 11 Permanent Rule Hearing Draft approval**

The Board also discussed holding a conference call at 9:30 a.m. on November 30, 2017 to consider the VE 11 permanent rule draft for public hearing.

### ADJOURNMENT

**MOTION:** Robert Forbes moved, seconded by Dana Reimer, to adjourn. Motion carried unanimously.

The meeting adjourned at 9:42 .am.

**November 13, 2017**



## VETERINARY EXAMINING BOARD

### MEETING MINUTES

Monday, November 13, 2017

**PRESENT:** Robert Forbes, D.V.M., Philip Johnson, D.V.M., Kevin Kreier, D.V.M., Sheldon Schall, Lisa Weisensel Nesson, D.V.M., Diane Dommer Martin, D.V.M. (Absent: Bruce Berth, Dana Reimer C.V.T.)

**STAFF:** Department of Agriculture, Trade, and Consumer Protection (DATCP): Cheryl Daniels, DATCP Attorneys; Matt Tompach, Administrative Policy Advisor.

### CALL TO ORDER

Philip Johnson, Chair, called the meeting to order at 9:00 a.m. A quorum of six (6) members was confirmed

### LEGISLATIVE/ ADMINISTRATIVE RULE MATTERS

**VE 11 – Emergency Rule draft to create Wis. Admin. Code § VE 11, relating to a Veterinary Professional Assistance Procedure - Board approval for publication**

**MOTION:** Lisa Weisensel Nesson moved, seconded by Kevin Kreier, to approve for publication the VE 11 – Emergency Rule draft to create Wis. Admin. Code § VE 11, relating to a Veterinary Professional Assistance Procedure. Motion carried unanimously.

### Tentative Date for VE 11 Permanent Rule Hearing Draft approval

The Board also discussed holding a conference call at 9:30 a.m. on November 30, 2017 to consider the VE 11 permanent rule draft for public hearing.

### ADJOURNMENT

**MOTION:** Sheldon Schall moved, seconded by Diana Dommer Martin, to adjourn. Motion carried unanimously.

The meeting adjourned at 9:15 a.m.

**November 30, 2017**



## VETERINARY EXAMINING BOARD

### MEETING MINUTES

Thursday, November 30, 2017

**PRESENT:** Robert Forbes, D.V.M., Philip Johnson, D.V.M., Kevin Kreier, D.V.M., Sheldon Schall, Lisa Weisensel Nesson, D.V.M., Diane Dommer Martin, D.V.M. (Absent: Bruce Berth, Dana Reimer C.V.T.)

**STAFF:** Department of Agriculture, Trade, and Consumer Protection (DATCP): Cheryl Daniels, DATCP Attorneys; Matt Tompach, Administrative Policy Advisor.

### CALL TO ORDER

Philip Johnson, Chair, called the meeting to order at 9:30 a.m. A quorum of six (6) members was confirmed

### LEGISLATIVE/ ADMINISTRATIVE RULE MATTERS

**VE 11 – Permanent Rule to create Wis. Admin. Code § VE 11, relating to a Veterinary Professional Assistance Procedure - Board approval for public hearing**

**MOTION:** Lisa Weisensel Nesson moved, seconded by Kevin Kreier, to approve for public hearing the VE 11 – Permanent Rule draft to create Wis. Admin. Code § VE 11, relating to a Veterinary Professional Assistance Procedure. Motion carried unanimously.

### Tentative Dates for VE 11 and VE 7 Permanent Rule Public Hearings

The Board also discussed tentative public hearing dates and locations for VE 11 and the VE 7 draft rule (Complimentary, Alternative and Integrative Therapies) approved for hearings at the October 25, 2017 VEB meeting.

### ADJOURNMENT

**MOTION:** Robert Forbes moved, seconded by Lisa Weisensel Nesson, to adjourn. Motion carried unanimously.

The meeting adjourned at 9:45 a.m.



# **American Association of Veterinary State Boards (AAVSB) Matters – Call for Nominations 2018**

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Matt Tompach		<b>2) Date When Request Submitted:</b>  January 5, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>	
<b>3) Name of Board, Committee, Council, Sections:</b>  VEB			
<b>4) Meeting Date:</b>  January 24, 2018	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  American Association of Veterinary State Boards (AAVSB) Matters – Call for Nominations 2018	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  <p style="text-align: center;">The Board will review the process and deadlines for nominating candidates to leadership positions within AAVSB. The Board may also consider nominations for those positions.</p>			
<b>11) Authorization</b>			
<b>Matt Tompach</b>		<b>January 5, 2018</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



## MEMORANDUM

**To:** AAVSB® Member Board Executive Directors for distribution to Board Members  
**From:** AAVSB Nominating Committee - Dr. Kim Riker-Brown, Elected Member and Chair  
Dr. John Lawrence, Appointed Member  
Dr. Tod Schadler, Elected Member  
**Date:** December 14, 2017  
**Subject:** Call for Nominations for Upcoming Open Positions – **Due May 17, 2018**

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Each year, the Nominating Committee of the AAVSB sends out a *Call for Nominations* to provide Member Boards information regarding the open elected positions and to request nominations. The Nominating Committee is charged with preparing a ballot of candidates for all elected positions to be filled. This process is vital to the AAVSB's ability to carry out its mission.

The Committee asks that you distribute the enclosed information to your Board Members and encourage them to nominate qualified candidates for leadership positions within the AAVSB. We have included information to assist you and your Board with the nomination process as described in the steps below:



The complete nomination packet must include three parts:

1. A completed Nominating Form,
2. A brief biography (see Requested Biographical Information page), and
3. A statement from the nominator indicating the rationale for the nomination.

Prior to submitting a nomination packet, the Committee asks you to confirm that the candidate is willing to accept a nomination. **The Nomination Packet can be submitted online or by email, fax or mail. Please visit [www.aavsb.org/nominations](http://www.aavsb.org/nominations) to access the online form. When using the online form, please have the bio and statement ready to upload.**

**Packets must be received in the AAVSB office by May 17, 2018.**

The 2018 AAVSB Annual Meeting is being held **September 13-15, 2018 in Washington, DC**. The Delegates will vote on the candidates during the Annual Meeting.

*Should you have any questions or need additional information, please contact Ms. Daphne Tabbytite, staff contact for the Nominating Committee, at [dtabbytite@aavsb.org](mailto:dtabbytite@aavsb.org) or 1-877-698-8482 ext. 223.*



## American Association of Veterinary State Boards

### Information on Board of Directors Elected Positions for 2018-2019

#### **Current 2017-2018 AAVSB® Board of Directors**

Immediate Past President:	Frank Walker, DVM from North Dakota
President:	Mark Olson, DVM from Kansas
President-Elect:	Michael Gotchey, DVM from Colorado
Treasurer:	Chris Runde, DVM from Maryland
Director:	Vito DelVento, DVM from District of Columbia
Director:	Kim Gemeinhardt, DVM from North Carolina
Director:	Leslie Knachel, Executive Director from Virginia
Director:	Timothy Kolb, DVM from Ohio
Director:	Larry McTague, DVM from Oklahoma
Director:	Roger Redman, DVM from Ohio

#### **Upcoming 2018-2019 AAVSB Board of Directors**

Immediate Past President:	Mark Olson, DVM
President:	Michael Gotchey, DVM
President-Elect:	<u>                    OPEN                    </u> (3-year commitment)
Treasurer:	Chris Runde, DVM from Maryland <i>(Dr. Runde is currently serving the first year of a first 2-year term)</i>
Director:	<u>                    OPEN                    </u> (2-year term) <i>(Dr. Vito DelVento is currently serving the second year of a first 2-year term and is eligible for nomination to a second term.)</i>
Director:	<u>                    OPEN                    </u> (2-year term) <i>(Dr. Larry McTague is currently serving the second year of a first 2-year term and is eligible for nomination to a second term.)</i>
Director:	<u>                    OPEN                    </u> (2-year term) <i>(Dr. Roger Redman is eligible to be nominated to an Officer position.)</i>
Director:	Kim Gemeinhardt, DVM <i>(Dr. Gemeinhardt is currently serving the first year of a second 2-year term)</i>
Director:	Leslie Knachel <i>(Ms. Knachel is currently serving the first year of a second 2-year term)</i>
Director:	Timothy Kolb, DVM <i>(Dr. Kolb is currently serving the first year of a first 2-year term)</i>

James T. Penrod, CAE, FASLA, as Executive Director serves as Secretary and as an ex-officio non-voting member of the Board of Directors.

## **Overview**

The AAVSB Board of Directors is a body of elected Directors which govern the Association and provide the strategic plan for the future of the Association.

## **Bylaws Specifications (Article VII)**

The AAVSB Bylaws prescribe the authority, composition, and election of the Board of Directors which are described below.

