

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairperson Dan Kerschen at 8:35am on Tuesday, February 17, 2015, 159-S of the Capitol.

All members were present except:

Senator Garrett Love – Excused

Committee staff present:

Heather O'Hara, Legislative Research Department

Sara Leavitt, Kansas Legislative Committee Assistant

Mark Savoy, Legislative Research Department

Natalie Scott, Office of Revisor of Statutes

David Wiese, Office of Revisor of Statutes

Conferees appearing before the Committee:

Wendee Grady, Staff Attorney Kansas Department of Agriculture

Sarah Byrne, Executive Director of the Kansas Board of Veterinary Examiners

Dr. Roger Finland, Executive Associate Dean of the KSU College of Veterinary Medicine

Others in attendance:

[See Attached List](#)

Hearing and possible action on:

The meeting was called to order by the acting chair, Vice Chair Kerschen.

Senator Kerschen opened the hearing on **SB189 - Creating an institutional license to practice veterinary medicine**, and gave the floor to David Wiese, Office of the Revisor, for the bill brief. [\(Attachment 1\)](#)

SB189 adds two new sections to the Kansas Veterinary Practice Act to create an institutional license. The bill establishes a fee range for the initial application from \$50 to \$250 and for the annual renewal from \$20 to \$100. As of July 1, 2016, anyone who practices veterinary medicine in association with their employment at a school of veterinary medicine in Kansas must be a licensed veterinarian or have this institutional license. Exceptions to this time frame will apply to interns and veterinary residents. Practitioners of veterinary medicine with this license will only be able to practice within the scope of their regular function at the school of veterinary medicine. Any practice beyond this scope will be considered practicing veterinary medicine without a license and shall be grounds for discipline.

The bill allows a school of veterinary medicine to submit employee applications in a compiled form, along with a corresponding single payment. Notices of expiration will be mailed to both the applicant and the school of veterinary medicine where they are employed. This bill would not prohibit faculty in the school of veterinary medicine from lecturing or giving instructions or demonstrations without obtaining an institutional license. Neither does it require an institutional license for temporary practice, not exceeding 30 days per calendar year, by a person eligible to obtain a veterinary or institutional license upon examination and application.

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At the end of the briefing, Mr. Wiese stood for questions.

Senator Hawk asked, for comparison, what the licensure fee is for a practicing veterinarian with a private practice. Mr. Wiese referred him to page 4 of the bill and to the conferees.

Wendy Grady, staff attorney for the Kansas Department of Agriculture (KDA), gave testimony as a proponent of the bill. [\(Attachment 2\)](#) **SB 189** will create licensing requirements for persons practicing veterinary medicine at a school of veterinary medicine. This was a previously exempt group, and its practice has been outside of the purview of the Board of Veterinary Examiners. With the passage of this bill, practitioners of veterinary medicine at a school of veterinary medicine would have to obtain either a full veterinary license or this institutional license. The difference is that an institutional license will not require continuing education credits and it has lower application and renewal fees. They also anticipate lower administrative costs for this type of licensure due to the assistance of the schools of veterinary medicine in the process of compiling applications and fees. The institutional license would not authorize the practice of veterinary medicine outside the school of veterinary medicine. As there is no license required for those practicing veterinary medicine in the state for less than 30 days per calendar year, this will allow for an easier way for a school of veterinary medicine to receive temporary veterinarians and will provide more options for instruction.

Upon completion of her testimony, Ms. Grady stood for questions.

Senator Abrams, referring to page 4 of the bill, section 5, new items b and c, noted that the fee range for both standard and institutional licenses are the same, and wondered if the actual renewal fee would be less for an institutional license. Ms. Grady replied that actual fee amounts are set by regulation. Currently, the fee for a new license is \$125 while the annual renewal fee is \$95.

Senator Hawk, referring to the temporary practice mentioned on page 3 of the bill, asked if visiting professors from other states would be required to obtain a temporary license, such as the Behavioral Sciences Regulatory Board requires of psychologists who visit the state as expert witnesses. Ms. Grady stated that there had been discussion on that issue, and that all parties had agreed that there should be an exemption for practitioners who are only temporarily in the state. There are a number of people who visit for only a short time frame several times a year, totaling less than 30 days annually.

Senator Hawk followed up with a second question, asking how this compares with KU Medical Center, and whether the physicians there have institutional license.

Ms. Grady responded that yes, she believed so, and in their case even for temporary practitioners.

