

2013 SENATE AGRICULTURE

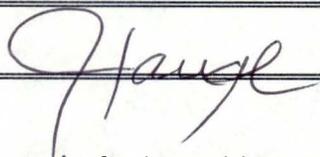
SB 2116

2013 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2116
January 18, 2013
17389

Conference Committee



This bill was drafted to add two members to the Board of Veterinary Medical Examiners.

Minutes:


Chairman, Senator Miller opened the hearing on SB 2116 relating to membership of the state board of veterinary medical examiners.

John Boyce, Executive Secretary for North Dakota Board of Veterinary Medical Examiners introduced the bill and explained why the Board is asking for two more position on the ND Board of Veterinary Medical Examiners.

Written testimony #1

Senator Heckaman asked what type of situations the board handles.

John Boyce replied that they had two main functions: one is to evaluate applications for license and issue licenses to qualified applicants; and second, to respond to complaints against licensees.

Senator Klein asked if there were many complaints or issues that come before the board from consumers.

John Boyce answered that complaints were generally submitted to the office by clients or consumers of veterinary medical care. Once and awhile the board will initiate a complaint against a licensee based on other information. He estimated that there were about eight or ten complaints a year by consumers and most of them were evaluated and dismissed. Some proceed to the next step when the board decides there is reasonable bases to believe a violation has occurred and then they authorize the board attorney to enter into a settlement agreement with the veterinarian. In the last fifteen years the board has never went to the next step which is a hearing before an administrative law judge.

Senator Klein asked if the veterinary technicians also fall under this scrutiny.

John Boyce said that they license about 450 veterinarians and about 220 veterinary technicians. They are licensed by the board and consumers can complain against both veterinarians and veterinary technicians. He added that since the board governs the technicians they feel a technician should be on the board since they are subject to the jurisdiction of the board with respect to their license.

Senator Miller asked if they had habitual complaints from particular clients. He also asked if most complaints are from large animal or small animal owners.

John Boyce replied that most of the complaints are involving small animals. He said that they have a few people who have filed multiple complaints over the years. He said that they also have a few veterinarians who have been the subject of multiple complaints. Most of the complaints have been about small animals, some equine, and very few food animals.

Senator Klein asked if there was any guidelines on the appointments of the three veterinarians that serve on the board.

John Boyce answered that the veterinarians are appointed by the governor and typically the Veterinary Medical Association gives the governor's office names. There are no specific guidelines but in the past they have done a good job of balancing the board with small and large veterinarians.

Senator Klein asked if they were to craft language to say one board member had to be a small animal veterinarian and one a large, would that be acceptable.

John Boyce said that they hadn't had a problem with balancing the board and specific language might limit the governor's ability to appoint the best person. His personal perspective would be that the language be quite general.

Senator Miller asked how they envision the public member.

John Boyce replied that this question applies to any board that has public members. The public member should be a consumer of veterinarian service in some way.

Senator Heckaman asked what would be the proper wording for a large animal veterinarian.

John Boyce answered that typically they have been referred to as large animal or small animal veterinarians. He said that large animal includes horses and livestock and these are totally different. Another way that has been used to describe them is companion animal and food animal veterinarians. He added that some veterinarians refer to their practice as mixed, including small and large animals.

Senator Heckaman asked if he thought it was acceptable if we had language that included large, small, and mixed veterinarians and the mixed would take care of the horse issue.

John Boyce replied that it could. "It just depends on what kind of expertise you want."

Terri Thiel, licensed North Dakota Veterinary Technician testified in support of SB 2116. Written testimony #2

Senator Klein asked if you could get a Veterinary Technician degree in North Dakota.

Terri Thiel answered that North Dakota State University has an excellent program. NDSU has gone from a two year with an internship to a four year program.

Senator Miller asked if there were still two year technician degrees.

Terri Thiel replied that if they came into North Dakota they would have to be licensed within ND.

Senator Heckaman asked where Terri Thiel went to get her continuing education.

Terri Thiel said they have an annual convention for veterinary technicians where they are offered opportunities for continuing education.

Senator Luick asked what her opinion was on having specific language requiring a small animal and large animal veterinarian on the board.

Teri Thiel felt that the language does become restricting and in North Dakota and across the Midwest there is a shortage of large animal veterinarians. She referenced the shortage of large animal veterinarians to replace sale barn veterinarians and stated that this is a big concern.

Discussion followed on the possibility of having sale barn veterinary technicians.

Lisa Trader, North Dakota Veterinary Technician, representing the NDVTA testified in support of SB 2116. She stated the representation at the licensure level would be appropriate. She concurred with Terri Thiel and her testimony.

Senator Miller asked how many members are in their association.

Lisa Trader said they currently have about 150 members. She added that they have a few veterinarians as members and they offer associate membership to assistants and students.

Additional written testimony in support:

Nancy Kopp, representing the North Dakota Veterinary Medical Association

Julie Ellingson, representing the North Dakota Stockmen's Association (NDSA)

No opposing testimony.

John Boyce echoed the concern for lack of large veterinarians and feels that we need to use non veterinarians more efficiently. He said the practice act, the way it is presently written, is quite restrictive as to what veterinary technicians are allowed to do and what they are prevented from doing. Personally, he would like to see some changes to the practice act to expand or create different niches for people with specific skills to try to fill the void. He gave examples of how dentistry and human medicine, dentist and physicians, can leverage their knowledge and skills by using other professionals in their practice. He hopes this bill will be approved and by having a veterinary technician on the board, it will allow the board to take serious consideration of this and maybe come back in two years with some changes to their practice act.

