

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. On March 17, 2011, in Room 784 of the Docking State Office Building.

All members were present.

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department  
Reagan Cussimano, Kansas Legislative Research Department  
Eunice C. Peters, Kansas Revisor of Statutes  
Norm Furse, Kansas Revisor of Statutes  
Jason Long, Kansas Revisor of Statutes  
Dale Dennis, Deputy Commissioner, Kansas State Department of Education  
Jan Johnston, Committee Assistant

Conferees appearing before the Committee:

Dr. Roger Fingland, K-State University College of Veterinary Medicine  
Andra Long, Veterinary Student  
Dirk Hanson, Kansas Board of Veterinary Examiners

Others attending, see attached sheet.

**HB 2386 - Veterinary school students; spaying or neutering dogs and cats; animal shelters**

Chairman Aurand opened the hearing on **HB 2386**.

Eunice Peters, Office of the Revisor of Statutes explain **HB 2386**. Ms. Peters explained this bill was sponsored by Federal and State Affairs.

Dr. Roger Fingland, K-State University College of Veterinary Medicine, spoke to the committee as a proponent on **HB 2386**. This legislation was introduced to allow Kansas State University College of Veterinary Medicine students to serve in externships in qualified humane societies and animal shelters. The administration of the College of Veterinary Medicine wants third and fourth year Kansas State University veterinary students to have the opportunity to participate in externships at humane societies and animal shelters where they perform spays and neuters under the direct supervision of a veterinarian licensed in Kansas. (Attachment 1)

A question and answer session followed.

Andra Long, a veterinary students at K-State, spoke to the committee as a proponent on **HB 2386**. I am testifying in support of the passage of **HB 2386** which deals with the opportunity for qualified vet students to perform certain surgery procedures at animal shelters when under the direct supervision of a licensed Kansas veterinarian. (Attachment 2)

A question and answer session followed.

Dirk Hanson, Kansas Board of Veterinary Examiners, spoke to the committee being neutral on **HB 2386**. This bill would remove statutory restrictions that in the case of a student currently enrolled in the college of veterinary medicine, Kansas State university, would has completed at least two years of study in the veterinary medical curriculum and is participating in a spay or neuter program as part of the curriculum under the direct supervision of a licensed veterinarian, the veterinarian must be a faculty member at the Kansas State University Veterinary Medical center, and the spay or neuter program shall only be conducted at the surgery clinic at the Kansas State University Medical Center in Manhattan, Kansas. (Attachment 3)

A question and answer session followed.

Chairman Aurand closed the hearing on **HB 2386**.

**SB 13 - Career and technical education; amendments**

## CONTINUATION SHEET

Minutes of the House Education Committee at 9:30 a.m. on March 17, 2011, in Room 784 of the Docking State Office Building.

Eunice Peters, Office of the Revisor of Statutes, explain **SB 13** to the committee.

**Representative Bollier moved for amendment to adopt a substitute amendment to SB 13. (Attachment 4) with sunset provision. Representative Howell seconded. Motion carried.**

**Representative Bollier moved to table substitute amendment SB 13. Representative Osterman seconded. Motion carried.**

The meeting was adjourned at 10:20 a.m. The next meeting will be March 18, 2011.

DATE: 3/17/11

DATE: 3/17/11

[illegible]



Veterinary Medical  
Teaching Hospital  
106A Mosier Hall  
Manhattan, KS 66506-5701  
Administration: 785-532-5708  
Large Animal: 785-532-5700  
Small Animal: 785-532-5690  
SA Fax: 785-532-4309  
LA Fax: 785-532-4989

Testimony on HB 2386  
House Education Committee  
Dr Roger Fingland, Executive Associate Dean  
College of Veterinary Medicine  
Kansas State University  
March 17, 2011

Chairman Aurand and Members of the House Education Committee,

It is my pleasure to appear before you today in support of HB 2386.

This legislation was introduced to allow Kansas State University College of Veterinary Medicine students to serve in externships in qualified humane societies and animal shelters. The administration of the College of Veterinary Medicine wants third and fourth year Kansas State University veterinary students to have the opportunity to participate in externships at humane societies and animal shelters where they perform spays and neuters under the direct supervision of a veterinarian licensed in Kansas.

Thank you very much Mr. Chairman and I am happy to stand for questions.

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House Education Committee  
Date 3/17/11  
Attachment# 1

Good Morning. My name is Andra Long and I am a KS resident and a third year vet student at Kansas State College of Veterinary Medicine in Manhattan, KS.

