

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

[LB686 LB687 CONFIRMATION]

The Committee on Health and Human Services met at 1:30 p.m. on Friday, February 25, 2011, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments, LB686, and LB687. Senators present: Kathy Campbell, Chairperson; Mike Gloor, Vice Chairperson; Dave Bloomfield; Tanya Cook; Gwen Howard; Bob Krist; and Norm Wallman. Senators absent: None.

SENATOR CAMPBELL: Good afternoon and welcome to the hearings of the Health and Human Services Committee. I'm Kathy Campbell and I serve as the Chair for the group and I am the senator from the 25th Legislative District. And I'm going to start on my far right.

SENATOR BLOOMFIELD: Dave Bloomfield, District 17, northeast Nebraska.

SENATOR WALLMAN: Norm Wallman, District 30, south of here to the Kansas border.

SENATOR GLOOR: Mike Gloor, District 35, Grand Island.

MICHELLE CHAFFEE: I'm Michelle Chaffee, legal counsel to the committee.

SENATOR CAMPBELL: And to my far left is Diane Johnson who is the clerk. And Ayisha and Crystal are the pages this afternoon. The hearings today, we always enjoy these hearings particularly. And we're going to start with the gubernatorial appointments and Dr. Dilly. Is Dr. Dilly here? Please come forward. Dr. Dilly, just have the chair there. Oh, I should indicate on the schedule for the clerk that Shawn Kralik, who was on the agenda, is unable to join us today. Dr. Dilly, how are you today?

DOUGLAS DILLY: Good, thanks. [CONFIRMATION]

SENATOR CAMPBELL: Thank you very much for coming. I'm sure life is extremely busy for you and we just appreciate you taking time to come. You are a reappointment... [CONFIRMATION]

DOUGLAS DILLY: Correct. [CONFIRMATION]

SENATOR CAMPBELL: ...to the Rural Health. Tell us how you got on the Rural Health board. [CONFIRMATION]

DOUGLAS DILLY: The rural physician that sits on the board was resigning her position, and they needed another one. I'm familiar with some of the staff at HHS. I actually had a rural health commission scholarship when I went through med school, so I was familiar

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

with it and they asked me to join. [CONFIRMATION]

SENATOR CAMPBELL: Good. And you're located in Neligh. [CONFIRMATION]

DOUGLAS DILLY: Correct. [CONFIRMATION]

SENATOR CAMPBELL: How is everything in Neligh? [CONFIRMATION]

DOUGLAS DILLY: Cold and snowy. (Laughter) About like here. [CONFIRMATION]

SENATOR CAMPBELL: Tell us a little bit about your practice. [CONFIRMATION]

DOUGLAS DILLY: Family practice, I've been in Neligh for 13 years. I have two partners, two midlevels work with us, cover the emergency room at Faith Regional about five or six times a month. [CONFIRMATION]

SENATOR CAMPBELL: In Norfolk. [CONFIRMATION]

DOUGLAS DILLY: Correct. [CONFIRMATION]

SENATOR CAMPBELL: Interesting. What issues would you want the Health and Human Services Committee to be aware of from the rural health perspective? [CONFIRMATION]

DOUGLAS DILLY: I think we've got a whole list. But the ones that, right off the top of my head, that I think are of concern are EMSs are something that really needs to be addressed in rural health, also mental health is a huge issue; access, obviously, is always an issue, but that's why the rural health commission, that's one of our biggest goals, to make sure that everybody that lives outside of Omaha, Lincoln, Kearney, Grand Island still has access to healthcare. [CONFIRMATION]

SENATOR CAMPBELL: So Faith is your closest hospital to Neligh? [CONFIRMATION]

DOUGLAS DILLY: We have a hospital in Neligh, right, but as far as... [CONFIRMATION]

SENATOR CAMPBELL: Acute care? [CONFIRMATION]

DOUGLAS DILLY: ...specialists, as far as a Level II trauma it would be Faith Regional. [CONFIRMATION]

SENATOR CAMPBELL: Oh, okay. Okay. So how many beds are in the Neligh hospital? [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

DOUGLAS DILLY: Twenty-five, it's a critical access hospital. [CONFIRMATION]

SENATOR CAMPBELL: Does it pretty much meet the needs of the communities surrounding... [CONFIRMATION]

DOUGLAS DILLY: It does, yes. [CONFIRMATION]

SENATOR CAMPBELL: Good, good. [CONFIRMATION]

DOUGLAS DILLY: I mean, we're lucky we've got a...I've got some good partners and a good community that supports it. [CONFIRMATION]

SENATOR CAMPBELL: Questions? Senator Bloomfield. [CONFIRMATION]

SENATOR BLOOMFIELD: Senator Campbell, you might not be aware and I don't know the exact date, but that's a pretty new facility in Neligh. When was that built? It's not very long ago. [CONFIRMATION]

DOUGLAS DILLY: We just built on two, probably two and a half years ago. [CONFIRMATION]

SENATOR BLOOMFIELD: It's a pretty nice facility that you've got there in Neligh. [CONFIRMATION]

DOUGLAS DILLY: It is really nice. Thank goodness for critical access and rural health, that's saving all the rural health. [CONFIRMATION]

SENATOR CAMPBELL: Right, right. Did you have a question, Senator Bloomfield? [CONFIRMATION]

SENATOR BLOOMFIELD: No, I just wanted to make sure you knew it was a new, updated facility, that it wasn't an old, hole-in-the-wall hospital from 40 years ago. [CONFIRMATION]

SENATOR CAMPBELL: Good, it's good to know that. [CONFIRMATION]

DOUGLAS DILLY: It is nice. [CONFIRMATION]

SENATOR CAMPBELL: Senator Gloor. [CONFIRMATION]

SENATOR GLOOR: Thank you, Senator Campbell. Dr. Dilly, is Jack Green still the administrator there? [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

DOUGLAS DILLY: Yes. [CONFIRMATION]

SENATOR GLOOR: Kick him in the shin you normally don't kick him in. (Laughter) I think he still owes me a dollar. [CONFIRMATION]

DOUGLAS DILLY: I will. That's an order from Senator Gloor, okay. [CONFIRMATION]

SENATOR GLOOR: Were you a RHEM graduate? Did you go through the Rural Health Education org? [CONFIRMATION]

DOUGLAS DILLY: No, no, I went to undergrad in Colorado. [CONFIRMATION]

SENATOR GLOOR: Traditional. [CONFIRMATION]

DOUGLAS DILLY: Right. [CONFIRMATION]

SENATOR GLOOR: You had a traditional... [CONFIRMATION]

DOUGLAS DILLY: That's when I always knew I wanted to go back to rural so. [CONFIRMATION]

SENATOR GLOOR: And you were reared in Hastings? [CONFIRMATION]

DOUGLAS DILLY: Correct. [CONFIRMATION]

SENATOR GLOOR: But ended up in Neligh. So I mean, your credibility with me is huge, given the fact that you went from one of our larger communities to one of our, I won't call it small, but Neligh certainly is a lot smaller than Hastings. What was the attraction for you to go there? [CONFIRMATION]

DOUGLAS DILLY: Just wanted to raise a family in a nice, quiet, safe, small town. Like to hunt and fish. [CONFIRMATION]

SENATOR GLOOR: Yeah. [CONFIRMATION]

DOUGLAS DILLY: It all worked out good there. [CONFIRMATION]

SENATOR GLOOR: Are your partners also native Nebraskans or rural Nebraskans? [CONFIRMATION]

DOUGLAS DILLY: Yeah. One is from out by Ogallala and then the other partner is from Verdigre, so we're all from rural Nebraska. [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR GLOOR: Do you think the...I mean, serving in this advisory capacity and your willingness to come back and serve again is always greatly appreciated. But do you think we're doing enough to attract not just physicians but rural practitioners overall? I'm talking about pharmacists and physical therapists and the whole spate of professions. I shouldn't say are we doing enough, but let me put it a different way. What are we doing right that gets people... [CONFIRMATION]

DOUGLAS DILLY: The critical access programs have saved rural medicine, you know, the critical access hospitals and the rural health clinic status. If you're familiar with all the benefits that go along with those or else it would be a disaster. So that's a wonderful thing that's keeping it alive right now. Also, the scholarships and the loan repayment programs that we have are the number one incentive right now because I could work in Omaha and make significantly more money. I don't want to live in Omaha. But as a resident coming out of school, you're not married, you have no commitments. Really the deciding factor is what kind of lifestyle do you want and how much are you going to make. [CONFIRMATION]

SENATOR GLOOR: So your practice is under private practice but it's a hospital-based practice. [CONFIRMATION]

DOUGLAS DILLY: Correct. We're...they employ our corporation. [CONFIRMATION]

SENATOR GLOOR: Yeah. Yeah. How is your electronic medical record coming? Coming? (Laugh) [CONFIRMATION]

DOUGLAS DILLY: It's coming, February 1 was the start date... [CONFIRMATION]

SENATOR GLOOR: Good. [CONFIRMATION]

DOUGLAS DILLY: ...of the...it's coming. [CONFIRMATION]

SENATOR GLOOR: Not fun, but it's probably inevitable. [CONFIRMATION]

DOUGLAS DILLY: We know it's going to be a disaster for three months and that's what it is, so it will come around. (Laugh) It's coming. [CONFIRMATION]

SENATOR GLOOR: Yeah. Well, you recognize that it's coming and sooner or later, it isn't a very good Valentine's Day present but thank you and thanks for being willing to serve. [CONFIRMATION]

DOUGLAS DILLY: You bet. [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR CAMPBELL: Dr. Dilly, oh, I'm sorry, Senator Howard. [CONFIRMATION]

SENATOR HOWARD: No, that's all right. [CONFIRMATION]

SENATOR CAMPBELL: I was just going to make a comment quick. Last night they had a little bit on the 10-11 news here in Lincoln about one of the Lincoln physicians who's using his iPad on rounds. [CONFIRMATION]

DOUGLAS DILLY: Um-hum. [CONFIRMATION]

SENATOR CAMPBELL: And that was really very, very interesting the time it saved him. [CONFIRMATION]

DOUGLAS DILLY: Yeah, that's where we're all headed. [CONFIRMATION]

SENATOR CAMPBELL: In that direction? [CONFIRMATION]

DOUGLAS DILLY: Yep. [CONFIRMATION]

SENATOR CAMPBELL: Senator Howard. [CONFIRMATION]

SENATOR HOWARD: Thank you. Thank you, Chairwoman Campbell. And this is kind of along the same lines. I'm just wondering if you participate in the NeHII program? [CONFIRMATION]

DOUGLAS DILLY: I probably don't because you need a... [CONFIRMATION]

SENATOR HOWARD: The communication, the sharing of medical information? [CONFIRMATION]

DOUGLAS DILLY: Oh, yeah. And we have all of the...a lot of telemedicine and we try to take advantage of as much of that as is available to us. [CONFIRMATION]

SENATOR HOWARD: Okay. Well, that's good to hear. And you feel that the program works well and... [CONFIRMATION]

DOUGLAS DILLY: You know, I guess I don't have a lot of experience with it because I'm usually too busy just trying to empty my rooms from day to day with my patients. But I know that the administration and that the educational benefits of it are being utilized in our community. [CONFIRMATION]