Senator Abrams asked about cases of expert witnesses who are not associated with a school of veterinary medicine, such as those brought in on a lawsuit, and whether or not they would require a license. Ms. Grady replied that they are still covered by the 30-day exemption, and that if they are only

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consulting their actions may not even fall under the bill.

Sarah Byrne, Executive Director of the Kansas Board of Veterinary Examiners (KBVE), gave testimony as a proponent of the bill. ([Attachment 3](#)) She stated that this was a proposal they thought necessary in order to fulfill their statutory duty to protect the health, safety, and welfare of the people of Kansas through the regulation of the practice of veterinary medicine in the state.

SB189 gives the KBVE the ability to take remedial action against those who are not practicing the highest standard of care. Institutional practitioners, including school of veterinary medicine residents and interns, are a whole group of practitioners outside of their oversight. KBVE has received complaints about veterinarians at the college of veterinary medicine over the last few years. Some have been things they would not have taken action on even if they had jurisdiction, such as complaints about veterinarians not having a nice bedside manners. However, other complaints have been more serious and would normally have resulted in remedial action. It is very frustrating to complainants that KBVE has not been able to take any action in those situations. Therefore, KBVE has worked closely with KDA and the KSU College of Veterinary Medicine on this bill. There have been many phone calls, emails, and meetings to find language that everyone is happy with.

Ms. Byrne also addressed questions that had been raised on the subject of fees. She stated that all of the fees listed in the bill are ranges, as all of their fees are. A set amount will be decided upon when they promulgate regulations for implementation. The current plan is that residents and interns will pay a \$50 application fee and a \$25 annual renewal fee. Faculty clinicians will pay the same fee as any other veterinarian in Kansas, \$125 initially and then \$95 annually.

Upon completion of her testimony, Ms. Byrne stood for questions.

Senator Hawk asked if fees will be paid by individuals or institutions. Ms. Byrne responded that KBVE does not have a preference, however, her understanding is that the institution plans to pay.

Senator Hawk continued, asking about penalties for those who don't renew on time, and whether the institution or the individual will be in violation. Ms. Byrne responded that it is each individual who is ultimately responsible for ensuring that their license is renewed on time. KBVE does plan to enforce the \$50 late fee.

Senator Powell asked for an example of the kind of circumstance in a school of veterinary medicine against which remedial action may need to be taken. Ms. Byrne gave an example which occurred a few months ago in which a dog was brought in by its owners on the recommendation of the pet's "primary care" veterinarian, as the condition of the animal was beyond the ability of the local veterinarian to treat. The owners' explanation of the animal's symptoms was ignored by the attending veterinarian, and the veterinarian did not perform the necessary tests to determine what was wrong with the animal. It's

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condition continued to worsen, and the owners eventually took it to the University of Missouri in Columbia, where they were able to figure out the problem and save the animal.

The normal process when KBVE receives a complaint is to notify both the veterinarian and the complainant and then give each party the opportunity to respond. An investigator conducts interviews and reviews the case files. Then two members of the board review the case, sometimes interviewing the complainant and veterinarian. The board then finally determines whether a violation has occurred, and if so, what the penalty or remedial action shall be. In this example, the case could have resulted in a fine, suspension of the license, or requiring the veterinarian to complete additional study and retake the jurisprudence exam.

Senator Powell wondered why such a complaint couldn't be handled directly by the school. Ms. Byrne responded that it could, and there was a case a few years ago in which a practitioner was released, but what it comes down to is that these are veterinarians practicing veterinary medicine in the state of Kansas, and KBVE has the responsibility to ensure proper practice.

Senator Powell asked if the complainant mentioned previously had also notified the school of veterinary medicine of their complaint. Ms. Byrne replied that she believed the school was copied on the email, but that she did not know what, if any, action had been taken by the school.

Dr. Roger Fingland, Executive Associate Dean of the KSU College of Veterinary Medicine, submitted written only testimony. ([Attachment 4](#))

As no other testimony had been previously submitted, Senator Kerschen asked if there was anyone who would like to present testimony as an opponent to the bill or anyone who would like to present neutral testimony. There being none, Senator Kerschen closed the hearing on **SB189**.

Senator Kerschen then opened the floor for any further question or for final action on the bill.

The committee discussed whether to take action on the bill or to wait. Senators Abrams and Francisco expressed a desire to delay action in order to consider the bill. As there was no opposition, the committee decided to delay final action.

There being no further business, the meeting was adjourned at 9:00am.