I am testifying in support of the passage of H.B.2386 which deals with the opportunity for qualified vet students to perform certain surgery procedures at animal shelters when under the direct supervision of a licensed Kansas veterinarian.

This passage of this bill would have a significant positive impact on all students at Kansas State College of Veterinary Medicine.

There are four points that I would like to discuss with you today.

1. Current Curriculum
2. Externships
3. Quality of Medicine
4. New Graduate Marketability

#### **1. Current Curriculum:**

At KSU CVM during our junior year, fall semester we have a course called Surgery I. In this course in addition to lectures we have Junior Surgery Lab.

During lab over the entire semester as a student you are only getting 2 surgeries where you are the primary surgeon. The school tries to get you a spay and a neuter so that each student has some basic experience with each procedure. However, it doesn't always work out that way.

For example, about 2 to 4 of the dogs sent from the shelters each week have already been spayed and the only way to know for sure is to perform an exploratory surgery. Therefore, if the animal you are to operate on has already been spayed you would have only one true surgical experience to practice that procedure.

My first dog when I was a primary surgeon was a female and I opened her up and she had already been spayed. My second dog when I was primary surgeon was also a spay. Because a spay is a more complicated procedure than a neuter, my second procedure was also a spay. Therefore, I have not yet performed a neuter.

When you move into your fourth year of vet school you are in the Veterinary Medical Teaching Hospital. There are no formal classes. Your year consists of rotations that are 2 to 3 weeks long. There are core rotations that everyone is required to complete and then 9 to 11 hours of elective rotations. As a student you chose your dates and preferences for your electives and then a computer program randomly chooses which students are on which rotation and at which time.

During rotations that involve surgeries, it is possible to perform additional spays and neuters but it is dependent entirely on what comes through the door. Some students might get to perform these surgeries and some might not. The school is a referral hospital and most surgical cases are very specialized surgeries and spays and neuters are more of a general practice procedure that is not commonly referred.

So you are only guaranteed two surgeries as primary surgeon with spays and neuters before you graduate and keep in mind this is only on dogs, this does not include surgical experience on cats. There are slight differences in the surgical procedures in cats and in dogs.

#### **2. Externships:**

As a fourth year student you are required to complete one Primary Care Externship. This is a rotation that can be done anywhere but at K-State. Many students do not feel confident in their surgical skills and experience with routine surgical procedures. Many students chose to go to a Shelter or Humane

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Society to work under the supervision of a licensed veterinarian to gain hands on surgical experience with mainly spays and neuters. For many years, externships at shelters of the Humane Society allowed students to perform certain surgeries under the supervision of a licensed vet. I was recently advised that as students we are not legally allowed to do a surgical externship with a Shelter or Humane Society in Kansas. Private Practices are not legally allowed to let veterinary students perform surgeries. Students are allowed to observe but nothing else. So if our school is not providing the experience students need and it is illegal to gain this experience outside of school. Where are Kansas students supposed to learn these vital skills? Many will go out of state, as most if not all other state in the US allow such surgery experience at Humane Societies and Shelters. Also due to the last minute nature of this situation, many shelters are completely booked up. These surgical externships are very competitive and if you want to guarantee a spot you have to contact some of them a year in advance. Trying to find an opportunity 1 to 6 months before the externship is to begin is challenging. Also, some students will not be able to afford the travel expenses (airline tickets/driving costs, lodging) and therefore will graduate with two spay or neuters as primary surgeon under their belt.

I personally have my primary externship slot on June 6 - 19, 2011. I set my externship up with the Kansas Humane Society in Wichita early last fall as these types of externships fill up fast. I know of many other students are in this same boat. We are required to get prior school approval of all externships. The school approved mine and many others. Now, we do not have an externship that offer the anticipated surgery experience. I have contacted over 8 different Shelters and Humane Societies in other states to see if they have any last minute openings. Many have told me they are full. So far I can find only one in North Carolina that has an opening. So instead of staying with a friend in Wichita and having a short drive, I now have to find a flight, and place to stay in North Carolina if I want to gain surgical experience. And I will have to cut severely back on my budget so that I can afford to do this because that is how important this experience is to me. **And I am one of many.**

### **3. Quality of Medicine:**

Spays and neuters are complicated surgeries, especially spays. The more experience gained the higher the quality of medicine. There are many reasons to perform spays and neuters. There are also reasons to perform them early on in the animal's life.

