

HEALTH AND HUMAN SERVICES COMMITTEE OF THE NEBRASKA LEGISLATURE

Report as required by Neb. Rev. Stat. 84-948

Committee Members

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Occupational Board Reform Act

The Legislature passed the Occupational Board Reform Act in 2018 (Neb. Rev. Stat. §§ 84-901 to 84-920) with an operative date of July 1, 2019. The act requires that:

“Beginning in 2019, each standing committee of the Legislature shall annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year as provided in this section. Each committee shall complete this process for all occupational regulations within its jurisdiction within five years and every five years thereafter. Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.” (Neb. Rev. Stat. § 84-948)

Committee Findings

Neb. Rev. Stat. 84-948 requires the report to include the following with answers in bold:

(3) A committee's report shall include, but not be limited to, the following:

(a) The title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations.

The Board of Veterinary Medicine and Surgery regulates the occupations of Veterinarians, Veterinarian Locum Tenens, Animal Therapists, Veterinary Technicians, and Temporary Veterinary Technicians.

(b) The statutory citation or other authorization for the creation of the occupational regulations and occupational board;

Neb. Rev. Stat. 38-3319, 38-3320, and 38-3321 through 38-3323.

(c) The number of members of the occupational board and how the members are appointed;

5 members (currently the public member position is vacant) appointed by NE State Board of Health

(d) The qualifications for membership on the occupational board;

Three licensed veterinarians, one licensed veterinary technician, and one public member

(e) The number of times the occupational board is required to meet during the year and the number of times it actually met;

Required FY 2024-2023:	1
Held FY 2024-2023:	4
Required FY 2023-2022:	1
Held FY 2023-2022:	4
Required FY 2022-2021:	1
Held FY 2022-2021:	3

Required FY 2021-2020:	1
Held FY 2021-2020:	4
Required FY 2020-2019:	1
Held FY 2020-2019:	4

(f) Annual budget information for the occupational board for the five most recently completed fiscal years;

Cash licensure fees are deposited in the Professional and Occupational Credentialing Cash Fund. There is not a Board-specific budget; however, the Cash Fund allows for payment of all the applicable Boards' expenses, as well as the DHHS Licensure Unit's related expenses, to be paid out of the Fund. Spending authority for the Fund is established each biennium in the budget bill.

(g) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoke, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, other penalties.

Government Certificates Issued:

Veterinarian: 3422

Veterinarian Locum Tenens: 77

Veterinary Technician: 1871

Temporary Veterinary Technician: 43

Animal Therapist: 32

Revocations:

Veterinarian: 7

Veterinarian Locum Tenens: 0

Veterinary Technician: 1

Temporary Veterinary Technician: 0

Animal Therapist: 0

Descriptions: substance use disorder, unprofessional conduct, immoral conduct, misdemeanor/felony conviction, practice beyond scope

Denials:

Veterinarian: 12

Veterinarian Locum Tenens: 0

Veterinary Technician: 140

Temporary Veterinary Technician: 0

Animal Therapist: 0

Description: not meeting licensure requirements, disciplinary actions in other states

Penalties Against:

Veterinarian: 63

Veterinarian Locum Tenens: 0

Veterinary Technician: 17

Temporary Veterinary Technician: 0

Animal Therapist: 0

Description: impaired practice, substance use disorder, gross negligence, immoral conduct, practice beyond scope, unprofessional conduct, inadequate records, misdemeanor, cruelty to animals, unlawful drug distribution, failure to report, unlawful possession of controlled substance, aiding/abetting unlicensed practice; other state action, practice fraudulently; and misrepresentation of material facts

(h) A review of the basic assumptions underlying the creation of the occupational regulations;

Please see Neb. Rev. Stat. 38-3321

<https://nebraskalegislature.gov/laws/statutes.php?statute=38-3321>

(i) A statement from the occupational board on the effectiveness of the occupational regulations

The Board of Veterinary Medicine and Surgery stated “We believe the occupational regulations overseen by the Board have been effective as they have justly served the public and have helped ensure that both licensed veterinarians and veterinary technicians are held accountable for upholding the standards of veterinary practice set forth by the State of Nebraska. Regulations provide a systematic, evidence-based means of documenting the safety and efficacy of products before production, marketing, and use. Regulatory programs provide veterinarians, farmers, and other animal medicine users with greater

assurance veterinary drugs/biologicals will be safe and effective in preventing and mitigating disease. Regulatory controls ensure human food obtained from treated animals is safe. Furthermore, they help ensure potential toxicological and microbiological hazards associated with the use of veterinary medicines have been adequately evaluated. We have worked with HHS and other groups to consistently evaluate regulations and it is our practice to ensure we are always working to identify, discuss and potentially collaborate with others on potential changes or updates to these essential regulations.

(j) A comparison of whether and how other states regulate the occupation;

Veterinarians are required to be licensed in all 50 states. Veterinary Technicians are regulated in all fifty states. Most states require at least certification of Veterinary Technicians. States that license veterinary technicians include Alaska, Alabama, Delaware, Georgia, Michigan, Nebraska, Nevada, New York, North Dakota, Tennessee, Texas, Virginia, and Washington. States that require certification of Veterinary Technicians include Arkansas, Arizona, Colorado, Florida, Idaho, Illinois, Massachusetts, Minnesota, Montana, Mississippi, New Hampshire, New Jersey, Oregon, Rhode Island, Pennsylvania, South Carolina, Vermont, Wisconsin and Wyoming.

Please also see the National Association of Veterinary Technicians and International Association of Animal Massage and Bodywork

<https://navta.net/>

<https://iaamb.org/>

(4) Subject to subsection)5) of this section, each committee shall also analyze, and include in its report, whether the occupational regulations meet the policies stated in section 84-946 considering the following recommended courses of action for meeting such policies:

The regulations (Title 172, Chapters 180, 182) appear to be consistent with the statutes.

- (a) If the need is to protect consumers against fraud, the likely recommendation will be to strengthen powers under the Uniform Deceptive Trade Practices Act or require disclosures that will reduce misleading attributes of the specific goods or services:

N/A

- (b) If the need is to protect consumers unclean facilities or to promote general health and safety, the likely recommendation will be to require periodic inspections of such facilities;

N/A

- (c) If the need is protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the likely recommendation will be to require that providers be bonded:

N/A

- (d) If the need is to protect a person who is not party to a contract between the provider and consumer, the likely recommendation will be to require that the provider have insurance;

N/A

- (e) If the need is to protect consumers against potential damages by transient providers, the likely recommendation will be to require that providers register their businesses with the Secretary of State;

N/A

- (f) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the likely recommendation will be to enact government certification; and

N/A

- (g) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the likely recommendation will be to enact an occupational license.

N/A

(5) If a lawful occupation is subject to the Nebraska Regulation of Health Professions Act, the analysis under subsection (4) of this section shall be made using the least restrictive method of regulation as set out in section 71-6222.

N/A

(6) In developing recommendations under this section, the committee shall review any report issued to the Legislature pursuant to the Nebraska Regulation of Health Professions Act, if applicable, and consider any findings or recommendations of such report related to the occupational regulations under review.

N/A

(7) If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the policies in this section and section 84-946.

NA

Conclusion

The licenses, certifications, and registrations overseen by the Board of Veterinary Medicine and Surgery are intended to protect the health, safety, and welfare of Nebraskans. The current regulation of the veterinarian, veterinary technician, and animal therapist occupation by licensure is appropriate and balanced and does not need modification at this time.