

Assembly Hearing Slip

(Please print plainly)

Date: Aug 20  
Bill No. AB 58  
Or.  
Subject Leslie Grandahl  
(Name)  
921 Waban Hill  
(Street Address or Route Number)  
Madison 53711  
(City & Zip Code)  
Wisc. Veterinary Medical Assoc.  
(Representing)

Speaking in favor:   
Speaking against:   
Registering in favor:   
Registering against:   
Speaking for information only:  
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-20-95  
Bill No. AB 58  
Or.  
Subject Jay Pregnancy Exam.  
(Name) Robert H. Sartor DM  
(Street Address or Route Number)  
1541 Kuhle Dr  
(City & Zip Code)  
Sun Prairie  
(Representing)  
Reel

Speaking in favor:   
Speaking against:   
Registering in favor:   
Registering against:   
Speaking for information only:  
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4/20/95  
Bill No. AB 58  
Or.  
Subject Pregnancy Testing  
(Name) Ron Statz  
(Street Address or Route Number)  
PO Box 663  
(City & Zip Code)  
Sauk City WI 53583  
(Representing)  
NFO

Speaking in favor:   
Speaking against:   
Registering in favor:   
Registering against:   
Speaking for information only:  
Neither for nor against:

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Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-20-95

Bill No. AB58  
Or  
Subject

John Brereton  
(Name)

R1 Dane Cuzc  
(Street Address or Route Number)

(City & Zip Code)

suja  
(Representing)

Speaking In favor:   
Speaking against:   
Registering In favor:   
Registering against:   
Speaking for Information only:   
Neither for nor against:

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Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-20-95

Bill No. Assembly Bill 58  
Or  
Subject

Scott Munes  
(Name)

1936 University Ave.  
(Street Address or Route Number)

Madison, WI 53705  
(City & Zip Code)

UW-Madison Student  
(Representing)

Speaking In favor:   
Speaking against:   
Registering In favor:   
Registering against:   
Speaking for Information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: ROARR 95

Bill No. ARSB  
Or  
Subject

THOMAS HOWARD  
(Name)

DATCA DIV ANIMAL HEALTH  
(Street Address or Route Number)

MADISON  
(City & Zip Code)

DATCA  
(Representing)

Speaking In favor:   
Speaking against:   
Registering In favor:   
Registering against:   
Speaking for Information only:   
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: April 20, 1995

Bill No. AB 58

Or. Subject

Paul Zimmerman

7010 Mineral Point Road

(Street Address or Route Number)

Madison WI 53705

(City & Zip Code)

Wisconsin Farm Bureau

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only; Neither for nor against:

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Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-20-95

Bill No. AB 58

Or. Subject

Michael J. Maroney DVM

503 Deertail

(Street Address or Route Number)

Mt. Horeb WI 53572

(City & Zip Code)

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

w/next slip

Assembly Hearing Slip

(Please print plainly)

Date: 4/20/95

Bill No. AB 58

Or. Subject LAM PRE NAWLY

DANIEL W GRIFFITHS DVM

W934 CTH A4

(Street Address or Route Number)

Lomira WI 53048

(City & Zip Code)

WIS. VETERINARY MEDICAL ASSOC

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4/20/95

Bill No. AB58

Or

Subject Jerry Quilling

(Name) Jerry Quilling

(Street Address or Route Number) N4404 Shamrock Ct

(City & Zip Code) Plymouth, WI 53073

(Representing) Wi Veterinary Medical Assoc

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-20

Bill No. AB58

Or

Subject REP WARD

(Name) REP WARD

(Street Address or Route Number) 309 N

(City & Zip Code) DR JOHNN NEFF

(Representing) DR JOHNN NEFF

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only; Neither for nor against:

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Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-20-95

Bill No. 58

Or

Subject leg pres ex

(Name) Dr. H.S. Kalinka

(Street Address or Route Number) 307 West Breed

(City & Zip Code) CHILTON WIS

(Representing) self

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

### Assembly Hearing Slip

(Please print plainly)

Date: April 20, 1995  
Bill No. Assembly Bill 58  
Or  
Subject \_\_\_\_\_

J. A. Hines, D.V.M.  
(Name)  
1400 E. Washington Ave.  
(Street Address or Route Number)  
Madison, WI 53703  
(City & Zip Code)  
WI Veterinary Examining Board  
(Representing)

Speaking in favor:   
Speaking against:   
Registering in favor:   
Registering against:   
Speaking for information only;  
Neither for nor against:

Please return this slip to a messenger promptly.  
(Fill out a separate slip for each bill.)