### ***Authority***

*The Board of Directors shall manage the affairs of the Association, including the establishment of an annual budget for the Association and the transaction of all business for and on behalf of the Association as authorized under these Bylaws. The Board of Directors shall carry out the resolutions, actions, or policies as authorized by the Delegates, subject to the provisions of the Association Articles of Incorporation and Bylaws.*

### ***Composition***

*There shall be ten (10) members of the Board of Directors including four (4) Officers and six (6) Directors at Large. The Officers shall be identified as President, President-Elect, Immediate Past President and Treasurer. The Officers and Directors at Large are collectively referred to as the Board of Directors. The Officers may, at times be collectively referred to as the Executive Committee. Notwithstanding any other provisions of these Bylaws, the Board of Directors shall be comprised of at least six Licensed Veterinarians and one Affiliate Member. The Executive Director shall serve as Secretary and as an ex-officio non-voting member of the Board of Directors.*

### ***Qualifications***

#### ***a. Officers***

*To be eligible to serve as an Officer, a candidate shall when nominated and elected be currently serving on the Board of Directors, be a Delegate, Alternate Delegate, or be a member of a Member Board.*

#### ***b. Directors at Large***

*To be eligible to serve as a Director at Large, a candidate shall when nominated be a Delegate, Alternate Delegate, member of a Member Board or have served as a member of a Member Board as of June 1st of the year preceding the election year.*

*With the exception of the Affiliate Member, if a Director ceases to meet eligibility criteria stated above, such Board of Director member shall, after completion of the current term, be eligible to serve one additional term on the Board of Directors. In the event the Affiliate Member ceases to meet eligibility criteria, there shall be an immediate vacancy filled pursuant to these Bylaws.*

### ***Elections***

*The Board of Directors shall be elected at the Annual Delegate Assembly of the Association by the Delegates, either from nominations submitted by the Nominating Committee, or by nominations from the floor. Each Director shall assume office at the close of the Annual Delegate Assembly at which the member is elected and shall serve as specified in these Bylaws or until a successor is elected.*

### ***Terms of Office***

*For purposes of these Bylaws, the offices of Immediate Past President, President, and President-Elect shall be considered one (1) term. The terms of the Board of Directors shall be as follows:*

- a. Immediate Past President. The Immediate Past President shall serve a one (1) year term automatically following the term as President. The Immediate Past President shall only vote on matters before the Board of Directors to break a tie.*
- b. President. The President shall serve a one (1) year term automatically following the term as President-Elect. In the event of a vacancy, the President-Elect shall succeed to the Presidency to fill the unexpired term and may, thereafter, complete the President's term.*
- c. President-Elect. A President-Elect shall be elected at the Annual Delegate Assembly to serve a one (1) year term and shall automatically succeed to the office of President and, thereafter, the office of Immediate Past President. Thus, the President-Elect office is a three (3) year commitment, one year as President-Elect, one year as President, and one year as Immediate Past President and is limited to one elected term. In the event of a vacancy, the President in consultation with the Board of Directors may appoint the office of President-Elect. In any event and under these circumstances, at the next Annual Delegate Assembly, there shall be an election for both President and President-Elect.*
- d. Treasurer. A Treasurer shall be elected at the Annual Delegate Assembly to serve a term of two (2) years. In the event of a vacancy, the Treasurer position shall be appointed by the President in consultation with the Board of Directors until the next Annual Delegate Assembly at which time an election shall be held. The Treasurer shall serve no more than two (2) consecutive terms.*
- e. Directors at Large. Directors at Large shall be elected at the Annual Delegate Assembly to serve two (2) year terms. In the event of a vacancy, the President in consultation with the Board of Directors shall appoint the Director at Large position until the next Annual Delegate Assembly at which time an election shall be held to fill the unexpired term. Directors at Large shall serve no more than two (2) consecutive terms.*
- f. No member of the Board of Directors shall hold more than one seat on the Board of Directors at any time. Any person appointed or elected to fill an unexpired term of less than one year for Treasurer or Director at Large may be eligible for election to the same position for two additional consecutive terms after completion of the unexpired term. If the unexpired term is more than one year, the person may be eligible for one additional consecutive term.*

### **Responsibilities**

- Governs and sets the course for the AAVSB's future.
- Ensures the overall strength and health of the AAVSB.
- Hires, supports and develops the chief executive to lead and manage the AAVSB into the future.
- Ensures the availability of adequate resources and the long term financial stability of the AAVSB.
- Develops, supports and maintains focus on the strategic objectives and priorities.
- Is committed to the mission and goals of the AAVSB.
- Approves annual budgets, audit, and Form 990, and assesses the performance of the chief executive.
- Stays informed and supportive of the governing documents of the organization, e.g. Articles of Incorporation, Bylaws, policies, strategic plan, and budget.
- Attends Board of Director meetings, planning meetings, and assigned committee and/or task force meetings.
- Prepares for all meetings and seeks opportunities to expand knowledge about the organization.

- Understands the current budget, financial statements, strategic plan, policies, Board of Directors agenda and materials.
- Accepts the legal duties of loyalty and care while serving as a director and complies with applicable laws, regulations, bylaws, policies and code of conduct.
- Assesses the value of the AAVSB's programs and services.
- Understands that all power rests with the full Board of Directors, not individual directors.
- Performs the functions and work of the Board of Directors to the best of one's ability, regularly self-evaluates personal performance on the Board of Directors and determines needs for improvement, and resigns from the Board of Directors when no longer able to support the mission or devote the necessary time.
- Shares wisdom and insights to help the Board of Directors make good decisions and policy.

**Expected Time Commitment – Approximately 150 hours per year**

- Prepares for and participates in monthly conference calls with 1 hour of preparation and 1.5 hours of participation per call.
- Meets in January each year for 2-3 days of meetings with 2 hours of preparation time plus travel time.
- Meets in June each year for 2-3 days of meetings with 2 hours of preparation time plus travel time.
- Meets at and attends the Annual Meeting in September for 4 days of meetings with 2 hours of preparation time plus travel time.
- Frequent opportunities to attend AVMA meetings, ICVA Board meetings, or special assignments which take approximately 2 days each.
- Additional time may be required if assigned as a liaison to a committee; the amount of additional time is dependent on the specific committee.
- Additional time is required of the Officers of the Board of Directors.



## American Association of Veterinary State Boards

### Information on Nominating Committee Elected Position for 2018-2019

#### **Current 2017-2018 Nominating Committee**

John Lawrence, DVM from Minnesota (appointed position)

Kimberly Riker-Brown, DVM from Ohio (elected position)

Tod Schadler, DVM from North Carolina (elected position)

#### **Upcoming 2018-2019 Nominating Committee**

Each year the President of AAVSB shall appoint a third member of the Committee. Currently, Dr. Lawrence is serving in this position.

**OPEN** (2-year term)

*(Dr. Kim Riker-Brown is not eligible for nomination as is currently completing the second year of a 2-year term)*

Tod Schadler, DVM

*(Dr. Schadler is currently serving first year of 2-year term)*

#### **Overview**

The overall role of the Nominating Committee is to review nominations and confirm eligibility of nominees from AAVSB Member Boards for the open elected positions.

#### **Bylaws Specifications (Article X, Section 1 and Article IX, Section 3)**

The AAVSB Bylaws prescribe the role, number of members, method of appointment, composition and terms of office of the Nominating Committee which are described below.

##### ***Role***

*The Nominating Committee shall review the qualifications of the applicants, verify sponsors and references on all applications submitted, and shall submit to the Member Boards at least thirty (30) days before the Annual Delegate Assembly, a ballot containing candidates for each position on the Board of Directors, the Nominating Committee and the National Board of Veterinary Medical Examiners to be filled. The ballot shall contain the names of all candidates who have been found to be eligible and their applications verified as accurate by the Nominating Committee. In determining the slate of candidates for the Board of Directors, the Nominating Committee shall make every effort to ensure at least a majority of Members at Large are currently members of Member Boards. Persons serving on the Nominating Committee shall be ineligible to be on the ballot or elected to any position within the Association within their elected term.*

***Number of Members:*** Three members.



### ***Elections and Qualifications***

*Two of the three Committee members are elected at the Annual Delegate Assembly by a plurality of votes, either from nominations submitted by the Nominating Committee or by nominations from the floor. Prior to nomination, the elected members to the Committee must have attended at least one Delegate Assembly meeting. At the time of nomination and election, candidates for the Committee must be a Delegate or Alternate Delegate, a member of a Member Board, a current Associate Member, or a chairperson of an Association committee. The President shall appoint the third member of the Committee and name the chair of the Committee.*

### ***Terms of Office***

*The terms of the elected members are two (2) years. The President shall appoint a third member of the Committee whose term will be one (1) year. Nominating Committee members may not serve consecutive terms, but are eligible for reelection consistent with this Article X, Section 1. The President shall name the chair of the Committee. In the event of a vacancy, the President in consultation with the Board of Directors shall appoint the Nominating Committee member until the next Annual Delegate Assembly at which time an election shall be held to fulfill the unexpired term.*

### **Responsibilities**

- Prepares a Call for Nominations for the Member Boards which includes a nomination form and information on the open positions.
- Receives nominations from Member Boards for open positions 120 days prior to the upcoming Annual Delegate Assembly.
- Reviews nominations received and possibly distribute a questionnaire to nominees.
- Develops a ballot of candidates for mailing to Member Boards 30 days prior to Annual Delegate Assembly.

