

The Economic Affairs Committee asks that Board Representatives Answer the Following Questions during the Board Review under House Bill No. 525:

- What is the public health, safety or welfare rationale for licensing and regulating your profession/occupation?

Veterinarians serve a public health interest as they diagnose and treat contagious diseases in animals that can be communicated to humans such as rabies, anthrax, brucellosis, and avian flu. Food animals such as cattle, chickens, sheep, etc. are monitored and treated by veterinarians so that the human food chain is safe. Veterinarians help maintain a healthy pet population, free of disease and pain, which reduces animal-human bite contacts. Veterinarians are currently being trained in bio-terrorism response to address the threat of possible biological agents being introduced through animals in feed lots or other locations. Veterinarians hold DEA (Drug Enforcement Administration) licenses to order and use controlled substance drugs in their treatment of animals. They utilize nuclear medicine such as CAT scans and x-ray machines when diagnosing. Licensing and continued oversight of these professionals is necessary to safeguard the public safety and welfare of the citizens of Montana.

Other professions licensed by the Board of Veterinary Medicine are:

- 1) euthanasia technicians who work in a humane society licensed by the Board and are certified by the Board to administer a controlled substance for the purpose of euthanizing animals; and
- 2) embryo transfer technicians who are certified to use certain drugs, under the supervision of a veterinarian, for the purposes of assisted bovine reproduction. Licensing and continued oversight of these professionals is necessary to safeguard the public safety and welfare of the public in these areas.

- If your profession/occupation were not licensed, what public protection would be lost?

Without licensure of these professionals, the public has no assurance that the necessary veterinary medical knowledge and skills will be available. If a problem exists with a professional's treatment or actions, there would be no entity with the appropriate knowledge to review and adjudicate public complaints.

- If a license is necessary (for health, safety, or welfare), does the profession/occupation need a board for oversight? If yes, please explain why and describe the purpose of creating a board.

Yes. A board is necessary to provide an entity with expertise to evaluate initial licensure applicants (appropriate educational degree, exams administered and passed, no discipline concerns) and continued monitoring of existing licensees through complaint review, continuing education requirements, etc. The Board of Veterinary Medicine is comprised of practitioners from various areas of veterinary medicine (large animal, companion animal, equine, etc.) and the public member represents the perspective of consumers. The mix of talent on the board is the most appropriate method to deal with oversight issues.

- Does your board deal with unlicensed practice issues? If yes, what types of issues?

Yes. Unlicensed practice complaints are held in Executive Session to maintain the confidentiality of the complaint until the Board determines whether a violation of law has occurred. The Board has dealt with unlicensed individuals coming down from Canada to do herd work in Montana, an unlicensed person who had a "doctor's bag" containing drugs (left over from treatment of one of her animals) who made a house call to euthanize a dog, and people advertising that they are able to perform procedures that are defined in statute as veterinary medicine.

- People who are not licensed but are qualified in an occupation or profession may feel that a licensing board is preventing them from earning a living -- what is your response?

To practice veterinary medicine, an individual would possess and use controlled substances, perform surgery, and diagnose diseases. Continued competence of these abilities should be monitored. A doctoral degree in veterinary medicine and passage of national examinations followed by licensure is the necessary training for this profession as defined by the legislature in Montana.

- How does your board monitor bias among board members toward a particular licensee, an applicant, or a respondent (to unlicensed practice)? How does your board monitor bias toward a particular profession/occupation, if more than one profession or occupation is licensed by the board?

Board member training provided by the Department of Labor and Industry addresses this issue. Board members are advised of the need to recuse themselves from decision-making if a conflict exists. The Presiding Officer and staff also monitor bias to ensure that the possibility or perception of bias is avoided. Embryo Transfer Technicians and Euthanasia Technicians work well with veterinarians in narrow areas of veterinary medicine. An issue of unfair treatment on behalf of those professions has not been raised.

- Does the profession or occupation have one or more associations that could provide oversight without the need for a licensing board? Why not use the association as the oversight body?

There are professional associations consisting of members who elect to join the associations. The mission of associations is to promote the industry; the Board's mission is to protect the public. These are two separate functions that are not well-suited to be performed by the same entity. The associations do not have legal authority to investigate complaints and discipline professionals or public members to accomplish regulation. The cost to institute licensing and discipline functions in the association would raise association membership fees considerably.

Is a licensing board needed in order for the practitioner to bill to receive insurance (for example, health insurance)? If so, is there an alternate method for billing that may be recognized rather than having a license or being regulated by a licensing board?

No.

- What are the benefits of a board being part of the licensing and discipline process instead of the department handling one or both?

The Board has the expertise of the veterinarians who understand the technical aspects of the profession and a public member to represent the public interest.

- Is there an optimum ratio between licensees, board size, or public representation?

A board is unwieldy if it is too large. Our number (6) seems sufficient for the work load with the public member serving on the Disciplinary Panel and as one of the officers.

- If a board's purpose includes protecting public welfare, would that consumer protection be handled better by the Attorney General's office than by a board? (In other words, is there a value in a disinterested third party? If yes, why? If not, why not?) Who should be responsible for monitoring fraud within the profession or occupation?

A disinterested third party would spend significant time and money either learning the profession or hiring consulting veterinarians in various areas of the profession to address issues. Fraud issues such as insurance billing and medicare/medicaid deception are not issues for this profession. The Board has the ability to respond to fraud issues or to forward them to the Attorney General's office if necessary.

- If boards have overlapping scopes of practice, should there be a third-party to determine whether there is intrusion into the other's practices? If so, who should be the judge? If not, why not? Should each be allowed to operate on the other's turf without repercussions?

The scope of practice is determined by statute and this is the only board with jurisdiction over animals.

- Should any board have the ability to limit use of certain terminology to only a licensee? (see for example under the Board of Psychologists,, the exemption from definitions:

37-17-104. Exemptions. (1) Except as provided in subsection (2), this chapter does not prevent:

(a) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, professional counselors licensed under Title 37, chapter 23, or educators, from doing work of a psychological nature consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "psychology", "psychologist", "psychological", or "psychologic"...

(2) Those qualified members of other professions described in subsection (1)(a) may indicate and hold themselves out as performing psychological testing, evaluation, and assessment, as described in 37-17-102(4)(b), provided that they are qualified to administer the test and make the evaluation or assessment.

Yes. The use of the title “veterinarian”, “certified euthanasia technician”, or “embryo transfer technician” is the public’s way of knowing who it is dealing with in the area of animal medicine. It is the way of knowing that the individual is trained, tested and monitored for continued compliance.

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