

DAIRY VETERINARY NEWSLETTER

January 2023

Proposed Change to Utah Veterinary Practice Act Would Affect Bovine Veterinarians

Proposed legislation in the Utah House of Representatives would make a new change to the Utah Veterinary Practice Act. H.B. 187 is described in multiple State of Utah documents as:

General Description:

This bill adds an exemption to the requirement for licensure under the Veterinary Practice Act.

Highlighted Provisions:

This bill:

- ▶ exempts an individual who is testing bovine for pregnancy from the requirement to be licensed under the Veterinary Practice Act.

The Veterinary Practice Act has many sections and subsections, which likely no surprise to anyone familiar with laws and regulations. *Some of them* are:

58-28-301. Licensure required.

(1) (a) A license is required to engage in the practice of veterinary medicine, except as specifically provided in Sections 58-1-307 and 58-28-307.

58-28-302. License qualifications.

(1) Every applicant for a license to practice veterinary medicine, surgery, and dentistry shall:

(a) pass an examination approved by the board on the theory and practice of the science of veterinary medicine, surgery, dentistry, and other subjects determined by the board, knowledge of which is generally required of veterinarians;

(b) (i) graduate from a veterinary college accredited by the AVMA; or

(ii) obtain a certificate issued by the Educational Commission for Foreign Veterinary Graduates issued by the AVMA;

(1) Every applicant for a license to practice veterinary medicine, surgery, and dentistry shall:

(b) (i) graduate from a veterinary college accredited by the AVMA; or

(ii) obtain a certificate issued by the Educational Commission for Foreign Veterinary Graduates issued by the AVMA;

The section that would be amended by the proposed change would be Section **58-28-307, Exemptions from Chapter**. There are already 16 exemptions to the Utah Veterinary Practice Act. *Some of them* are:

(1) an individual who practices veterinary medicine, surgery, or dentistry upon any animal owned by the individual, and the employee of that individual when the practice is upon an animal owned by the employee's employer, and incidental to employment, except:

(a) this exemption does not apply to an individual, or the individual's employee, when the ownership of an animal was acquired for the purpose of circumventing this chapter; and

(b) this exemption does not apply to the administration, dispensing, or prescribing of a prescription drug, or nonprescription drug intended for off label use, unless the administration, dispensing, or prescribing of the drug is obtained through an existing veterinarian-patient relationship;

(2) an individual who as a student at a veterinary college approved by the board engages in the practice of veterinary medicine, surgery, and dentistry as part of the individual's academic training and under the direct supervision and control of a licensed veterinarian, if that practice is during the last two years of the college course of instruction and does not exceed an 18-month duration;

(6) a veterinarian licensed under the laws of another state rendering professional services in association with licensed veterinarians of this state for a period not to exceed 90 days;

(14) an animal shelter employee who is:

(a) (i) acting under the indirect supervision of a licensed veterinarian; and

(ii) performing animal euthanasia in the course and scope of employment; and

(b) acting under the indirect supervision of a veterinarian who is under contract with the animal shelter, administering a rabies vaccine to a shelter animal in accordance with the Compendium of Animal Rabies Prevention and Control;

The new proposed change (17th exception) is quite short:

(17) an individual testing a bovine for pregnancy.

Utah Veterinary Medical Association Position Statement on Pregnancy Diagnosis in Bovines

The UVMA is opposed to the diagnosis of pregnancy by rectal palpation or ultrasound by non-veterinarians as proposed in HB 187; Exemption of an individual who is testing bovine for pregnancy from the requirement to be licensed under the Veterinary Practice Act. Our position mirrors that stated by the American Association of Bovine Practitioners in that:

Transrectal examination of the bovine reproductive tract, by palpation or ultrasound, constitutes the practice of veterinary medicine. These techniques should be performed by or under supervision of a licensed veterinarian. Examination and assessment of the bovine reproductive tract is a skilled diagnostic procedure. It requires integrative knowledge of anatomy, physiology and pathology to perform safely and proficiently. During the course of the examination, it is expected that the veterinarian will make an accurate diagnosis of pregnancy status, estimate stage of gestation if pregnant, and identify pathologic conditions present. The veterinarian is uniquely qualified through education and training to assess on-farm animal husbandry parameters related to reproductive health and make management recommendations after assessment of the diagnostic records. Following the diagnostic procedure, it may be necessary to prescribe a pharmacologic treatment in order to support individual animal and overall herd health, well-being and productivity. Pharmacological treatments should be under the oversight of the veterinarian of record identified in the Veterinarian-Client-Patient Relationship, which necessitates veterinary involvement in reproductive assessment of the cow or cow herd.

