Meeting: SB 1539 Rules Advisory Committee — Final Review Session
Date: November 04, 2026 | **Time:** 12PM-12:49PM
Facilitator: Pete Burns, OVMEB Director | **Notes:** Charlie Esparza (Rules Coordinator & Facility Inspector)
Location: Virtual (Zoom)

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1. Attendance

Voting Members Present

- Gail Colbern — OVMA
- Scott Duggan
- Rusty Inglis
- Ryan Krabill — OCA
- Adrienne Lulay

Voting Members Absent

- Dr. Earl Aalseth (submitted written feedback)
- Raleigh Bigsby
- Dr. Ferry (submitted written feedback)
- Eric Steen

Non-Voting Participants

- Dr. Emilio DeBess — Consultant (joined late due to link issues)
- Pete Burns — OVMEB Director (Facilitator)
- Charlie Esparza — Rules Coordinator & Facility Inspector (Staff / Notes)

Quorum

✅ Quorum confirmed. Meeting proceeded in accordance with public meetings rules.

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2. Call to Order & Agenda Review

Pete Burns called the meeting to order and reviewed the agenda, which was shared on screen and emailed to members the morning of the meeting. The session's purpose was stated as follows:

- Final review of feedback received on Rule Draft Version 4
- Discussion of remaining concerns and recommendations
- Development of consensus recommendations to present to the OVMEB Board at its November 15, 2026 – November 16, 2026 meeting

📋 **Reference Documents:** Rule Draft Version 4 with explanatory summary (distributed in October 2026). Feedback from members who could not attend was received in advance and summarized by Pete for group review.

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3. Review of Written Feedback Received

Pete summarized pre-meeting written feedback from members before the group transitioned to a live, line-by-line review of the rules.

Gail Colbern & Scott Duggan

Both found the draft generally acceptable with no major objections submitted in advance.

Dr. Ferry (absent, written feedback)

- Raised concern about the phrase **"board approved educational program"** — questioned whether the board has authority to approve programs.
- Raised questions about the 50-palpation minimum.
- Emphasized protection of producers through adequate training and experience.

Rusty Inglis

- Supports the exemption (legacy practitioner) language.
- Requests that training programs remain affordable and accessible, particularly in rural areas.

Dr. Aalseth (absent, written feedback)

- Generally supportive of the drafted rules.
- Recommends adding training for proper collection and handling of blood and milk samples.
- Recommends language to capture future testing methods beyond current biological tests.

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4. Rule Draft Version 4 — Line-by-Line Review & Decisions

4A. Terminology: "Board Approved" → "Board Accepted"

Gail Colbern raised a flag — consistent with Dr. Ferry's written feedback — that the board is **not authorized to approve** training programs. She proposed replacing **"board approved educational program"** with **"board accepted educational program."**

☑ **Decision:** Group agreed. Pete to update language throughout the rule document accordingly.

4B. Minimum Practical Skills — Palpation Count

The existing draft specified a minimum of **50 palpations**. Gail Colbern and Adrienne Lulay both agreed this was insufficient given the requirement to demonstrate competency across multiple pregnancy stages (non-pregnant, early, mid, and late gestation).

- Gail noted that 50 palpations across all required categories could yield as few as 2–3 animals per stage.
- Adrienne recommended a minimum of **10 per category**, totaling approximately 100 — and acknowledged even that remains a low bar.
- Ryan Krabill sought clarification that practical skills (hands-on) are counted separately from minimum theory (lecture hours). Confirmed: **yes, they are distinct.**

☑ **Decision:** Consensus to increase minimum palpation requirement from 50 to **100**. Final determination deferred to the OVMEB Board, with RAC's reasoning included in the report.

4C. Minimum Theory Hours — Lecture Time

The current draft specified **4 hours** of minimum lecture time. Adrienne Lulay objected strongly, noting that AI certification (NAAB) requires a minimum of 16 hours and that 4

hours cannot adequately cover the reproductive cycle of the cow, estrus cycle, fetal development, and palpation safety.
Discussion surfaced a range of positions:

Position	Recommended Hours	Rationale
Adrienne Lulay	8–16 hrs	Cannot cover core reproductive content in less; AI training standard is 16 hrs
Gail Colbern	Minimum 8 hrs (1 full day)	Practical minimum to cover cow reproductive cycle, estrus, fetal development, ultrasound basics, and safety
Dr. DeBess (consultant)	6 hrs (seen in other states)	Other state programs reviewed used ~6 hours; open to discussion
Ryan Krabill (OCA)	One-day attainable	Accessibility and affordability — overnight logistics add cost and burden

◍ **No Consensus Reached.** Pete proposed presenting a **spectrum of options (4, 6, 8, 16 hours)** to the board, along with the full RAC discussion context, so the board can make a binding determination. Group agreed to this approach.