SENATOR HOWARD: Thank you. Thanks for letting me know that. [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR CAMPBELL: Any other questions? Dr. Dilly, we so much appreciate you coming down and visiting with us. We will vote on the appointments at another time and then they go to the floor of the Legislature and we notify, I'm assuming the Clerk notifies you when all that is through. And I realize it's a long way to drive, but it really does help us to have a chance to meet you. You are always welcome to visit with any member of the Health and Human Services Committee. And your comments make a difference on the legislation that we look at because it's great to hear from somebody who sits on a board and volunteers and gives their time. So thank you so much. [CONFIRMATION]

DOUGLAS DILLY: Thank you, thank you. [CONFIRMATION]

SENATOR CAMPBELL: So have a safe drive back. [CONFIRMATION]

DOUGLAS DILLY: Thank you very much. [CONFIRMATION]

SENATOR CAMPBELL: I grew up in Norfolk, so I understand what it's like in God's country in the winter. (Laugh) [CONFIRMATION]

DOUGLAS DILLY: Oh, very good. Thanks. [CONFIRMATION]

SENATOR CAMPBELL: All right. And our next appointee is Kathy Boswell. Ms. Boswell, you want to come forward, please. How are you today? [CONFIRMATION]

KATHY BOSWELL: I am fine, Senator Campbell. [CONFIRMATION]

SENATOR CAMPBELL: Good. Well, tell us a little bit about how you came to the rural health. [CONFIRMATION]

KATHY BOSWELL: My position on the rural health commission is a little bit different than a lot of the other medically related people on there because I'm the health consumer. I represent people who use the health system. Most of the other members are people within...more within the system. So I was actually asked by my Public Health Board director in Wayne, Deb Scholten, if I was interested. And I said I would be. [CONFIRMATION]

SENATOR CAMPBELL: Laurel isn't too far from Neligh, is it? [CONFIRMATION]

KATHY BOSWELL: I'm from Allen, Nebraska. [CONFIRMATION]

SENATOR CAMPBELL: Oh, that's your hometown. [CONFIRMATION]

KATHY BOSWELL: Yes, yes. I think you know my son, Lanny (phonetic). [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR CAMPBELL: I do. [CONFIRMATION]

KATHY BOSWELL: Yes, you do. [CONFIRMATION]

SENATOR CAMPBELL: That was one of my questions... [CONFIRMATION]

KATHY BOSWELL: Yes. [CONFIRMATION]

SENATOR CAMPBELL: ...because I thought, hmm, going to check that out. So it's great to have a consumer. And this is a reappointment for you, right? [CONFIRMATION]

KATHY BOSWELL: Yes, yes. [CONFIRMATION]

SENATOR CAMPBELL: So you have already served a three-year term, is that correct? [CONFIRMATION]

KATHY BOSWELL: Yes, yes. [CONFIRMATION]

SENATOR CAMPBELL: So what's the most important thing you've learned from all these health professionals you sit with? [CONFIRMATION]

KATHY BOSWELL: Well, I've learned, as you often do when you get on a board, how much there is to learn. (Laugh) And many of the acronyms and words that were floating around I had to look up or ask about. But I think I've learned what a great set of people are on that committee, really dedicated to make certain that the people in rural Nebraska have good healthcare. They're just sincerely dedicated that they can do whatever they can to provide services away from the big cities. [CONFIRMATION]

SENATOR CAMPBELL: Interesting. Senator Cook. [CONFIRMATION]

SENATOR COOK: Thank you, Madam Chair. Ms. Boswell, can you tell me as the consumer member of the board what your top concern is that you bring to the board. [CONFIRMATION]

KATHY BOSWELL: Well, it's probably just a little different perspective. When I ask a question it is just from that perspective. For instance, one time they were talking about scholarships or repayment programs for doctors or medical people that didn't work full-time, they need to work full-time in a rural setting. And I said, well, if there's not very many people out there and they're content to just work half time I don't care. (Laugh) You know, they wanted to get their monies worth from their scholarships. And they really hadn't thought about it, you know, maybe the doctor, if he's just wanting to put in part-time, was not really that big of a problem to me. [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR COOK: Okay, thank you. [CONFIRMATION]

SENATOR CAMPBELL: Interesting. Senator Gloor. [CONFIRMATION]

SENATOR GLOOR: Thank you, Senator Campbell. And thank you for your willingness to serve. You have to fill out a lot of paperwork for these, I know. And sometimes it gets lost in translation and I'm chuckling because it says, criminal offense, no; license revocation, no; financial, no, which means you're in agriculture, I'm sure. (Laughter) Does the term medical home mean anything to you? [CONFIRMATION]

KATHY BOSWELL: Yes, yes. [CONFIRMATION]

SENATOR GLOOR: Okay. [CONFIRMATION]

KATHY BOSWELL: Actually, I attended a conference in Alaska and there was a lot of use of a medical home kind of system there. And also sort of a person in the community to do sort of what I would call triage. [CONFIRMATION]

SENATOR GLOOR: Yeah. [CONFIRMATION]

KATHY BOSWELL: And I think that's a great idea. [CONFIRMATION]

SENATOR GLOOR: Isn't the board meeting this afternoon? [CONFIRMATION]

KATHY BOSWELL: Yes, it is. [CONFIRMATION]

SENATOR GLOOR: Yeah, I thought so. We have a pilot project that's going on in the state. And my legislative aide, I think, is on the agenda about 3:00 to provide a briefing on that. And I thought I would tell you I'm glad that you have heard something about that. If you have, I'm sure other board members have. But I do think it can make a huge difference in terms of attracting. Forget about the issue of appropriately reimbursing for primary care, which I think is vitally important. But I think just the concept itself will be one more attraction for people to become rural practitioners, especially family practitioners and a host of other practitioners being part of that team. So I'm glad I was correct in the fact that you're meeting and have a chance to, once we let you loose of course, get back to that board meeting and get educated. But thank you for your willingness to serve. [CONFIRMATION]

KATHY BOSWELL: You're welcome. [CONFIRMATION]

SENATOR CAMPBELL: Senator Bloomfield. [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR BLOOMFIELD: I just wanted to thank you for driving down here right in the heart of my district up there. Thanks for serving and thanks for coming down. Are you going back this evening or... [CONFIRMATION]

KATHY BOSWELL: Yes. [CONFIRMATION]

SENATOR BLOOMFIELD: How were the roads when you came down?
[CONFIRMATION]

KATHY BOSWELL: They were wonderful until we got right to Lincoln.
[CONFIRMATION]

SENATOR BLOOMFIELD: Good because I'm going home (inaudible). (Laugh)
[CONFIRMATION]

KATHY BOSWELL: I was amazed. I thought there would...we would hit more snow on the roads before we got so close to Lincoln. So it was a relief. [CONFIRMATION]

SENATOR CAMPBELL: Well, the weather forecaster last night said Lincoln was just in, there was some kind of a term for where the snow just stalls out. And it wasn't snowing like in Fremont or other areas, just right here. And just like, you know, it opened up and kept snowing and snowing and snowing. So that's what happened to us here, far more than they had anticipated. Any other questions from the senators? I, too, want to thank you very much for your service. It's...I think serving as a consumer must be very helpful for the medical staff and physicians that sit on the board because you would bring such a good perspective. And please tell Lanny (phonetic), Beth and all the kids they're just a blessing in my life, that's for sure. [CONFIRMATION]

KATHY BOSWELL: Thank you, in mine too. [CONFIRMATION]

SENATOR CAMPBELL: Thank you. Thanks for coming. [CONFIRMATION]

KATHY BOSWELL: You're welcome. [CONFIRMATION]

SENATOR CAMPBELL: Okay. We will close the public hearings on the gubernatorial appointments. And I'm going to go through for the audience's benefit some of the housekeeping tips in terms of testifying. If you have a cell phone we ask that you silence that cell phone so you're not bothering anyone who is sitting next to you. Handouts are not required in the committee, but if you are going to give us a handout we would like 12 copies. And outside is posted a place, instructions where you can get extra copies. Each witness, we ask that you fill out one of the orange sheets on either side of the room, if you're going to testify. And we need you to print your names. If you're not testifying today but you just want to show support for a bill, you can sign in on the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

clipboard, the white sheets, and we'll note that for the record. Each testifier will be allotted five minutes and we do use the lights here. So it will come on green, it will be green for a very long time it will seem, and it will go to yellow, and then it's red. And you're going to look up and I'll be the person going time, time, time. We try very hard to keep everyone focused on that five minutes so we're fair to everyone. When you come forward, state your first and last name and spell it for the record so the clerk knows exactly how to enter that in our records. And with all those instructions, I'll open the hearing on LB686. Senator Schilz is here. This is his bill to provide an exception from the Veterinary Medicine and Surgery Practice Act for the transplantation of bovine embryos. Senator Schilz, you want to come forward. How are you?

SENATOR SCHILZ: What's that? Good, thank you.

SENATOR CAMPBELL: Now I'm going to get to hear the rest of the story. I get to hear the rest of the story or all the story. We were walking in together the other...yesterday and you were giving...

SENATOR SCHILZ: Oh, yeah, on the bill. I thought you were talking about my day.

SENATOR CAMPBELL: No, and you were giving me some information about the bill. And you said, well, I'll tell you everything on Friday so.

SENATOR SCHILZ: Sure. I was just thinking, Senator, no, my day is really good. There is no rest of the story. (Laugh)

SENATOR CAMPBELL: Oh, good, good, I'm glad. Well, welcome, we're glad to have you.