### **Expected Time Commitment – **Approximately 12 hours per year****

- Participates in 4 conference calls with 1 hour for preparation time and 1 hour for participation per call.
- Meets in September at Annual Meeting for 1 hour meeting plus travel time.
- Additional time is required of the Committee Chair.



# American Association of Veterinary State Boards

## Information on Representatives to the ICVA Elected Positions for 2018-2019

### **Current 2017-2018 AAVSB Representatives to the ICVA**

Jon Betts, DVM from Oregon (Licensed Veterinarian)

Kathy Bowler from California (Public Member)

Bruce Louderback, DVM from Colorado (Licensed Veterinarian)

Helen Tuzio, DVM from New York (Licensed Veterinarian)

### **Upcoming 2018-2019 AAVSB Representatives to the ICVA**

**OPEN** (Licensed Veterinarian position; 3-year term)

*(Dr. Jon Betts is currently serving the third year of second 3-year term and is eligible for nomination to a third term.)*

**OPEN** (Public Member position; 3-year term)

*(Ms. Kathy Bowler is currently serving the third year of first 3-year term and is eligible for nomination to a second term.)*

Bruce Louderback, DVM

*(Dr. Louderback is currently serving the second year of a second 3-year term)*

Helen Tuzio, DVM

*(Dr. Tuzio is currently serving the first year of first 3-year term)*

### **Bylaws Specifications (Article IX)**

The AAVSB Bylaws prescribe the composition, duties, election, qualifications and terms as described below.

#### ***Composition***

*There shall be a minimum of four AAVSB representatives to the International Council of Veterinary Assessment (ICVA).*

#### ***Duties***

*The Representatives shall attend all meetings of the ICVA and shall report to the AAVSB Board of Directors following each ICVA or subcommittee meeting. The Representatives shall present the consensus opinions of the Association at such meetings and shall not vote in conflict with the AAVSB Bylaws.*

#### ***Election***

*Delegates at the Annual Delegate Assembly shall elect the Representatives at the Annual Delegate Assembly of the Association either from nominations submitted by the Nominating Committee or by nomination from the floor. Each Representative shall assume his or her responsibilities at the close of the Annual Delegate Assembly at which elected and shall serve as specified in these Bylaws or until a successor is elected and qualified.*

***Qualifications***

- *Three representatives must, when nominated and elected, be Licensed Veterinarians currently practicing in public or private practice and be either (i) a member of a Member Board, or (ii) have been a member of the AAVSB Board of Directors within the previous year, or (iii) have been a member of the ICVA within the previous year, or (iv) be a current Associate Member.*
- *One Representative must, when nominated and elected, be a Public Member and be either (i) a member of a Member Board, or (ii) have been a member of the AAVSB Board of Directors within the previous year, or (iii) have been a member of the ICVA within the previous year, or (iv) be a current Associate Member.*

***Terms***

*Representatives can be eligible for three 3-year terms.*

**Expectations**

Please contact the AAVSB office for additional information on the AAVSB representatives to the ICVA.



# American Association of Veterinary State Boards

Nominating Form for 2018-2019

### Nominating Process

Please return one nomination packet for each candidate being nominated. The nomination packet should include all of the following:

1. Completed nominating form,
2. Completed biographical information, and
3. Statement from the nominator indicating the rationale for the nomination.

*Please note: The bio and statement will be distributed to the AAVSB Member Boards.*

**SUBMIT BY MAY 17, 2018**

ONLINE: <http://bit.ly/2AEQSeR>

EMAIL: [dtabbytite@aavsb.org](mailto:dtabbytite@aavsb.org)

FAX: (816) 931-1604

MAIL: AAVSB

Attention: Nominating Committee

380 West 22nd Street, Suite 101

Kansas City, MO 64108

### 2018-2019 Open Positions

Indicate the position for the nominated candidate.

- President-Elect (1 position)
- Director (3 positions)
- Nominating Committee Member (1 position)
- ICVA Representative (2 positions - 1 Licensed Veterinarian and 1 Public Member)

### Nominated Candidate Information

Name: \_\_\_\_\_ State or Province: \_\_\_\_\_

Board Member    *Term began:* \_\_\_\_\_    *Current term expires:* \_\_\_\_\_

*Eligible for re-appointment: Yes / No*

*(Provide explanation on separate page if candidate's term has expired, but is still serving on Board)*

### **Check all that apply:**

- Board Administrator
- AAVSB Associate Member
- Delegate or Alternate Delegate
- Current AAVSB Board of Director
- AAVSB Committee Chairperson
- Current ICVA Representative

Phone Numbers and e-mail, if available:

Work: \_\_\_\_\_ Cell: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Nominated By

Member Board Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact Phone # and Email: \_\_\_\_\_

→ **Return or complete online by May 17, 2018** ←



## American Association of Veterinary State Boards

### Requested Biographical Information

The following biographical information should be provided for each nominee. The information should not exceed two pages.

- Candidate's Name
- Position Nominated
- Member Board Experience and Roles Served
- Experience with the AAVSB and Roles Served
- Other Affiliations
- Work History
- Education
- Leadership Positions Held

# Election of Officers

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Matt Tompach		<b>2) Date When Request Submitted:</b>  January 5, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>	
<b>3) Name of Board, Committee, Council, Sections:</b>  VEB			
<b>4) Meeting Date:</b>  January 24, 2018	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Election of Officers Appointment of Liaisons, Alternates, and Delegates	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>Describe the issue and action that should be addressed:</b>  The Board shall elect 2018 officers: Chair, Vice Chair, and Secretary.  The Board shall consider the following 2018 liaison appointments by the Chair: <ul style="list-style-type: none"> <li>a) Education and Exams</li> <li>b) Continuing Education</li> <li>c) Legislative</li> <li>d) Administrative Rules</li> <li>e) Monitoring</li> <li>f) Screening Panel</li> <li>g) Credentialing Committee</li> </ul>			
<b>Matt Tompach</b>		<b>January 5, 2018</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

## 2017 VEB Officers and Liaisons

2017 ELECTION RESULTS	
Board Chair	Philip Johnson
Vice Chair	Robert Forbes
Secretary	Diane Dommer Martin

2017 LIAISON APPOINTMENTS	
Education and Exams Liaison	Lisa Weisensel Nesson <i>Alternate: Sheldon Schall</i>
Continuing Education Liaison	Philip Johnson <i>Alternate: Sheldon Schall</i>
Legislative Liaison	Bruce Berth <i>Alternate: Kevin Kreier</i>
Administrative Rules Liaison	Diane Dommer Martin <i>Alternate: Kevin Kreier</i>
Monitoring Liaison	Lisa Weisensel Nesson <i>Alternate: Kevin Kreier</i>
Screening Panel	Sheldon Schall, Robert Forbes, Diane Dommer Martin and Dana Reimer
Credentialing Panel	Lisa Weisensel Nesson, Diane Dommer Martin and Philip Johnson



# Delegated Authority Motions

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Matt Tompach		2) Date When Request Submitted:  January 5, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>	
3) Name of Board, Committee, Council, Sections:  VEB			
4) Meeting Date:  January 24, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Delegated Authority Motions	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  The Board shall consider annual delegated authority motions relating to the following areas: <ul style="list-style-type: none"> <li>a. Urgent Matters</li> <li>b. Screening Panel</li> <li>c. Credentialing Committee</li> <li>d. Document Signatures</li> <li>e. Monitoring Liaison and Department Monitor</li> </ul>			
11) Authorization			
<b>Matt Tompach</b>		<b>January 5, 2018</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

## **DELEGATED AUTHORITY MOTIONS**

### **Delegated Authority – Urgent Matters**

**MOTION:** \_\_\_\_\_ moved, seconded by \_\_\_\_\_: In order to facilitate the completion of assignments between meetings, the Board delegates authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, to fill vacant appointment positions, where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law.

### **Delegated Authority - Screening Panel**

**MOTION:** \_\_\_\_\_ moved, seconded by \_\_\_\_\_, that the Board delegates authority to the Screening Panel to open cases for investigation or close cases inappropriate for further action.

**MOTION** \_\_\_\_\_ moved, seconded by \_\_\_\_\_, that the Board delegates authority to the Screening Panel to consider questions related to scope of practice of veterinary medicine and veterinary technicians. The Screening Panel may choose to approve or reject a particular practice, or bring the matter to the full Board.