Senator Miller closed the hearing on SB 2116.

Committee discussed Julie Ellingson, of the NDSA written testimony. The NDSA suggest that they use language saying at least one of the veterinarian representatives must have a predominately large animal practice. They support adding the veterinary technician and the lay person. They suggest that the lay person language gives preference to those demonstrating experience with both small and large animals.

Vice Chairman Luick reopened hear on SB 2116.

Julie Ellingson, NDSA joined the committee and summarized her written testimony.

Chairman Miller redeemed the chairmanship.

Discussion followed and Senator Klein suggested some of the committee members meet after the hearing to work with stakeholders on an amendment and the language to be used in the amendment.

Senator Miller closed the hearing.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2116
January 25, 2013
17757

Conference Committee

Hauge

Minutes:

Do pass as amended

Chairman Miller opened discussion on SB 2116 relating to membership of the state board of veterinary medical examiners.

Senator Heckaman explained the amendments. She said that the first amendment looked at the makeup of the board and the second amendment she brought forward was to add the rotation of the board membership. The second amendment is what she thought they needed. This amendment identifies the five member board and the rotation of the board and terms. She moved amendment number 13.8068.01002.

Senator Klein seconded the amendment.

Discussion followed on the language of feed animal versus large animal and term limits.

Chairman Miller asked Nancy Kopp if she had any comments on the amendment.

Nancy Kopp, representing the North Dakota Veterinary Medical Association said that they will support the bill with amendments if they can find the volunteers to serve.

Senator Klein asked her if the one term is sufficient.

Nancy Kopp replied that she would have a little concern with that but added that they only meet three times a year. She said that it almost takes three years to get to know their responsibilities as a regulatory board. She said that five years is a long time but two terms, 10 years is a very long time. She

added that the State Board of Veterinary Medicine chose the five years so they would support that.

Chairman Miller called for the vote on amendment 13.8068.01002.

Roll call vote: 5-0-0.

Senator Heckaman moved a do pass as amended on SB 2116.

Senator Luick seconded the motion.

Senator Larsen asked if language should be put in section 3, saying mixed practice instead of both large and small practice.

Senator Heckaman replied that she took the language that legislative council thought that it needed to be. She said if that is something that isn't appropriate, they could fix that wording in the House.

Chairman Miller concurred.

Roll call vote on do pass as amended: 5-0-0

Senator Heckaman is the carrier.

VR
1/25/13
1082

PROPOSED AMENDMENTS TO SENATE BILL NO. 2116

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 43-29-02 of the North Dakota Century Code, relating to membership of the state board of veterinary medical examiners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-29-02 of the North Dakota Century Code is amended and reenacted as follows:

43-29-02. State board of veterinary medical examiners - Appointments - Qualifications - Terms - Vacancies.

1. The state board of veterinary medical examiners consists of ~~three~~ the following five gubernatorially appointed members appointed by the governor for terms of three years each, with their terms of office so arranged that one term, and only one, expires each year. Members of the board shall hold their respective offices until their successors are appointed and qualified. Each member must be a reputable, practicing, and licensed veterinarian in North Dakota for five years immediately prior to the appointment, and must be the holder of a diploma or degree granted by a veterinary school, or by a college or university recognized by the board.

~~If any vacancy occurs on the board due to resignation, death, removal from the state, or suspension as herein provided, or for any other reason, the governor shall fill such vacancy:~~

- a. One veterinarian whose practice has a predominant focus on large animals;
 - b. One veterinarian whose practice has a predominant focus on small animals;
 - c. One veterinarian whose practice focuses on both large and small animals;
 - d. One veterinary technician; and
 - e. One individual representing the public.
- 2.
- a. Each veterinarian on the board must be licensed in this state and must have practiced in this state for at least five years immediately preceding the appointment.
 - b. The veterinary technician on the board must be licensed in this state and must have practiced in this state for at least five years immediately preceding the appointment.
 - c. The individual representing the public:
 - (1) Must be a resident of this state;

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- (2) Must have resided in this state for at least five years immediately preceding the appointment;
 - (3) May not be a veterinarian, a veterinary technician, or the spouse of a veterinarian or a veterinary technician;
 - (4) May not ever have been a veterinarian, a veterinary technician, or the spouse of a veterinarian or a veterinary technician; and
 - (5) May not have any direct financial interest in the provision of veterinary services and may not be engaged in any activity directly related to the veterinary profession.
3. a. The term of office for each member appointed before July 1, 2013, is three years. The term of office for each member appointed after June 30, 2013, is five years, except that the initial terms must be staggered by lot so that no more than one term expires each year. Each term of office begins on July first.
- b. Each member of the board shall hold office until a successor is appointed and qualified.
- c. (1) A member of the board may not serve more than one term consecutively.
- (2) If an individual is appointed to complete a vacancy, that service is not counted as a term for purposes of this subdivision unless the duration of that service exceeds three years.
4. If at any time during a member's term, the member ceases to possess any of the qualifications provided in this section or if the member resigns, the member's office is deemed vacant and the governor shall appoint another qualified individual for the remainder of the term.
5. The governor may, after due notice and hearing, remove any member of the board of veterinary examiners for ~~misconduct, incapacity, or neglect of duty~~ cause."

Renumber accordingly

Date: Jan 25, 2013
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2116

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8068, 01002

Action Taken ~~Passed~~ adopted

Motion Made By Senator Heckaman Seconded By Senator Klein

Senators	Yes	No	Senator	Yes	No
Chairman Joe Miller	✓				
Vice Chairman Larry Luick	✓				
Senator Jerry Klein	✓				
Senator Oley Larsen	✓				
Senator Joan Heckaman	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2116: Agriculture Committee (Sen. Miller, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEARS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2116 was placed on the Sixth order on the calendar.