If a Kansas Humane Society has 4th year vet students doing externships with them, then the on-site veterinarian can get many more spays and neuters done than they would on their own.

4<sup>th</sup> year vet students allowed to perform spays and neuters help control the animal population; are a resource to help veterinarians, who are many times volunteers to be able to "fix" more animals. This helps in any number of ways as listed below.

Many shelters and humane societies do not allow their cats and dogs to be adopted until they are fixed on site so many Humane Societies are not taking business away from other private clinics.

Cats and dogs are also more likely to be adopted if they are fixed.

**The benefits of spaying and neutering are as follows:**

- Population Control (Humane Society estimates 2,500-3,000 puppies and kittens are born every hour)
- 3 to 4 million dog/cats are euthanized/year at U.S. Humane Shelters
- Spaying before the dog's first heat cycle decreases their chance of mammary cancer from 26% to 0.5%
- Castration of an immature dog decreases the risk of prostatic disease
- Intact female has **7 times** higher risk for mammary neoplasia

- There are many health benefits when spays and neuters are performed early around (6-16 weeks of age)
- There are many spay and neuter complications that range from hemorrhage to death and the risk of many of the complications increase with surgeon error and inexperience.

The more experience you have a surgeon, the more efficient and skilled you become. Shorter surgery time is safer for the health of the animal.

As a profession we need to be more concerned about the quality of medicine being practiced than money. Would you want a new graduate who has completed one spay on their own to perform your own dog's spay, or would you want a new graduate who has done 30?

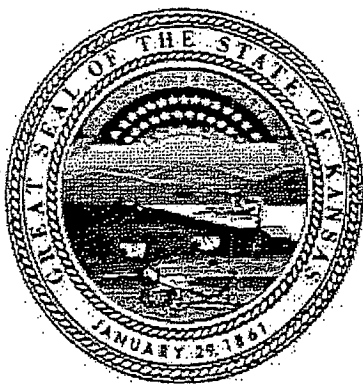
#### **4. New Graduate Marketability:**

In a veterinary general private practice, spays and neuters are common procedures that are the bread and butter of the practice. As a new graduate looking for a job, a K-State CVM graduate will be less marketable to a practice when the student has less surgical experience with spays and neuters. A practice owner is going to want to hire a new graduate who has a competent medical knowledge and hands on experience because they will take less time learning the ropes and performing procedures. As a result, the new graduate will be more profitable to the owner. The faster and more proficient a new graduate is at performing the staple surgical procedures, the increased likelihood of finding a job in a small and competitive market. If new graduates from any other vet school in the country are allowed to gain more surgical experience outside of school they would likely be chosen over Kansas vet school graduates with less experience.

By limiting Kansas veterinary student externships which can offer surgical experiences, we are hurting our profession and our oath – which is to protect animal health.

The points that I have discussed with you today are not just my own personal opinion, they are shared by a majority of the veterinary students at Kansas State University College of Veterinary Medicine. I posted a declaration of support sign- up sheet for any vet student at K-State to sign in support of this bill. The sign-up sheets were only posted for one day and I was able to obtain 249 out of 468 student signatures.

Thank you very much for your time this morning and I appreciate your consideration of this bill.



## THE KANSAS BOARD OF VETERINARY EXAMINERS

### 2011 Board Members

Richard Barta, DVM  
Independence, Kansas

Greg Bogue, DVM  
Wichita, Kansas

Verle Carlson, DVM  
Lyons, Kansas

James E. Correll  
Coffeyville, Kansas

Mark Olson, DVM  
Oberlin, Kansas

Vern Otte, DVM  
Leawood, Kansas

Mary Sue Painter, DVM  
Frontenac, Kansas

### Agency Staff

Dirk Hanson, DVM, Exec. Director  
Cheryl Mermis, Admin. Officer  
Larry O'Hara, Investigator/Auditor

### Contact Information

1003 Lincoln Street, P.O. Box 242  
Wamego, Kansas 66547-0242  
Phone: 785-456-8781  
Fax: 785-456-8782

Email: [vetboard@wamego.net](mailto:vetboard@wamego.net)  
Web: [www.kansas.gov/veterinary](http://www.kansas.gov/veterinary)

March 17, 2011

The Honorable Clay Aurand, Chairperson  
House Committee on Education  
Docking State Office Building, Room 784  
Topeka, Kansas 66612

Dear Representative Aurand:

SUBJECT: Questions regarding HB 2386 by Committee on Federal  
and State Affairs

HB 2386 would remove statutory restrictions that in the case of a student currently enrolled in the college of veterinary medicine, Kansas state university, who has completed at least two years of study in the veterinary medical curriculum and is participating in a spay or neuter program as part of the curriculum under the direct supervision of a licensed veterinarian, the veterinarian must be a faculty member at the Kansas state university veterinary medical center, and the spay or neuter program shall only be conducted at the surgery clinic at the Kansas state university medical center in Manhattan, Kansas.