### **Delegated Authority - Credentialing Committee**

**MOTION:** \_\_\_\_\_ moved, seconded by \_\_\_\_\_, that the Board delegates authority to the Credentialing Committee to address all issues related to credentialing matters, except potential denial decisions should be referred to the full Board for final determination.

**MOTION** \_\_\_\_\_ moved, seconded by \_\_\_\_\_, that the Board delegates authority to the Credentialing Committee to employ a “passive review” process for background checks, whereby if no Committee member requests a Committee meeting on the materials within five (5) business days after receiving them, the application would be considered cleared to proceed through the process.

**Delegated Authority - Document Signatures**

**MOTION:** \_\_\_\_\_, seconded by \_\_\_\_\_, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board’s Executive Director for purposes of facilitating the completion of assignments during or between meetings.

**Delegated Authority - Monitoring Liaison and Department Monitor**

**MOTION:** \_\_\_\_\_ moved, seconded by \_\_\_\_\_, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document.

## **Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor**

The Monitoring Liaison is a board designee who works with department monitors to enforce the Board's orders as explained below.

### **Current Authorities Delegated to the Monitoring Liaison**

The Liaison may take the following actions on behalf of the Board:

1. Grant a temporary reduction in random drug screen frequency upon Respondent's request if he/she is unemployed and is otherwise compliant with Board order. The Department Monitor will draft an order and sign on behalf of the Liaison. The temporary reduction will be in effect until Respondent secures employment in the profession.
2. Grant a stay of suspension if Respondent is eligible per the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board order. The Department Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board approval. The Department Monitor will notify Respondent of the Liaison's decision.
5. Grant a maximum 90-day extension, if warranted and requested in writing by Respondent, to complete Board-ordered CE, pay proceeding costs, and/or pay forfeitures upon Respondent's request.

### **Current Authorities Delegated to the Department Monitor**

The Department Monitor may take the following actions on behalf of the Board, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board-ordered CE and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

### **Clarification**

1. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. (This is consistent with current practice.)

# **Credit for CEs taken prior to the Board signing an Order**

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Liz Kennebeck		<b>2) Date When Request Submitted:</b>  January 17, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>									
<b>3) Name of Board, Committee, Council, Sections:</b>  VEB											
<b>4) Meeting Date:</b>  January 24, 2018	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Licensing/Exam Inquiries - Credit for CEs taken prior to the Board signing an Order									
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>									
<b>10) Describe the issue and action that should be addressed:</b>  Many of our FDOs (Final Decision and Order) require Respondents to complete CEs. Oftentimes a Respondent signs a stipulation, agreeing to the terms, 1-3 months before the Order is signed by the Board. Many Respondents are anxious to get started on completing the missing CEs. Currently, because of the language of an FDO, (see below) a Respondent risks not being credited for CEs taken prior to the Board signing the Order.  <i>19. Within three (3) months of the date of this Order, Respondent shall, at his own expense, take and successfully complete three (3) hours of continuing education on the topic of Record-keeping; two (2) hours of continuing education on the topic of Veterinary - Client Relationship; and, 4.6 additional credits to fulfill the 30 hours of CE for the 2014-2015 biennial renewal period.</i>  Would the Board consider a modification to the language of the Order to include CEs taken after the Respondent signs the Stipulation?											
<b>11) Authorization</b>  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"><b>Matt Tompach</b></td> <td style="width: 40%; border-bottom: 1px solid black; text-align: right;"><b>January 17, 2018</b></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date</td> </tr> </table>				<b>Matt Tompach</b>	<b>January 17, 2018</b>	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date	
<b>Matt Tompach</b>	<b>January 17, 2018</b>										
Signature of person making this request	Date										
Supervisor (if required)	Date										
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date											
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.											

## Tompach, Matthew C - DATCP

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**From:** Kennebeck, Helen E - DATCP (Liz)  
**Sent:** Wednesday, January 17, 2018 12:21 PM  
**To:** Tompach, Matthew C - DATCP  
**Cc:** Daniels, Cheryl F - DATCP; Van Lanen, Robert J - DATCP; Markor, Kelly A - DATCP  
**Subject:** Question for the full board

Matt-

A follow-up on what we discussed earlier:

Many of our FDOs (Final Decision and Order) require Respondents to complete CEs. Oftentimes a Respondent signs a stipulation, agreeing to the terms, 1-3 months before the Order is signed by the Board. Many Respondents are anxious to get started on completing the missing CEs. Currently, because of the language of an FDO, (see below) a Respondent risks not being credited for CEs taken prior to the Board signing the Order.

*19. Within three (3) months of the date of this Order, Respondent shall, at his own expense, take and successfully complete three (3) hours of continuing education on the topic of Record-keeping; two (2) hours of continuing education on the topic of Veterinary - Client Relationship; and, 4.6 additional credits to fulfill the 30 hours of CE for the 2014-2015 biennial renewal period.*

Would the Board consider a modification to the language of the Order to include CEs taken after the Respondent signs the Stipulation?

Thank you,  
H. Elizabeth Kennebeck  
Assistant Legal Counsel  
Department of Agriculture, Trade and Consumer Protection  
T: 608-224-5030  
F: 608-224-5034  
[Helen.Kennebeck@wisconsin.gov](mailto:Helen.Kennebeck@wisconsin.gov)

Please complete this **brief survey** to help us improve our customer service. Thank you for your feedback.



# Legislative/Administrative Rule Matters

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Cheryl Daniels		<b>2) Date When Request Submitted:</b>  January 5, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> VEB			
<b>4) Meeting Date:</b>  January 24, 2018	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Legislative/Administrative Rule Matters VE 7 – Hearing Draft on Complementary, Alternative and Integrative Therapies (Informational) VE 11 – Hearing Draft to create permanent Wis. Admin. Code § VE 11, relating to a Veterinary Professional Assistance Procedure (Informational)	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Information on public hearings and status of hearing drafts for proposed rules relating to VE 7 and VE 11.			
<b>11) Authorization</b>			
<b>Matt Tompach</b>		<b>January 5, 2018</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

# addtnl documents – 1,

**PROPOSED ORDER  
OF THE WISCONSIN VETERINARY EXAMINING BOARD  
ADOPTING RULES**

- 1 The Wisconsin veterinary examining board hereby proposes the following rule *to create* VE 7.02
- 2 (3) (d) and VE 7.025; *relating to* the provision of complementary, alternative, and integrative
- 3 therapies, and affecting small business.

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**Analysis Prepared by the Veterinary Examining Board**

The Wisconsin Veterinary Examining Board (VEB) proposes a rule revision in ch. VEB 7, Wis. Adm. Code, to clarify the circumstances under which a veterinarian may make a referral of a veterinary client to another licensed professional, or supervise a certified veterinary technician, for the provision of complementary, alternative, or integrative therapies, as defined in s. VEB 1.02 (3m), Wis. Adm. Code, on the client's animal.

***Statutes Interpreted***

Statute Interpreted: ss. 89.01 (6) and 89.05 (1), Stats.

***Statutory Authority***

Statutory Authority: s. 89.03 (1), 227.10 and 227.11, Stats.

***Explanation of Statutory Authority***

VEB has specific authority, under the provisions cited above, to adopt rules establishing the scope of practice permitted for veterinarians.

***Related Statutes and Rules***

VEB administers ch. 89, Stats., as well as the administrative rules in VE 1-10, Wis. Adm. Code, and in the administration of these statute and rules, VEB may issue administrative orders imposing discipline for unprofessional conduct related to the practice of veterinary medicine, including issuing an administrative warning to, or reprimanding, any person holding a veterinary medical license, or denying, revoking, suspending, limiting, the person's license, as specified by statute.

### ***Plain Language Analysis***

There is a current definition, in s. VE 1.02 (3m), Wis. Adm. Code, of veterinary complementary, alternative, and integrative therapies (“CAITs”). However, that definition does not specify how these CAITs are to be treated within the practice of veterinary medicine. There have been numerous requests made to the VEB, from veterinarians, certified veterinary technicians, and members of other licensed professions, to clarify the referral relationship that a veterinarian may have with these other professionals for the veterinarian’s clients, and the delegation to certified veterinary technicians for the provision of CAITs upon a veterinarian’s animal patients.

The VEB proposes to create a rule, s. VE 7.025, specifying that a veterinarian may make a referral to another Wisconsin-licensed professional, so long as the other professional gives evidence to the veterinarian of his or her license in good standing with the Wisconsin Department of Safety and Professional Services, to perform the type of CAIT for which the referral is made, and his or her education, training, and experience in performing that type of CAIT on an animal. The proposed rule includes a provision that the veterinarian-client-patient relationship (“VCPR”), as defined in s. 89.02(8), Stats., does not extend to the CAIT provided by the other professional, where the veterinarian demonstrates meeting the requirements in making the referral or the client obtains a therapy provider for the client’s animal without a referral.