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- a. One veterinarian whose practice has a predominant focus on large animals;
 - b. One veterinarian whose practice has a predominant focus on small animals;
 - c. One veterinarian whose practice focuses on both large and small animals;
 - d. One veterinary technician; and
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 - b. The veterinary technician on the board must be licensed in this state and must have practiced in this state for at least five years immediately preceding the appointment.
 - c. The individual representing the public:
 - (1) Must be a resident of this state;
 - (2) Must have resided in this state for at least five years immediately preceding the appointment;
 - (3) May not be a veterinarian, a veterinary technician, or the spouse of a veterinarian or a veterinary technician;

- (4) May not ever have been a veterinarian, a veterinary technician, or the spouse of a veterinarian or a veterinary technician; and
 - (5) May not have any direct financial interest in the provision of veterinary services and may not be engaged in any activity directly related to the veterinary profession.
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5. The governor may, after due notice and hearing, remove any member of the board of veterinary examiners for misconduct, incapacity, or neglect of duty cause."

Renumber accordingly

2013 HOUSE AGRICULTURE

SB 2116

2013 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

SB 2116
March 15, 2013
Job #19997

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to membership of the state board of veterinary medical examiners

Minutes:

Attachments #1-3

John Boyce, North Dakota Board of Veterinary Medical Examiners: (See attached #1)

Up until now members of the board just had to be licensed veterinarians. The governor appointed them and they served their terms.

The board is proposing to amend to allow the governor's discretion in making the appointments. He wouldn't be restricted by the law.

The Senate put a term limit of one 5-year term for board members. Presently there is no term limit. Board members serve 3-year terms. Typically they serve two 3-year terms. The board believes one 5-year term is not enough. That would limit their ability to become involved in national organizations that deal with licensing board matters. As they move up their term would expire. The board recommends removing the term limit added by the Senate.

Representative Belter: I am adamant that a large animal veterinarian be part of the board. If you have suggestions for definition, I would be open to that.

John Boyce: I think the predominant focus on large animals is fairly clear. In the 15 years that I have been working with the board, we have always had that. We have not had a board of three feline practitioners.

Representative Belter: I know it hasn't been a problem. But as we look at our state, the industry is becoming more heavily dominated by small animal veterinarians.

Representative Fehr: What are the types of issues and complexity that the board is dealing with over the past years?

John Boyce: The licensing board has two main functions. One is to issue licenses to qualified candidates. The second is to respond to complaints against licensees. The number of complaints is about 8 or 10 per year. It is typically a client that has had a bad

experience at the veterinarian. After the veterinarian responds, the board decides on a course of action.

Representative Fehr: Some complaints are simple and others may take years to resolve.

John Boyce: Most of the complaints are dismissed because there is no violation of the practice act. The standard in the practice act talks about gross negligence and malpractice. We have several cases now where we are negotiating a settlement agreement between the board and the licensee. There has not been a case in 15 years that has gone beyond the settlement agreement.

Representative Fehr: How many only work with large animals and how many with small animals?

John Boyce: We have about 230 veterinarians licensed in North Dakota. About 450 are licensed by our board so the rest live in other states. Over half are in small animal practice. Food animal veterinarians would be about 20%.

Chairman Dennis Johnson: By spelling that out in language as far as large animal veterinary, just so we don't preclude them from the opportunity to do both ends.

Representative Rust: The revision had a one 5-year term limit. You are asking for no term limits. Any thoughts about a two-term limit or a three-term limit?

John Boyce: The board wants no limit like it is now. I don't think the board would object to two 5-year terms.

Chairman Dennis Johnson: As stated in testimony, if you do want a national position and you are termed out, you would be disqualified for that position.

Representative M. Nelson: We have a lot of exotic animals. Are veterinarians trained in that?

John Boyce: Diversity--our profession has been dealing with that. Our national license examination has questions on all animals commonly seen in practice. Once they graduate they can specialize in certain areas. The board exam is a driver of the curriculum.

Representative Fehr: Are board members compensated?

John Boyce: They get a per diem of \$225/per meeting and travel to two board meetings a year.

Representative Larson: I have served on boards that the term was 3-years. If it is not so long, is it easier to get people to serve?

John Boyce: No, the governor can replace a person who would want to be off the board.

(23:07)

Terri Thiel, Dickinson: (See attached #2) Licensed Veterinary Technician in support of adding a technician to the Medical Examiners Board.

Chairman Dennis Johnson: Is a wet lab a working lab?

Terri Thiel: Yes, at NDSU it is a hands-on lab.

Personally and from a livestock auction barn in Dickinson--we are aware of a shortage of large animal veterinarians. Maybe the language could be one veterinarian being from a food producing animal area. The livestock barn suggested maybe a technician could work there. If a veterinarian is needed to attend to an animal, the work isn't done at the livestock barn.

Representative M. Nelson: When does work at a vet clinic need a technician degree?

Terri Thiel: There is no requirement for a clinic to have a vet tech. The veterinarian has the oversight to determine that the person is qualified.

Nancy Kopp, North Dakota Veterinary Medical Association: In support of SB 2116 as well as the proposed amendments by the State Board of Veterinary Examiners. Of the 230 licensed practicing veterinarians in ND, there are 190 members. We give two names of veterinarians to the governor's office to serve on the board. It is difficult to find volunteers. The NDVMA does its best to recruit a large animal, mixed, and small. To define a large animal practitioner might be difficult. A large animal practitioner could specialize in equine. We do support adding a veterinary technician as well as a public member. They would bring a good perspective to the small board.

