MINUTES OF THE IDAHO STATE BOARD OF VETERINARY MEDICAL EXAMINERS
JUNE 2, 2008
BOISE, IDAHO

The State Board of Veterinary Medical Examiners met in Main Conference Rooms A and B of the Idaho Department of Agriculture, Boise, Idaho, on June 2, 2008 at 8:30 a.m. This meeting was called for the purpose of carrying out regular Board business.

Members Present: Dr. A. Bruce King, President and Meeting Chairman
Dr. Bob Beede, Liaison Officer
Dr. Jennifer Card
Dr. David Schulz
Ms. Joyceanne V. Fick

:mber Absent and excused: Dr. K. Bruce Lancaster

ff Present: Ms. Karen Ewing, Management Assistant
Roger Gabel – Board's Administrative Law Attorney

Visitors Present: Nina Trenwith – Executive Director, Northwest Animal Companions
Rebecca Paulekas, DVM, MPT – WestVet Emergency & Specialty Center
Fineas Hughbanks, DVM – Gem Veterinary Clinic

AGENDA ITEMS:

1. Call to order by Dr. King.

2. Approval of minutes from January 14, 2008 meeting, and February 7, 2008 and April 10, 2008 conference call meetings. Ms. Fick requested that minutes be numbered to match agenda. Ms. Fick moved to accept the minutes as written. Dr. Beede seconded the motion, and the motion carried.

3. Discussion on budget. Implementation of zero-based budgeting has been delayed until FY2014. Veterinary database reprogramming costs of $5175 to address change to continuing education requirements will be paid from the FY2008 budget. Concerns over fiscal effects of more licensees purchasing AVMA license defense insurance were discussed. Dr. Schulz moved that the Board pursue a rule change in 2009 to add a $10 fee for combating unlicensed practice. Dr. Beede seconded the motion and the motion carried. Ms. Ewing was directed to discuss this idea with the Board's financial analyst.

4.A. Criminal background checks were discussed. Dr. Beede moved that statute and rule changes requiring all new applicants to undergo a criminal history check be submitted for the 2009 legislative session. Ms. Fick seconded the motion and the motion carried.

4.B. Discussion regarding Idaho courses offered in veterinary orthopedic manipulation, cold laser therapy, and veterinary myofascial release by William Inman. Dr. Paulekas expressed her concerns to the Board that a person cannot learn animal biomechanics in a one-weekend course and could possibly injure an animal. Further research is to be conducted by Ms. Ewing and Mr. Gabel regarding possible attendance of Dr. Paulekas at one of Dr. Inman's courses to obtain first-hand knowledge of course content.

4.C.i. Discussion with Nina Trenwith regarding volunteers at Northwest Animal Companions' (NAC) low cost spay/neuter clinics. Ms. Trenwith reported that NAC is in compliance with Board statutes and rules regarding supervision as she now has a veterinarian and the veterinarian's Certified Veterinary Technician employee volunteering together. Ms. Trenwith also recommended that the Board research how other states such as Oregon and North Carolina are handling the volunteer issue.

4.C.ii. Dr. Schulz reported on his inspection at the April 14, 2008 NAC spay/neuter clinic held at the donated Idaho Humane Society veterinary medical facility. Dr. Schulz's impressions of NAC procedures were favorable, but his main concerns regard security of controlled drugs used, and who will be liable in the event of a client complaint regarding a surgical sterilization procedure since the exam, surgery and recovery are done by separate volunteers.

4.C.iii. Discussion of Dr. Andrea Reese's letter expressing her concerns with the current wording of the Veterinary Practice Act pertaining to supervision of employees by a veterinarian. The wording precludes employees of a veterinarian from volunteering to perform veterinary related duties unless their employing veterinarian is there to provide supervision. Ms. Ewing was directed to send a letter to Dr. Reese indicating current statutes and rules that must be adhered until such time that the Board has come to a final decision on possible statute and rule changes to address this issue.

4.C.iv. Discussion of results from May 2008 newsletter survey regarding responsibility for supervision of volunteers at low-cost spay/neuter clinics. Fifteen (15) responses were received to the question. Three (3) veterinarians indicated they would be willing to be held responsible for the actions of volunteers that they directly supervise and twelve (12) veterinarians indicated they are not willing to be held responsible for the actions of volunteers they may directly supervise at a low-cost spay/neuter clinic.

4.D.i. Discussion of results from May 2008 newsletter survey regarding certification of equine dental technicians if appropriate education/experience/testing criteria were developed. Twenty-one (21) responses were received, with ten (10) in favor of certifying equine dental technicians and eleven (11) against.

4.D.ii. Discussion of results from May 2008 newsletter survey question that asked if licensees would be willing to pay an additional ten ($10) annual fee to address unlicensed practice through public service announcements and prosecutions. Nineteen (19) results were received with fifteen (15) in favor and four (4) against.