In addition, the VEB proposes to create an additional provision, within s. VE 7.02 delegation of veterinary medical acts, for the veterinarian to delegate to a certified veterinary technician the performance of a CAIT on an animal patient, where the certified veterinary technician is not a licensed professional performing a CAIT. By including this provision in the section on delegation of veterinary medical acts, the VEB makes clear that the technician’s CAIT performance is under the direct supervision of the veterinarian, who will continue to have all of the supervisory responsibilities specified in this section, and within the VCPR.

### ***Summary of, and Comparison with Existing or Proposed Federal Statutes and Regulations***

There are no federal regulations governing the practice of veterinary complementary, alternative, and integrative therapies.

### ***Comparison with Rules in Adjacent States***

Illinois’s veterinary medicine and surgery practice act defines CAITs very similarly to the current definition in s. VE 1.02(9), Wis. Adm. Code. The act specifically allows a member in good standing of another licensed or regulated profession within any state or an Illinois-approved member of an organization or group to provide hands-on active participation in the treatment and care of a patient, within a veterinarian-client-patient relationship and with informed consent from the client, so long as the member works under the supervision of the veterinarian. The veterinarian maintains the veterinarian-client-patient relationship, but is immune from civil and criminal liability for the member’s assistance, except for willful and wanton conduct. The other professional may not state or imply in any way that they are licensed or engaging in the practice of veterinary medicine.

Iowa’s and Michigan’s veterinary statutes and rules do not address this issue.

Within Minnesota's practice of veterinary medicine act, there is a provision that specifically states that the act does not prohibit a licensed chiropractor from registering with its chiropractor board and performing animal chiropractic on animals that have been referred to the chiropractor by a veterinarian.

### *Summary of Factual Data and Analytical Methodologies*

This rule was developed with the assistance of a VEB-appointed rules advisory committee that included five Wisconsin-licensed veterinarians, two Wisconsin-certified veterinary technicians, two Wisconsin-licensed members of other professions who provide complimentary, alternative, or integrative therapies on animals, two public members, and a VEB member as a liaison to the Board. The committee looked at practices in other states, consulted with veterinary medical groups, and brought expertise on the use of these CAITs in assisting animals for their health and well-being.

### *Effect on Small Business*

This rule change is anticipated to have an effect on small business, as many veterinary practices that will be subject to this definition change, are small businesses. However, it is not expected to have any adverse economic impact on these veterinary small businesses.

Instead, the proposed rule is anticipated to have a positive impact for veterinarians, certified veterinary technicians, and other Wisconsin-licensed professionals, as it clarifies the steps a veterinarian shall use to make a referral to another professional for CAITs and the delegation for these CAITs to certified veterinary technicians under the veterinarian's supervision. The VEB has received many requests for just this type of guidance from veterinarians, other professions practicing these therapies, and certified veterinary technicians in Wisconsin.

There were some comments, in the initial posting for economic impact, from some persons who practice equine massage therapy, but are not licensed as massage therapists in Wisconsin. Some expressed concern that veterinarians would no longer be able to refer clients to an unlicensed massage therapist practicing equine massage therapy. However, the rule clarifies that the referral by a veterinarian is only to a licensed professional, as CAITs are already currently within the statutory definition of the practice of veterinary medicine, and only a referral to another licensed professional or delegating with the established VCPR, comports with the statutory language. However, this rule does make clear that it does not interfere with the relationship between any animal owner and a person the owner chooses to perform a CAIT on the owner's animal. In addition, the rule also clarifies that this is a referral and the other licensed professional does not work under the supervision of the referring veterinarian making it important that the referral is to a licensed professional that will have its own professional client-patient relationship. Only where a certified veterinary technician is delegated by the veterinarian to perform a CAIT, will the performance of the CAIT be under the direct supervision of the veterinarian and within the VCPR.

This rule is not expected to have a substantial adverse economic effect on "small business" so it is not subject to the delayed "small business" effective date provided in s. 227.22(2) (e), Stats.

***VEB Contact  
Where and When Comments May Be Submitted***

Questions and comments related to this this rule may be directed to:

Cheryl Daniels, Board Counsel  
Veterinary Examining Board  
c/o Department of Agriculture, Trade and Consumer Protection  
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Rule comments will be accepted up to two weeks after the last public hearing is held on this rule. Hearing dates will be scheduled after this rule hearing draft is approved by the Veterinary Examining Board.

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4           **SECTION 1.** VE 7.02(3) (d) is created to read:

5           **7.02 (3)** (d) Except to certified veterinary technicians who are also licensed professionals  
6 governed by the provisions in VE 7.025, the provision of any complementary, alternative, or  
7 integrative therapy, as defined in VE 1.02(3m).

8           **SECTION 2.** VE 7.025 is created to read:

9           **7.025 Veterinary referral to a license holder in another profession. (1)** A veterinarian  
10 may make a referral to a client, for treatment of a patient by a license holder in another profession,  
11 using complementary, alternative, or integrative therapies, as defined in s. VE 1.02(3m), if the  
12 license holder, to whom the client and patient are referred, provides the following evidence to the  
13 veterinarian for performing the type of therapy for which the referral is being made:

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

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

18           **(2)** The veterinarian-client-patient relationship, as defined in s. 89.02(8), Stats., does not  
19 extend to the provision of any complementary, alternative, or integrative therapy performed on a  
20 veterinarian’s patient, by a license holder in another profession, where the veterinarian  
21 demonstrates meeting the requirements, in sub. (1), for making the referral to the license holder,  
22 or the client obtains the services of the therapy provider without a referral by the veterinarian.

23           **SECTION 3. EFFECTIVE DATE AND INITIAL APPLICABILITY.** This rule takes effect on  
24 the first day of the month following publication in the Wisconsin administrative register, as  
25 provided under s. 227.22(2)(intro.).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

VETERINARY EXAMINING BOARD

By \_\_\_\_\_  
Member of the Board



## **addtnl documents – 2)**

**PROPOSED ORDER  
OF THE WISCONSIN VETERINARY EXAMINING BOARD  
ADOPTING RULES**

1           The Wisconsin veterinary examining board hereby proposes the following permanent rule  
2 *to create* ch. VE 11, *relating to* a veterinary professional assistance program and affecting small  
3 business.

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**Analysis Prepared by the Veterinary Examining Board**

This permanent rule, in conjunction with a proposed emergency rule, creates ch. VE 11, “Veterinary Professional Assistance Program”, to implement s. 89.03(3), Stats., created by the Legislature in 2017 Wisconsin Act 59, the Budget Bill (1) The new statutory s. 89.03 (3), Stats., states that the veterinary examining board (“VEB”) shall promulgate rules specifying a procedure for addressing allegations that a person licensed or certified by the VEB 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 VEB 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 VEB 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 VEB may contract with another entity to administer the procedure specified under the rules promulgated under this subsection.

***Statutes Interpreted***

Statutes Interpreted: 89.03, Stats., “Rules.”

***Statutory Authority***

Statutory Authority: s. 89.03 (3), Stats.

***Explanation of Statutory Authority***

The VEB has been given specific authority, pursuant to 89.03 (3) to adopt rules specifying a procedure for addressing allegations that a person licensed or certified by the VEB 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 VEB 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 VEB 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.

### ***Related Statutes and Rules***

Since the transfer of the Department of Safety and Professional Services' (DSPS) limited purposes authority over the VEB in January 2016 to the Department of Agriculture, Trade and Consumer Protection ("DATCP"), the VEB has utilized ch. 89, Stat., and chs. VE 1-10, Wis. Adm. Code, to oversee the operations of the VEB.

### ***Plain Language Analysis***

When the VEB was transferred from DSPS to DATCP, the specific administrative code chapters that pertained to its operations were transferred. However, none of the general DSPS administrative code chapters pertaining to all the credentialing boards were made a part of the VE rules, including SPS 7, Professional Assistance Procedure.

To correct this, 2017 Wisconsin Act 59 included an amendment to the statute, relating to the authority of the VEB to write rules, to require the VEB to write rules for a procedure for addressing allegations that a person licensed or certified by the VEB 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 VEB 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 VEB 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 VEB may contract with another entity to administer the procedure specified under the rules promulgated under this subsection.

### ***Federal and Surrounding State Programs***

#### **Federal Programs**

There are no federal regulations governing professional assistance programs for veterinary professionals.

#### **Surrounding State Programs**

In Illinois, a veterinarian who has been determined by a qualified health care professional to be impaired shall enter into an agreement with the state's Department of Financial and Professional Regulation-Division of Professional Regulation ("Division"), in which the veterinarian agrees to participate in a program designed to provide care and treatment specifically for health care professionals and which has been approved by the Division. The agreement may include, but not

be limited to, the length of the program, the status of the licensee while in a treatment program, and a termination clause whereby both parties may terminate the agreement at any time.

There is nothing specific in the Iowa Veterinary Practice Act regarding a veterinary professional assistance program. However, the Act does allow the Iowa Board of Veterinary Medicine to have a licensee submit to a physical or mental examination by a designated physician.