SENATOR SCHILZ: (Exhibit 1) Thank you, Senator Campbell and members of the HHS Committee. For the record, my name is Ken Schilz, spelled K-e-n S-c-h-i-l-z, and I'm introducing this bill here today to change the way we allow folks to do embryo transfers in the state of Nebraska. Just as a little bit of background and a little bit of where I come from, I've grown up in the beef industry, been involved in feedyards and farming my whole life and so this is an issue that hits close to home but it hits a lot closer to home for the folks that supply me. So I know just enough on this issue to be dangerous. So bear with me. Today the beef industry is much different than it has been in the past. In the past, it was a much, much simpler process. When my grandfather fed cattle and raised cattle it wasn't extremely complicated. He bought the cattle, he put them on feed and if everything worked out, which it usually did, he usually made a little bit of money and there wasn't and weren't any big swings or anything like that or any sort of telemetry to tell you, hey, you've got to do this to get paid or that or whatever. Today, it's much harder to succeed. Capital costs are extremely high, margins per head are extremely thin. I mean, when you're talking about a \$50 return on a \$1,500 investment,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

which is about how much it costs today to raise and feed a steer, you're looking at a 3 percent return. And you know, cow-calf guys are probably say, woo, 3 percent, I'd be all over that. So just to show you it's a very thin industry when you look at margins. Today also we have what's called marketing grids. And basically what happens now, it used to be you could sell cattle all sorts of different ways. Grids, basically, set up and say, hey, we want...we'll pay you for certain attributes of that animal's carcass. And so you're trying to hit that grid every single time, you're trying to make it happen. Embryo transfer gives us a much more predictable way to hit that. If you can find a dam and a sire that go well together and create the kind of animal that you need and it's not just about carcass quality, I mean, there's all sorts of factors that go into creating a successful beef animal and so, you know, all sorts of attributes that you have to think about. But on the beef side, if you can take these embryos and utilize the process and put it into cattle, you can become much, much more predictable in how you're doing it. You know, consistency is absolutely, absolutely important and predictability is essential. And this, the embryo transfer process provides a producer with the tool to dramatically increase that predictability. And here's why that's important going forward. If Nebraska's beef industry really is to realize that it's what I consider, its natural place in the world as the beef epicenter of the entire world, we have everything we need to do that. We have the grass, we have the cattle, we have the feed, we have the packing facilities. We really, we really need to keep working to be there. And that's why we need to find solutions to make this practice more readily available to both commercial users and seed stock folks, to get this to work better for everyone. And I will say this, being from Ogallala, being from rural Nebraska, we also want to make sure that we have ways to keep our kids here in the state. It's important. Everybody thinks, you know, one job or two jobs. Well, in a place like Paxton, Nebraska or Bridgeport, one or two jobs could mean one or two families that are in that community. And that's a big deal to those folks. So if we make this...if we continue to have this process being too restrictive as to who can perform it, we are and we'll lose some of our best and brightest. Right now we're exporting scientists to Texas and Montana because of this law. I've heard of two young people that have received their Ph.D.s and since they can't practice this here in Nebraska they've moved someplace else. So it's an issue as you go to that. I will say this, I'm a, like I said before, I know just enough to be dangerous. We do have folks here that are much, much more in the know of it as it comes to embryo transfer and how that works and so they are here today to testify. And with that, I will stop my talking and allow you to ask me questions or wait until those folks come behind me. [LB686]

SENATOR CAMPBELL: Questions? Senator Gloor. [LB686]

SENATOR GLOOR: Thank you, Chairwoman Campbell. Thank you, Senator Schilz. When this issue first came up and I started getting information about it, I thought it was a rare occurrence. Obviously, this happens a lot. Am I correct in that assessment? I mean, it isn't the sort of thing that happens maybe 50 times in the state of Nebraska every year. It may happen 50 times for a specific breeder. [LB686]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR SCHILZ: Right. Well, sure. I mean, as you look at what goes on it's mostly utilized in the seed stock arena. But there is some of this going on. And we want to make sure that anybody that has a need for this also has the opportunity to get it done. I think, and there will be others here, but I think there's only possibly just a handful of vets in the state that actually do this as a practice. And I think that's important to realize as well is that, you know, we probably need to take a look at that and make sure that there's enough of that expertise out there to actually get done what we need to get done. I mean, there are millions of head of cattle, cows in the state of Nebraska. And Nebraska is fourth in the country in number of cows. So it's a pretty important deal. [LB686]

SENATOR GLOOR: Okay, thank you. [LB686]

SENATOR SCHILZ: I do have some...an amendment to this as well. And it has to go to the degree and the liability issue. It's there, so if you could hand that out, that would be good. [LB686]

SENATOR CAMPBELL: Okay. Okay. [LB686]

SENATOR COOK: I'm sorry. I was just going to ask him a question out loud. [LB686]

SENATOR CAMPBELL: I'm going to do Senator Bloomfield and then I'm going to do you. Senator Bloomfield. He's been really patient. [LB686]

SENATOR BLOOMFIELD: Senator Schilz, you said that there were a limited number of vets that actually do this. Do you know what that number is? [LB686]

SENATOR SCHILZ: You know what, I would defer that question because I don't now. And that's why I stated it that way. [LB686]

SENATOR BLOOMFIELD: Okay. We'll get the answer a little later on. [LB686]

SENATOR SCHILZ: I know there's a small number. Right, yeah. But I don't know for sure what that number is. [LB686]

SENATOR BLOOMFIELD: Okay. Thank you. [LB686]

SENATOR CAMPBELL: Okay. Senator Cook. [LB686]

SENATOR COOK: I'm going to have the amendment in front of me. But we've just had kind of a running theme this year on immunity clauses. (Laughter) And, I guess, my hope is that when I read it, it won't be one of those. Will it be? [LB686]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR SCHILZ: I guess you'll have to read it and find out. I don't want...of course, it won't be. It's going to be just fine, Senator Cook. (Laugh) [LB686]

SENATOR COOK: It's perfect just as it is. [LB686]

SENATOR SCHILZ: (Laugh) That's right. [LB686]

SENATOR COOK: Thank you, Senator. [LB686]

SENATOR SCHILZ: Okay. [LB686]

SENATOR CAMPBELL: Any other questions or comments? Senator Krist. [LB686]

SENATOR KRIST: The process or the procedure was...is new technology, obviously, in the last several years. It was designed by a person in the laboratory, not necessarily, I would assume, not necessarily a veterinarian but someone who actually explored that area of science. I don't know that you know the answer to this, but I would ask and I'd like to hear it commented on today. We have a 2-2 process in place with veterinarians, they do a couple years here at the university and then they do two years someplace else, at Iowa State or Kansas or wherever. Do you see potentially this service being performed by potential students that were going to become veterinarians? Is that possible? And again, I'm posing the question now as a theme that who would actually perform the service, if not a veterinarian? And if not a veterinarian, why? And if Cap were still, if Senator Dierks were still here, I would ask him specifically where the...where have all the veterinarians gone that we heard about the decay and, you know. So I...so those two... [LB686]

SENATOR SCHILZ: Right. Sounds like a song almost. (Laughter) Well, I can tell you this, who...can you tell me the first part of your question again. [LB686]

SENATOR KRIST: Who would be performing the service if not a veterinarian? [LB686]

SENATOR SCHILZ: Yeah, right. And what we have proposed in the bill is that it would be somebody with a master's degree that has an emphasis in reproductive physiology that would be able to do this. Now if they want to...that doesn't preclude them from being a vet as well. And that would be fine. And quite honestly, as we've gone around and looked at things, quite a few of the folks that are not only doing this procedure out there but quite a few of the folks that are teaching this procedure are not vets. And so we're just trying to find...and we don't, you know, we don't want to have this become a free-for-all because we understand that the integrity of this industry is hugely important to the state of Nebraska. So we want to make sure that we maintain the integrity of the industry. And when I talk about the industry I'm talking about embryo transfer and how

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

that happens, so that we don't run into troubles that we've seen in other places, say like, possibly Oklahoma, Texas where there are no standards at all so. [LB686]

SENATOR KRIST: Yeah. Thank you. [LB686]

SENATOR CAMPBELL: Other questions for the Senator? Senator, will you be staying to close? [LB686]

SENATOR SCHILZ: Oh, of course, because I've got another bill coming up right after. [LB686]

SENATOR CAMPBELL: Oh, that's right, of course you'll be here. [LB686]

SENATOR SCHILZ: If you'll have me, I'll stay as long as you want. [LB686]

SENATOR CAMPBELL: We will always have you, you're always welcome. With that, we'll start out with the proponents. Excuse me, hold on. Did we get that orange sheet? You have the orange sheet for the second bill maybe. [LB686]

PETE McClymont: Yes. [LB686]

SENATOR CAMPBELL: Aha, we're catching on here. (Laugh) How are you this afternoon? [LB686]

PETE McClymont: (Exhibit 2) Good, thank you. Madam Chair, members of the HHS Committee. For the record, my name is Pete McClymont, P-e-t-e M-c-C-l-y-m-o-n-t. I am vice president of legislative affairs for the Nebraska Cattlemen and I am here today in support of LB686. And we greatly appreciate Senator Schilz bringing the bill today. First off, I'd like to say this to all the committee. It is awkward, to say the least, to be here in a position to support a bill that may not be supported by the veterinarians. They are a group of people, and the NVMA is an association that we respect, that we work in concert with the vast majority of the time and today may or may not be that way. But nonetheless, it is awkward for me to be here and working on this. As Senator Schilz explained in the bill some basic reasoning behind this, obviously, right now only DVMs can perform this procedure. And so it's our opinion that we believe with proper education, master's or higher, that an individual who has the proper training and experience to perform this procedure. And so as an example, Senator Schilz referenced the top six cow-calf states, beef cow states in the country: Texas, Oklahoma, Missouri, Nebraska, and then Montana is sixth. And Texas and Oklahoma have no mandates on education required, anybody can perform the procedure. We don't agree with that. Montana and Wyoming, all they have to have is 6 hours of 300-level reproductive physiology classes to perform this. We do not agree with that. We are strongly based in our education in what we try to promote. We've worked closely with the university and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

the Animal Science Department and IANR to promote the beef industry in Nebraska, so hence we're here and not only supporting the opening up or the exception of the practice act, but hopefully people can utilize the university in their education needs. Right now, a master's degree, if you were to go into reproductive physiology for bovines, it's a two-year program essentially with a cost of about \$50,000. A Ph.D. would be anywhere from 3.5 to 4 years and that cost would roughly be \$100,000, and a DVM, from what I've done research, is basically 4 years and \$120,000. It's our fervent belief that somebody devoted 100 percent of their education in the master's education program, in the bovine reproductive physiology would not only be skilled but proficient in this. Right now most veterinary schools in the United States, unless you wish to practice solely or if you want to specialize in reproductive physiology and bovines, typically, you're only going to take one or two classes of that. So yet in Nebraska somebody could perform this if they're a veterinarian. So that's good, but we want expert technicians out there. The example on the human side, what if you were a podiatrist in Valentine, could you deliver a baby? Sure, but you're not...that's not your area of expertise. This is a 100 percent solely focused, a master's or Ph.D. program on bovine reproductive physiology. As Senator Schilz referenced, about 20 months ago our board of directors created a new mission statement. And that mission statement basically summarized, we want to be the beef epicenter of the United States if not the world. And so our cow herd in the United States is at the lowest number since 1950. And because of that this is an opportunity to grow that. The amendment you have, we want to address the liability. We want to be just like the veterinarians. We want to have liability insurance. We want to be under the state vet board. And so there are some tweaks. The state vet board had an emergency conference call today and they outlined some different things that they wanted to see changed in the bill. And we are happy to work with the committee and NVMA to try to make those. But it's our belief that this is an opportunity to grow our industry and maybe even address some of the shortfall that we've seen a decline in veterinarians in the country and across the United States for that matter. The handout I gave you is from the American Veterinary Medical Association and it talks about Nebraska on a county-by-county basis. And so based on that the numbers are low. And we need to help in getting people there. So the red light is on. I will be happy to answer any questions and I appreciate the opportunity to testify before the committee, Madam Chair. [LB686]

SENATOR CAMPBELL: Thank you, Mr. McClymont. Questions? Senator Bloomfield? [LB686]

SENATOR BLOOMFIELD: Pete, I'm going to ask you the same question I asked Senator Schilz. Do you know how many vets there are that do this? [LB686]

PETE McCLYMONT: I would defer to NVMA. They'll have a better idea, you know, of those that perform it. I do know this, that typically with fall calving cows, those cows would need embryo transfer performed from basically late April to early July. So that's

