

Approved Mar. 15, 1989
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Susan Roenbaugh at
Chairperson

9:07 a.m./~~p.m.~~ on March 1, 1989 in room 423-S of the Capitol.

All members were present ~~except~~

Committee staff present: Norman Furse, Revisor of Statutes Office
Raney Gilliland, Legislative Research Department
Marjorie Brownlee, Committee Secretary

Conferees appearing before the committee:

House Bill 2385 (Continued)

OPPONENTS:

Dr. Donald V. Atteberry, veterinarian from Tecumseh,
Kansas
Dr. G. W. Gurss, Kansas Veterinary Medical Association
Dr. Tom D. Vincent, Executive Director, Board of
Veterinary Examiners, State of Kansas

House Bill 2424

PROPONENTS:

Dr. Joseph Bailey, Chairman, Impaired Veterinarians'
Committee, Kansas Veterinary Medical Association
Dr. Frank Solomon, President, Kansas Veterinary
Medical Association
Dr. Tom D. Vincent, Executive Director, Board of
Veterinary Examiners, State of Kansas
Wilbur Leonard, Committee of Kansas Farm Organizations
Dr. G. W. Gurss, Kansas Veterinary Medical Association

Minutes for the meetings on February 21 and 22, 1989, were submitted to the Members of the Committee for approval by Chairman Roenbaugh. Representative Heinemann moved that the minutes be approved as presented. Representative Bryant seconded the motion. The motion passed.

Hearings for House Bill 2385, as announced by the Chairman, were to be concluded in today's meeting.

Chairman Roenbaugh called on Dr. Don Atteberry to complete his testimony of the previous day. Dr. Atteberry concluded his discussion of the procedures for embryo transplants and the involvement of the veterinarian in those procedures. (See Attachment 5, February 28, 1989) He was adamant in his opposition to House Bill 2385.

Dr. G. W. Gurss, Kansas Veterinary Medical Association, testified in opposition to House Bill 2385. (Attachment 1)

Tom D. Vincent, Executive Director, Board of Veterinary Examiners, State of Kansas, directed his remarks in opposition to the bill

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,
room 423-S Statehouse, at 9:07 a.m./~~p.m.~~ on March 1, 1989

saying "...it would become just another 'caveat emptor' our livestock producers will have to bear." (Attachment 2)

The Chair called for any other persons who might wish to speak concerning House Bill 2385. There being none, hearings were pronounced closed for the bill.

Chairman Roenbaugh declared hearings open for House Bill 2424, a bill concerning procedure for impaired veterinarian assistance.

The first conferee who was a proponent for this legislation was Dr. Joseph Bailey, Chairman, Impaired Veterinarians' Committee, Kansas Veterinary Medical Association. (Attachment 3) After detailing and describing the various sections of the bill, Dr. Bailey asked for support for the bill "...as a necessary step in allowing veterinarians the development of peer assistance programs."

The Chair acknowledged Dr. Frank Solomon, President, Kansas Veterinary Medical Association, who testified in behalf of the bill. (Attachment 4)

Dr. Tom Vincent, Executive Director, Kansas Board of Veterinary Examiners, was the next conferee in favor of the bill. (Attachment 5) He said, "The Board feels there...is a need for an impaired veterinarian program and...the Act will be beneficial in assisting the Board in performing its duties with reference to veterinarians classified as being impaired."

Proponent Wilbur Leonard, Committee of Kansas Farm Organizations, indicated their support for this bill in the interest of veterinarians being able to provide quality veterinarian services for their members. (Attachment 6)

Dr. Gurss, Kansas Veterinary Medical Association, also spoke briefly in behalf of this legislation.

Upon completion of Dr. Gurss' remarks, Chairman Roenbaugh declared hearings to be closed on House Bill 2424.

The Chairman called for committee action on House Bill 2424. Representative Bryant moved to pass out of Committee favorably House Bill 2424. Representative Flowers seconded the motion. Following discussion of the bill, on vote of the Committee, the motion passed.