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

### Assembly Hearing Slip

(Please print plainly)

Date: 4-20-95  
Bill No. 58  
Or  
Subject \_\_\_\_\_

Alan D. Martens DVM  
(Name)  
W13124 Lake Maria Rd  
(Street Address or Route Number)  
Waupun, WI 53983  
(City & Zip Code)  
Waupun Veterinary Services  
(Representing)

Speaking in favor:   
Speaking against:   
Registering in favor:   
Registering against:   
Speaking for information only;  
Neither for nor against:

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Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

### Assembly Hearing Slip

(Please print plainly)

Date: 4-20-95  
Bill No. 58  
Or  
Subject cow preg. Testing

Franklin Schwenn  
(Name)  
2564 Hwy PD  
(Street Address or Route Number)  
Vernona 53593  
(City & Zip Code)  
(Representing)

Speaking in favor:   
Speaking against:   
Registering in favor:   
Registering against:   
Speaking for information only;  
Neither for nor against:

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Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-20-95  
Bill No. 58  
Or  
Subject

Shannon Wright  
(Name)  
1209 Park Circle  
(Street Address or Route Number)  
Sun Prairie 53590  
(City & Zip Code)  
UW-Madison Student  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for Information only; Neither for nor against:

Please return this slip to a messenger promptly.

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State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-20-95  
Bill No. 58  
Or  
Subject

Jack Rutledge  
(Name)  
321 Glen Thistle  
(Street Address or Route Number)  
Madison WI 53705  
(City & Zip Code)  
UW-Madison Professor  
(Representing) Chair of Dept. of Meat & Animal Science  
(not representing UW)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for Information only; Neither for nor against:

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Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4/20/95  
Bill No. AB58  
Or  
Subject

Earl Flickson  
(Name)  
415 Jarlsberg Lane  
(Street Address or Route Number)  
Cambridge Wis 53523  
(City & Zip Code)  
Dane Co Farm Bureau  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for Information only; Neither for nor against:

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Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-20-5

Bill No. AB58

Or Subject

Ervin Reynolds

(Name)

932 DIX

(Street Address or Route Number)

COLUMBUS WI.

(City & Zip Code)

53925

(Representing)

WI. NOK & MGMT

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only; Neither for nor against:

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Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-20-95

Bill No. AB 54

Or Subject

SCOTT PROEHLKE

(Name)

122 E DOTY

(Street Address or Route Number)

MADISON 53703

(City & Zip Code)

WI HERD MANAGEMENT CO-OP

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only; Neither for nor against:

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Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: APR 20, 1995

Bill No. AB 58

Or Subject PREGNANCY EXAM

ROBERT ANDLER

(Name)

W4179 STAGO

(Street Address or Route Number)

PO, WIS 53960

(City & Zip Code)

WIS HERD MANAGEMENT

(Representing) COOP

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4/20/95  
Bill No. 58  
Or  
Subject: Pregnancy Diagnostic  
(Name) Mike C. Wilbank  
(Street Address or Route Number) 2113 Pashan Drive  
(City & Zip Code) Madison WI 53716  
(Representing) University of Wisconsin-Madison

Speaking in favor:   
Speaking against:   
Registering in favor:   
Registering against:   
Speaking for Information only; Neither for nor against:

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Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4/20/95  
Bill No. Assembly 58  
Or  
Subject:  
(Name) JAMES R METZ DUM  
(Street Address or Route Number) 1113 W SPRING  
(City & Zip Code) BEAVER DAM WI 53916  
(Representing) MYSELF

Speaking in favor:   
Speaking against:   
Registering in favor:   
Registering against:   
Speaking for Information only; Neither for nor against:

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Room 210 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: April 20  
Bill No. AB 58  
Or  
Subject: Pregnancy Testing  
(Name) Rep. Gene Hahn  
(Street Address or Route Number)  
(City & Zip Code)  
(Representing)

Speaking in favor:   
Speaking against:   
Registering in favor:   
Registering against:   
Speaking for Information only; Neither for nor against:

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Room 210 West  
State Capitol  
Madison, WI 53702



# Assembly Hearing Slip

(Please print plainly)

Date: 4-20  
Bill No. AB 58  
Or  
Subject lay pregnancy  
Kathleen Burns  
(Name)  
15 N. Finkney St. 102  
(Street Address or Route Number)  
Madison 53703  
(City & Zip Code)  
W Vet Med Ass'n  
(Representing)

Speaking *in favor*:

Speaking *against*:

Registering *in favor*:

Registering *against*:

Speaking for *information only*:

Neither for nor *against*:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 210 West  
State Capitol  
Madison, WI 53702

Farm Bureau - Paul Zimmerman

Marketplace can decide whether or  
not lay pregnancy testing will

survive

issue - human health - no

problems in 25 years  
that F.B. Board heard of

than

J.B. supports letting more than

current 2 non-vets do this

ANIMAL CLINIC OF FORT ATKINSON  
BOX 38, ROUTE 1 HIGHWAY 12 WEST  
FORT ATKINSON, WISCONSIN 53538  
—  
TELEPHONE (414) 563-7070

JOHN R. NEFF, D. V. M.