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

about 80 percent of the cow herd. So it's a very finite window. About 20 percent of the herd in the state is fall calving cows. And so you're talking about December to February. So, you know, it is a specific technical need. So it's not a year-round need, Senator. [LB686]

SENATOR BLOOMFIELD: Do you have any idea what the number of people would be that we would increase under this bill? [LB686]

PETE McClymont: That's hard to say. I know that there are people, in doing the research for this bill and working on it for the last four years, that there are people that come in from out of state to perform the procedure, some are veterinarians, some aren't. So it's a hard number to try to get a specific idea of both sides. But we just think if we're going to abide by the law we want to see this opportunity changed to master's or higher so. Thank you. [LB686]

SENATOR BLOOMFIELD: Thank you. [LB686]

SENATOR CAMPBELL: Senator Howard. [LB686]

SENATOR HOWARD: Thank you. Is there a shortage of vets that perform this in Nebraska? [LB686]

PETE McClymont: Yes, that's why we're here. [LB686]

SENATOR HOWARD: All right, so there is a shortage. [LB686]

PETE McClymont: Yes. [LB686]

SENATOR HOWARD: How much does it cost to have this done? If I had a cow, what would I be looking at spending? [LB686]

PETE McClymont: Good question and I think it's \$50, Senator. But there are others that will follow me that perform this procedure that are experts that can answer that question much better than I. [LB686]

SENATOR HOWARD: Okay, I can hold that question until they get up here. [LB686]

PETE McClymont: Okay, thanks. [LB686]

SENATOR CAMPBELL: Any other questions? Thank you, Mr. McClymont. [LB686]

PETE McClymont: Thanks. [LB686]

SENATOR CAMPBELL: Next proponent testifying. Good afternoon. [LB686]

MYRON DANNER: (Exhibit 3) Good afternoon. Good afternoon, members of the Health and Human Services Committee. My name is Myron Danner, that's D-a-n-n-e-r. I am a beef producer from Burwell, Nebraska, but I also have been very actively involved in embryo transfer. I have three degrees in animal science. I have a BS from Iowa State University, I have an MS from Michigan State University, and my special field there was ruminant nutrition. And then I went on to do a Ph.D. also at Michigan State University and finished that in 1981. And specifically on my Ph.D. I worked with reproductive physiology but it was aimed directly at embryo transfer, that was the goal that I set out when I started to do my Ph.D. This is what a Ph.D. thesis looks like. It's a considerable amount of work. I spent about three years getting this degree. What I did, just to summarize it, I did 68 cadavers of cows' reproductive tracts. And that means that we took the cows' reproductive tracts out, we took them back to the lab, we dissected them, we measured them, we analyzed them, we did everything that you can do at that point in time with the professors that I had overseeing my research. After that, I moved to Nebraska and I started doing embryo transfer on my own cows. I was just trying to get good at the procedures. In 1983, there was a major breakthrough in all of this technology and that involved freezing the embryos. So that was a big, big step forward for this whole industry. It's actually an industry now, embryo transfer is an industry. Freezing the embryo is one of the big steps. And I started to get requests from other people that heard about my skills. I never advertised them, but by the early 1990s I had to turn business away. You know, the word had spread word of mouth, and I had to turn business away. In 2007, fast forward, I got a cease and desist from the state of Nebraska telling me that I could no longer do embryo transfer because I was infringing on the veterinary practice act. That's my problem, that's my situation and that's why I'm here. Just to put a little brief summary in here of what is involved. Embryo transfer involves removing an embryo from a donor cow or she will be genetically superior at meat production, milk production or you can even...we even get requests to do cows that are producing bucking bulls. So it's whatever the owner decides to collect embryos from, those embryos are then frozen or they can be transferred the same day and they're put into surrogate cows and then those cows carry those embryos. It's nonsurgical, it's noninvasive and it's even nonsterile. And that means it's been very easy to adapt to on-farm conditions. I can setup, I have a portable trailer that I can take to the farm and I can do this work entirely on the farm under...where there can be flies present, there can be dust and dirt, anything that you're going to have on a farm. That's a pretty brief description of it. I want to emphasize one point. We're not addressing the issue of prescription drugs, that is not in this bill. That requires a veterinary-client relationship. It always has, it always will. That does not prevent the person from doing the actual procedure of collecting and freezing and transferring the embryos. Now to get to the heart of what I really want to talk about here, everybody assumes that embryo transfer is veterinary medicine. And I'm here to tell you that it's deeply rooted in animal science. And animal science is a completely separate field from veterinary medicine.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

We have an Animal Science Department here at the University of Nebraska, very well staffed. They have a number of different fields you can study. But the ones I want to go into are the ones that developed this technology, and that's your handouts here. And I know you don't have time to read these. I've highlighted the important points. But I just want you to turn to the second page. And I'm going to tell you what each one of these men did. The first one is George Seidel. He gets credit for the nonsurgical embryo collection, the nonsurgical embryo transfer, freezing embryos, splitting embryos, in vitro fertilization, and sexed semen. He has taught hundreds of students of all educational backgrounds. If there is one person that is qualified to address this issue it's George Seidel and he has worked with students of all backgrounds. I consider him to be the father of embryo transfer. Another person that I've put his biography in here is Ian Wilmut. He gets credited, if you can get to the second page, he developed the world's first frozen embryo. He's also the man that developed Dolly, the first clone that was produced from adult somatic cells. The third person that I included here is Paul Leibo, Stanley Leibo. And he gets credit for what we call the direct transfer method of transferring embryos. And that was a huge step forward. It just cut in half the time that it takes to do an embryo transfer on the farm. Those three men are all Ph.D.s. They did not go to vet school, they're not veterinarians, they have no background whatsoever in veterinary medicine. The last one that I've included here is a resume, and those people are scientists. They've stayed with the research part of this whole industry. The last person that I included here is a person by the name of John Hasler, another Ph.D. Got his Ph.D., worked at Colorado State. If you get to the bottom of his thing, I would credit him with developing the nonsurgical flushing technique. And then he developed one of the largest ET companies in the United States. If you look at his consultancies, he's recognized worldwide as an ET authority. So again, when you have time if you could read through some of those things you'll realize that I think embryo transfer is very deeply rooted in animal science, much more so than it is in veterinary medicine. In conclusion, I feel that the law needs to be changed. I think that this is a huge problem for me. But I think it offers some opportunities for other people that are also animal science majors. One other thing it does, it recognizes the value of higher education. It isn't that anybody is going to be allowed to do ET based on this bill. But it recognizes and rewards higher education from a master's degree or more. With that, I'm going to finish and I'll take any of your questions. [LB686]

SENATOR CAMPBELL: Okay. Questions that you would have? Senator Howard. [LB686]

SENATOR HOWARD: Thank you. I'm just going to ask you the same question I asked earlier. How much do you charge? [LB686]

MYRON DANNER: It will add, when you get all the...it's so much per step. It's to collect the embryos and then it's to freeze the embryos and then to transfer the embryos. But assuming you get average results, which is going to be about 65 percent, about two out

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

of every three embryos will become pregnant. You're going to have \$200 in service cost. That doesn't cover the cost of feed, it doesn't cover the cost of semen, etcetera. There's a few other incidentals that are going to be included, but \$200 per calf. So it's not used in commercial beef production because a commercial beef calf is only worth maybe \$600 to \$800, depending on the market. But it's used in seed stock production where they're generating bulls to go out to produce hundreds of progeny. And those bulls can bring anywhere from \$3,000 to \$50,000. [LB686]

SENATOR HOWARD: Okay. So if I called you up and I said, I'd like your service, I could expect to pay probably \$200. [LB686]

MYRON DANNER: Two hundred dollars per calf, yes. That's roughly what your cost is going to be, yeah. [LB686]

SENATOR HOWARD: Okay, thank you. [LB686]

SENATOR CAMPBELL: Senator Gloor. [LB686]

SENATOR GLOOR: Thank you, Chairperson Campbell. Dr. Danner, do you think you would have gotten a cease and desist letter if you would have just continued to perform the procedure on your own livestock? [LB686]

MYRON DANNER: No, it's not against the law to do your own cows. [LB686]

SENATOR GLOOR: That's what I wondered. [LB686]

MYRON DANNER: Yeah. It's against the law if I do it for pay. I can do it for my neighbor and trade help, but I can't charge him for it. [LB686]

SENATOR GLOOR: Okay. [LB686]

MYRON DANNER: I couldn't have a business. [LB686]

SENATOR GLOOR: Okay, thank you. [LB686]

SENATOR CAMPBELL: Mr. Danner, did you testify several years ago? Did you testify several years ago on... [LB686]

MYRON DANNER: Yes, two years ago, yeah. Yes, I'm the guy. [LB686]

SENATOR CAMPBELL: ...on Senator Dierks's... [LB686]

MYRON DANNER: (Laugh) We've tried to get this thing resolved and they just...this is

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Transcriber's Office

Health and Human Services Committee
February 25, 2011

what we came up with. [LB686]

SENATOR CAMPBELL: Okay, thank you. [LB686]

MYRON DANNER: I'd like to answer your question about the numbers of transfers being done. Okay, I'm just going to maybe just give you a little wild shot. But I probably, when I was doing a full-time business, would do 2,500 a year. And I would say I was less than 10 percent of what gets done in the state of Nebraska. [LB686]

SENATOR KRIST: Twenty-five hundred a year in the state of Nebraska? [LB686]

MYRON DANNER: In the state, well, yeah, if I would have counted everybody, everything in the state. So you could multiply it by ten and that would be a minimum number that is being done in this state. So there's at least 25,000 transfers being done a year. And there's no way to know. But the other question that's going to get answered is, how many vets are doing it? There's only one that's actively full-time doing embryo transfers in the state of Nebraska. And that's in the last 30 years that we've had, that has been determined. The learning curve is long to get this skill developed, it takes a long time to get it developed. [LB686]

SENATOR KRIST: Can I follow up, Chair? [LB686]

SENATOR CAMPBELL: Yes. [LB686]

SENATOR KRIST: Thank you. One vet, how many of you, how many people like you? [LB686]

MYRON DANNER: Just one. [LB686]

SENATOR KRIST: Okay. [LB686]

MYRON DANNER: Most of the work is coming in from out of state. Most of the work is being done from other people coming in. [LB686]

SENATOR KRIST: Okay. [LB686]

MYRON DANNER: And a lot of those are veterinarians but not all. This big company in Iowa employs people with my background. They don't all have to be veterinarians to work at Transova. [LB686]

SENATOR KRIST: Thank you. [LB686]

SENATOR CAMPBELL: Any other questions? Yes, Senator Bloomfield. [LB686]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR BLOOMFIELD: Thank you. You're not prohibited to go into another state and doing them, are you? [LB686]

MYRON DANNER: No, I can go to South Dakota any day I want to. And if I went to Wyoming, which I don't, but I'd have to have one of their licenses. I could go to Texas or Oklahoma. [LB686]

SENATOR BLOOMFIELD: Yeah. Where are you from? [LB686]

MYRON DANNER: I live in Burwell. [LB686]

SENATOR BLOOMFIELD: Burwell? [LB686]

MYRON DANNER: Yeah. [LB686]

SENATOR BLOOMFIELD: Okay. [LB686]