The statute references a "pound or animal shelter" In Kansas, there are multiple entities that operate as a "pound or animal shelter" and also offer veterinary services to the public, including spays and neuters. In many Kansas communities, the veterinary practice in that community also operates as the community's "pound or shelter".

The Kansas Board of Veterinary Examiners, charged with promoting public health, safety, and welfare relative to the practice of veterinary medicine in Kansas has the following questions relative to HB2386:

- 1) Would the change proposed potentially allow a veterinary student who has not had any previous surgical experience to perform, "on behalf of a pound or shelter", spays and neuters on companion animals belonging to the public?
- 2) Should the change in the law include some restriction that a veterinary student could perform spays and neuters only on animals owned by the shelter and not owned by the public?
- 3) Should the change in the law include some restriction as to a maximum number of students the supervising licensed veterinarian could supervise at one time in light of the potential adverse events that could occur while the animal was subjected to the general anesthetic and surgical procedure?

(continued on page 2)

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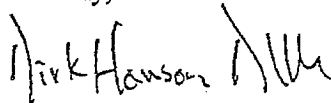
(page 2)

5) The assumed objective of the proposed change in law is to afford expanded educational/experiential opportunities to veterinary students. What about those who would attempt to use the change for expanded profit objectives? Should the change in the law prohibit those who for profit objective would simply attempt calling themselves a "pound or animal shelter" and then using multiple veterinary students as a subsidized labor force to open large community spay neuter programs, open to the public in competition with private veterinary practices and at risk to public health safety and welfare? In such a scenario, who would be the licensed entity subject to regulation by the board should there be adverse surgical and/or anesthetic outcomes?

6) Could what is wanted as an outcome be accomplished without a change in legislation? Could a Board of Veterinary Examiners / Kansas State University College of Veterinary Medicine memorandum of understanding or letter of no action establish that subject to the careful 'vetting' procedures to be done by Kansas State University College of Veterinary Medicine, approved "pound or animal shelter" programs could utilize veterinary students for spays and neuters on animals owned by the pound or animal shelter but not an any animal owned by the public?

Thank you for the opportunity to address the Committee on behalf of the members of the Kansas Board of Veterinary Examiners who would welcome the opportunity to assist in ongoing efforts to accomplish desired objectives in a way that assures the promotion of public health, safety and welfare.

Sincerely,



Dirk Hanson, DVM  
Executive Director, Kansas Board of Veterinary Examiners

Bollier's Proposed Substitute Bill to SB 13:

Prepared by Norm Furse and Eunice Peters on 3/17/11

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**House Substitute for SENATE BILL No. 13**

By Committee on Education

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AN ACT concerning schools; relating to student athletes.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) The Kansas state high school activities association and its member high schools, and administrators, principals, coaches, teachers and other affiliated with such association and member high schools, shall not adopt any rules and regulations or interpret any existing rule and regulation in any manner which would prohibit a student athlete from training with any Kansas state high school league-sponsored sport or competition while the student athlete is participating in nonschool swimming athletic training or diving athletic training, or both, during the high school sport season and throughout the year if:

(1) The nonschool swimming athletic training or diving athletic training, or both, is under the jurisdiction of and sanctioned by the national governing body of the sport, U.S.A. swimming, inc., or U.S.A. diving, inc.; and

(2) the student athlete meets the school-established requirements for participation in the student athlete's high school swimming program or diving program, or both.

(b) During the school sport season of swimming and diving, a student may, after fulfilling all requirements, practices and competitions of the school swimming and diving team, practice as a member of a nonschool team or as an individual participant in an organized nonschool swimming and diving practice under the conditions listed below:

(1) Priority shall be given to all school team practices and competition. Should a nonschool practice be in direct conflict with the school scheduled practice or competition, the school practice or competition shall take priority.

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(2) A school shall not replace its swimming or diving program with any nonschool swimming or diving program.

(c) The provisions of this section shall expire on July 1, 2014.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.