4D. Biological Testing Competencies

Current language referenced blood and milk-based tests. Adrienne Lulay raised the emergence of a new **"open cow test"** (cervical swab, currently in beta) that does not fit neatly into existing categories. Dr. Aalseth's written feedback had also flagged future-proofing.
Gail Colbern proposed revised language: **"use of validated blood, milk, or other biologic tests."**

- The word **"validated"** was debated. Gail clarified it means the manufacturer has conducted research demonstrating the test's effectiveness — standard industry practice; no additional definitional burden anticipated.
- Gail volunteered to research the validation requirements for emerging tests (e.g., snap/swab-based methods) before the November 16–17 board meeting.

☑ **Decision:** Language updated to **"use of validated blood, milk, or other biological tests."** Gail Colbern to confirm validation standards are adequately defined by market practice.

4E. Ultrasound Competencies & Scope Limitation

Adrienne Lulay raised the question of whether **fetal sex determination** (sexing) should be addressed, noting it is a service used by large seed stock producers.

Rusty Inglis and Gail Colbern both clarified that SB 1539's scope is explicitly and solely **pregnancy verification (pregnant / non-pregnant)** — not diagnostic services or sex determination. The legislation was not intended to go further.

☑ **Decision:** No change to scope. Sexing and broader diagnostics remain outside the rule. Noted for the record as a question likely to arise in practice.

4F. Caveated Requirements for Biological Testing & Ultrasound

Rusty Inglis expressed concern that the rules might appear to require all practitioners to demonstrate competency in biological testing and ultrasound — methods most practitioners will not use.

Gail Colbern and Dr. DeBess confirmed that the existing rule language already **caveats** these sections — training in those methods is only required **if the practitioner intends to use them.** This language was originally provided by legal counsel.

☑ **No change needed.** Language confirmed appropriate as drafted.

4G. Apprenticeship / Supervised Field Experience

Dr. Ferry's written feedback recommended adding apprenticeship and supervised field experience requirements. Adrienne Lulay asked whether a recommendation (rather than a mandate) could be included.

Pete and Rusty both cautioned that this would likely exceed the legislation's intent and could trigger additional legal review. Pete noted that this concept is better suited to the **separate best-practices guidance document** being developed post-rulemaking — a non-binding resource the board could provide to providers, consumers and the public.

☑ **Decision:** Apprenticeship language will **not** be included in the rule. The concept can be carried forward into the post-rulemaking best-practices guidance document (Pete + Adrienne).

4H. Recognition of Minimum Prior Training / Legacy Practitioners

No significant objections were raised on this section. Written feedback received was generally accepting of the language as drafted. No changes made.

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5. Consensus Vote

Pete called for a formal consensus vote on recommending Rule Draft Version 4 (as discussed and amended in this session) to the OVMEB Board.

Member	Vote
Adrienne Lulay	✅ Yes
Gail Colbern	✅ Yes
Rusty Inglis	✅ Yes
Ryan Krabill	✅ Yes
Scott Duggan	✅ Yes

🎉 **Result: Unanimous consensus.** Rule Draft Version 4 — with the amendments identified in this session — is formally recommended to the OVMEB Board for final determination.

Pete Burns — Due November 11, 2026

- Update rule language from "board approved" to "board accepted educational program"
- Update biological testing language to "validated blood, milk, or other biological tests"
- Update minimum palpation requirement from 50 to 100 in the draft
- Compile spectrum of lecture-hour options (4, 6, 8, 16 hrs) with RAC discussion notes for board
- Prepare final RAC report and summary of notes/discussions to present at board meeting
- Send November 16–17 board meeting agenda and links to all RAC members

Pete Burns + Adrienne Lulay — Post board decision (TBD)

- Continue scoping best-practices guidance document (non-binding, post-rulemaking)

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7. Next Steps & Upcoming Meetings

- **OVMEB Board Meeting —** November 16, 2026**:** Pete will present the final RAC report and consensus recommendation. The board will make binding determinations on minimum lecture hours, the palpation floor, and final rule language. RAC members are welcome to attend and may address the board during public session.
- RAC members wishing to present formally as RAC members (rather than as members of the public) should contact Pete in advance to coordinate.
- Meeting agenda and participation links will be published on the OVMEB website and distributed to members.

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8. Adjournment

Pete Burns recognized and thanked all RAC members — present and absent — for their detailed, thoughtful contributions throughout the rulemaking process. He noted the committee had produced a strong product and that the board would be well-served by the depth of discussion captured in the record.

Meeting adjourned at approximately **1249 PM PT** on November 04, 2026.

Minutes prepared by: Charlie Esparza (OVMEB Rules Coordinator) | Reviewed by: Pete Burns, OVMEB Director