We will support the Stockmen's Association for a large animal practitioner to be on the board.

In regard to term limits--we don't have any concerns over a 3 or 5-year or a limit. There haven't been problems in the past.

Vice Chair John Wall: Would you have any problem with Terri's suggestion of "food producing" to take horses out of the mix?

Nancy Kopp: I wouldn't suggest that definition. The definitions we use are large, mixed, and small.

Chairman Dennis Johnson: On line 21, one individual represents the public. What type of person do you envision from the public?

Nancy Kopp: Nicole Weiler out of the governor's office has a pool of individuals that want to serve on a state board. They have to fill out an application.

Representative Fehr: Do you see a problem with the definitions to recruit members?

Nancy Kopp: We have not in the past. Many of the large or mixed are in rural North Dakota. Their time is limited especially at certain times of the year.

Representative Fehr: If the term changes from 3 years to 5 years, do you see issues recruiting people because of the longer commitment?

Nancy Kopp: Serving on the state board is not a daunting responsibility. They meet twice a year.

(38:13)

Tom Bettenhausen, North Dakota Veterinary Medical Examiners Board:

Our main point was to not tie the governor's hands. He will try his best but I can see problems with food animals. I started as a large, then a mixed, then a small because of my back. Does that mean I will be taken off the board because I switched. We have been good on the board representing large animal people. I think most veterinarians will look at any animal. We don't refuse any animal.

Representative Fehr: To me "predominately" means more than half.

Tom Bettenhausen: That is the problem. What does that mean?

Representative Fehr: If it means more than half, does that mean the pool is so small that it would be hard to fill.

Tom Bettenhausen: In North Dakota probably so. Does "predominately" mean time or money? I think the governor has a good handle on that.

Chairman Dennis Johnson: Is there a problem trying to find a large animal veterinarian far away from Bismarck that wants to take the time to serve on the board?

Tom Bettenhausen: Yes, I think there will be.

Julie Ellingson, North Dakota Stockmen's Association: (See attached #3)

Opposition: none

Chairman Dennis Johnson: Closed the hearing

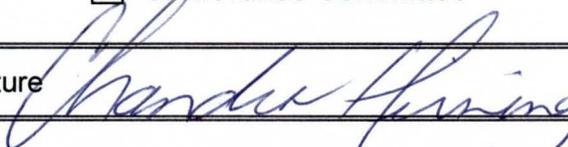
2013 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

SB 2116
March 22, 2013
Job #20376

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to membership of the state board of veterinary medical examiners

Minutes:

You may make reference to "attached testimony."

Chairman D. Johnson: Those amendments were put on for a constituent, so they were not tied to the amendments one way or the other. One of the concerns was that we do not term limit the position on the state board, so there would be opportunity to serve on a national board. Some have said that is not a problem; they could serve on the national board and not be a member of the state board. Which way are we going on that? Can we serve on the national board and be termed off of the state board?

1:06 **John Boyce, executive secretary of the Board of Veterinary Medical Examiners:** I'm not sure if I know the exact answer to your question about whether they have to be a member of a board in order to serve on the national board. That is not a determination of the state; that's a determination of the national organization. The concern was that it takes a few years for someone to attend those national meetings and get up to speed on what they're doing and to become known to their colleagues. If they become involved, they are not elected to the president-elect right away. They might serve on a committee or on an executive board for a few years. The five year limit is too short. We have three-year terms now. Most members have served two three-year terms. I would support the concerns that were expressed to you by one of our board members.

2:34 **Rep. D. Larson:** Recounted conversation she had with a veterinarian. I told her that extending the term from three to five years might make it difficult for some people to jump in in the beginning due to the length. I see no reason not to let you have many more terms, but it might be easier to get participation with the shorter term.

3:29 **John Boyce:** The reason the bill was written with five years is that there would going to be five members, so one member each year. Right now we have three members and three-year terms. It would probably work to have five members and three-year terms. There would be some years you'd have two members. That's the only reason it went to five. It was not an attempt to lengthen the term, only to make it easy that one member would be appointed each year.

4:16 **Rep. Rust:** Is the original bill better than the amended bill?

John Boyce: Yes. The board drafted the bill and submitted it, and then it was amended. I think the board would say that the original bill is what they wanted but that they can live with the amended bill with the recommendations they made during testimony.

5:02 **Unidentified speaker:** (faint audio) Question regarding source of amendments

5:07 **John Boyce:** Yes, that was in my testimony.

Unidentified speaker: (faint audio)

5:25 **John Boyce:** Those were to amend the engrossed Senate bill. If we went back to the original bill as introduced by the board, then I don't think those amendments would be relevant.

5:37 **Chairman D. Johnson:** In visiting with Senator Heckaman, the engrossed bill features her amendments, and she said she did it for a constituent and really had not feelings one way or the other. I don't know that I talked with any senators who are tied to the engrossed bill and would not go back to the original bill.

6:13 **Nancy Kopp, North Dakota Veterinary Medical Association:** I was not at the Senate hearing, but I am aware of the conversation which took place. The concerns offered by the North Dakota Stockman's Association were centered on the language that pertains to the composition of the veterinary members of the board. That's why you found the amendment that the veterinarian focuses on large, small, and mixed. They wanted to make sure there is a versatile representation, primarily a large animal practitioner on that board. The North Dakota Veterinary Medical Association does provide names for the governor's consideration. We do our best to make sure that there are large, mixed, and small. As far as the term limits, I know Senator Heckaman has been working with various boards and has a belief that there should be limits on all boards.