April 19, 1995

Mr. David Ward, Wisconsin State Representative  
Assembly Committee of Agriculture Member  
P.O. Box 8953  
Madison, WI 53708

Dear Mr. Ward:

I am writing this letter to inform you of the concerns I have regarding Assembly Bill 58.

Since graduating from Purdue University School of Veterinary Science and Medicine in 1967, I have been involved in the private practice of veterinary medicine. For the past ten years I have owned and operated a veterinary clinic in Fort Atkinson, Wisconsin. At the present time, the majority of my work involves administering health care to both companion pets and dairy cattle.

The most serious concerns I have center around three major issues:

- 1). protection of the health and welfare of the general public
- 2). the economic welfare of Wisconsin's animal agricultural industry
- 3). the well-being and health of cattle.

Issue I Health and welfare of the consumer:

I am certain that new lay palpators will increase the potential incidence of contamination of milk and meat. With pregnancy diagnosis as their only income producing activity, lay palpators will certainly be tempted to become involved with dispensing and selling products that dairy farmers routinely purchase. Improper administration and use of about any health care product (esp. mastitis tubes, teat dips, etc.) can result in the increased incidence of residue violations of milk and meat. The administrative cost necessary to investigate and identify the source of contamination and enforce compliance staggers my imagination. Over the past five years, I feel that we have made considerable progress to prevent

ANIMAL CLINIC OF FORT ATKINSON  
BOX 38, ROUTE 1 HIGHWAY 12 WEST  
FORT ATKINSON, WISCONSIN 53538  
—  
TELEPHONE (414) 563-7070

JOHN R. NEFF, D. V. M.

this problem (Quality Milk Assurance Program, education through county agricultural extension programs, etc.). Veterinarians personally contribute considerable time educating and instructing farmers so that violations will not occur. Protection of the public's health and welfare is one of the veterinarian's most important professional responsibilities.

Issue 2 The economic welfare of Wisconsin's animal agriculture:

This bill will potentially limit the veterinarian's ability to serve clients. When I examine a cow for pregnancy, I need to consider more than whether or not the animal is pregnant. I must consider general health of the animal, the potential problems of nutrition, infectious diseases within the herd and any other previous health problems that have affected the herd. Veterinarians have been licensed to provide this service. Lay individuals will certainly replace a considerable portion of the time that the veterinarian will be spending with farmers. The veterinarian's influence on the farm's total herd health will be adversely affected. The ability that we have to contribute to the profitability of the farm operation will certainly be jeopardized.

Issue 3 The well-being and health of cattle:

Being able to establish a tentative diagnose, prescribe a treatment, and determine a prognosis are among the most important responsibilities a licensed veterinarian provides. This bill will potentially place lay individuals into a more advantageous position (by making it legal to diagnose whether an animal is pregnant or not) to provide the same service. I feel that the license to practice veterinary medicine as well as the training veterinarians receive makes us accountable. How will the lay individual be held accountable if he/she becomes involved with diagnosing and recommending treatment? The health and welfare of Wisconsin's cattle population is of vital concern to all of us. Current Wisconsin Law protects animal agriculture within the state.

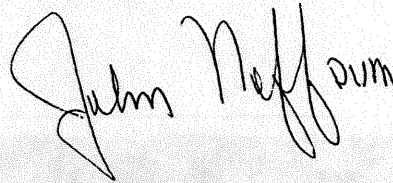
ANIMAL CLINIC OF FORT ATKINSON  
BOX 38, ROUTE 1 HIGHWAY 12 WEST  
FORT ATKINSON, WISCONSIN 53538  
TELEPHONE (414) 563-7070

JOHN R. NEFF, D. V. M.

If Assembly Bill 58 is passed into law, I feel that all of the above issues I have discussed will be at increased risk. We need to consider what effect this could have on Wisconsin's well deserved reputation for its agricultural products. I urge you to vote NO on the committee's recommendation for passage of Assembly Bill 58.

Thank you for taking the time to consider my point of view.

Sincerely,

A handwritten signature in black ink that reads "John Neff D.V.M." in a cursive style.

John Neff D.V.M.