4.D.iii. Roger Gabel addressed the Board on the use of civil monetary sanctions against individuals practicing veterinary medicine without a license. Mr. Gabel's opinion is that the Board could be successful in using Idaho Code Section 54-2118 (1) to obtain a civil monetary penalty against an unlicensed individual if clear and convincing evidence is obtained. The Board's prosecuting attorney, Karl Klein, can advise the Board Liaison Officer in each individual case to determine if there is sufficient evidence to proceed with an administrative action. Mr. Gabel also discussed criminal prosecution under Idaho Code Section 54-2118 (2), and civil court proceedings/injunctions under Idaho Code 54-2118 (3). Dr. Card moved that the Board adopt a policy to pursue unlicensed practice on a case-by-case basis if evidence allows. Ms. Fick seconded the motion and the motion carried.

4.D. iv. Ms. Ewing asked the Board to consider whether cease and desist letters should be sent to lay equine dental technicians who are advertising their services in Idaho without the required employment and direct supervision arrangement with an actively licensed veterinarian. Ms. Ewing was directed to send informational letters advising these individuals about Idaho statutory requirements.

3. Follow-up discussion on issue of Veterinary Drug Outlets (VDO), Veterinary Drug Technicians, VDO prescription blanks, and changes to the Board of Pharmacy's rules regarding these issues. Ms. Ewing is to inform the Board and Mr. Gabel on the final wording of the Board of Pharmacy's rule changes so appropriate changes can be made to the Board of Veterinary Medicine's rules to conform to these changes.

5.A.i. Discussion regarding Dr. Kenneth Kubosumi's letter requesting clarification on Administrative Rule IDAPA 46.01.01.154.04, which concerns notations in patient records recording treatments performed by technicians or assistants. Ms. Ewing was directed to send a response to Dr. Kubosumi indicating that since the attending veterinarian remains responsible for the care provided to each patient, each practitioner should use their professional judgment regarding notations in patient records of treatments and procedures that were delegated to staff to perform.

5.A.ii. Discussion on Dr. Schulz's proposed revision to Idaho Code Section 54-2101 concerning the Board's Declaration of Policy used as the Board's mission statement. Dr. Beede moved to change the mission statement as presented by Dr. Schulz. Dr. Card seconded the motion and the motion carried. Idaho Code Section 54-2101 will be submitted for legislative approval with the first sentence revised as follows: *This chapter is enacted as an exercise of the power of the state to promote the public health, safety and welfare by safeguarding the people and animals of this state by establishing and enforcing professional standards in the licensure and regulation of veterinary health professionals.*

5.A.iii. A discussion was held on statute and rule changes recommended by the Certified Euthanasia Task Force during its May 19, 2008 meeting. A proposed change to Idaho Code 54-2103 (9)(a) would remove the allowance for law enforcement Certified Euthanasia Technicians (CETs) to work under the indirect supervision of a licensed veterinarian. This will require all CETs to work for a Certified Euthanasia Agency. Proposed rule changes will revise IDAPA 46.01.01.205.02.a so that it does not require actual euthanasia but instead requires proficiency in venous access. Other changes will add a rule to require CETs to purchase approved drugs from a drug wholesaler, rather than from a veterinarian; and require criminal background checks for all new CET applicants. Ms. Fick moved to accept the CETF's recommendations. Dr. Card seconded the motion, and the motion carried.

5.A. iv. Additional ideas for rule changes were discussed. The Board will change IDAPA 46.01.01.154.08.d to reflect changes to Board of Pharmacy rules regarding Veterinary Drug Outlets and Veterinary Drug Technicians, along with the rule changes recommended by the CETF.

5.A.v. Statute changes to be submitted to the 2009 Legislature will include the requirement of criminal background checks for all new applicants, the revised Declaration of Policy, and the change recommended by the CETF regarding law enforcement CETs.

6. The 2009-2013 Strategic Plan document was discussed and Ms. Ewing was directed to make four (4) minor word changes and submit the document.

7.A. Licensee attendance during inspections required by disciplinary actions was discussed. Ms. Ewing is to direct the Board's prosecuting attorney to word future Stipulations to require attendance and allow further disciplinary action to be imposed.

7.B. Discussion on contingency plan in case the Board's current investigator, Dr. Barry Rathfon, is no longer able to provide investigatory services. Ms. Ewing was directed to contact the Council on Licensure, Enforcement, and Regulation (CLEAR) to see if they have a list of trained investigators who may be available. Dr. Rathfon will discuss this further during the September 29, 2008 meeting.

2. Discussion on pay for Board member if investigative work is performed when investigator is not available or has a conflict of interest. Idaho Code only allows a $50 per day honorarium for Board members so it would be best if an outside investigator were hired in these cases.

8.A. Reappointment of Dr. Rena Carlson-Lammers to the Certified Euthanasia Task Force for a new two (2) year term beginning October 16, 2008 and ending October 15, 2010. Dr. Schulz moved to reappoint Dr. Carlson-Lammers, Ms. Fick seconded the motion and the motion carried.