There is nothing in the Michigan Veterinary Practice Act regarding a specific veterinary professional assistance program. However, Michigan has a Health Professional Recovery Committee that includes veterinarians. The purpose of this committee is to establish the general components of the health professional recovery program and a mechanism for monitoring health professionals who may be impaired.

There is nothing in the Minnesota Veterinary Practice Act regarding a specific veterinary professional assistance program. However, the Board has the authority to issue an order directing the regulated person to submit to a mental or physical examination or chemical dependency evaluation. Veterinarians may participate in the state's Health Professionals Services Program.

### ***Data and Analytical Methodologies***

The VEB looked at the rules already in place at DSPS and also at other states that have professional assistance programs.

### ***Effect on Small Business***

This rule change is anticipated to have an effect on small business, as many veterinarian professionals practice in small businesses. However, as the rule are designed for early identification and treatment of alcohol and other drug and mental health impairments in veterinary professionals, this should have a positive impact on veterinary small businesses in assisting with professional assessment and treatment before the impairment affects the practice. In addition, this rule will also ensure that persons, subject to these rules, are on notice as to procedures, within the VEB's jurisdiction, that will be utilized in the disciplinary process. Finally, the cost of the program will be absorbed within the current budget of the VEB and no additional fees will be assessed against credential holders to pay for the program.

### ***VEB Contact***

Questions and comments related to this this rule may be directed to:

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4        **SECTION 1.** Chapter VE 11 is created to read:

5                                    **Chapter VE 11**

6                                **VETERINARY PROFESSIONAL ASSISTANCE PROGRAM**

7        VE 11.01     Authority and purpose.

8        VE 11.02     Definitions.

9        VE 11.04     Contract for VPAP.

10       VE 11.06     Referral to and eligibility for disciplinary VPAP.

11       VE 11.08     Requirements for disciplinary VPAP participation.

12       VE 11.10     Disciplinary VPAP participation agreement.

13       VE 11.12     Approval of service providers.

14       VE 11.14     Approval of drug testing services.

15       VE 11.16     Records.

16       VE 11.18     Reports to board.

17        **VE 11.01 Authority and purpose.** Pursuant to 89.03 (3), the board adopts these rules  
18 specifying a procedure for addressing allegations that a person licensed or certified by the board  
19 under this chapter has practiced as a veterinarian or veterinary technician while impaired by  
20 alcohol or other drugs or that his or her ability to practice is impaired by alcohol or other drugs,  
21 and for assisting a person licensed by the board under this chapter who requests to participate in  
22 the procedure or who requests assistance in obtaining mental health services. In promulgating  
23 rules under this subsection, the board shall seek to facilitate early identification of chemically

24 dependent veterinarians or veterinary technicians and encourage their rehabilitation. The rules  
25 promulgated under this subsection may be used in conjunction with the formal disciplinary  
26 process under this chapter.

27 **VE 11.02 Definitions.** As used this chapter:

28 **(1)** “Complaint” means any written information submitted by any person to the board which  
29 requests that a disciplinary proceeding be commenced against a credential holder or which alleges  
30 facts, which if true, warrant discipline.

31 **(2)** “Credential holder” means a person holding any license, permit, certificate, or registration  
32 granted by the board.

33 **(3)** “Disciplinary VPAP” means the veterinary professional assistance program that may be  
34 utilized, as part of a stipulation by a credential holder and the board, for settling unprofessional  
35 conduct by the credential holder.

36 **(4)** “Impaired” means the inability of a veterinary professional to practice veterinary medicine  
37 or veterinary technology with reasonable skill and safety to patients by reason of illness,  
38 inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances, or as a result  
39 of any physical or mental condition.

40 **(5)** “Impaired veterinary professional” means a credential holder, a veterinarian student studying  
41 or working in Wisconsin, or an unlicensed veterinary assistant working in Wisconsin, who  
42 voluntarily seeks assistance because of a self-identified alcohol, other drug, or mental health  
43 impairment.

44       **(6)** “Medical review officer” means a medical doctor or doctor of osteopathy who is a licensed physician  
45 and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and  
46 evaluate an individual's confirmed positive test result together with an individual's medical history and any  
47 other relevant biomedical information.

48       **(7)** “Service”, as used in this chapter, means any VPAP-approved provider of assessment,  
49 testing, treatment, rehabilitation, monitoring, and support for alcohol, other chemical, and/or  
50 mental health impairments. The term includes any person supervising the credential holder while  
51 working as a veterinary professional.

52       **(8)** “VPAP” means any entity contracted by the board to provide the veterinary professional  
53 assistance program on behalf of the board.

54       **VE 11.04 Contract for VPAP. (1)** The board may enter into a contract with a nonprofit  
55 corporation or medical professional association to provide a veterinary professional assistance  
56 program, which may include any or all of the following:

57       (a) Contracting with assessment, testing, treatment, rehabilitation, monitoring, or support  
58 services, in accordance with the requirements in VE 11.10 and VE 11.12.

59       (b) Receiving and evaluating reports of suspected impairment from any source.

60       (c) Intervening in cases of verified impairment.

61       (d) Referring services to impaired veterinary professionals, outside the disciplinary process.

62       (e) Referring and monitoring services to credential holders, within the board’s disciplinary  
63 process.

64 (f) Providing post-treatment monitoring and support to rehabilitated impaired veterinary  
65 professionals, and credential holders in the disciplinary VPAP.

66 (h) Reporting statistical information regarding impaired veterinary professionals program  
67 activity to the board.

68 (i) Reporting all required information in the disciplinary VPAP, under contract to the board, so  
69 the board may carry out its disciplinary authority under s. VE 7.07, Wis. Adm. Code.

70 **(2)** The VPAP may accept any impaired veterinary professional who voluntarily requests referral  
71 to services, if not a credential holder with an outstanding complaint against the holder in the  
72 board's disciplinary process.

73 **(3)** Except for information produced for the board under sub. (1) (h), all information, interviews,  
74 records, reports, statements, memoranda, or other documents furnished to, or produced by the  
75 program, pursuant to sub. (2), are confidential.

76 **VE 11.06 Referral to and eligibility for disciplinary VPAP. (1)** The board and VPAP, as  
77 part of the contract, shall agree to eligibility criteria for credential holders to be accepted into the  
78 disciplinary VPAP, to fulfill the requirements in s. 89.03(3), Stats.

79 **(2)** The board may stipulate with a credential holder, in the disciplinary process, to refer the  
80 credential holder to the VPAP as part of a settlement for uncontested unprofessional conduct on  
81 the part of the credential holder. The stipulation shall include language that a referral does not  
82 guarantee acceptance of the credential holder by the VPAP and the potential consequences if the  
83 credential holder is not accepted in the VPAP or does not complete the terms of acceptance. The



84 stipulation may include other discipline to be completed by the credential holder, separate from  
85 the disciplinary VPAP.

86 **(3)** The VPAP shall supply a credential holder, who has been referred by the board, an  
87 application for participation. As part of the application, the credential holder agrees that all relevant  
88 materials from the board's disciplinary proceedings may be released to the VPAP to make its  
89 determination as to the applicant's acceptance.

90 **(4)** The VPAP shall determine the credential holder's acceptance, based upon the criteria in the  
91 contract, by reviewing all relevant materials, including investigative results and the credential  
92 holder's application for participation.

93 **(5)** The VPAP shall inform the credential holder and board if the holder is ineligible for  
94 acceptance. A credential holder determined to be ineligible for the disciplinary VPAP may, within  
95 10 days of notice of the determination, request the board to review the adverse determination.

96 **VE 11.08 Requirements for disciplinary VPAP participation. (1)** A credential holder  
97 who participates in the disciplinary VPAP shall do all of the following:

98 (a) Sign a participation agreement with the VPAP, a copy of which shall be provided to the  
99 board.

100 (b) Obtain a comprehensive assessment for alcohol, chemical, and/or mental health impairments  
101 from an approved service, including submitting to any required testing. The credential holder shall  
102 arrange for the service to file a copy of its assessment with the VPAP. The VPAP may agree to  
103 waive this requirement.

104 (c) Remain free of alcohol, if diagnosed as an impairment, controlled substances, and  
105 prescription drugs unless prescribed for a valid medical purpose.

106 (d) Timely enroll and participate in any approved service, as required by the assessment or  
107 agreed to by the credential holder and VPAP, if the assessment is waived pursuant to par. (b).

108 (e) Comply with any treatment recommendations, work restrictions, or conditions deemed  
109 necessary by a testing, assessment, or treatment service.

110 (f) Submit any required random monitored physiological specimens for the purpose of screening  
111 for alcohol or controlled substances, provided by a drug testing service.

112 (g) Execute releases, valid under state and federal law, to allow the VPAP access to the credential  
113 holder's counseling, treatment, and monitoring records.

