

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By CHAIRMAN JOHN HERTEL, on January 16, 1997, at
10:02 A.M, in Room 410.

ROLL CALL

Members Present:

Sen. John R. Hertel, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. Debbie Bowman Shea (D)
Sen. William S. Crismore (R)
Sen. C.A. Casey Emerson (R)
Sen. Bea McCarthy (D)

Members Excused: None

Members Absent: None

Staff Present: Bart Campbell, Legislative Services Division
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 101; Posted 1/8/97
Executive Action: SB 58; SB 65; SB 69; SB 101

{Tape: 1; Side: A; Approx. Time Count: 10:07 am; Comments: N/A.}

HEARING ON SB 101

Sponsor: SENATOR THOMAS BECK, SD 28, DEER LODGE

Proponents: Donald Buelke, MT Veterinary Medical Assoc.
Jack Rae, MT Veterinary Medical Assoc.

Opponents: None

Opening Statement by Sponsor:

SENATOR THOMAS BECK, SD 28, DEER LODGE. I come before you today with SB 101 which is an act that will allow certain veterinary medical students who work under the direct supervision of a licensed veterinarian to be exempt from a veterinary license. It will allow an employee of a licensed veterinarian to perform certain veterinary functions including emergency services as determined by the rules of the Board of Veterinarians. We attempted to do this bill last session, but it became bogged down. This bill, though, is a good bill and I believe it allows the veterinarians to turn over some responsibilities under their supervision to some of the veterinary interns and some of the veterinary technicians who work for them.

Proponents' Testimony:

Dr. Don Buelke, Victor, President, MT Veterinary Medical Assoc. Historically, veterinarians have always used their employees as assistants in patient care in varying degrees. It has been a gray area in recent times because it has been neither permitted or prohibited in the Practice Act. Approximately 20 years ago there was a veterinary technician statute that was enacted and this met with some difficulties as time passed on. These were college trained individuals who were licensed and trained to do particular duties as para-professionals in the veterinary profession. They were somewhat difficult to hire because being college trained, they commanded a fairly good salary. And often would stay only till something better came along. The need for veterinary support services is great. Technicians have been in the field for a number of years but the changes in the veterinary profession have been immense in the 30 years I have been in practice. They have been significant in the last five years.

It is imperative that we be monitoring patients and treating patients more intently than we did just a few years ago and this requires a team effort. We cannot regulate the patient flow that well and you cannot simply shut the door when there are X number of patients waiting to be seen. Without a team effort, the veterinarian can become burned out and wonder what happened to his practice.

The substance of this bill is that it will allow us to use our staff personnel in varying degrees under direction of the Board of Veterinarians. This bill is an attempt to relieve some of this stress and enhance the patient care and it will also allow for the ability of these personnel in our office to provide emergency care. This is essential in some areas of our state. The veterinarian may be down the road or farther away and in an emergency cannot always be on hand. Granted these personnel are not veterinarians but they have a greater degree of skill and understanding of the situation than anyone else in the community and quite often it means the difference between life and death. They can institute some emergency care and summon the veterinarian and he can continue treatment when he returns.

The policy that most of us have followed is that we are responsible for these people. Our professional liability has no problem with it; they cover us as far as our liability risk goes. We are individually responsible for any actions that they take and I can't imagine any licensed veterinarian in the state would risk their license to allow someone in their employ to do something that would violate the practice standards. I would urge you to support SB 101. Modern veterinary practices are predicated on using support personnel. It is our responsibility and our liability. I would like to pass out **(EXHIBIT 1)** a letter from the current President of the Board of Veterinary Medicine.

Dr. Jack Rae, Three Forks. The bill has been well presented and we appreciate **SEN. BECK** bringing this to you. This is a very straight- forward bill and is something we have practiced for many years. We would appreciate a do pass and recommendation on the floor. Thank you.

Opponents' Testimony: None

Questions From Committee Members and Responses:

CHAIRMAN HERTEL asked **Dr. Buelke** what some of the duties he might allow one of these students or employees to carry out? **Dr. Buelke** stated that bangs vaccination is under federal law and these people would not be allowed to do that procedure. In a large animal practice though, an assistant might go out and assist in castrating as long as a veterinarian was there. In a small animal hospital, I would envision patients on IV or on medical treatment schedules throughout the day and the technicians could administer those drugs. They are not making the diagnosis, only carrying out what was prescribed. We would have to be on the premises also either in the office, hospital or ranch. There are two facets to the bill. One addresses the veterinary student who has completed all schooling but has an internship to complete. The other facet is the employee whom most of us have trained or has been college trained. Our liability is a greater regulator than any law we could pass.