(Establishing and Maintaining the Veterinarian-Client-Patient Relationship in Bovine Practice https://aabp.org/resources/aabp_guidelines/vcprguidelinefinal11-2013.2.pdf)

The UVMA and the State of Utah have been working diligently to solve the crisis of insufficient veterinary care in rural areas. We have supported the recently passed legislation appropriating millions of dollars to fund a full, four-year veterinary school at Utah State University to increase the number of Utah residents able to attend school more affordably and keep them in our state long term. The national and state legislatures also have both new and expanded programs to help with repayment of school debt for veterinarians who are willing to work in rural and underserved areas. This is a large financial investment for our state through our tax dollars. These programs are in place to attract

and make it financially possible for veterinarians to work in those areas. Pregnancy diagnosis and reproduction management is a large part of those veterinary practices, allowing for the availability of that practice to care for all animals in the area year-round. Allowing non-veterinarians to perform this diagnostic procedure would further discourage veterinarians from establishing long term practices in these already underserved rural areas.

Veterinarians are accredited, licensed and insured when performing procedures, diagnostics and prescribing medications and treatments. Allowing persons without these qualifiers is a disservice to our producers who rely on accurate information and advice to maintain quality food sources and business viability for our state. Inaccurate diagnosis is financially devastating for those involved, with no recourse or recuperation of loss available when using a non-veterinarian to provide these services.

Bullet points to bring up with your local legislative representatives (also from the UVMA statement)

- Accurate diagnosis of pregnancy status is critical to producers' financial investment. Allowing unlicensed, uninsured and unregulated persons doing exams prevents producers from being able to recoup losses due to inaccuracies and damages.
- Diagnosis of pregnancy and reproductive status is one of the main duties of large animal veterinary medicine.
- Overall herd and animal management necessitates proper diagnosis, prescriptions and professional advice.
- This bill would put animal health at stake with the possibility of serious injury to the animal, pregnancy loss due to inappropriate handling and missed reproductive problems that could be identified and addressed by a licensed veterinarian.
- This bill would undermine the significant efforts statewide in providing long term solutions to the rural veterinary shortage by decreasing revenue streams needed to attract and keep veterinarians in those areas.

The contact information for the sponsor of H.B. 187 is:

Rep. Mike L. Kohler, UT House District 59, phone (801) 420-6158, email mkohler@le.utah.gov

If you are interested on making your opinion known about this pending legislation, please contact your Utah House and Senate representatives as well.

Utah Dairy Extension Workshop

Utah State and Utah Cooperative Extension will present a Workshop on two days at two locations in March:

Wednesday, March 8, 2023

Millard County Delta Extension Office, 83 Manzanita Ave, Delta, UT

10:00 to 10:10 Welcome and Introductions - Kalen Taylor, Millard County Extension
10:10 to 10:40 Utah Dairy Needs Assessment - Bruce Richards, USU Dairy Extension
10:40 to 11:10 Ag VIP and Zoning Protections - Hannah Freeze, Program Manager, UDAF
11:10 to 11:40 Occupational Health - Kerry Rood, USU Extension Veterinarian
11:40 to 12:10 Managing Feed Costs - IFA Dairy Nutrition
12:10 to 1:10 Lunch sponsored by IFA
1:10 to 1:40 Team Building/Communication/Leadership - Justin Clawson, Kalen Taylor
1:40 to 2:10 Managing Transition Period/Preventing Metabolic Issues - Bruce Richards
2:10 to 2:40 Mental Health - Jake Hadfield, USU Bastian Agricultural Center, Josh Dallin, Utah and Juab County Extension

(See next page regarding the workshop the next day in Cache County)

5600 Old Main Hill
Logan UT 84322-5600

(See previous page regarding the workshop the previous day in Millard County)

Thursday, March 9, 2023

Caine Dairy Classroom Building, 4310 S US Hwy 89, Wellsville, UT

10:00 to 10:10 Welcome and Introductions – Justin Clawson, Cache County Extension

10:10 to 10:40 Utah Dairy Needs Assessment - Bruce Richards, USU Dairy Extension

10:40 to 11:10 Ag VIP and Zoning Protections - Hannah Freeze, Program Manager, UDAF

11:10 to 11:40 Occupational Health - Kerry Rood, USU Extension Veterinarian

11:40 to 12:10 Managing Feed Costs - IFA Dairy Nutrition

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Please let us know your comments and suggestions for future topics. I can be reached at (435) 760-3731 (Cell), or David.Wilson@usu.edu.

David Wilson, DVM, Extension Veterinarian

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