# EUGENE HAHN

State Representative • 47th Assembly District



**Chairman:**  
Assembly Committee on  
Tourism & Recreation

April 20, 1995

Honorable Al Ott  
Chairman, Assembly Committee on Agriculture  
318 North  
State Capitol

Dear Chairman Ott;

Thank you for allowing me to testify on Assembly Bill (AB) 58. I originally introduced this bill in 1991 at the request of Wisconsin Herd Management Co-op, a Bovine Pregnancy Testing Co-op located in the DeForest area.

A 1967 law removed the ability of technicians to perform the tests. The two remaining technicians, that were allowed to continue pregnancy testing, will be the last to legally practice this profession. Legislation is needed to rectify the situation and permit the Co-op to continue to offer this valuable service to its customers.

The intention of AB 58 is to allow the farmer a choice, a voluntary choice, as to who can check their herd for pregnancy. As members of the agriculture committee many of you are farmers, were once farmers, or grew up on a family farm. You can understand that the farmer of today is subjected to government regulations and restrictions that continue to hamper the livelihood of Wisconsin's oldest and proudest profession.

Simply, AB 58 gives the farmer a cheaper means to test their



herd for pregnancy. The costs and savings involved are real. If you plan to test a herd, the appointment with a veterinarian is likely to be three times as much for the visit. In addition, the cost for testing, per cow, by a veterinarian can be as much as three times higher.

Pregnancy testing of cows is not something that can only be taught to veterinarians, the technicians here today are testament to thousands of successful tests. Veterinarians, a truly needed profession for farmers, may have little to no experience in palpating once they graduate from vet school. In fact, during vet school, many students palpate a few as five to eight cows. This bill would require technicians to complete 40 hours of training, both lecture and practical, with recertification every two years to ensure proficiency.

It is time we allow the farmer to decide whom they would like to hire for their testing. As technology advances, farmers will check for pregnancy themselves with simple devices similar to what is currently being used by and for humans today. Let's hope the state won't require those simplified tests to be administered by a special interest group as well.

Thank you,

Eugene Hahn  
State Representative

cc: committee members



## WISCONSIN VETERINARY MEDICAL ASSOCIATION

301 North Broom Street, Madison, WI 53703 (608) 257-3665 FAX (608) 257-8989

RENÉ CARLSON, DVM  
President

PETER MAC WILLIAMS, DVM  
President Elect

PETER VANDERLOO, DVM  
Past President

TED POELMA, DVM  
Treasurer

LESLIE G. GREND AHL  
Executive Director

### Assembly Committee on Agriculture April 20, 1995

The Wisconsin Veterinary Medical Association opposes passage of AB 58 for the following reasons:

- Laws currently allow diagnosis, prognosis, and prescribing of drugs only by veterinarians yet "grandfathered" lay palpators (non-veterinarians who perform pregnancy examinations and allowed to continue after 1967) have performed diagnosis, prognosis, and prescribing.
- New lay palpators will increase the potential incidence of this violation leading to an enforcement nightmare and unnecessary bureaucratic costs. Even worse is the increased chance of food contamination.
- Bovine reproductive anatomy is complex. Formal education, training, and experience are required including extensive study of hormones. Misdiagnosis can cost the health or life of the cow. Veterinarians are licensed and have liability insurance giving the farmer recourse in the event of an error in judgement.
- Prescription drugs commonly used to treat causes of infertility would be inappropriately and illegally prescribed by lay pregnancy examiners. These compounds may be hazardous to the cow or person administering the drug, as well as leading to unnecessary contaminations of the food supply.
- The veterinarian is the only professional qualified to determine why the animal is not pregnant and what steps may be taken to make the animal pregnant, thereby making the animal productive and economically sound. When the veterinarian examines a cow for pregnancy, he or she is observing general herd health, infectious diseases, and nutrition management among other considerations. Commonly, a potentially serious herd problem can be avoided or diagnosed early because of a routine pregnancy test.
- Diagnosing, giving a prognosis, and prescribing prescription drugs belong in the hands of licensed, qualified veterinarians that have both the education and experience to perform them properly. This is best for Wisconsin's animal agriculture economy.
- Current law appropriately protects the animal agriculture industry in Wisconsin. Passage of AB 58 would put herd health, farm profitability, consumer health, and Wisconsin's reputation at risk. It would achieve no benefits.