8.B. New supervision form for law enforcement Certified Euthanasia Technicians who are working under the supervision of a licensed veterinarian was reviewed and approved. The form must be signed by the supervising veterinarian in the presence of a notary public.

9.A. Discussion of Federation of Associations of Regulatory Boards (FARB) recommendation that applicants for licensure who

do not complete the application process should be reported to the American Association of Regulatory Boards' (AAVSB) disciplinary database as having their license application denied. Dr. Beede moved that the Board give sixty (60) days notice to applicants who have not withdrawn their license applications prior to the one (1) year application expiration date. When an incomplete application is ten (10) months old, Board staff will send a letter to the applicant explaining the application file expiration date, and informing the applicant that they either need to withdraw their application or complete the requirement; otherwise, their license will be reported to AAVSB as denied due to an incomplete application file. Dr. Schulz seconded the motion, and the motion carried.

9.B. Review of continuing education extension request from Stacy Bonebrake, CVT. Dr. Beede moved to give Ms. Bonebrake a sixty (60) day extension until August 31, 2008 to provide written proof of obtaining her remaining required continuing education. Dr. Schulz seconded the motion. Ms. Fick amended the motion to add that the extension is a one-time only allowance. Dr. Beede seconded the motion, and the motion carried.

C. Dr. Austin Larsen's request for further renewal of his veterinary license without national veterinary examination scores was discussed. Dr. Beede moved that Dr. Larsen's veterinary license be renewed for one (1) year with Dr. Larsen and the Fur Breeders Agricultural Cooperative taking this year to make provisions for the future, and no further renewals past June 30, 2009 will be extended. Ms. Fick seconded the motion, and the motion carried.

9.D. Stephanie Lohnes, CVT's request for the Board to consider allowing Certified Veterinary Technicians to work as independent contractors was discussed. Mr. Gabel reported that under current statute and rules, a CVT must be employed by their supervising veterinarian. Dr. Beede moved to deny Ms. Lohnes' request, Ms. Fick seconded the motion, and the motion carried.

10. Dr. Fineas Hughbanks addressed the Board with his concerns over the expenses incurred due to the rising standard of care. Extra costs and extra time required price clients out of veterinary care in economically depressed rural areas when informed consent, anesthesia monitoring, and pain medication are mandated. Dr. Hughbanks is concerned that the profession is setting a standard of care that clients cannot afford. He believes that more pets will suffer and die due to owners' inability to pay for veterinary care.

11.A. Attendance at the September 2008 AAVSB conference in California was discussed. Ms. Ewing, Dr. Lancaster, and Ms. Fick will attend conference September 18-20 in Newport Beach, California.

11.B. Ms. Ewing provided an update on activities and challenges in the Board office. Annual renewals are in full swing, and Ms. Ewing has reached her maximum vacation hours and will forfeit this benefit unless time off is taken to reduce her vacation balance.

.C. Confirmation of Ms. Ewing's pay raise to $25 per hour effective July 1, 2008 once Executive Director title is implemented.

11.D. Date of January 26, 2009 was set for January 2009 meeting.

11.E. Presentation of Governor's commendation certificate and engraved album clock to Dr. Beede in preparation for new Board member appointment on September 1, 2008.

11.F. The Board approved the following veterinary licenses and veterinary technician certifications pending full completion of all licensing/certification requirements and signed wall certificates for each:

Applications for Veterinary Licensure

Sara Colson Ahola	Mary Kathleen Iannaccone	Sabrina Allison Scriven
Ryan Keith Bevan	Lindi Marie Kopecko	Twila Jo Seefeldt
Stevens Shaen Carter	Raffael Lichdi	Andrea Leigh Sparzo
Joel Dennison Cuthbert	Matthew Lawrence Mason	Lisa Renee Tornes
William Russell Dunaway	Terrence Michael McCoy	Melanie Kaye Turner
Sherri Lynn Fargo	Christina Francis Meyer	Amber Lee Upchurch
Jamie Lynn Harpole	Ira Dustin Mickelsen	Kevin Bradley Wahl
Brian Pierre Heiser	Paul Earl Neider	Cory Ryan Weiss
Lisa Anne Hofmann-Pachie	Kirby Ann Penttila	Christina Suzanne Wetzel
Sabrieta Rejeanne Holland	Michael Walden Peterson	Jocelyn Beth Woodd
Alison Snow Hurwitch	Roberta Ann Porter	Serena Renee Yelenics

Applications for Veterinary Technology Certification

Audra Louis Baeza	Kristen Janine Lineberry	Alison Eve Thomas
Elizabeth Helen Brock	Crystal Ann Powell	Kristina Lee Wall
Trista Rae Ellis	Tiffany Ann Rhodes	Melissa Marie Wolters
Patricia M. Kent		

.. Meeting adjourned at 2:25 pm.

correct CVTs for June 2, 2008 kme

A. Bruce King, DVM

Bob Beede, DVM

Jennifer M. Card VMD

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K. Bruce Lancaster, DVM

David A. Schulz, DVM

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Joyceanne V. Fick

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