The meeting was adjourned by Chairman Roenbaugh at 9:58 a.m.

The next meeting of the House Agriculture and Small Business Committee will be on March 2, 1989, in room 423-S at 9:00 a.m.

GUEST LIST

COMMITTEE: HOUSE AGRICULTURE AND SMALL BUSINESS

DATE: March 1, 1989

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Joe Luber	Topeka	Ks Co-op Council
JOE Rickabaugh	Topeka	Ks Livestock Assn
Dr. Don Aubrey	Topeka	KUMTA
Dr. Joe Bailey	Centerville, Ks	KVMA
Frank Salamon DVM	Wichita, Ks	KVMA
Ed Sures	Lyndon, Ks	KVMA
Tom Licourt DVM	Lakin, Ks	St. Bd. Vet. Ex.
George Maichel DVM	Overbrook Ks	St Bd Vet Ex
Wilbur D. Jay DVM	LaCrosse - Ks	State Board Vet Exam
Sharon Bailey RN	Centerville, KS	KUMA
Ann E. Kobuszewski, DVM	Valley Falls, Ks.	KVMA
Wilbur Leonard	Topeka	Comm Ks Farm Org
Warren Tarker	Manhattan	Kansas Farm Research
Mike Beam	Topeka	Ks. Livest. Assn.
Mary Enturf	Topeka	DOB
Bob DOMER	TOPEKA	KVMA-KLA
Mike Meisinger	Marion, Ks	High School Govt Class
ERIC THIES	MARION	HS. Govt Class
Shannon Klein	Marion	HS Govt class
Shelby Moore	Marion	HS Govt class
Chyllis Sures	Lyndon,	KVMA-

TO: HOUSE AGRICULTURE AND SMALL BUSINESS COMMITTEE
FROM: G. D. GURSS, D.V.M.
SUBJECT: House Bill 2385

House Bill 2385 amends K.S.A. 47-817. K.S.A. 47-817 states that no person may "Practice Veterinary Medicine" in Kansas who is not a licensed veterinarian or has a permit issued by the Board. This act shall not apply to: a person performing a non-surgical embryo transfer. K.S.A. 47-817 also provides several other exemptions from the licensure requirement.

Non-Surgical Embryo Transfer involves the following steps: 1. Administration of drugs to induce superovulation. 2. Administration of hormones to induce oestrus synchronization. 3. Breeding of donor animal. 4. Administration of anesthetic to donor and recipient animals. 5. Sterilizing of instruments. 6. Use of apparatus to dilate cervix of donor and recipient animals. 7. Diagnosis of ovaries stage by palpation. 8. Inserting apparatus through cervix to collect embryos. 9. Infusing uterus with solution. 10. Collection of embryos. 11. Evaluating embryos. 12. Transfer of embryo to recipient animal or freezing the embryos. 12. Administration of antibiotic medicine to animals.

The Kansas Veterinary Practice Act is covered by statutes K.S.A. 47-814 through K.S.A. 47-834. K.S.A. 47-814 states the purpose of this Act. In order to promote public health, safety and welfare, the Legislature declares that the right to practice veterinary medicine is a privilege granted to persons possessed of professional qualifications specified in this act.

K.S.A. 47-815 states that this act shall be known as the "Kansas Veterinary Practice Act".

K.S.A. 47-816 defines terms used in the Act. Part (g) defines "The Practice of Veterinary Medicine" as meaning any of the following: To treat, diagnose, correct, change, relieve or prevent disease, defects, injury, or other physical or mental conditions; to prescribe or administer drugs, medicine, biologics, apparatus, application, anesthetic or other therapeutic or diagnostic substance or technique, or to use any manual or mechanical procedure for testing for pregnancy, correcting or testing for infertility, or to render advice or recommendations with regard to any of the same on any animal. Therefore, only persons who are licensed veterinarians, or hold a permit issued by the Board, may practice veterinary medicine (K.S.A. 47-817). The procedures performed in non-surgical embryo transfer as described above are defined by statute and constitute the practice of veterinary medicine. To perform non-surgical embryo transfers, a person must be a licensed veterinarian, or be exempted by one or all of the eleven methods provided in K.S.A. 47-817.