SENATOR CAMPBELL: Any other questions? Thank you very much for coming today. [LB686]

MYRON DANNER: Um-hum. [LB686]

SENATOR CAMPBELL: Other proponents. Good afternoon. [LB686]

ELDON STARR: (Exhibits 4-6) Good afternoon, Madam Chairman Campbell and committee. I'm Eldon Starr, E-l-d-o-n S-t-a-r-r, I'm from Stapleton, Nebraska, in case you're not familiar that's...I live actually on hour's drive north of North Platte. In your handouts the...I want to give you some background of how come it qualifies me to be here. I graduated from the University of Nebraska. I started there to be a gynecologist but I didn't like the word "malpractice," so I graduated in animal science and I took every course in reproductive physiology offered at that time. I wanted to run an aggressive AI program, so I went home and we expanded that herd to over 2,000 cows. We had a sale and one of the little handouts, the shiny cover, be sure to light your fire tonight with it because it's just old stuff. It happened ten days ago. But my wife did tell me, make sure you look inside, there is 11 grandkids in there that we got pictures of. (Laughter) As I said, we run an aggressive program. We use embryos also. And as Myron just spoke, we will attempt to put several in ourselves, just our own herd. I will not do it on the outside. I thought I was going to get bored, so after ranching for a few years, 36 years ago I started a semen distribution company from the ground floor up, no help. It's gotten quite large so I bump in through the year with boys doing artificial breeding or doing embryos. And I can about name you anybody that's come in the state to do embryos, they call us, somebody forgot to get the semen there, we have to overnight semen to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

get to their facility to get the donor cow bred. I'm going to talk about some terms that you've probably never heard before. Let's say the embryo technician comes onto your place and he's cordial, he's clean, he handles the cattle well. Ahead of time he sent a calendar to you so that you knew the days to give your shots to the donor cow. You took care of the recipient cows with the shots and so forth so they'd be synchronized in the right sync, what days and so forth, that's just to start. It will take several years before we are what we call rancher certified. Rancher certified, how do we get that? I'll give you an example. Let's go to a sale, large production sale, bulls, maybe a few females. The breeder of these animals draws a crowd from a 150- to 200-mile radius. Us ranchers like a free lunch. We're sitting at the table before the sale, talking across the table. You see this gentleman once or twice during the year, you start talking about what bulls are working, what's going on. Pretty soon he says, well, who does your embryo work? And it's, who does your embryo work? The guy sitting beside him says, well, you bought some of those embryos that I bought down at so and so's sale. And he said, yeah, how did you get along? Well, he says, it's good gas this week, not last week, but we put 12 in and we got 8 takes, 8 pregnant. Very good. But he said, we put in 15 and we got 5 and they're going to send us 3 more embryos to replace the ones that didn't take, there was a guarantee. When we talk, we talk last names only. We don't care what's after their name, whether they're a CPA, DVM, it's not important to us, it's just success. To be successful it's going to take many years repetition. And some have it, some don't. I compare it to a university football player. Small town Nebraska, he's got a passion, it comes from his heart. He goes from a two star to a four star athlete. That's where it comes in embryo work. You've got to have it within you or you may not succeed. Just yesterday, as I was doing some of my business, I got a call from Colorado. And I thought, uh-oh, he knows I'm here today. I'm going to use his name, maybe some of you know him, Darryl Degraff, DVM. All he called for was to thank me because I gave him some business in western Nebraska because I didn't know who else to have go over there and do it. There's out-of-state money that will leave Nebraska. He might buy some fuel, he might buy a motel room, but those dollars go back to Ft. Collins. There's a young gentleman that I talked to this spring, he can't operate. His family, he took over the father's operation. He sits there, the operation is not a viable entity. They were able to buy some ground next to him that come up for sale, once in a lifetime deal. They bought it. He said, well, I need to get some outside money. I can't expand my embryo business. I just got to keep doing it here on the farm for myself, I can't go out. He says, what do I do? I realize the veterinarian will graduate from college and have a debt. He's got a debt to pay too. And I hate to hinder this young gentleman with his young family, but he's not going to be able to go out and do this. I don't know what he's going to find to do. I think we need a competitive world, free enterprise. It makes more quality in our work. And I hate to hinder anyone from being able to do this. I see I got a red light on. Any questions? [LB686]

SENATOR CAMPBELL: He's watching closer than I am. Senator Wallman. [LB686]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR WALLMAN: Thank you, Senator. Yeah, thanks for being here. I've bought cattle already in Burwell. [LB686]

ELDON STARR: I can train you. (Laugh) [LB686]

SENATOR WALLMAN: So these donor cows, I'm not really...I never did embryo transplants. But the donor cows, do you ever...do they ever not reproduce? You know what I'm saying? Are they damaged? [LB686]

ELDON STARR: Well, I don't want to say they get damaged through embryo transfer. When this practice first started, guys, I've been in this thing for 30 years. As far as being around embryos, I don't want to go any further than that with what I've done. But surgically we'd have scar tissue. I think we were very limited at the number of times we could flush that individual because of scar tissue. Now that it was developed, I think Myron might have alluded to '83, if I'm correct, when this was no longer a practice and it made it a lot smoother. And today's practice, Myron, who was just before me, he's got to be the best, I can tell you that from my heart. I've had people come to him because they had a problem. (Laugh) And I'd hate to think he gets all the problem cows and so forth, but I think sometimes he works them through it and gets her done. Any other questions? [LB686]

SENATOR CAMPBELL: Any questions? Yes, Senator Bloomfield. [LB686]

SENATOR BLOOMFIELD: How many embryos can you flush over the lifetime of a cow, roughly? [LB686]

ELDON STARR: You like to space it out when you flush a cow and we like to go three times. And we'll do them sometimes 45 to 60 days apart, depending on the cow, her age and where she's at. But three times in a season, and then we may just breed her back for a natural calf. And you may ask how many eggs do we get. It varies. It will vary from let's say as few as 4 or 5 or maybe 1 or 2, but it can be up in the 30s or higher. [LB686]

SENATOR BLOOMFIELD: Thank you. [LB686]

SENATOR CAMPBELL: Any other questions? Thank you for coming today. [LB686]

ELDON STARR: Thank you, Madam Chairman. [LB686]

SENATOR CAMPBELL: Other proponents. [LB686]

JESSICA KOLTERMAN: Senator Campbell and members of the committee, I appreciate the opportunity to come before this committee because I don't get a chance

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

to do it very often. (Laugh) [LB686]

SENATOR CAMPBELL: You do not, that's exactly right. [LB686]

JESSICA KOLTERMAN: I think the last time I was here it was on body art and Senator Howard is the only one that was here at that time. [LB686]

SENATOR HOWARD: Oh, those were the fun days. [LB686]

JESSICA KOLTERMAN: (Laugh) Yeah. So thank you, I'm happy to be here. For the record, my name is Jessica Kolterman. I am the director of the PAC for Farm Bureau and also State Governmental Relations. Kolterman is spelled K-o-l-t-e-r-m-a-n. Just wanted to touch briefly on this bill. We are supportive of the legislation. Our member-adopted policy specifically reads, we support legislation exempting embryo transfer and cattle services and procedures from being defined as part of the practice of veterinary medicine and surgery. And it goes on to say that we should be active in working with legislation of this nature. We look at this issue and really what it comes down to from the members that we've talked to is the shortage of large animal vets in rural areas. And that is the main concern that they bring to us. I actually let a few of the gentlemen go ahead of me because I knew that they would be much more equipped to answer specific questions on embryo transfer. Never imagined I would be up here testifying on that, but...so I will leave the technical issues to them. But just want to echo also what Pete McClymont with the Cattlemen said, that we really appreciate our relationship with the veterinarians and have enjoyed working with them on a number of issues, and don't like being in a position to testify opposite them on a bill. But our members have put policy into place on this and so that's why we're here today. Any questions, I'd be happy... [LB686]

SENATOR CAMPBELL: Any questions of Ms. Kolterman? Thank you very much for coming and testifying today. And it is good to see you. [LB686]

JESSICA KOLTERMAN: Thanks. Nice to see you too. [LB686]

SENATOR CAMPBELL: Other proponents. Okay. Those who wish to testify in opposition to the bill. Good afternoon. [LB686]

VERGIL HEYER: (Exhibit 7) Good afternoon. Senator Campbell and members of the Health and Human Services Committee, my name is Vergil Heyer, V-e-r-g-i-l H-e-y-e-r. I am currently chairman of the ET Committee of the Nebraska Veterinary Medical Association. I am a practicing veterinarian from Ainsworth with emphasis on food animal medicine. I'm here today to give a brief overview of the embryo transfer procedure as a preface to our opposition to LB686, the bill to allow nonveterinarians to perform transplantation of bovine embryos, to provide information on the availability of

veterinarians to perform ET and to discuss the commonality of the proponents and opponents of LB686. Prior to initiating any procedure, the animals involved need to be evaluated to be in good health, nonpregnant and to not be exhibiting signs of disease. Initial activities of embryo transfer involve superovulating the donor cow with the use of hormone injections and synchronizing the recipient cows to the reproductive cycle of the donor cow with another hormone injection. The donor cow is artificially inseminated and the actual collection of embryos is performed 6.5 to 7.5 days later. Embryo collection involves introducing specially formulated fluids into the donor cow's uterus under surgically clean conditions. The embryos are suspended in the fluid at this time. These fluids are then withdrawn from the cow and filtered to isolate the embryos. The embryos are then evaluated under a microscope as to quality and condition, washed with special solutions and placed into different media, depending on whether they will be frozen or transferred directly. The last step of the procedure is to transfer the embryo to the recipient cow. It has been said that embryo transfer is not that much more difficult than artificial insemination. This confusion may result from the fact that this last step, and only this last step is not much more difficult than artificial insemination. After surgical preparation of the recipient cow, the embryo is placed in the uterus of the cow by means of a pipette. The recipient cows will be eligible for pregnancy diagnosis approximately 40 days after the transfer. This entire process involves the use of at least three script drugs and the diagnosis of animal health, embryo quality and pregnancy status. There is a significant amount of manipulation of the cows' reproductive tracts that can be detrimental to the cow if done incorrectly. On the point of veterinary availability, the Iowa State University College of Veterinary Medicine offers ET courses complete with lab and practical experience. The first class of Nebraska students in the new 2 + 2 program with ISU will be graduating this spring. According to a recent poll, it is predicted that 80 percent of these graduates will be returning to Nebraska and 60 percent of those will have completed the ET coursework. These numbers will likely repeat themselves annually for years to come. Additionally, having more veterinarians in the state performing ET provides the additional benefit of having more providers throughout the entire year for animal care and welfare. Finally, the proponents and opponents of LB686 have the same goal: to provide more ET services to the cattle producers of the state. The Nebraska Cattlemen have also set the admirable goal of making Nebraska the nation's epicenter of beef cattle production in the twenty-first century. Lowering standards of healthcare for the state's cattle would not be moving toward that goal. We are both headed for the same point on the horizon. Our differences of opinion lie within how to get there. Nebraska veterinarians can meet the ET needs of the producers of our state without the dangerous consequences that may be the result of this proposed legislation. As you can see from our brief description of the technical nature of the ET process, the forecast availability of veterinarians to perform ET and the common goals of the proponents and opponents of LB686 is in the best interest of Nebraska to vote no on LB686 and to leave the Nebraska veterinary medical practice act in place. At this time, I'd entertain any questions. [LB686]