7:51 **Chairman D. Johnson:** We have the engrossed bill in front of us. The original bill did not talk about specifically a large animal. Jacob has pulled up the original bill. If one took the original bill and just plugged in the part of addressing the a, b, and c of who serves on this board.... And then in our decision if we're going to have term limits or not. Those would be the issues we're mainly concerned in.

9:46 **Rep. M. Nelson:** Instead of trying to spell out every individual (audio faint). They were concerned about finding people. (audio faint)

10:23 **Chairman D. Johnson:** We're sort of thinking rural, unless you have folks who are concerned that they want equal representation from the other facets.

Rep. M. Nelson: (audio faint) As I remember the testimony, the concern was finding a person with large animal experience. Comment about Bismarck area. If we put in that there should be a person with large animal experience, that takes care of the concern while allowing flexibility to find people.

11:31 **Nancy Kopp:** I would suggest that you accept the amendment offered by the State Board of Veterinary Medical Examiners where it states the governor shall endeavor to locate these modes of practice. If you put it in statute, it really ties the association's hands. Actually, it would tie the hands of the governor in his consideration. Including the word *endeavor* might solve the issue.

12:24 **Chairman D. Johnson:** If we go with the engrossed bill and put this amendment on it, that works.

Nancy Kopp: I want to make sure you have the amendment offered by the state board.

Chairman D. Johnson: It's the one stapled to his testimony. (See attachment 1 from March 15, 2013, hearing.) It states *endeavor*.

Rep. Larson **moves to adopt amendments** offered by the North Dakota Veterinary Association. Rep. Boschee seconded.

Nancy Kopp: I want to make sure that that amendment also addresses the term limit.

Chairman D. Johnson: It takes the term limit off.

14:05 **Rep. Fehr:** I want to make sure what the motion is.

Chairman D. Johnson: Identified the amendments which will be added to the engrossed bill.

14:43 **Rep. Fehr:** I understand the point about inserting the word *endeavor*. I'm questioning whether we really need to do that. If it is important that there be a veterinarian for large animals, and unless it is such a small, dwindling group, I would maintain that they can find a veterinarian of large animals.

15:21 **Rep. Boschee:** I think that the people who are actually doing the work are looking for more flexibility so that they can continue their work, which we are making statutory. Whatever we can do to allow that flexibility, I think we should do. They have expressed that there is a challenge with finding a representative group, and they are trying to address that challenge so that they can try to meet that goal but are not tied to it through statutory law. Related experience serving on boards with requirements.

16:20 **Rep. Fehr:** I am going to resist this motion. I understand the point of flexibility, but with a five-member board, if it takes a few months to find someone else... Related experience serving on boards with requirements.

16:52 **Rep. M. Nelson:** Referred to testimony given during hearing. If we say his practice has to be predominantly focused on large animals, he cannot serve even though he would bring their concerns to the board.

17:44 **Unidentified speaker:** In fact, it only has to do with appointment. If someone's practice changes after they've been appointed, they are still on the board. When someone else leaves the board, the governor will have to look at the current makeup of the board and appoint someone accordingly.

18:31 **Voice vote on adoption of amendment. Voice vote carries.**

18:50 **Unidentified speaker:** On page 2, section 3 (audio faint) I'm trying to get it back to three years instead of a five-year term. (audio faint)

Faint audio of interchange between committee members.

20:04 **Unidentified speaker:** Doesn't the original language state that it is three years and it must be staggered? So I would assume that you could just delete lines 15-18.

Faint audio of interchange between committee members.

Rep. D. Larson: I'll withdraw this idea. If five-year terms are able to be filled, that is fine. If it becomes a problem, you can bring it back to us and we can amend it to three again.

21:10 **Unidentified speaker:** I have to agree with Rep. Larson. I think a three-year term is preferable. To commit to a board for five years is a considerable time.

Rep. D. Larson: Proposes wording. On line 15, after the word *appointed*, insert *shall be three years, and the terms must be staggered*. I took that from line 17.

Rep. Rust: You might want to leave *Each term of office begins July 1*. It gives you a starting date for the terms of office. Is there a start date to this someplace? If there is not a start date someplace else, you may want to leave that in.

Rep. M. Nelson: It gets a little confusing. Since we're going to have a variation with the Senate bill, we do have the possibility of a conference committee. If the wording is not perfect, they will have another chance to clean it up a bit.

Rep. D. Larson: Restated proposed wording. Line 15, *The term of office for each member appointed shall be three years, and the terms shall be staggered*. Rep. Fehr just suggested that we do not even need appointed. We could say *The term of office for each member shall be three years, and terms must be staggered*.

Chairman D. Johnson: Jacob was sharing with me that it does have to state on the first appointment to justify when the staggering starts. They are currently three-year terms now. Committee to take a brief recess.

Chairman D. Johnson: Committee resumed. Summarized changes suggested by Rep. Larson. *The term of office for each member appointed is three years, with the terms of office so arranged that no more than two terms expire each year*.

Rep. Larson **moves the adoption of this amendment**; Rep. Belter seconds.

27:19 Voice vote on adoption of amendment. Voice vote carries.

27:24 Rep. Fehr: Question regarding starting date of terms of office

Chairman D. Johnson: That is not removed. It doesn't state that there.

Rep. Larson: Let me **change my motion** to include whatever the language needs to be to include the start date.

Voice vote on adoption of amendment. Voice vote carries.

Rep. D. Larson moves a recommendation of Do Pass as Amended. Rep. Fehr seconds the amendment.