114 (h) Have the credential holder's service and work supervisors file quarterly reports with the  
115 VPAP.

116 (i) Notify the VPAP of any changes in the credential holder's employer within 5 days.

117 (j) File quarterly reports documenting the credential holder's attendance at meetings of self-help  
118 support groups.

119 **(2)** If the VPAP determines, based on consultation with any service authorized to provide  
120 testing, treatment, or monitoring of the credential holder, that a credential holder participating in  
121 its program has failed to meet any of the requirements set under sub. (1), the VPAP shall make a  
122 written determination if it will continue to allow the credential holder to use its program and obtain

123 a new participation agreement with any additional requirements, determined by the VPAP. The  
124 VPAP shall notify the board of the failure and the VPAP's determination of program continuation.

125 **(3)** Upon notification of the failure and program continuation, the board shall make a review to  
126 determine whether the credential holder should be referred for further discipline. The board shall  
127 review the complete record in making this determination.

128 **VE 11.10 Disciplinary VPAP participation agreement. (1)** The credential holder's  
129 participation agreement in the VPAP shall at a minimum include:

130 (a) A statement describing the credential holder's conduct, relating to participation in the VPAP.

131 (b) An acknowledgement by the credential holder of the impairment needing treatment.

132 (c) An agreement to participate, at the credential holder's expense if necessary, in an approved  
133 treatment regimen.

134 (d) An agreement to submit to random monitored drug screens at the credential holder's expense,  
135 provided by a drug testing service approved by the VPAP under s. VE 11.12 , if deemed necessary  
136 by the VPAP.

137 (e) An agreement to submit to practice restrictions at any time during the treatment regimen, as  
138 deemed necessary by the VPAP.

139 (f) An agreement to furnish the VPAP with signed consents for release of information, from  
140 treatment providers and employers authorizing the release of information to the VPAP and board,  
141 for the purpose of monitoring the credential holder's participation in the VPAP.

142 (g) An agreement to authorize the VPAP to release information described in pars. (a), (c) and  
143 (e), the fact that a credential holder has been dismissed from the VPAP pursuant to VE 11.06(2),  
144 or violated terms of the agreement in s. VE 11.06 (1) (b) to (e) and (h) concerning the credential  
145 holder's participation in the VPAP to the employer or any service identified by the credential  
146 holder, and an agreement to authorize the VPAP to release the results of random monitored drug  
147 screens, under par. (d), to any service identified by the credential holder.

148 (h) An agreement to participate in the VPAP for a period of time, as established by the stipulation  
149 between the credential holder and board.

150 (2) The VPAP may include additional requirements for an individual credential holder, if the  
151 credential holder's condition warrant additional safeguards.

152 (3) The board or board liaison may include a promise of confidentiality that all or certain records  
153 shall remain closed and not available for public inspection and copying. Any promise is subject to  
154 s. SPS 7.08 and ends upon a referral to the division. Information and records may be made available  
155 to staff within the department on an as-needed basis, to be determined by the coordinator.

156 **VE 11.12 Approval of service providers. (1)** The VPAP shall approve a service provider  
157 designated by a credential holder for the purpose of participation in the VPAP if:

158 (a) It is a facility where all of the following applies:

159 1. The facility is certified by appropriate national or state certification agencies.

160 2. The treatment program focus at the facility is on the individual with an impairment of the  
161 same type as has been identified in the credential holder.

162 3. Facility treatment plans and protocols are available to the VPAP.

163 4. The facility, through the credential holder's supervising therapist, agrees to file reports as  
164 required, including quarterly progress reports and immediate reports if a credential holder  
165 withdraws from therapy, relapses, or is believed to be in an unsafe condition to practice.

166 (b) It is an individual therapist who:

167 1. Has credentials and experience determined by the VPAP to be in the credential holder's  
168 area of need.

169 2. Agrees to perform an appropriate assessment of the credential holder's therapeutic needs  
170 and to establish and implement a comprehensive treatment regimen for the credential holder.

171 3. Forwards copies of the therapist's treatment regimen and office protocols to the VPAP.

172 4. Agrees to file reports as required to the VPAP, including quarterly progress reports and  
173 immediate reports if a credential holder withdraws from therapy, relapses, or is believed to be in  
174 an unsafe condition to practice.

175 **(2)** If the VPAP does not approve a treatment facility or therapist, as requested by the credential  
176 holder, the credential holder may, within 10 days of notice of the determination, request the board  
177 to review the VPAP's adverse determination.

178 **VE 11.14 Approval of drug testing services. (1)** The VPAP shall approve drug testing  
179 services for use by credential holders who participate in drug and alcohol monitoring programs,  
180 pursuant to stipulations between the board and credential holders, or pursuant to disciplinary  
181 orders.

182       **(2) APPROVAL STANDARDS.** To be approved as a drug testing service, the service shall  
183 satisfactorily meet all of the following requirements for administration, collection site, laboratory,  
184 and reporting. (a) *Administration.*

185           1. The service shall enroll participants by setting up an account, establishing a method of  
186 payment and supplying preprinted chain-of-custody forms.

187           2. The service shall provide the participant with the address and phone number of the nearest  
188 collection sites and shall assist in locating a qualified collection site when traveling outside the  
189 local area.

190           3. The service shall begin random selection of days, when participants shall provide  
191 specimens, upon enrollment and the service shall notify the VPAP that selection has begun.

192           4. The service shall maintain a nationwide toll-free access or an internet website that is  
193 operational 24 hours per day, 7 days per week to inform participants of when to provide specimens  
194 and is able to document the date and time of contacts by credential holders.

195           5. The service shall maintain and make available to the VPAP and treatment services, through  
196 an internet website, data that are updated on a daily basis verifying the date and time each randomly  
197 selected participant was notified to provide a specimen, the date, time and location each specimen  
198 was collected, the results of drug screen, and whether or not the participant complied as directed.

199           6. The service shall maintain internal and external quality of test results and other services.

200           7. The service shall maintain the confidentiality of participants, in accordance with s. 146.82,  
201 Stats.

202 8. The service shall inform participants of the total cost for each drug screen including the  
203 cost for program administration, collection, transportation, analysis, reporting and confirmation.  
204 Total cost shall not include the services of a medical review officer.

205 9. The service shall immediately report to the VPAP if the program, laboratory or any  
206 collection site fails to comply with this section. The VPAP may remove a service from the  
207 approved list if the service fails to comply with this section.

208 10. The service shall make available, to the VPAP, experts to support a test result for 5 years  
209 after the test results are released to the VPAP.

210 11. The service shall not sell or otherwise transfer or transmit names and other personal  
211 identification information of the participants to other persons or entities without permission from  
212 the VPAP and board. The service shall not solicit from participants presently or formerly in the  
213 monitoring program or otherwise contact participants, except for purposes consistent with  
214 administering the program and only with permission from the VPAP and board.

215 12. The service and laboratory shall not disclose to the participant or the public the specific  
216 drugs tested.

217 (b) *Collection site.*

218 1. The service shall locate, train and monitor collection sites for compliance with the U.S.  
219 department of transportation collection protocol under 49 CFR 40.

220 2. The service shall require delivery of specimens to the laboratory within 24 hours of  
221 collection.

222 (c) *Laboratory.*

223 1. The service shall utilize a laboratory that is certified by the U.S. department of health and  
224 human services, substance abuse and mental health services administration under 49 CFR 40. If  
225 the laboratory has had adverse or corrective action, the VPAP shall evaluate the laboratory's  
226 compliance on a case by case basis.

227 2. The service shall utilize a laboratory capable of analyzing specimens for drugs specified  
228 by the VPAP.

229 3. Testing specimens shall be initiated within 48 hours of pickup by courier.

230 4. All positive drug screens shall be confirmed utilizing gas chromatography in combination  
231 with mass spectrometry, mass spectrometry, or another approved method.

232 5. The laboratory shall allow the VPAP personnel to tour facilities where participant  
233 specimens are tested.

234 (d) *Report results.*

235 1. The service shall provide results of each specimen to designated VPAP personnel within  
236 24 hours of processing.

237 2. The service shall inform designated VPAP personnel of confirmed positive test results on  
238 the same day the test results are confirmed or by the next business day if the results are confirmed  
239 after hours, on the weekend or on a state or federal holiday.

240 3. The service shall fax, e-mail or electronically transmit laboratory copies of drug test results  
241 at the request of the VPAP.



242 4. The service shall provide a medical review officer upon request and at the expense of the  
243 participant, to review disputed positive test results.

244 5. The service shall provide chain-of-custody transfer of disputed specimens to an approved  
245 independent laboratory for retesting at the request of the participant, the VPAP or board.

246 **VE 11.16 Records. (1) CUSTODIAN.** All records relating to the VPAP including  
247 applications for participation, agreements for participation, and reports of participation shall be  
248 maintained by the VPAP, on behalf of the board as custodian.