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Health and Human Services Committee
February 25, 2011

SENATOR CAMPBELL: Senator Bloomfield. [LB686]

SENATOR BLOOMFIELD: I'm going to go back to my old tired questions that I haven't been able to really get an answer to yet. How many of these are done in a year? We got close to that answer, I think. How many vets actually do it? We were told only one does it full-time. I'm sure there are more that do it as part of their practice. And then how many more folks do you really think we would gain doing it if the law were to go into effect? [LB686]

VERGIL HEYER: There is the one doing it full-time. When that question came up earlier this afternoon and just quick off the top of my head, I came to a total of six veterinarians or clinics in the state that are offering this as a service. Some of them are not doing it full-time because there simply isn't enough call for that work within their practice. And even that, they range outside of the normal area to perform ET. [LB686]

SENATOR BLOOMFIELD: Okay. But would you concur somewhere near that number of 25,000 a year being done in the state? [LB686]

VERGIL HEYER: I guess I wouldn't be able to disagree with you. I don't know the current number. [LB686]

SENATOR BLOOMFIELD: Okay, thank you. [LB686]

SENATOR CAMPBELL: Senator Wallman. [LB686]

SENATOR WALLMAN: Thank you, Chairman. Yes, thanks for coming here, Doctor. Iowa State here, how many graduates do we have graduating there from Nebraska? Do you know? [LB686]

VERGIL HEYER: Twenty-five. [LB686]

SENATOR WALLMAN: Twenty-five. Thank you. [LB686]

VERGIL HEYER: So we'll have, you know, several individuals each year coming with that training. [LB686]

SENATOR CAMPBELL: Senator Gloor. [LB686]

SENATOR GLOOR: Thank you, Senator Campbell. And thank you, Dr. Heyer, for taking the time to come down here. First of all, and this is for all parties, this committee gets involved in refereeing a lot of scope of practice issues. Usually, people don't dance so nicely together. But I understand the reasons behind that, obviously. You know, that kind of gets to the heart of one of my questions is, we're not dealing, like this committee

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Transcriber's Office

Health and Human Services Committee
February 25, 2011

usually deals with, the decision that is a life or death decision, some would argue, on a person. This is a property, property issue. And that doesn't give it quite the edge it normally has when we make these sort of decisions. But this looks like a procedure that somebody could be trained to do because of the regularity and the repetition behind it. And because of that, wouldn't the market usually shake out? I mean, if the science and expertise the vet brings to this can make that significant a difference, wouldn't the market eventually say, we're getting a lot better results from using a vet as opposed to a technician trained to do this? And eventually those individuals go out of business because they're not getting the takes that they need on a regular basis. [LB686]

VERGIL HEYER: Yeah. I guess, that would probably be true. But we'd have to also consider what would be the consequences until you reach that eventuality. And there could be a lot of damage done. And... [LB686]

SENATOR GLOOR: But the damage is going to be to a piece of property, expensive property in some cases, clearly. [LB686]

VERGIL HEYER: Right. [LB686]

SENATOR GLOOR: But that also, it seems to me, would be a reason the producer would say, I don't want to go back and use that individual; I'm going to call the vet who's got a better level of training, higher level of expertise, the pharmacological background. I mean all the additional things that you bring to the table,... [LB686]

VERGIL HEYER: Right. [LB686]

SENATOR GLOOR: ...given your training that they would not be able to, I think from what I have seen in this. [LB686]

VERGIL HEYER: Right. [LB686]

SENATOR GLOOR: I'm just trying to separate my market bias to the legitimate amount of training that a vet brings to this process. And that's kind of where I'm conflicted here. [LB686]

VERGIL HEYER: Right. I think that, like you say, we could shorten the time of that eventuality if we don't change the practice act. And even amongst veterinarians that process will go on and each producer will have the option of acquiring services from a veterinarian that he has a good working relationship with. [LB686]

SENATOR GLOOR: Well, let me finish by saying there aren't enough large animal vets out there. And I appreciate the fact, I think you're in O'Neill. [LB686]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

VERGIL HEYER: I'm in Ainsworth. [LB686]

SENATOR GLOOR: In Ainsworth. [LB686]

VERGIL HEYER: Yes. And the...in the news you will hear a lot about the shortage of food animal veterinarians. But actually, when you go up and down the road and inquire at different clinics, are you short or are you part of the shortage area? And at least in Nebraska we do not see that described in the way that the nationwide reports...we're not concurring with that. And along that line, it was mentioned about keeping the environment that we can keep the brightest and the best coming back to the state in animal science. And that's also true of veterinarian medicine. We want to keep an atmosphere here that is conducive for these 25 students to choose to come back to Nebraska. [LB686]

SENATOR GLOOR: Are you a native of northern Nebraska? [LB686]

VERGIL HEYER: No, I'm not. I'm a native Iowan and I chose to come to Nebraska. [LB686]

SENATOR GLOOR: Thank goodness. Thank you. [LB686]

SENATOR CAMPBELL: Any other questions? Thank you for your testimony today. [LB686]

VERGIL HEYER: Thank you. [LB686]

SENATOR CAMPBELL: Any other opponents? While the gentleman is making his way, are there other opponents that need to testify? Anyone in a neutral position? Ah, okay. Good afternoon. [LB686]

RICHARD COCKERILL: (Exhibit 8) Good afternoon, Senator Campbell and members of the committee. My name is Richard Cockerill. And this time I will spell it. It's R-i-c-h-a-r-d C-o-c-k-e-r-i-l-l. I'm currently president of the Nebraska Veterinary Medical Association. I'm a practicing veterinarian from Albion, Nebraska, with emphasis on food animal medicine. I am here today in opposition of LB686, the bill to provide an exception to the veterinary medicine practice act for transplantation of bovine embryos by nonveterinarians. The veterinary medicine practice act was set up to protect the welfare of animals and the rights of the animal owner and the safety of the public from the practice of substandard veterinary medicine. Knowing the economic impact that medical expenses place on the animal owner, provisions were made in the practice act to allow an owner and his or her employee doing routine farm/ranch work to provide on-farm basic medical care, including dehorning, castrating and other procedures. However, procedures such as embryo transfer outside of routine farm/ranch management that are

provided by nonemployees who receive compensation are not and should not be allowed. This practice safeguards the animal and the owner from untrained, unethical acts with potential harmful expensive consequences and provides guaranteed provisions, malpractice insurance, against death or economic loss. The actual number of procedures impacted by the surface issue of the bill is small. The impact that this bill will have on Nebraska agriculture as a whole is the adverse effect on the Veterinary Medicine and Surgery Practice Act. With new graduates arriving on the scene annually with complete ET training, Nebraska will soon have more veterinarians offering ET than there are producers utilizing them. The Nebraska Veterinary Medical Association strongly opposes changing the veterinary medical practice act to allow lay people to perform embryo transfer procedures because we believe this bill is potentially harmful to the valuable farm animals. Let us emphasize the unforeseen risks and complications of these specialized procedures. In order to perform the act of embryo transplantation strong prescription drugs must be used. These drugs are abortifacients which may cause abortion and fertility even in humans. Unfortunately, the user has no knowledge of pharmacology and pharmacological side effects of these powerful prescriptions. Veterinarians have the knowledge necessary to administer medications at the correct doses with the appropriate routes of administration. They can monitor the animals while they are under the effects of those drugs and side effects of adverse reactions can be addressed immediately. Children or adults may be exposed to these potent drugs or hormones, resulting in death or serious unintended consequences. This is a significant public health issue where licensed drugs make their way into the hands of unlicensed individuals. Damage to the reproductive tract of valuable animals may be permanent due to the lack of knowledge of anatomical landmarks. I could go into details if you'd like, but suffice to say the consequences can be sterilization or destruction of an expensive farm animal. Finally, there may be misdiagnosis of abnormalities or disease conditions in the animal prior to the transfer procedures. The state and our legislators have always been progressive when providing the needed legislation for animal production and care. They have never compromised. LB686 would place the veterinary practice act in Nebraska well outside of the mainstream and set perilous precedent without a compelling need. The Nebraska Board of Veterinary Medicine and Surgery investigates complaints filed against Nebraska veterinarians, technicians or lay persons who may be suspect of causing harm to any animal and/or person in the course of their care or possession as set forth by the rules of the act. Relative to the specific questions about LB686, there are no provisions on who will monitor licensing and complaints. Will basic and continuing education be required? Will there be civil penalties for offenses? How will enforcement take place? It is the responsibility of the Board of Veterinary Medicine and Surgery to protect the rights of animal owners and to ensure the welfare of animals, whether they are food animals, horses, exotic animals or pets. The board upholds the rules as set forth in the practice act as currently written. By making an exception to the practice act for the embryo transfer the Board of Veterinary Medicine will have no recourse against anyone, not even a veterinarian for substandard and dangerous embryo transfer procedures. Please look and listen to all the facts, issues

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

and concerns. Please study the veterinary practice act and please be aware that changing the act to allow nonveterinarians to perform embryo transfer could have serious, harmful, unintended consequences. We hope that when you are satisfied, you will reject this proposal, LB686, to change the Nebraska veterinary medicine practice act. Thank you for your time and I'll answer any questions. [LB686]

SENATOR CAMPBELL: Questions? Senator Bloomfield. [LB686]

SENATOR BLOOMFIELD: Yeah. Thank you. You talk about substandard veterinary medicine. Do we really think that somebody that holds a master's degree with an emphasis on reproductive physiology is going to do something substandard? [LB686]

RICHARD COCKERILL: I don't think they'll...I think a lot of people can get a master's degree, a Ph.D. is a different thing, you know. But a master's degree, I think the potential is there to have substandard care, yes. They won't have the pharmacology background and things of that nature, it's not that in-depth of a study. [LB686]

SENATOR BLOOMFIELD: Even with the emphasis on the reproductive physiology? [LB686]

RICHARD COCKERILL: Well, I guess, I don't teach it so I can't say. But the underlying thing we have to pay attention to is there is some large national animal health, animal rights groups out there watching, you know. And animal welfare is going to be a big issue. And if we don't take animal welfare into consideration for agriculture and for cattle and lower our standards, I don't think that's setting a good precedent. [LB686]

SENATOR BLOOMFIELD: I had an opportunity to speak with you a little earlier. And I believe it was you or the other gentleman that... [LB686]

RICHARD COCKERILL: Yes. [LB686]

SENATOR BLOOMFIELD: ...said the number of vets per clinic was increasing out there in the outlying country or part of the state. Can you elaborate a little. [LB686]