Closing by Sponsor:

SEN BECK closed by saying: It has been well explained that we would like to allow veterinarians to allow these people to do some of the services which will be set by rule. One specific item in the bill that has not been mentioned is the embryo transplant. We plan to clarify that. We plan to strike out July 1, 1991 and some of the interpretations and leave in the non-surgical embryo transfers the same as they were. This is a good bill and I hope you would give it a do pass out of the committee.

{Tape: 1; Side: A ; Approx. Time Count: 10:24 am; Comments: N/A.}

EXECUTIVE ACTION ON SB 101

Motion/Vote: SEN. BEA MCCARTHY MOVED SB 101 DO PASS. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 69

Motion: SEN. DEBBIE SHEA MOVED SB 69 DO PASS.

Amendment Motion: SEN. WILLIAM CRISMORE moved to AMEND SB 69

Discussion on Amendment: Mr. Bart Campbell had prepared and presented the amendment as requested by SEN. MIGNON WATERMAN (EXHIBIT 2).

Vote on Amendment: The motion to amend SB 69 CARRIED UNANIMOUSLY.

Substitute Motion: SEN. BEA MCCARTHY MOVED SB 69 DO PASS AS AMENDED.

Vote: The motion CARRIED UNANIMOUSLY DO PASS AS AMENDED.

EXECUTIVE ACTION ON SB 65

Motion/Vote: SEN. STEVE BENEDICT MOVED SB 65 DO PASS. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 58

Motion: SEN. STEVE BENEDICT MOVED SB 58 DO PASS.

Discussion: SEN. CASEY EMERSON pointed out that by law, right now, minors do have protection that if they make a contract they can break that contract if they want to. He stated that SB 58 is not really needed. SEN. DEBBIE SHEA stated that this bill addresses the companies that are sending out applications to minors and accepting their applications without parental consent or without seeking parental consent for someone under 18 years of age. SEN. EMERSON pointed out again that there was a law that protects minors. He felt that there could be a fine directed solely at the issuing companies if they issue a card to a minor without parental consent. The companies should be taught a lesson, but did not feel this bill was the way to do it.

SEN. BENEDICT pointed out that in the bill on page 1, line 28 it states that a minor subject to the provisions of (section 1) is

not required to restore any consideration received from the issuer of a credit card that has not obtained the consent of the minor's parent or legal guardian before issuing the card to the minor. That is basically what we are trying to get at. We want to stop the issuance of credit cards to minors without parental consent.

SENATOR WILLIAM CRISMORE said that as he recalled the discussion, he had asked the question about repaying tuition that had been charged on a credit card. The answer given was yes, the money would have to be repaid, but in the bill that is not correct. The credit card issuer would have to take the loss, not the school. Also, the applications do ask for the age of the applicant and if they falsify that information, they would be liable under a different law.

SEN. EMERSON again stated that he felt this bill would encourage minors to secure a credit card and use the card to charge whatever and then proceed to say that they would not have to pay for the charges according to this bill. **SEN. BENEDICT** responded that that is exactly what the point of the bill is and that is to say to the credit card companies that you are hanging on the line if you issue a credit card to someone without getting a parent or legal guardian's consent.

Amendment Motion: **SEN. STEVE BENEDICT** MOVED to AMEND SB 58.

Discussion on Motion: Mr. Bart Campbell stated that the Sponsor, **SEN. SWYSGOOD**, was in agreement with a conceptual amendment put forth by one of the witnesses who testified. It was very simple. In the title on line 8, the words "loan advance access" would be inserted between "similar" and "device". The same insertion would be used according to (EXHIBIT 3).

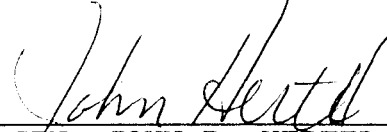
Vote on Amendment: The motion to amend SB 58 CARRIED UNANIMOUSLY.

Substitute Motion: **SEN. SHEA** MOVED SB 58 DO PASS AS AMENDED.

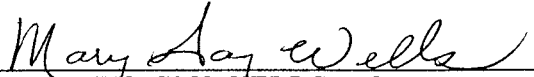
Vote: The motion CARRIED with **SEN. EMERSON** voting NO.

ADJOURNMENT

Adjournment: 10:45 A.M.



SEN. JOHN R. HERTEL, Chairman



MARY GAY WELLS, Secretary

JH/MGW