Roll call vote on motion for a Do Pass as Amended. Motion carries.

Yes = 11

No = 0

Absent = 2

Carrier: Rep. Fehr

March 22, 2013

5/22/13
CST/c

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2116

Page 1, line 8, remove "the following"

Page 1, line 16, after "~~vacancy~~" insert ". In appointing the board members, the governor shall appoint three veterinarians, one veterinarian technician, and one individual representing the public. In appointing the veterinarian members of the board, the governor shall make an effort to appoint."

Page 1, line 18, after the underscored semicolon insert "and"

Page 1, line 19, replace the underscored semicolon with an underscored period

Page 1, remove lines 20 and 21

Page 2, line 15, remove "appointed before July 1, 2013."

Page 2, remove line 16

Page 2, line 17, replace "except that the initial terms" with "Terms"

Page 2, line 17, remove "one"

Page 2, line 18, replace "term expires" with "two terms expire"

Page 2, remove lines 21 through 24

Renumber accordingly

Date: 3/22/13

Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2116**

House **Agriculture** Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Consent Calendar
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Larson Seconded By Rep. Boschee

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson			Rep. Joshua Boschee		
Vice Chairman John Wall			Rep. Jessica Haak		
Rep. Wesley Belter			Rep. Marvin Nelson		
Rep. Alan Fehr					
Rep. Craig Headland					
Rep. Joe Heilman					
Rep. Dwight Kiefert					
Rep. Diane Larson					
Rep. David Rust					
Rep. Wayne Trottier					

Vote passed

Total Yes _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

North Dakota Veterinary Medical Association amendment

Date: 3/22/13

Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2116**

House **Agriculture** Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Consent Calendar
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Larson Seconded By Rep. Belter

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson			Rep. Joshua Boschee		
Vice Chairman John Wall			Rep. Jessica Haak		
Rep. Wesley Belter			Rep. Marvin Nelson		
Rep. Alan Fehr					
Rep. Craig Headland					
Rep. Joe Heilman					
Rep. Dwight Kiefert					
Rep. Diane Larson					
Rep. David Rust					
Rep. Wayne Trottier					

Vote passed

Total Yes _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Term of office is three years with no more than two terms.

expire each year

Date: 3/22/13

Roll Call Vote #: 3

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2116**

House **Agriculture** Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Consent Calendar
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Larson Seconded By Rep. Fehr

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Boschee	X	
Vice Chairman John Wall	X		Rep. Jessica Haak	X	
Rep. Wesley Belter	X		Rep. Marvin Nelson	X	
Rep. Alan Fehr	X				
Rep. Craig Headland	AB				
Rep. Joe Heilman	AB				
Rep. Dwight Kiefert	X				
Rep. Diane Larson	X				
Rep. David Rust	X				
Rep. Wayne Trottier	X				

Total Yes 11 No 0

Absent 2

Floor Assignment Rep. Fehr

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2116, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2116 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "the following"

Page 1, line 16, after "~~vacancy~~" insert ". In appointing the board members, the governor shall appoint three veterinarians, one veterinarian technician, and one individual representing the public. In appointing the veterinarian members of the board, the governor shall make an effort to appoint"

Page 1, line 18, after the underscored semicolon insert "and"

Page 1, line 19, replace the underscored semicolon with an underscored period

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Page 2, line 18, replace "term expires" with "two terms expire"

Page 2, remove lines 21 through 24

Re-number accordingly

2013 TESTIMONY

SB 2116



North Dakota Board of Veterinary Medical Examiners

P.O. Box 5001, Bismarck, ND 58502, phone: 701-328-9540, fax: 701-224-0435, e-mail: ndbvme@nd.gov

Richard Odegard, DVM
Grand Forks, ND
President

Frank Walker, DVM
New Rockford, ND
Secretary

Thomas Bettenhausen, DVM
Bismarck, ND

John R. Boyce, DVM, PhD
Executive Secretary

Senate Bill No. 2116

Senate Agriculture Committee, January 18, 2013

John R. Boyce, Executive Secretary, North Dakota Board of Veterinary Medical Examiners

Thank you for the opportunity to offer testimony regarding SB 2116. This bill was drafted to add two members to the Board of Veterinary Medical Examiners. At the present time the board has three members, all of whom are veterinarians. From time to time, the small size of the board makes it difficult to conduct business, such as when a member cannot attend a meeting or has to recuse himself because of a potential conflict of interest regarding the matter under discussion.

Because the board licenses veterinary technicians as well as veterinarians, SB 2116 proposes the addition of one member to the board who is a licensed veterinary technician.

Nearly all veterinary licensing boards in other states have one or more public members. Given that the purpose of a licensing board is public protection, it makes sense to have at least one member who brings a public or consumer perspective to the board. Therefore, SB 2116 proposes the addition of one public member to the board.

In order to allow for staggering of terms, the length of a member's term has been increased from three to five years, so that one term expires each year.

Addition of two members will have a minor impact on the board's annual operating expenses, which are paid from application and license fee income, not state revenues.

Testimony of Terri Thiel, Dickinson, ND

Senate Bill: 2116

January 17, 2013

Chairman Miller and members of the Senate Agricultural Committee, my name is Terri Thiel, and I am a licensed North Dakota Veterinary Technician, and a member of the North Dakota Veterinary Technicians Association.

I am in support of adding a ND licensed Veterinary Technician to the ND Veterinary Medical Examiners Board, which the passage of Senate Bill 2116 would do.

While I am not currently a practicing ND Veterinary Technician, I am still involved with the continuing education seminars, the ND Veterinary Technician Association and raise commercial cattle and own several horses.