#### EXECUTIVE BOARD

District 1 — Gretchen Jaeger, DVM • District 2 — Paul J. McGraw, DVM • District 3 — Jerry A. Quilling, DVM • District 4 — Kevin E. Voss, DVM  
District 5 — William R. Gengler, DVM • District 6 — Wilfred Schuler, DVM • District 7 — William L. Burnap, DVM • District 8 — Donald L. Rothbauer, DVM  
District 9 — Hugh H. Hildebrandt, DVM • Ex-officio — Daryl D. Buss, DVM, Dean, School of Veterinary Medicine  
John C. Dahl, DVM, AVMA Representative • Paula Prestia and Sue Juech, Student Representatives



## **Assembly Committee on Agriculture**

**Testimony of  
Jerry Quilling, DVM  
Plymouth, Wisconsin**

### **Speaking in opposition of AB 58**

Good morning. My name is Jerry Quilling and I represent over 1500 veterinarians all over the state of Wisconsin. I have practiced veterinary medicine in Plymouth, Wisconsin for the past 19 years in a 6-person veterinary clinic. In our mixed practice, three-quarters of our time is spent with dairy cattle and approximately 40% of that share is spent in fertility work.

Veterinarians are opposed to AB 58. Current law dealing with veterinary medicine restricts the diagnosis, prognosis, and prescribing of medicines to veterinarians. One exception to this has been lay pregnancy palpators who were "grandfathered" or allowed to do pregnancy diagnosing if they were so employed prior to 1967. When these few lay pregnancy checkers were given the right to continue, they were a known quality and had thousands of times the experience and number of cows checked compared to the insufficient number of hours or cows required to become licensed under AB 58.

The proper examination of the bovine reproductive tract requires extensive knowledge in the anatomy or structure of the tract, as well as physiology, which is the understanding of the complex workings of these organs and how they are affected by the rest of the health of the cow. Veterinarians spend a minimum of 4 post graduate years learning this art -- AB 58 says you will become proficient at less than 40 hours.

When a veterinarian examines a cow for pregnancy, because of this extensive training, he or she is also observing general herd health, infectious diseases, and nutrition management among other considerations. Commonly, a potentially serious herd problem can be avoided or diagnosed early because of routine pregnancy checking. The influence of the veterinarian on dairy farmers' profitability and general herd health must be considered. The lowest economic return I've ever seen listed by extension and university studies has been a \$3.00 return for each \$1.00 invested in veterinarian herd health programs.

Pregnancy checking of individual cows has two possible outcomes, pregnant or non-pregnant. Diagnosis of the pregnant cow is a skill in itself and requires many hours of instruction and practice in order to become proficient. However, the more important part of pregnancy diagnosis is the diagnosis of the non-pregnant cow, and a determination made as to what can be done to help this cow become pregnant. The veterinarian is the only person with the proper knowledge of anatomy, pharmacology, and physiology of the entire cow in order to diagnose and prescribe a treatment regimen for the non-pregnant cow. All of the drugs used in treatment of the non-pregnant cow are mandated by the FDA to be used by or under the direction of a licensed veterinarian -- a testimony to the importance that the FDA places on having the veterinarian's knowledge in fertility work.

AB 58 is written to essentially allow lay pregnancy checkers to identify the pregnant and non-pregnant cows and then the veterinarian is to be called to examine the non-pregnant cows.

Let's examine the economics of that system. In today's high production, high stress dairy farms I know my herds don't average 70% pregnancy rate. So let's assume Farmer Brown has 10 cows to be pregnancy checked; and AB 58 is law. One of the groups supporting AB 58 estimated they would charge \$2.00 a head to check 10 cows, but at least 3 are open so he called his veterinarian who has to recheck the 3 cows to diagnose why they are not pregnant. The average veterinarian in the state charges less than \$2.50 a head (not the \$5.00 average reported to many legislators). The veterinarian bills Farmer Brown \$7.50 for 3 cows -- total charge is \$27.50.

Farmer Jones has 10 cows to check and calls his veterinarian to check all 10 cows. His veterinarian bills him \$2.50 a cow or \$25.00 total or \$2.50 less than Farmer Brown paid. No economic advantage to that system.

If cows were always pregnant there would be no need for pregnancy checking. The key to pregnancy checking is the handling of the non-pregnant cow. Again using extension and university figures, the lowest value I've seen related to cost per day for each day a cow is not pregnant 90 days after her last calf is \$3.00 per day per cow. Even in herds with an 80% conception rate, in a 100 cow herd every day those 20 non-pregnant cows go over 90 days would cost the farmer at least \$60.00.

Since AB 58 only calls for a minimal training period and no evaluation of proficiency, another economic risk would be incorrect pregnancy diagnosis which if undetected for 7½ months, on a herd basis, could result in bankruptcy in today's dairy economy.

We are concerned that under AB 58, in order to get some perceived economic gain, the lay pregnancy checker will begin diagnosing and prescribing medications for the non-pregnant cow. Unfortunately, in spite of FDA labeling, just about all of the non-prescription and prescription drugs used by veterinarians are also available to non-veterinarians.