In summary, allowing non-surgical embryo transfer to be performed by anyone and everyone, with none or little training, knowledge, experience or qualifications, would not be in the best interest of the Livestock Industry. The intent of the Practice Act and the Legislature, was to provide protection to the livestock and the pet animal industries. K.S.A. 47-816(g) states clearly that the administration of drugs, medicines, anesthetics, making a diagnosis, and other procedures used in non-surgical embryo transfers is the "Practice of Veterinary Medicine". For these reasons, we are opposed to House Bill 2385. Thank you.

Ag SB
03-01-89

ATTACHMENT 1

Feb. 21, 1989



Board of Veterinary Examiners

Agriculture and Small Business Committee of the Kansas House.

Dear Committee Members:

This is a communique from the Kansas Board of Veterinary Examiners regarding House Bill No. 2385 and its effect on the Kansas Veterinary Practice Act.

Our duty according to said act is "to promote the public health, safety and welfare, the legislature hereby declares that the right to practice veterinary medicine is a privilege granted to persons possessed of the personal and professional qualifications specified in this act".

The purposed action here stated would be to exempt those persons "performing nonsurgical embryo transfer". It is not the function of the Examining Board to set policy but to see that the written policy is carried out. We do have some control of the veterinary profession and its actions today. The way it is today if something isn't quite right during this procedure there is a veterinarian somewhere who is legally liable. Our question is "who is responsible for the person performing embryo transfers" if this passes? Who is to say the person doing said procedure is in any way trained or qualified in the normal reproductive functions of the animals they are performing said transfer from or to.

Embryo transfer is a very technical and specialized field requiring a great deal of expertise as well as the proper handling of prescription drugs. Except for the physical manipulations this is not a job for just any technician to oversee. Some of these drugs are a very real threat to human health, especially females and in particular pregnant females. If this is to be taken from the hands of the veterinary profession, so be it. That would undoubtedly reduce their liability insurance premiums. This means that it will also remove it from the control of the legislature as well.

This one procedure will most assuredly have as great an ECONOMIC IMPACT as any item confronting us in recent history. The financial repercussions are already being felt across the State of Kansas. I would speculate the "true" sponsors of this purposed change are not only aware of this but already calculating their profits.

Should HB 2385 pass it would become just another "caveat emptor" our livestock producers will have to bear. For these reasons the State Board of Veterinary Examiners is opposed to HB 2385. Thank you.

For the Board,

A handwritten signature in cursive script that reads "Tom D. Vincent".

Tom D. Vincent, Executive Director

Ag & SB
83-01-89

TO: AGRICULTURE AND SMALL BUSINESS COMMITTEE
OF THE KANSAS HOUSE

FROM: JOSEPH BAILEY, D.V.M.
CHAIRMAN
IMPAIRED VETERINARIANS' COMMITTEE
KANSAS VETERINARY MEDICAL ASSOCIATION

SUBJECT: REQUESTING PASSAGE OF HOUSE BILL 2424

I would ask for your consideration in the passage of House Bill 2424. This legislation is intended to assist in the efforts of developing a Peer Assistance Program for the Kansas Veterinary Community.

OCCASION FOR AN IMPAIRED VETERINARIANS COMMITTEE

The Impaired Veterinarians' Committee of the Kansas Veterinary Medical Association has been appointed since December 1986. The occasion for appointment was the untimely death of a colleague.