249 **(2) PUBLIC RECORDS REQUESTS.** Requests to inspect VPAP records shall be made to the  
250 custodian. The custodian shall evaluate each request on a case by case basis using applicable law  
251 relating to public records and giving appropriate weight to relevant factors in order to determine  
252 whether public interest in nondisclosure outweighs the public interest in access to the records. The  
253 fact of a credential holder's participation in the VPAP and the status of that participation may be  
254 disclosed to credentialing authorities of other jurisdictions.

255 **(3) TREATMENT RECORDS.** Treatment records concerning individuals who are receiving or who  
256 at any time have received services for mental illness, developmental disabilities, alcoholism, or  
257 drug dependence which are maintained by the board, by county departments under s. 51.42 or  
258 51.437, Stats., and their staffs, and by treatment facilities are confidential under s. 51.30, Stats.,  
259 and shall not be made available for public inspection.

260 **(4) PATIENT HEALTH CARE RECORDS.** Patient health care records are confidential under s.  
261 146.82, Stats., and shall not be made available to the public without the informed consent of the  
262 patient or of a person authorized by the patient or as provided under s. 146.82 (2), Stats.

263           **VE 11.18 Reports to board.** The VPAP shall report on the program to the board at least once  
264 a year and at other times, if requested to do so by the board.

265           **SECTION 2. EFFECTIVE DATE AND INITIAL APPLICABILITY.** This rule takes effect on the  
266 first day of the month following publication in the Wisconsin administrative register, as provided  
267 under s. 227.22(2)(intro.).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**WISCONSIN VETERINARY EXAMINING BOARD**

By \_\_\_\_\_  
Member of the Board

# **WVMA request for guidance on release of rabies vaccination records to a municipality**

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Matt Tompach		2) Date When Request Submitted:  January 5, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>	
3) Name of Board, Committee, Council, Sections:  VEB			
4) Meeting Date:  January 24, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  State law relating to the release of rabies vaccination records to a municipality	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <p style="margin-left: 40px;">At the October 25, 2017 meeting in response to an inquiry from Jordan Lamb, representing WVMA, the Board directed VEB staff to review state law relating to the release of rabies vaccination records to a municipality the issue and place the issue on a future meeting agenda.</p>			
11) <b>Authorization</b>			
<b>Matt Tompach</b> Signature of person making this request		<b>January 5, 2018</b> Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Please respond to: Capitol Square Office  
Direct line: 608-252-9358  
Email: [jkl@dewittross.com](mailto:jkl@dewittross.com)

October 25, 2017

Wisconsin Veterinary Examining Board  
Dept. of Agriculture, Trade and Consumer Protection  
PO Box 8911  
Madison, WI 53708-8911

**VIA HAND DELIVERY**

RE: Guidance Needed Regarding Requests by Municipalities for Rabies Vaccine Information

Dear VEB Members:

On behalf of my client, the Wisconsin Veterinary Medical Association (WVMA), I am requesting guidance from the VEB regarding requests from municipalities for our member veterinarians' rabies vaccination records.

In recent weeks, some of our members have had their local municipalities require that they forward copies of all of their monthly rabies vaccination records to the municipality. Is this a legitimate request that we should advise our members to comply with?

Any guidance that you can provide regarding this issue would be appreciated.

Very truly yours,

**DeWitt Ross & Stevens s.c.**



Jordan K. Lamb

JKL:jkl

cc. Kim Brown Pokorny, Executive Directors, Wisconsin Veterinary Medical Association

**(addtnl document)**



DATE: January 3, 2018

TO: Veterinary Examining Board (VEB)

FROM: Cheryl Furstace Daniels, Board Counsel <sup>CFD</sup>

SUBJECT: Requests by municipalities for veterinary rabies vaccination records

The Wisconsin Veterinary Medical Association (WVMA) has requested guidance from the VEB on an increase in local municipalities requiring veterinarians in their jurisdiction to forward copies of rabies vaccination records on a monthly basis. After discussing this issue with Dr. Yvonne Bellay in the Wisconsin Department of Agriculture, Trade and Consumer Protection ("DATCP") Division of Animal Health ("DAH"), municipalities appear to have the statutory and rule authority to impose this requirement, but shall do so in accordance with the statute and rule requirements.

By the terms of Wis. Admin. Code § VE 7.06(26), unprofessional conduct by a veterinarian includes the 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. The question posed by the WVMA is whether the requirement to forward copies of rabies vaccination records on a monthly basis is within the legal or regulatory interest of a municipality of its rabies control program, such that a veterinarian is required by the VEB's professional conduct rules to comply with the requirement.

Pursuant to Wis. Stat. § 95.21(9) (a), a county, city, village or town may impose a rabies control program with more restrictive provisions than those specified in Wis. Stat. § 95.21. However, paragraph (b) of that subsection requires DATCP, through the DAH, to approve the program and have promulgated rules establishing the criteria for program approval.

Wis. Admin. Code ch. ATCP 13 governs local rabies control programs. Pursuant to Wis. Admin. Code § ATCP 13.02(2), DATCP shall approve the municipality's rabies control program plan, including the provisions for its enforcement program. This would include any requirement for a veterinarian to monthly forward copies of rabies vaccination records. Dr. Bellay indicated that DATCP would have no problem with such a requirement, in approving the plan, but expects all requirements to be in the plan so it is clear how enforcement will be conducted. In addition, pursuant to Wis. Admin. Code § ATCP 13.02(1), all requirements for a rabies control program shall be adopted by the municipality in an ordinance, following approval by DATCP.

Therefore, in order to have such a requirement, that a veterinarian shall meet in order to not be in violation of Wis. Admin. Code § VE 7.06(26), a municipality needs the following:

- A) Approval by the Department for this requirement to be in either its initial rabies control plan, or as an amendment to the rabies control plan; and
- B) Passage by the municipal governing body of an initial or amended ordinance that includes this requirement.

Please respond to: Capitol Square Office  
Direct line: 608-252-9358  
Email: [jkl@dewittross.com](mailto:jkl@dewittross.com)

October 25, 2017

Wisconsin Veterinary Examining Board  
Dept. of Agriculture, Trade and Consumer Protection  
PO Box 8911  
Madison, WI 53708-8911

**VIA HAND DELIVERY**

RE: Guidance Needed Regarding Requests by Municipalities for Rabies Vaccine Information

Dear VEB Members:

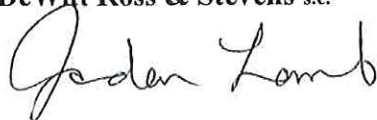
On behalf of my client, the Wisconsin Veterinary Medical Association (WVMA), I am requesting guidance from the VEB regarding requests from municipalities for our member veterinarians' rabies vaccination records.

In recent weeks, some of our members have had their local municipalities require that they forward copies of all of their monthly rabies vaccination records to the municipality. Is this a legitimate request that we should advise our members to comply with?

Any guidance that you can provide regarding this issue would be appreciated.

Very truly yours,

**DeWitt Ross & Stevens s.c.**



Jordan K. Lamb

JKL:jkl

cc. Kim Brown Pokorny, Executive Directors, Wisconsin Veterinary Medical Association



# **Review of archived VEB Position Statements (addtnl document)**

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Cheryl Daniels		<b>2) Date When Request Submitted:</b>  January 5, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>	
<b>3) Name of Board, Committee, Council, Sections:</b>  VEB			
<b>4) Meeting Date:</b>  January 24, 2018	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Review of archived VEB Position Statements	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  At the Oct. 25, 2017 VEB meeting, Board members discussed issues relating the interpretation of VEB rules related to animal identification and the burden of proof of ownership. Board counsel Cheryl Daniels will review with members a prior DSPS interpretation of these rules.			
<b>11) Authorization</b>			
<b>Matt Tompach</b>		<b>January 5, 2018</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**3. When does a common non-veterinary practice (dew claw removal, docking tails, etc.) become a practice that shall be performed by a licensed veterinarian**

**State of Wisconsin  
Department of Agriculture, Trade and Consumer Protection**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Liz Kennebeck		<b>2) Date When Request Submitted:</b>  January 5, 2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date.</small>	
<b>3) Name of Board, Committee, Council, Sections:</b>  VEB			
<b>4) Meeting Date:</b>  January 24, 2018	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Scope of Practice When does a common non-veterinary practice (dew claw removal, docking tails, etc.) become a practice that shall be performed by a licensed veterinarian	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  This item relates to whether procedures such as tail docking and removing dew claws from a dog are considered surgery, under the definition in Wis. Admin. Stats. § VE 1.02(9).  Such procedures are typically performed by non-veterinarian breeders. However, staff became aware of an incident where a breeder waited several weeks before removing the dew claws. When he did, he left wounds that later required sutures to close and heal.			
<b>11) Authorization</b>			
<b>Matt Tompach</b>		<b>January 5, 2018</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			