Incorrect prescribing can lead to poor reproductive performance, poor general health, or even death of the animal. But, even more frightening, is that this increases the likelihood of contamination of the meat or milk supply with drug residues. Case in point: For years and continuing now, AI technicians have routinely infused antibiotics into the uterus of cows without any warning or knowledge of the possible contamination of the milk or meat of that cow. This is not a rare occurrence, nary a week goes by that some farmer doesn't say to me, "The AI technician infused a cow while he was here." AB 58 has the very real potential of expanding this practice. Just what Wisconsin doesn't need is to start leading the nation in the number of violations of the Pure Meat and Milk Act and erode consumer confidence in Wisconsin dairy products.

AB 58, as written, would allow AI technicians, without any additional training, to engage in pregnancy testing as it relates to their job. Presently there is no training for an AI technician.

Veterinarians routinely find cows pregnant that have been recently bred by AI technicians. This is not intended to be a slam at technicians, only to point out that their experience does not automatically train them to be pregnancy checkers. Breeding cows and pregnancy checking cows are two completely different procedures.

I would like to propose that with my 8 years of post high school education, that I probably know more biology than the high school biology teacher who teaches my children. Yet the state, and rightfully so I might add, would not allow me to teach biology in the local high school. The reason is because they realize that just a narrow focus without the accompanying education courses will not serve the public. AB 58 will also not serve the public -- pregnancy diagnosis requires more than just simple hand manipulation; it is best suited to someone who has knowledge of the entire reproductive anatomy and physiology and how it relates to the entire cow.

## **Assembly Committee on Agriculture**

**Testimony of  
Daniel Griffiths, DVM  
Brownsville, Wisconsin**

### **Speaking in opposition of AB 58**

Good morning Representative Ott and members of the Agriculture Committee. I am Dr. Dan Griffiths, a dairy veterinarian from Brownsville, WI. I've been a practicing veterinarian for the last 14 years dealing exclusively with dairy herds ranging in size from 20 cows to 200 cows.

I am here today to speak in opposition of AB 58. I have reservations about many points in this bill. The first point I'd like to bring up is the wording of the bill calling the procedure pregnancy testing. I'd like to refer to the procedure as pregnancy diagnosis. The examination of the bovine reproductive tract leads to a diagnosis of pregnant or non-pregnant. The diagnosis of pregnancy usually ends the examination. The diagnosis of non-pregnancy only starts the examination. The next logical step in a dairyman's mind is why is the cow not pregnant? The extent of a lay examiner's help would end at the diagnosis of pregnant or non-pregnant. The dairyman in all likelihood would ask why the cow is not pregnant. The lay examiner would be in violation of the state statutes if they mentioned anything about uterine or ovarian pathology or recommend a treatment protocol.

I've had experiences with clients that have used the services of the lay examiners in the past. During conversations with my clients they relayed to me that lay examiners have been making pathological diagnoses and making treatment protocols.

The example I'll use today is the diagnosis of an infected uterus (pyometra) and the treatment protocol advised by the lay examiner. The lay examiner told the dairyman the cow had an infected uterus and told the dairyman to treat the condition with Oxytocin (a prescription drug). The problems with this scenario are three-fold:

- 1) The examiner diagnosed a pathological condition which in accordance with Wisconsin state statutes is reserved for veterinarians.
- 2) The examiner prescribed treatment for a pathological condition which in accordance with Wisconsin state statutes is reserved for veterinarians.
- 3) The recommendation to use Oxytocin is an extra-label use of the drug. The right to use drugs in an extra-label method is granted only to veterinarians in a veterinarian-client-patient relationship. This is regulated by the FDA and Wisconsin state statutes. Extra-label use of a drug is any use that is not clearly stated on the label.

I believe if this legislation were enacted we may encounter more incidences of the practice of veterinary medicine without a license. More importantly, this may also lead to contamination of our food supply with drugs used incorrectly.

I'm sure we are all aware of the litigious nature of society these days. Will the lay examiner have liability insurance in the case of economic loss of the farmer due to misdiagnosis or injury? The veterinarians do.

The education and training requirements of the bill are inadequate. The maximum of 40 hours of education and training also include examining 1,000 cows. The numbers will tell the story. If all 40 hours were spent examining cows, that would figure out to be 25 cows per hour which for a person not skilled in rectal palpation would seem to be unrealistic. This figures out to be 2.4 minutes per cow to learn the art of pregnancy diagnosis. This training realistically could not cover the physiology of the bovine reproductive cycle which is crucial to achieve a valuable service to the dairyman.