INTENT OF THE COMMITTEE

The intent of this committee has been to encourage awareness of wellness themes, and to assist in implementing educational, informational, and peer assistance programs on impairment issues. The American Veterinary Medical Association has had in place an Impaired Veterinarians' Committee. This Kansas Committee has followed the "Model Program" as suggested by the A.V.M.A. Committee (copy attached). At last report there are 46 state veterinary programs established or in the process of organization. This committee has surveyed existing peer assistance programs in an effort to develop a successful program for Kansas Veterinarians. Our efforts have brought us to this committee to gain the necessary legislation that would initiate peer assistance programs for Kansas Veterinarians.

Impairment results from anxiety, depression, chemical dependence, mental and physical disabilities, and many other causes. It is recognized that impairment is not an individual condition. Many times, close associates, family, and friends may become entangled in the impairment process. Fortunately, if an impairment is recognized, early treatment can be highly successful. Untreated cases of impairment too often have a prognosis of worsening symptoms leading to death. Veterinarians are as easily subject to impairment as other health care professionals. Access to drugs and pressures of solo practices may lead to increased risk for impairment from drug dependencies.

NEED FOR LEGISLATION

Legislation enacted in 1986 and 1988 gave opportunity for other health care professions to implement peer assistance programs. Our committee has been advised that the legislation provided for in House Bill 2424, would allow the Kansas Board of Veterinary Examiners to implement such a peer assistance program.

Ag & SB
03-01-89

ATTACHMENT 3

COOPERATIVE EFFORTS OF THE KANSAS VETERINARY COMMUNITY

House Bill 2424 will establish the procedures for executive, review, or impairment committee activities. These actions are expected to be cooperative efforts by the Kansas Board of Veterinary Examiners and the Kansas Veterinary Medical Association through the aforementioned committees.

SECTION 1: defines those recognized entities involved in this legislation. The Kansas Board of Veterinary Examiners is the legal authority of licensed veterinary practitioners in Kansas. As a sponsor of impairment activities for the veterinary community, essentially, this legislation enables all Kansas veterinarians to be included.

SECTION 2: describes the process of reporting individuals that may be in need of assistance, the proper routing of reports and subsequent actions by committee and appropriate protection that some action will be taken by an appointed committee.

SECTION 3: contains a number of items giving the Kansas Board of Veterinary Examiners a process to implement and/or contract with existing programs pertaining to fact finding and verification of reported incidences of impairment. Included would be professional assistance for intervention if necessary, as well as assistance in establishing a reentry into the profession following treatment, with monitoring, support and assistance. Reports of committee activities and non-cooperative impaired individuals would be referred to the Board. Steps 1 - 7, outlined in Section 3, have been shown to be essential elements of a successful impairment program. It is imperative that an impaired individual receive treatment, and be provided professional support and assistance into recovery.

SECTION 4: pertains to the confidentiality of individual participants of a peer assistance program, especially in the reports of executive, or review, or impairment committee actions. Confidentiality is essential for any impairment program to gain credibility and to be able to provide assistance for impaired individuals especially where a license and livelihood are involved.

SECTIONS 5, 6, 7, & 8: pertain to the safety from liability "for acts of good faith" regarding participants in reporting alleged impaired individuals. Protection and recourse is provided to employees acting in good faith to report a suspected impairment. This is similar to protection afforded other health care professionals and encourages early reporting of an individual who is impaired. Early recognition and treatment enhances the recovery of an impaired individual.

I would ask for your support in the passage of House Bill 2424 as a necessary step in allowing veterinarians the development of peer assistance programs.

TO: Agriculture and Small Business Committee of the Kansas House
FROM: Dr. Frank Solomon, Jr., President of the Kansas Veterinary
Medical Association
SUBJECT: House Bill 2424

HISTORY

I am Dr. Frank Solomon, a practicing veterinarian at Wichita, Kansas, and President of the Kansas Veterinary Medical Association. During my tenure as an officer of the KVMA, the committee on Impaired Veterinarians was created. This was in 1986. Under the direction of Dr. Joe Bailey, as chairman, this Committee met with the American Veterinary Medical Association committee on Impaired Veterinarians, and reviewed and studied their program. They also reviewed legislation that was adopted by other states, attended educational meetings and training seminars held by committees of other organizations related to Impaired Professional People. With the use of this informative experience, training and general knowledge related to Impaired Veterinarians, the Committee was convinced that there was need for a program, and that legislation was needed to reach their objective. The KVMA membership and Board agreed with this decision, and feel that House Bill 2424 provides this legislation.

