
LEGAL UPDATE

Legal Services Division



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ADMINISTRATIVE RULES REVIEW COMMITTEE MEETING — MARCH 7, 2022

Purpose. *Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

VETERINARY MEDICINE BOARD, *Veterinarian/Client/Patient Relationship—Physical Examination*, 03/07/22 IAB, ARC 6171C, ADOPTED.

Background. This rulemaking revises one of the criteria for establishing a veterinarian/client/patient relationship (VCPR). The rulemaking requires that a veterinarian perform a physical examination of the patient within the previous 12 months or visit the site where the patient is kept within the previous 12 months in order to maintain a VCPR. The rule previously required only an examination or medically appropriate and timely visits, but did not specify a specific time frame.

Commentary. Mr. Eldon McAfee, speaking on behalf of the Iowa Pork Producers Association (IPPA), explained that IPPA and the Iowa Farm Bureau Federation had submitted comments to the board on the noticed language, and their concerns had not been addressed. He stated that setting a definite required time period for a VCPR would negatively affect IPPA facilities and that the professional judgment of veterinarians to establish such relationships should be respected. He also stated the rule does not properly address specialists and telemedicine. He sought a 70-day delay on the rulemaking.

Committee members expressed concern regarding trucks full of healthy pigs being delivered along with cases of antibiotics to be dispensed by persons who are not veterinarians and indicated the rulemaking would mitigate such scenarios. Mr. McAfee stated that IPPA does not support such scenarios and that antibiotics should be prescribed by a veterinarian. Members urged IPPA and other groups to work with the board to resolve their differences. Members stated that currently, smaller pork producers find it necessary to have relationships with veterinarians while large producers receive cases of antibiotics without such relationships. Mr. McAfee responded that IPPA will work with the board to resolve the matter.

Dr. DeWayne Rahe, chairperson of the board, explained that the board had worked on the rulemaking for a year and was unanimously in favor of it. He stated a 70-day delay would not change the board's position. He noted that the rulemaking applies to all species of animals and described various examples of the conduct the rulemaking is intended to address. Examples included medicine being provided to puppy mills and corporate swine operations without any VCPR, medicine provided to a cattle operation that could not be used on cattle, and possible outbreaks of African Swine Fever. He expressed surprise that IPPA and the Iowa Farm Bureau Federation would oppose the rulemaking. He stated that the Iowa Veterinary Medicine Association supports the rulemaking and noted most veterinarians already seem to be complying with the 12-month visitation requirement in the rulemaking. He cited Pipestone Veterinary Services as an entity that handles VCPRs well.

Committee members asked if a shortage of veterinarians in Iowa was part of the problem and asked how many veterinarians and veterinary students the state has. Mr. Rahe explained that the veterinary profession on the whole has shifted away from large animal work and that there is a shortage of large animal veterinarians. He suggested that if compensation of large animal veterinarians was more competitive, the shortage could be mitigated. He asserted that for some corporations, it is more cost-effective to employ one person to prescribe large quantities of medications via computer than to employ enough veterinarians to maintain adequate VCPRs.

Committee members asked Mr. Rahe to comment on arguments they received in opposition to the rulemaking that the rulemaking would harm small pork producers and impose unnecessary costs. He stated that a small producer only needs a VCPR if they use prescription products. He further stated that small pork producers often have veterinarians visit more than once every 12 months currently.

Committee members expressed agreement with the board that annual visits are sufficient to establish a VCPR and would be workable for small pork producers. Members expressed concern regarding large producers receiving significant quantities of prescriptions along with trucks of pigs as well as concern that interested stakeholders had not engaged with the rulemaking process for this rulemaking sooner. Members urged affected stakeholders to work with the board in good faith to resolve any outstanding issues.

Action. A motion for a 70-day delay on ARC 6171C carried on a 7-1 roll call vote.

Next Meeting. The next committee meeting will be held in Room 116, Statehouse, on April 4, 2022, beginning at 8:30 a.m.

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