This bill would establish a new layer of government with licensing, monitoring, educating, training and handling dairyman's complaints and consumer concerns. We are all aware of the budget cuts that the state agencies are undergoing. Where will the funds come from to administer this new program?

I believe that diagnosing of bovine reproductive tract conditions should be left in the hands of veterinarians. This will help insure the health of our dairy herds, consumer health, and dairy farm profitability.

Thank you for your time and I'd gladly answer any questions you might have.



State of Wisconsin  
Tommy G. Thompson, Governor

## Department of Agriculture, Trade and Consumer Protection

Alan T. Tracy, Secretary

2811 Agriculture Drive  
Madison, Wisconsin 53704-6777

Hearing Testimony  
Assembly Agriculture Committee  
Room 417 North  
April 20, 1995

PO Box 8911  
Madison, WI 53708-8911

Chairman Ott and Committee Members:

My name is Tom Howard, administrator of the Division of Animal Health, Department of Agriculture, Trade, and Consumer Protection.

The Department is testifying today to provide information to the the committee regarding AB 58.

This bill provides that the DATCP establish by rule minimum educational and training requirements for pregnancy testers, and that the department maintain a register of these persons. The department takes no position on the question of whether pregnancy testing by persons other than licensed veterinarians should be permitted in Wisconsin. However, we do have concerns about the appropriateness of assigning this function of occupational oversight and registration to the DATCP, and reservations as to the need for registration of persons who practice this occupation.

The department's present activities in the area of occupational or business licensure are directly linked to the various divisional responsibilities. In the Division of Animal Health we license livestock dealers, markets, and truckers, and require these entities to meet standards of animal care, identification, sanitation, and recordkeeping necessary to prevent the transmission of animal diseases and track animal movements for disease control purposes. It is difficult to find major elements of animal disease control or public health responsibility in the registration of pregnancy testers. We are not aware of similar activity by peer agencies in other states.

If regulatory oversight is needed, the greatest administrative efficiency in carrying it out would result from assignment where there is the best fit with existing mission(s) and regulatory expertise. Duplication of responsibilities between agencies is not consistent with public expectations for lean, efficient government free of actual or potential conflicts over "turf". One can envision circumstances in which a pregnancy tester trained per DATCP rules and registered with this department could become subject to investigation or enforcement action by the Department of Regulation and Licensing related to that agency's responsibility for enforcement of Ch. 453, such as diagnosis of disease or the administration of treatment. There would appear to be significant potential for confusion and conflicts among both

the regulators and regulated in such a situation.

I am aware that Representative Hahn and supporters of this bill have given consideration to the possibility of amending this bill to assign development of training standards elsewhere, such as the University of Wisconsin. DATCP believes such an alternative represents an excellent fit with the expertise to be found within the UW system and is the one best suited to development of state-of-the art training and the rapid changes in technology that can be expected to influence pregnancy testing in the coming years.

Finally, with respect to the matter of registration of pregnancy testers, the department recommends that the committee carefully evaluate whether there is a compelling public policy need to maintain such a registry. There is presently no registration of artificial insemination technicians in Wisconsin, yet the competence of those persons is no less influential on the reproductive efficiency of cattle than the proficiency of pregnancy testers. If market forces are sufficient to regulate AI technicians, and the provisions of Ch. 453 would apply to any inappropriate practice of veterinary medicine, is registration of pregnancy testers a cost-effective activity for state government?



Tommy G. Thompson  
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Marlene A. Cummings  
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TESTIMONY OF J.A. HINES, D.V.M.

Before the Assembly Committee on Agriculture

9:30 A.M., Thursday April 20, 1995

Room 417 North

State Capitol, Madison, Wisconsin

Good morning Chairman Ott and members of the Assembly Committee on Agriculture:

I am J.A. Hines. I am a general veterinary practitioner from Oxford, Wisconsin. I am here today as a member of the Wisconsin Veterinary Examining Board who wishes to testify regarding Assembly Bill 58. The Wisconsin Veterinary Examining Board is on record opposing Assembly Bill 58 which would allow lay individuals to diagnose cow pregnancies.

It is the opinion of the entire Board, including the public members that a pregnancy examination by rectal palpation on cows is a diagnostic procedure and not a simple test to be done by non-licensed veterinarians.

Wisconsin Administrative Code Chapter VE 7.02(1) states that the following acts are limited to those holding a license as a veterinarian;(a) Diagnosis and prognosis of animal diseases and conditions.

Veterinarians and their clients know that a percentage of cows examined for pregnancy may not be bred. If these unbred (open) cows are treated with certain prescription drugs it may be possible to have these cows conceive. However, if these same prescription drugs are used on an animal that is pregnant, an abortion will occur.