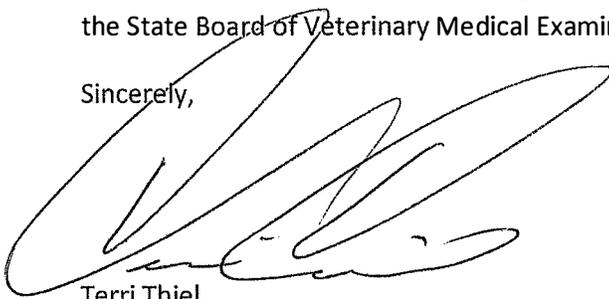
I believe that the ND Veterinary Technician Association has continued to improve the quality of the industry, not only by providing educational seminars featuring top quality speakers and onsite wet labs annually for technicians, but also now asking to be a participating member of the State Board of Veterinary Medical Examiners.

Veterinary Technicians in the state are highly educated and trained as professionals, much like their counterpart in the human world, our RN nurses. They are able to perform laboratory blood work, x-rays, surgical assistance, assisting with anesthesia and more. State exams are required to be licensed in the state of North Dakota, along continuing education each year in order to be licensed annually.

Veterinary Technicians bring not only another viewpoint to the discussions with the Board, but also at times additional information that may not have been otherwise aware of because of their interactions with not only clients, but also the industry as a whole.

I believe that now is the time to recognize the value of adding a licensed ND Veterinary Technician to the State Board of Veterinary Medical Examiners and I urge you to pass Senate Bill 2116.

Sincerely,



Terri Thiel

ND Veterinary Technician

License #17

Senate Bill 2116
Senate Agriculture Committee
Senator Joe Miller – Chair
January 18, 2013

Good Morning Mr. Chairman and members of the Committee.

For the record, my name is Nancy Kopp. I represent the North Dakota Veterinary Medical Association.

The North Dakota Veterinary Medical Association represents approximately 200 of 268 large animal, small animal and mixed animal licensed veterinarians practicing in North Dakota.

As I am unable to personally attend the first hearing of SB 2116, I respectfully offer support and encourage passage of SB 2116.

The NDVMA has for several years, forwarded the names of veterinarians, interested in serving the State Board of Veterinary Medical Examiners, to the Governor for consideration for appointment.

We support the addition of representatives to the State Board of Veterinary Medical Examiners, of a Veterinary Technician and a Public Member who may serve the general public's interests in the welfare of all animals, for the reasons stated in testimony provided by Dr. John Boyce, Executive Director of the State Board.

If you have any questions, I would be happy to address them next week.

Thank you in advance for your favorable consideration of a do pass recommendation.

SB 2116

Good morning, Chairman Miller and Senate Agriculture Committee members. For the record, I am Julie Ellingson and I represent the North Dakota Stockmen's Association.

North Dakota's cattle producers rely on our local veterinarians as valuable partners in our operations and critical components in keeping our herds healthy and thriving. Our organization rises in support of SB 2116, which would allow the State Board of Veterinary Medical Examiners to expand its board to include two additional members.

We understand that the small board has caused some challenges for the Board of Veterinary Medical Examiners, particularly in instances where a board member has had to recuse him or herself from voting when action was required in cases involving veterinarians from their own clinic. The board expansion would help in those situations and provide additional expertise and input in the important decisions the board is required to make.

With that being said, though, we would suggest a few amendments to ensure that the Board of Veterinary Medical Examiners can be as effective as it can be:

Because there is considerable variability between small-animal and large-animal practices and different clientele and animal care considerations for these different animals, we think that it is important that both perspectives are represented on the board. We suggest that the following language (or something to the effect of it) be inserted on line 15: "At least one of the veterinarian representatives must have a predominately small-animal practice and at least one of the veterinarian representatives must have a predominately large-animal practice." This would help ensure a diversity of expertise on the board. We recommend that mixed-practice veterinarians could fulfill either of these designated positions, as long as a majority of their work is either in the area of large animals or small animals, respectively.

For the lay appointment, we think it is less important that the representative has never had a connection with the veterinary profession than it is that the person brings to the table some background and connection to animals. Because of the differences between small- and large-animal care, we would also suggest a line stating that preference should be given to those demonstrating experience with both small and large animals.

Thank you for the opportunity to provide this input.



North Dakota Board of Veterinary Medical Examiners

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Bismarck, ND

John R. Boyce, DVM, PhD
Executive Secretary

Senate Bill No. 2116

House Agriculture Committee, March 15, 2013

John R. Boyce, Executive Secretary, North Dakota Board of Veterinary Medical Examiners

Thank you for the opportunity to offer testimony regarding SB 2116. When it was initially filed in December, this bill was drafted to add two members to the Board of Veterinary Medical Examiners. At the present time the board has three members, all of whom are veterinarians. From time to time, the small size of the board makes it difficult to conduct business, such as when a member cannot attend a meeting or has to recuse himself because of a potential conflict of interest regarding the matter under discussion.

Because the board licenses veterinary technicians as well as veterinarians, SB 2116 proposes the addition of one member to the board who is a licensed veterinary technician.

Nearly all veterinary licensing boards in other states have one or more public members. Given that the purpose of a licensing board is public protection, it makes sense to have at least one member who brings a public or consumer perspective to the board. Therefore, SB 2116 proposes the addition of one public member to the board.

In order to allow for staggering of terms, the length of a member's term has been increased from three to five years, so that one term expires each year.

Addition of two members will have a minor impact on the board's annual operating expenses, which are paid from application and license fee income, not state revenues.