RICHARD COCKERILL: In our particular area it is. You know, there is a lot of conversation in the media and it's being played upon that there is a shortage of rural veterinarians. And maybe there is, maybe there isn't. When I started practicing in Albion there was two of us, now there's five; in Ainsworth there was three and now there's six or eight where Dr. Heyer is. But the true question is, it's not is there a shortage of rural food animal veterinarians. The shortage is in producers willing to use veterinary services. You know, they choose to do it themselves. This is a service that veterinarians can provide but they choose to use a lay person. And so there's not a shortage. If there was...if they used veterinary services there wouldn't be a shortage. But you have to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

make a living, you know. And if you can't, if you're not capable of it, obviously, it will get sorted out, you know. But I don't buy into the fact that there's a shortage of veterinarians in the state. [LB686]

SENATOR BLOOMFIELD: Thank you. [LB686]

SENATOR CAMPBELL: Senator Cook. [LB686]

SENATOR COOK: Thank you, Madam Chair. On the second page, first point, the second sentence, it says that these drugs may cause abortion and infertility even in humans. [LB686]

RICHARD COCKERILL: Correct. [LB686]

SENATOR COOK: Is that through the handling of the drug or would the human have to ingest the drug? [LB686]

RICHARD COCKERILL: If it's handled improperly it can be absorbed through the fingers, the hands or the mucus membranes. [LB686]

SENATOR COOK: Transdermal, so you can get it through your... [LB686]

RICHARD COCKERILL: Yes. [LB686]

SENATOR COOK: Okay. [LB686]

SENATOR CAMPBELL: Oh, Senator Gloor. [LB686]

SENATOR GLOOR: Thank you, Senator Campbell. Thanks for taking the time to come down here, Dr. Cockerill. [LB686]

RICHARD COCKERILL: You're welcome. [LB686]

SENATOR GLOOR: At the very bottom of the second page, would you explain further a question you made, and I'll read it to you. By making an exception to the practice act for embryo transfer the board of veterinary medicine will have no recourse against anyone, not even a veterinarian, for substandard and dangerous embryo transfer procedures. I don't quite understand the "even a veterinarian," that they wouldn't have recourse against even a veterinarian. [LB686]

RICHARD COCKERILL: Well, if it's taken out of the practice act, you know, it's not being... [LB686]

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Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR GLOOR: Gotcha. [LB686]

RICHARD COCKERILL: ...monitored, anybody can do it, so you're not liable because we don't have to go to the board, in front of the board for something like that because it's not in the practice act, you know, it's outside of the practice act. It's an exception. [LB686]

SENATOR GLOOR: I understand. [LB686]

RICHARD COCKERILL: So we can do poorly and not have any repercussions. [LB686]

SENATOR GLOOR: I understand. Thank you. [LB686]

SENATOR CAMPBELL: Sir, has this issue ever gone through a 407 process? [LB686]

RICHARD COCKERILL: I'm not sure what that is. [LB686]

SENATOR CAMPBELL: It's a credentialing...no, okay. I have someone in the back of the room. It's a credentialing process that oftentimes we see if someone wishes to become licensed, certified, if in the medical an advanced nurse wants to start doing something that is not in their scope of practice. We deal with a lot of...that's why they're talking about scope of practice here because that's really what you're talking about too. And so I just wondered if they'd ever gone (inaudible). [LB686]

RICHARD COCKERILL: I don't think this particular procedure has, but I know others have, if I'm thinking of it correctly, but they have, you know, chiropractic care and... [LB686]

SENATOR CAMPBELL: Right. [LB686]

RICHARD COCKERILL: ...physical therapist type of thing has probably gone through that procedure, but I don't believe this has to my knowledge. [LB686]

SENATOR CAMPBELL: So there...but in the state there are vet techs, are there not, but they would have to go through special training to do this. [LB686]

RICHARD COCKERILL: I don't think vet techs would probably be doing this. [LB686]

SENATOR CAMPBELL: Okay. All right, we're just trying to cover our bases on the credentials here. [LB686]

RICHARD COCKERILL: Sure. [LB686]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR CAMPBELL: Anything else from the senators? Thank you very much for coming today. [LB686]

RICHARD COCKERILL: Thank you for your time. [LB686]

SENATOR CAMPBELL: Next opponent. Good afternoon. [LB686]

LAURA HARDIN: Good afternoon. I'm Dr. Laura Hardin, spelled L-a-u-r-a H-a-r-d-i-n, and I do not have any handouts. I just decided that I would make a few comments. And I am with the veterinary program here at UNL. I oversee the curriculum and student affairs here at UNL. So some of the questions about the program I am familiar with. But I thought it would be good to maybe clarify some of the issues about the different degrees because we've talked about master's and Ph.D.s and that type of thing. And with advising students and everything, all the students we're talking about or professionals we're talking about start out with a four-year degree, a bachelor's degree, which is very broad. Typically, when someone goes for a master's or a Ph.D. it is focused on a very specific area and is research-related. I think we see that in our departments. In veterinary science we have researchers looking at viruses and different drugs and different things like that. Typically, in an animal science department they are looking at reproduction and some of the other things they've mentioned. Someone in a Ph.D. isn't studying the animal as a whole. The veterinary curriculum starts out, the first two years are very heavily basic science with physiology, which includes reproduction. We're looking at histology, which is what the tissues look like microscopically, how the animal works as a whole and the whole, you know, animal health...human health based on the animal health. So I think one of the things that's the bottom line here is that as a trained veterinarian you are looking at the animal in individual or as a herd and focusing on the health of that whole unit versus, I think, someone mentioned that...we are talking about a procedure here which in a sense it is, and I don't want to say just a procedure, but in the sense that we're talking about embryo transfer, it's kind of a stand alone part of a bigger picture. And the veterinarian is trained in that bigger picture. And I think that was mainly what I wanted to mention. So if there are any questions. [LB686]

SENATOR CAMPBELL: Questions from the senators? Seeing none, thank you very much for your testimony. [LB686]

LAURA HARDIN: Thank you. [LB686]

SENATOR CAMPBELL: And now, I believe, we are to the neutral testimony. Welcome. [LB686]

LARRY BERGER: Good afternoon. Madam Chair, members of the Health and Human Services Committee, my name is Larry Berger. For the record, L-a-r-r-y B-e-r-g-e-r. I am chair of the Department of Animal Sciences here at UNL. I have a Ph.D. here in animal

nutrition and was on the faculty at the University of Illinois for 31 years in the Animal Sciences Department. During that time, I also taught in the vet medicine program at the University of Illinois. I was in the nutrition teaching program, not in reproductive physiology, but I was involved in that program. As a neutral witness, I want to define some of the aspects of embryology and reproductive...and what a master's degree in reproductive physiology actually encompasses. We have a faculty member, for example, his name is Dr. Brett White in our department who teaches the embryo management sort of class. It's actually defined as new techniques in embryo biology. It's a senior level or a graduate level course. And he teaches the various aspects of embryo development, many of the technologies associated with embryo manipulation and emphasizes embryo transfer. He has a Ph.D. in this area. He also has a patent that deals with embryo transfer, embryology sort of work, and so he's skilled in that particular art. Many of the students that go on in the DVM program actually take that class from him. It's estimated about a third of the students who go on to the DVM program here at UNL and then to Iowa State take that class. Many of the master's of reproductive physiology students that graduate from our program go into human embryo clinics. Recently, Dr. White took his reproductive biology class to Methodist Hospital in Omaha. And the coordinator of that laboratory indicated that about 75 percent of his staff had master's degrees in reproductive physiology from an animal science department. One of the students that has been trained through our program is Robin Tenbrookartic (phonetic), she has a master's and is a certified human embryologist. She works in California and is in charge of a human embryo clinic. Another individual who's been through our program is Amy Perkins, she is again head of the embryology group at Arizona Andrology Laboratory and CyroBank, Preservation Unit. Both of these people work routinely with the preservation, freezing and storage of human embryos. The point that I want to make is that these people have the skills in embryo freezing, embryo evaluation, knowing how to store, preserve and use them in a way that's essential when doing this procedure in humans. So my purpose today was to help define that these people who have a master's degree with an emphasis in this area do have skills that are recognized and critical to safe, effective storage and handling of embryos. Thank you. [LB686]

SENATOR CAMPBELL: Questions for Dr. Berger? Senator Bloomfield. [LB686]

SENATOR BLOOMFIELD: I'm going to probably put you on the spot here a little bit. If you would rather not answer, just say you'd rather not answer. [LB686]

LARRY BERGER: Sure. [LB686]

SENATOR BLOOMFIELD: That's fine. If you had a \$10,000 cow standing there and you were hoping to produce a \$40,000 bull, would you want one of the master's degrees or would you want a vet? [LB686]

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Health and Human Services Committee
February 25, 2011

LARRY BERGER: Well, I don't think you can say which one. I think you need to look at what they are...what their history is, what they've been able to do, how knowledgeable. You know, both of those people can be equally effective. I have no concern about using a master's degree, I wouldn't hesitate to use that if that person has the skill and experience and has done well. So it's not a concern whether the technique, what we are looking at here, whether you have to have the DVM to be effective. [LB686]

SENATOR BLOOMFIELD: I need to go around the corner here a little bit. Would the individual with the master's degree, you think, be able to understand the overall...whether or not the cow was getting the implant was healthy enough to...whether an issue with the cow, would this master's degree person be liable to spot a problem there? [LB686]

LARRY BERGER: You know, again, I don't want to generalize because it may depend on disease and certain types of things. But in general, I don't see that as a high risk. [LB686]

SENATOR BLOOMFIELD: Okay. Thank you. [LB686]

SENATOR CAMPBELL: Any other questions? Thank you for coming today. [LB686]

LARRY BERGER: You're welcome. [LB686]

SENATOR CAMPBELL: Anyone else in the neutral position? Senator Schilz, would you like to close on your bill? [LB686]