CONTENTS OF HOUSE BILL 2424

House Bill 2424 defines the four main ingredients of this Act - Board - Committees - Impaired Veterinarians - and Veterinarian.

Sections, 2, 3 and 4 authorize certain procedures, duties, reports, action, functions, and responsibilities of persons, committees, organizations, veterinarians, and the Kansas Board of Veterinary Examiners, regarding Impaired Veterinarians.

Sections 5, 6, 7 and 8 authorize and grant immunity from civil liability to persons, committees and organizations, for certain actions.

Section 8 emphasizes the need and reasons for this act.

Section 9 provides that this act be supplemental to and a part of the Kansas Veterinary Practice Act.

This act provides the authorization, procedures and immunity for persons, veterinarians and committees that are needed for an Impaired Veterinarian Program.

For these reasons, the Kansas Veterinary Medical Association membership and the Board of the KVMA, recommend passage of House Bill 2424.

Thank you.

Ag. SB
03-01-89

ATTACHMENT 4

TO: Agriculture and Small Business Committee of the Kansas House.
FROM Dr. Tom Vincent, Executive Director of the Kansas Board of Veterinary Examiners.
SUBJECT: House Bill 2424.

House Bill 2424 authorizes certain procedures and action related to Impaired Veterinarians, and makes the act supplemental and a part of the Veterinary Practice Act. Therefore, the Kansas State Board of Veterinary Examiners will be implementing the statutory intent of this act as related to Impaired Veterinarians.

The Kansas Veterinary Board of Examiners have approximately 2350 persons licensed to practice veterinary medicine; of this number, approximately 600 are practicing in the State of Kansas. The renewal license fee is \$20.00 annually, and this money creates the Veterinary Board of Examiner's fee fund.

The Board recognizes that the Act authorizes the Board to enter into certain agreements with Impaired Veterinarian committees of the appropriate State Professional Society or organization to provide functions and responsibilities as specified in the Agreement. The Board is willing to consider procedures that would provide payments from moneys appropriated for such functions.

The Board feels there was, and is, a need for an Impaired Veterinarian program, and feels that the Act will be beneficial in assisting the Board in performing its duties with reference to veterinarians classified as being impaired. The Veterinary Board of Examiners supports and asks that House Bill 2424 be passed by the committee.

Agg SB
03-01-88

Committee of . . .

Kansas Farm Organizations

Wilbur G. Leonard
Legislative Agent
109 West 9th Street
Suite 304
Topeka, Kansas 66612
(913) 234-9016

TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2424

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

AND SMALL BUSINESS

March 1, 1989

Madam Chairperson and Members of the Committee:

I am Wilbur Leonard, representing the Committee of Kansas Farm Organizations.

Our members have a genuine interest in the quality of veterinary service available to them. Collectively, they represent the great preponderance of persons who utilize the service of those veterinarians who engage in large animal practice. They are dependent on those professionals to keep their herds healthy, to treat their sick and injured animals and for advice as to the best husbandry practices. We're not unmindful of the ever growing small animal practice and the importance to the entire citizenry that those who provide service in that field are both competent and dependable.

We applaud this move by the veterinary profession to provide counselling and treatment for their members who need it and who can benefit from such procedures. The separation of those who are a continuing liability to their profession is not a pleasurable process, but a necessary one.

We agree that House Bill No. 2424 provides a needed addition to the veterinary practices act and we support its passage.

Thank you for the opportunity to express our views on this subject and I will be pleased to respond to your questions.

*Ag. SB
63-01-89*

ATTACHMENT 6