Last month, the Senate passed an extensively revised version of the bill that the board had introduced initially. The board did not have an opportunity to review or comment on that revised bill before it was sent to and approved by the Senate. The board has notable concerns about this revised version of the bill and requests that the following changes be made to it:

1. The first revision that is concerning to the board is the language requiring the governor to appoint one veterinarian whose practice has a predominant focus on large animals, one veterinarian whose practice has a predominant focus on small animals, and one veterinarian whose practice focuses on both large and small animals. The board agrees that diversity of practice experience is helpful for the three veterinarian members of the board. However, the governor's appointments to the board have reflected diversity of veterinary experience without that having been a statutory requirement. The board has two chief concerns with making these criteria into statutory requirements.

First, while the governor is expected to continue appointing board members from diverse areas of practice, it seems unnecessarily restrictive to require appointments mandating these criteria. In the future, there may be fewer willing and qualified large animal veterinarians from which to choose—making it unnecessarily burdensome, and potentially impossible, for the governor to make appointments meeting these requirements. Many large animal veterinarians work in busy solo practices. While it is sometimes difficult to identify professionals who are willing to volunteer their time to serve boards, solo practitioners have less time to dedicate to this service.

Second, the current language requires the appointment of veterinarians who have practice areas that are “predominantly” of either large animals or small animals. It is unclear what “predominantly” means. This lack of clarity poses additional hurdles for the appointment of qualified board members. An otherwise highly qualified veterinarian who might make an exemplary board member could be disqualified from serving on the board because his or her practice is not viewed as currently being “predominantly” of one kind or another. Yet that veterinarian might be perfectly suited to understand issues associated with both large and small animals. Many veterinarians have considerable experience treating both large and small animals—regardless of whether their current practice focuses on one kind of animal or the other. Furthermore, all veterinarians receive education and training on both large and small animals. To exclude a veterinarian from appointment because their current practice fails to be “predominately” of one kind or another, with the thought that the lack of such ‘predominance’ would make them unfit for appointment to the board, would be an inaccurate assumption and a disservice to the profession and the public.

Given the foregoing, the board recommends that this bill be amended as set forth in detail in the attachment. The thrust of these amendments would be that, for veterinarians appointed to the board, the governor shall endeavor to appoint veterinarians with diverse practice experience, but that he not be statutorily mandated to do so.

2. The board does not support limiting members to one five-year term. In order to become involved in national organizations that support the work of licensing boards, new board members need to be able to attend several annual meetings of these organizations. A limit of one five-year term could prevent North Dakota board members from serving in leadership positions in these organizations. Having this kind of leadership on our board would be a significant benefit to the board and to the public. Therefore, the board requests that paragraph 3.c.(1) be deleted.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2116

Page 1, line 9, after "members" insert a period

Page 1, line 16, after "~~vacancy~~" insert "The governor shall appoint three veterinarians, one veterinary technician, and one individual representative of the public. For the veterinarians appointed to the board, the governor shall endeavor to appoint"

Page 1, line 18, after the semicolon add "and"

Page 1, line 19, remove the underscored semicolon and insert immediately thereafter an underscored period

Page 1, remove lines 20 through 21

Page 2, remove line 21

Re-number accordingly

#2

Testimony of Terri Thiel, Dickinson, ND

Senate Bill: 2116

March 15, 2013

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I am in support of adding a ND licensed Veterinary Technician to the ND Veterinary Medical Examiners Board, which the passage of Senate Bill 2116 would do.

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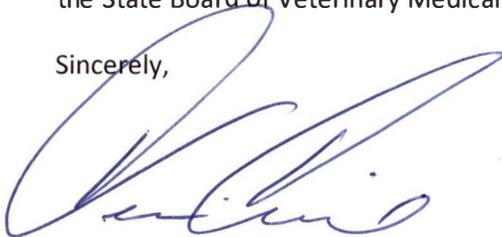
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Veterinary Technicians bring not only another viewpoint to the discussions with the Board, but also at times additional information that may not have been otherwise aware of because of their interactions with not only clients, but also the industry as a whole.

I believe that now is the time to recognize the value of adding a licensed ND Veterinary Technician to the State Board of Veterinary Medical Examiners and I urge you to pass Senate Bill 2116.

Sincerely,



Terri Thiel

ND Veterinary Technician
License #17

#3
3/15/13

SB 2116

Good morning, Chairman Johnson and House Agriculture Committee members. For the record, I am Julie Ellingson and I represent the North Dakota Stockmen's Association.

North Dakota's cattle producers rely on our local veterinarians as valuable partners in our operations and critical components in keeping our herds healthy and thriving. Our organization rises in support of SB 2116, which would allow the State Board of Veterinary Medical Examiners to expand its board to include two additional members.

We understand that the small board has caused some challenges for the Board of Veterinary Medical Examiners, particularly in instances where a board member has had to recuse him or herself from voting when action was required in cases involving veterinarians from their own clinic. The board expansion would help in those situations and provide additional expertise and input in the important decisions the board is required to make.

We also support the fact that the veterinarians on the board are designated to come from different genres. Because there is considerable variability between small-animal and large-animal practices and different clientele and animal care considerations for these different animals, we think that it is important that both perspectives are represented on the board. This will help ensure a diversity of expertise on the board. We recommend that mixed-practice veterinarians could fulfill either of these designated positions, as long as a majority of their work is either in the area of large animals or small animals, respectively.

For the lay appointment, we think it is less important that the representative has never had a connection with the veterinary profession than it is that the person brings to the table some background and connection to animals.

Thank you for the opportunity to provide this input.