

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB463

Hearing Date: Friday February 20, 2009
Committee On: Health and Human Services
Introducer: Dierks
One Liner: Provide for licensure of animal therapists and consultation between veterinarians and other health care professionals

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman
Nay:
Absent:
Present Not Voting:

Proponents:	Representing:
Senator Dierks	Introducer
David Ylander	Nebraska Board of Veterinary Medicine and Surgery
Henry Cerny	Nebraska Veterinary Medical Association
Kirk Peck	Self
Suzanne Border	Self
Keli Hupka	State Board of Massage Therapy
Loran Schmit	Nebraska Chiropractic Physicians Association
Bruce Crabtree	Self
Ryan Loseke	Nebraska Cattlemen
Myron Danner	Self
Eldon Starr	Self

Opponents: **Representing:**

Neutral: **Representing:**

Summary of purpose and/or changes:

LB 463 provides for the licensure of animal therapists under the Veterinary Medicine and Surgery Practice Act (act).

The bill defines "health care therapy" as "health care activities that require the exercise of judgment for which licensure is required under the Uniform Credentialing Act."

The bill defines "licensed animal therapist" as "an individual who (1) has and maintains an undisciplined license under the Uniform Credentialing Act for a health care profession other than veterinary medicine and surgery, (2) has met the standards for additional training regarding the performance of that health care profession on animals as required by rules and regulations adopted and promulgated by the department upon the recommendation of the board, and (3) is licensed as an animal therapist by the department."

The bill prohibits anyone from performing delegated animal health care tasks unless they are a licensed veterinary technician or an unlicensed assistant performing such tasks within the limits established in section 38-3326(2). The bill prohibits anyone from performing health care therapy on animals unless they are a licensed animal therapist.

For licensure as an animal therapist, an applicant must present to the department:

"(1) Proof that the applicant holds and maintains an undisciplined license under the Uniform Credentialing Act for a health care profession other than veterinary medicine and surgery; (2) Proof that the applicant has met the standards for additional training regarding the performance of that health care profession on animals as required by rules and regulations adopted and promulgated by the department upon the recommendation of the board; and (3) Such other information and proof as the department, with the recommendation of the board, may require by rule and regulation."

The bill permits a licensed animal therapist to perform health care therapy on an animal only if: (1) the health care therapy is consistent with the licensed animal therapist's training required for purposes of receiving a license; (2) the animal's owner presents a letter of referral for health care therapy that includes a veterinary medical diagnosis and evaluation completed by a licensed veterinarian who has a veterinarian-client-patient relationship with the owner and the animal and has made the diagnosis and evaluation within 90 days immediately preceding the date of the initiation of the health care therapy; and (3) the licensed animal therapist provides health care therapy reports to the referring veterinarian after each therapy session.

A licensed veterinarian who prepares a letter of referral for health care therapy by a licensed animal therapist is not liable for damages caused to the animal as a result of the health care therapy performed by the licensed animal therapist.

The bill provides for discipline of an animal therapy license.

Explanation of amendments:

The committee amendment (AM 620) replaces the bill as introduced and contains the provisions of four bills heard by the Health and Human Services Committee: LB 407, LB 408, and LB 586.

LB 407 permits the assessment of civil penalties against persons who engage in the unauthorized practice of veterinary medicine and surgery. The penalty must be not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for the first offense and not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) for the second or subsequent offense. Each violation after notification constitutes a separate offense. The civil action to assess such penalties must be brought by the Attorney General in the district court of the county in which the violation occurred.

Any civil penalty assessed and unpaid constitutes a debt to the State of Nebraska and may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of the State of Nebraska in the district court of the county in which the violator resides or owns property.

The Department of Health and Human Services may also collect attorney's fees and costs incurred in the collection of the civil penalty. The department is required to transmit any civil penalties collected to the State Treasurer within thirty days of receipt, to be disposed of in accordance with Article VII, section 5, of the Constitution of Nebraska.

LB 408 relates to consultations between a licensed veterinarian and other licensed health care professionals. Current law permits licensed health care professionals to consult with a licensed veterinarian contracted with or employed by an accredited zoological park or garden or to perform collaborative animal health care tasks on an animal under the veterinarian's care and if such tasks are performed under the veterinarian's immediate supervision.

The bill expands the current law to permit licensed health care professionals to consult with any licensed veterinarian or to perform collaborative health care tasks on an animal under the veterinarian's care and if such tasks are performed under the veterinarian's immediate supervision.

LB 586 exempts pharmacies and licensed veterinarians from provisions of the Veterinary Drug Distribution Licensing Act (act). The bill also provides, for purposes of the act, that a veterinary drug order expires and becomes void one hundred eight (180) days after the date of issue.

Tim Gay, Chairperson