

Chair Wobemma and members of the Workforce Development Committee,

I am Dr. Carolyn Woodruff, a rural mixed practitioner with 47 years of experience working in North and South Dakota. From 2013 through 2023 I was a member of the North Dakota Board of Veterinary Medicine (NDBVME) and president of the board for 4 of those years. During that time it became very evident that the current practice act was outdated in many areas and lacking in relevant guidelines for the board to follow in some areas. I became an advocate for updating the practice act and involving the NDVMA of which I was and am currently a member.

For the last 4 years the board has spent innumerable hours discussing, researching and editing proposed changes to be submitted to the legislature. The NDVMA has been included and consulted throughout the process. Because the missions of the two organizations are significantly different there can never be 100% agreement. The NDBVME mission statement is to protect the public and the animals through control and regulation of persons who practice veterinary medicine or veterinary technology. The purpose of the NDVMA is to advocate for veterinarians.

I would like to provide testimony regarding the amendments proposed by the NDVMA to SB2129.

Regarding proposed Amendment #1:

Throughout SB2129 there are changes in terminology that are intended to insure that the codified law remains relevant when terminology or procedures change over time. Using the term approved allows the NDBVME to make rules that reflect current policies. The proposed amendment does not change the intent of the SB2129 and is unnecessary.

Regarding proposed Amendment #4:

Although I support the intent of this amendment the wording using "believes" would make the requirement unenforceable. A licensee would simply argue that it was their belief that they were in danger whether reasonable danger existed or not in order to evade disciplinary action. There have been complaints filed where termination of a client due to personality conflicts resulted in loss of necessary medication for the patient. If the amendment read "unless the environment, patient or client threatens the safety of the veterinarian or their staff" it would protect the client, patient, veterinarian and the staff. I do not support this amendment as proposed.

Regarding proposed Amendment #8:

I oppose amendment #8. The responsibilities and actions available to the NDBVME in cases of complaints regarding impaired professionals need to be established under 43-29.15. This section provides authority for board actions and requirements for board investigations. A new section addressing voluntary self reporting would be appropriate.

Regarding proposed Amendment #9:

I oppose this amendment as all points are already covered in SB2129 other than the section on voluntary self reporting. Specific details such as requirements for evaluations are better managed as rules of the board as current recommendations and available modalities change over time.

The amendment does not include any requirement for the licensee to be financially responsible for their personal evaluation and treatment. The board could be subject to litigation in attempts to make the NDBVME pay these expenses. Personal medical expenses should not be the responsibility of the NDBVME. It is funded by fees received from licensees. This funding is used for operational expenses and is not adequate to pay for services to impaired licensees.

Regarding proposed Amendment #10:

I strongly oppose this amendment as it would restrict the ability of the NDBVME to pursue disciplinary actions requiring judicial hearings. Most veterinarians carry malpractice insurance with coverage to protect their licenses. This insurance pays for professional legal representation from lawyers specializing in this aspect of law. The result is extended cases with repeated responses, accusations, legal briefs and counter offers as attorneys for the licensee's insurance and the NDBVME negotiate to arrange settlement agreements. The cost of these expenses can deplete the NDBVME of funds while the licensee has no expense. Judicial hearings are very expensive and the board would have to increase the cost

of licensure to a prohibitive level if it was unable to recover these costs when it prevails in court. Attorneys for licensees could prolong litigation to the point that the board would become unable to take disciplinary action and perform its duties.

Century Code 28-32-26 provides authority for regulatory boards to receive compensation for expenses incurred in disciplinary actions.

In conclusion I strongly support SB2129. There is always room for improvement and I find merit to NDVMA's amendments 2,3,5,6 and 7. The diligence and effort extended by members of the NDVMA to assist the NDBVME in evaluating and making recommendations for changes to the practice act has been greatly appreciated. I do not support amendments 1, 4, 7 and 8 for the reasons stated above. A careful balance is required to protect the needs of the public, individual veterinarians and the animal population. I believe SB2129 will provide that balance.

Thank you for allowing me to provide testimony.

Sincerely,

Carolyn R Woodruff DVM