In the established production medicine programs that successful cattle owners and their Veterinarians have developed, the utilization of these prescription drugs are a common occurrence. Unlicensed lay palpators would be unable to legally use these prescription drugs.



**It is the Veterinary Examining Boards responsibility to protect the public and cattle owners by supervising licensed Veterinarians. No protection would be afforded if unlicensed lay people were allowed to make diagnostic decisions.**

**We urge the committee to reject this piece of legislation in the name of consumer protection.**

## Some Discussion Points about Pregnancy Diagnosis

- There are significant economic benefits from accurate pregnancy diagnosis for both beef and dairy cattle producers.
- More frequent pregnancy diagnoses will lead to greater economic benefits.
- Earlier pregnancy diagnosis will increase the economic benefits of this procedure.
- Non-veterinarians can be taught to accurately diagnosis pregnancy in cattle.
- Certification will assure that these individuals are accurate in pregnancy diagnosis. It should also impede any diagnosis, prognosis, or prescription by non-veterinarians.
- New ultrasound technology allows more accurate pregnancy diagnosis, at an earlier gestational age, with fewer fetal risks.
- Non-veterinarians can be used effectively to increase efficiency of reproductive management in dairy operations.
- Competition within the industry for pregnancy diagnosis may increase the access of producers to current technology and decrease the cost for pregnancy diagnosis.
- The producer should be given the choice. Today's producer is intelligent and can make an informed decision. Use of nutritional consultants and AI technicians has not reduced herd health.

In beef cattle the cost for not doing a pregnancy diagnosis is clear because any animals that did not conceive (about 85-90% of many herds) will be maintained until calving season without a return on the investment. If we assume an average of 65 days pregnant when pregnancy diagnosis is performed (some animals will be much earlier some later) then days of maintenance without profit will average 215 days (280 day gestation length - 65 days). The cost for each of these maintenance days will vary with the operation but a nominal figure would be \$2/day. So pregnancy diagnosis will probably save \$430 on each non-pregnant animal that is found by pregnancy diagnosis and sold at this time. If 85% of animals are pregnant in a herd then it will save about \$65/animal for all animals in the herd. This value is clearly a very rough estimate and will vary greatly in individual operations.

In a dairy cattle operation this value is a bit complex to calculate. Using the average parameters of conception rate and estrous detection rate for Wisconsin dairy herds I have arrived at an average reduction of 17 days in a dairy operation by using pregnancy diagnosis and short-cycling non-pregnant animals with prostaglandin F<sub>2α</sub> (lutalyse or estrumate). There have been numerous attempts to calculate the value for a day open over the last 15 years and this probably varies tremendously by dairy operation and probably by individual cow. Values of \$3-\$5/day for every day open over 100 days in milk have been generally used in most economic calculations of days open. Using the lower figure of \$3/day this means that doing pregnancy diagnosis should increase profit by \$51/animal.

#### Economic Benefits of Pregnancy Diagnosis

##### Beef Cattle

For each non-pregnant animal pregnancy diagnosis should decrease the days maintained without profit by about 215 days.  
 $215 \times \$2/\text{day} = \$430$  for each open animal

##### Dairy Cattle

Pregnancy diagnosis should increase profit on dairy farms by an average of \$51/animal.

Pregnant animals that are bred may be aborted.

Non-pregnant animals are culled at a reasonable time

Many producers, particularly with smaller herds, will have a veterinarian visit the farm once per month for a herd health visit. During this visit pregnancy diagnosis will be performed. The animals that would be too early in pregnancy would not be evaluated and so would wait for 30 days prior to the next pregnancy diagnosis. The cost for a veterinary visit (prior to any cost of pregnancy diagnosis) is probably a major reason the producer does not have the veterinarian come at more frequent time intervals. An individual such as an AI technician will come at more frequent intervals without a visitation charge.

The economics of decreasing the number of days from breeding to rebreeding are similar to what is discussed above. Each day earlier for pregnancy diagnosis probably carries a certain theoretical economic benefit. Unfortunately, pregnancy diagnosis by rectal palpation earlier than 40 days after breeding can result in some (5-20%) pregnancy losses. Thus, pregnancy diagnosis prior to 40 days may have reduced economic return unless it is performed by a procedure such as ultrasound that does not entail manipulation of the fetus.

Currently no hands-on certification procedures are required for individuals, veterinarian or non-veterinarian, to perform pregnancy diagnosis. The certification procedure for non-veterinarians is a step toward assurance of producers that individuals that are diagnosing pregnancy have the skills necessary to perform this procedure.