SENATOR SCHILZ: (Exhibits 9 and 10) Yes, please. Thank you, Madam Chair, members of the committee. I really appreciate this opportunity. I'm going to go ahead and pass out a couple more handouts here. And just to...just would like to read you a couple excerpts from these letters that I have here. And both of these are from very well-respected folks in the industry. This is not the full letter. The first one starts out, "the views expressed herein are my own as a private citizen and should not be construed as an official opinion of their...my employer, Iowa State University. In addition, I respectfully request that my comments not be portrayed as either for or against LB686." But this individual has 16 years as an ET course instructor. And the main point of his comments are: "The proposed LB686 would allow persons holding a master's degree with an emphasis in reproductive physiology to offer, presumably for a fee, ET services such as embryo recovery, embryo freezing and embryo transfer. Given the advanced training that a master's level student would receive compared with that of an undergraduate animal science student, it is my professional opinion that such students would be well-qualified to render high-quality ET services to Nebraska cattle producers. I presume this bill, if adopted, would also enable those persons holding a Ph.D. degree with an emphasis on reproductive physiology to offer said ET services for a fee." And

that is from C.R. Youngs, Ph.D., associate professor at Iowa State University. The second letter, dated February 16, 2011, "To whom it may concern, I'm a professor in the College of Veterinary Medicine and Biomedical Sciences at Colorado State University with a master's and Ph.D. degrees from Cornell University concerning reproductive physiology. I have been involved with research and teaching embryo transfer and related technology for 45 years and I have authored or coauthored hundreds of articles and several books in this field. My immediate colleagues and I have developed or refined many of the embryo transfer procedures in current use and we have trained hundreds of people to perform these procedures, many are leaders in the field. Most of our trainees have been veterinarians or have master's or Ph.D. degrees. In my opinion, the procedure such as superovulation and nonsurgical recovery and transfer of embryos can be performed with similar competency in cattle and horses by veterinarians or persons with a master's or Ph.D. degrees in reproductive physiology provided that such persons have received appropriate specialized training and acquired the requisite experience. Nonsurgical procedures for recovery and transferring bovine and equine embryos have been done competently by nonveterinarians hundreds of thousands of times over the years, not all that different in principle from what occurs with artificial insemination. Sincerely, George E. Seidel, Jr., professor of biomedical sciences, Animal Reproductive and Biotechnology Laboratory." And as we heard before, some of the folks in here have stated that Dr. Seidel here is pretty much considered to be one of the eminent authorities on embryo transfer. So we talk about health of the animal, this gets back to some of the stuff that I understand. And Dr. Danner was exactly right, you kind of got to have it in you. You know, you don't just step out there and start doing stuff. So somebody that understands, I mean, quite honestly, having worked in the feedyard my whole life, I've had employees that don't have a high school degree that are much better at finding sick cattle than some of the vets that I've had around. And they can do it before that animal even knows he's sick, to be honest with you. So I think that it all comes down to, as folks have said, having the experience, having the passion and having a little bit of that in you that gives you what you need to make this happen. And so I think it's important to remember that. One thing about it and this is one place that we do not want to go, we want the vets involved in prescribing the drugs, that's important. And you know, as we've said before, to this date all of these drugs still have to be prescribed by a vet, should have to be prescribed by a vet. And if and when they are prescribed by a vet they also tell you what the problems with the drugs is, what the side effects could be and things like that. I mean, whenever we handle things such as the abortive drugs that they were talking about, they state...my vet has stated to me, be careful, make sure you know what you're doing, make sure you understand, don't have anyone within childbearing years that is a female handle these drugs because there are these kind of problems. Everybody that's in this industry understands that already because we've been around it our whole lives. So I would look at that and say, you know, there is a little bit of common sense here. And most people, when you get the sheet and you open it up, you can read all that stuff. And we do read them to make sure that we aren't...that we're using the drugs properly. And we do have a prescription

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 25, 2011

whenever we do. So we don't want to take that out of the deal. We agree with that. And with that, if there would be any other questions that I might be able to help you with, I would be more than happy to. [LB686]

SENATOR CAMPBELL: (Exhibit 11) Any other questions? Seeing none, we'll close the public hearing on LB686. And if you are leaving us this afternoon, please leave quietly and drive safely. We will proceed to open the hearing on LB687. Senator Schilz is also bringing this bill to provide for issuance of a veterinarian locum tenens. Am I saying that right, Senator Schilz? [LB686]

SENATOR SCHILZ: I think so. (Laugh) [LB687]

SENATOR CAMPBELL: I think so. Okay, we're probably going to find out, aren't we? [LB687]

SENATOR SCHILZ: (Exhibit 12) That's all right. Well, we'll see if I...well, of course, you're saying that right. That's the way...yeah. Good afternoon again, Madam Chair Campbell and members of the Health and Human Services Committee. My name is Ken Schilz, spelled K-e-n S-c-h-i-l-z, and I represent Legislative District 47. I bring LB687 before you today for a constituent who personally experienced difficulty with our current system. Unfortunately, it's quite a drive from my district, especially in this weather, so he was unable to be with us today. So I will share and do my best to give his story to you. He's a local veterinarian who, due to an injury to his leg, was unable to operate his clinic. He had a friend, just across the border into Colorado, who is a licensed veterinarian that he would have preferred to have come run the clinic for him while he recovered. Unfortunately, current law, the way it is, would not grant the other veterinarian locum tenens to come and practice in Nebraska temporarily. Enacting this bill, LB687, it would give veterinarians and technicians the licensure needed in Nebraska to handle emergency situations such as the one I described or, even more important, in the case of a natural disaster or a contagious outbreak. In that case, veterinarians need to be mobilized or could possibly need to be mobilized to the scene within a few hours. By our current laws, veterinarians would have to acquire a permanent license which can take weeks and sometimes months to procure. I have provided you with a copy of a letter of support from the Department of Health and Human Services. And with that, I thank you and encourage your support of LB687. And I would be happy to try to answer any questions, but I do know that there are some here that know more than I. [LB687]

SENATOR CAMPBELL: Okay. Anyone else...oh, I'm sorry, Senator Wallman. [LB687]

SENATOR WALLMAN: Thank you, Chairman. Welcome here. [LB687]

SENATOR SCHILZ: Thank you, again. [LB687]

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Health and Human Services Committee
February 25, 2011

SENATOR WALLMAN: Do you know if we have...would Colorado, if it was the opposite, would Colorado accept... [LB687]

SENATOR SCHILZ: You know, that's a good question and I don't know for sure. But it's a good question. Maybe somebody else will know. [LB687]

SENATOR WALLMAN: Thanks. [LB687]

SENATOR CAMPBELL: Okay. Any other questions? Senator Schilz, will you be staying to close? [LB687]

SENATOR SCHILZ: You know what? If it's okay with you, I think...I don't think this is too controversial. I may waive closing and try to get moving. [LB687]

SENATOR CAMPBELL: Okay, head out. Drive very safely. [LB687]

SENATOR SCHILZ: Thank you. [LB687]

SENATOR CAMPBELL: We'll see you Monday morning. We'll start out with proponents for LB687. Good afternoon again. [LB687]

VERGIL HEYER: Hello again. My name is Vergil Heyer, V-e-r-g-i-l H-e-y-e-r. I am currently secretary/treasurer of the Nebraska Veterinary Medical Association. I'm a practicing veterinarian from Ainsworth. I'm here this afternoon to speak in support of LB687, the bill to provide for locum tenens for Nebraska veterinarians. This bill will allow veterinarians to legally come into Nebraska to practice veterinary medicine for up to 90 days. This provision is important in the following scenarios. One, is for disaster response needs. If a disaster within the state should occur, veterinarians could come into the state to offer assistance and not be in violation of the practice act. The second scenario is to provide for a relief veterinarian to come in the state to help a veterinarian who is ill or otherwise unable to practice. I think Senator Schilz had an example there. This becomes also important for veterinary specialists, where there may not be another veterinarian in the state to offer those type of services on a relief basis. Other disciplines of health services have locum tenens provisions. This bill will add veterinary medicine to that group. We urge you to vote in favor of LB687. [LB687]

SENATOR CAMPBELL: Okay. Questions for Dr. Heyer? Senator Gloor. [LB687]

SENATOR GLOOR: Thank you, Senator Campbell. Dr. Heyer, I'm just kind of amazed that we haven't had a stipulation that allows for locum tenens already. [LB687]

VERGIL HEYER: This is probably overdue. [LB687]

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Transcriber's Office

Health and Human Services Committee
February 25, 2011

SENATOR GLOOR: Yeah, I was just...I...almost any area of medicine you can think of, I think, has spoken to this already. So this just, to me, would be a pretty easy yes, unless some opponent gets up here and hits a home run with a reason this shouldn't happen. Thank you for your testimony. [LB687]

VERGIL HEYER: Fortunately, there's never been a disaster where this has been called into question so. [LB687]

SENATOR GLOOR: Well, but my experience in human healthcare has been such that it's the relief issue that usually is what makes the difference, that if you can get somebody to come in and help you out for a period of time or if you get particularly busy or if somebody has an illness, usually that's what moves to locum tenens being approved for other licensed areas. [LB687]

VERGIL HEYER: Right. There is no one here this afternoon from the Board of Veterinary Medicine and Surgery, but two of the three veterinarians on the board have contacted me this morning that they're very concerned about the quandary that would put them in. In a disaster situation, you certainly do not want to turn away anybody that's providing a humanitarian effort. But on the other hand, if they do their job, the person would be in violation. And they don't want to be in that...caught in that trap. [LB687]

SENATOR GLOOR: I would guess if it were severe enough, an epidemic of some kind, that the director of Ag would get involved, the Governor would get involved, the director of the health department would get involved. [LB687]

VERGIL HEYER: Right. [LB687]

SENATOR GLOOR: We'd get it taken care of. But still having it on the statutes... [LB687]

VERGIL HEYER: This bill will just avoid all that. [LB687]

SENATOR GLOOR: Absolutely. [LB687]

VERGIL HEYER: Yeah. [LB687]

SENATOR CAMPBELL: (Exhibit 13) Dr. Heyer, just wanted you to know that we received a letter in support of the bill from Dr. Schaefer at the department and also a letter of support from the board of veterinary medicine. They did have one suggestion. Their suggestion to the bill was that it be modified to include credentialed, available veterinary technicians. Would you have any problems with that suggestion? [LB687]

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Transcriber's Office

Health and Human Services Committee
February 25, 2011

VERGIL HEYER: No, I would not. That would be on the same basis. [LB687]

SENATOR CAMPBELL: Okay. All right. Thank you very much for coming today. [LB687]

VERGIL HEYER: Thank you. [LB687]

SENATOR CAMPBELL: Other proponents. Good afternoon again. [LB687]

PETE McClymont: Yes. Madam Chair, members of the committee, for the record, my name is Pete McClymont, P-e-t-e M-c-C-l-y-m-o-n-t. Again, I'm vice president of Legislative Affairs for the membership of the Nebraska Cattlemen. Our legislative committee voted to support this bill. I just want to echo the comments of Dr. Heyer and also Senator Schilz. And I would say as a perfect example of this was a couple of years ago when we had the outbreak of tuberculosis in north central Nebraska. If you would ask the Department of Ag, they pretty much thought it was a disaster. And so Director Ibach, in conjunction with Dr. Hughes, the state veterinarian, they were scrambling to have enough boots on the ground to address the need and testing in the timeliness. And luckily, it was a time of the year that if a rancher was in the process of...not in the process, excuse me, of selling their herd, their calves at market, then it allowed the department to test the animals that needed to be marketed sooner. So they were kind of at the front end of the list, if you will. And then the rest of the progeny, the calves, were tested at a later date. So the department did a great job in conjunction with the state vet in working through the priorities of those. So, you know, if this were to be passed, that certainly could have been a tool that could have helped the Director of Ag to handle that situation. So we're in full support of this bill. And with that, I'll conclude my remarks in support of the bill. [LB687]

SENATOR CAMPBELL: Okay. Questions for Mr. McClymont? Thanks very much. [LB687]

PETE McClymont: Thank you. [LB687]

SENATOR CAMPBELL: Other proponents? Anyone who wishes to testify in opposition to the bill? We all stopped because the gentleman got up and we thought he was coming to testify. Anyone in a neutral position? [LB687]

SENATOR GLOOR: He was going to have to hit a home run too. (Laughter) [LB687]

SENATOR CAMPBELL: Yeah, he was going to have to hit a home run. Seeing no other testimony before us, we'll close the public hearing on LB687 and thank everyone for coming today. We do not have an Executive Session today, colleagues. But we do have a briefing on the 407 process. If you'd ever like to know about the 407 process, you're

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Health and Human Services Committee
February 25, 2011

more than welcome to stay. [LB687]