MINUTES OF THE IDAHO STATE BOARD OF VETERINARY MEDICAL EXAMINERS
JANUARY 26, 2009
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 January 26, 2009 at 8:30 a.m. This meeting was called for the purpose of carrying out regular Board business.

Members Present: Jennifer Card, VMD - President and Meeting Chair
A. Bruce King, DVM - Liaison Officer
K. Bruce Lancaster, DVM
David Schulz, DVM
Douglas Walker, DVM
Ms. Joyceanne V. Fick

Staff Present: Ms. Karen Ewing - Executive Director
Roger Gabel - Administrative Law Attorney

Visitors Present: Erica Mattox, CVT – President, Idaho Society for Veterinary Technicians & Assistants
Sarah Post – Vice-President, Idaho Society for Veterinary Technicians & Assistants
Nancy Basinger, DVM – Ada Veterinary Hospital
Mark Johnston – Executive Director, Idaho Board of Pharmacy
Fred Collings – Investigator, Idaho Board of Pharmacy

AGENDA ITEMS:

1. Call to order by Dr. Card.

2. Approval of minutes from September 29, 2008 meeting. Ms. Fick moved to accept the minutes as written. Dr. Schulz seconded the motion, and the motion carried.

3. Discussion on Board financial status and possible cost-cutting measures. Ms. Ewing is to check with Board's financial analyst to determine whether capital outlay money for new computer CPUs can still be used in FY2009. Board will reduce FY2010 costs by sending Ms. Ewing and only one (1) Board member to the September 2009 meeting of the American Association of Veterinary State Boards (AAVSB). Ms. Ewing is to continue to attend the annual meeting of the Federation of Associations of Regulatory Boards (FARB).

4.A. Public Service Announcements (PSAs) concerning unlicensed practice were discussed. The purpose of PSAs would be to educate the public about some of dangers of using an unlicensed layperson to provide services such as equine dentistry and bovine reproductive services. Dr. Lancaster and Ms. Fick are to work on a script for a PSA regarding lay equine dentistry.

4.B. Information received from Lynn Caldwell, DVM regarding lay equine dentistry was discussed. Dr. Caldwell is the chair of the American Association of Equine Practitioner's (AAEP) Dental Committee. Dr. Caldwell's recommendation is that a national criteria for equine dental education be developed and that Certified Veterinary Technicians (CVTs) obtain education in equine dental care. In this manner, a CVT with the benefit of a veterinary technology education could perform equine dental procedures under the direct supervision of a licensed veterinarian. The end goal is protection of the public by ensuring that individuals who work on horses' teeth are properly trained and supervised.

5.A. Recordkeeping at non-profit veterinary facilities and vaccination clinics was discussed. The identified problem is that these records are commonly unavailable in a timely manner and not retained as required by the Veterinary Practice Act. Dr. Schulz moved that Ms. Ewing ask the Idaho Veterinary Medical Association (IVMA) if they will include an inquiry in their newsletter to ask veterinarians if there are vaccination clinics in their area, and if so, to pass the names along to the Board. Ms. Fick seconded the motion and the motion carried. Ms. Ewing will also write an article for the IVMA newsletter on the topic of records produced during vaccination clinics.

5.B. Discussion was held regarding anesthesia monitoring survey conducted in north Idaho. Survey was done by mail to determine prevalent community standard when adjudicating a complaint.

5.C. The idea to have a Board-sponsored recordkeeping course was discussed. Ms. Ewing is to work with the IVMA and Dr. Madan Khare' to determine if this idea is feasible.

6. Unlicensed practice issues were discussed regarding Hoffman AI. At bull sales, the catalog should differentiate between bulls that have had a veterinary breeding soundness examination and those that have only had a layperson's bull semen evaluation.

7.A. Erica Mattox and Sarah Post from the Idaho Society for Veterinary Technicians and Assistants (ISVTA) presented their idea to the Board that the law be changed to include a CVT member on the Board. The Board asked the ISVTA to come back in one (1) year if they are able to raise membership in their organization so that it is more stable. If the ISVTA can show more membership and stability, the Board will strongly consider the requested statute change.

7.B. A discussion was held regarding the draft statute and rule changes to remove the employer/employee relationship for supervision. The Board will go forward with this idea.

7.C. A discussion was held on the new Cite and Fine legislation for 2010. This would be used in continuing education and recordkeeping violations. These actions would not be considered to be formal discipline and would not be reported to AAVSB's disciplinary database. Two (2) different verbiage options were presented, and Dr. Schulz moved to accept option 2. Dr. King seconded the motion and the motion carried. Option 2 reorganized the section and clarified which actions are civil, which are administrative, and which are criminal.

7.D. A discussion on outdated drugs in veterinary hospitals was held. Dr. King moved to accept the Board of Pharmacy's rule with revisions. Ms. Fick seconded the motion, and the motion carried.

7.E. Jurisprudence exam failures for Certified Veterinary Technicians (CVTs) were discussed. Currently, the rules are silent on what happens if a CVT fails the exam. Dr. Schulz moved to make CVT jurisprudence exam failures conform to the veterinarian's rule and require a wait of three (3) months prior to retaking the exam. Dr. King seconded the motion, and the motion carried.

7.F. IDAPA 46.01.01.105.02.f. regarding verbal abuse by a CVT was discussed. Dr. Schulz moved to remove this from the CVT Grounds for Discipline to conform with the veterinarian's rule. Dr. King seconded the motion and the motion carried.

7.G. CVT proof of graduation requirements were discussed. Ms. Fick moved that the Board confirm the CVT proof of graduation to the veterinarian's proof of graduation. Dr. King seconded the motion and the motion carried.

7.H. Idaho Code Section 54-2107 (4) regarding NAVLE retakes was discussed. Dr. Lancaster moved that this section be modified to remove the wording that allows the NAVLE to be taken at any time (no time limit).Ms. Fick seconded the motion and the motion carried.

8.A. Dr. Sharon Zito's application was reviewed due to prior discipline. Dr. Schulz moved to accept Dr. Zito for Idaho licensure. Dr. Walker seconded the motion and the motion carried.

8.B. Dr. John Hershey's license application was reviewed due to prior DUI. Dr. Lancaster moved to accept Dr. Hershey for Idaho licensure. Dr. Walker seconded the motion, and the motion carried.

8.C. Meghan Bittencourt's request for an extension of time to fulfill her continuing education requirement was discussed. Ms. Fick moved that the Board deny Ms. Bittencourt's request. Dr. King seconded the motion, and the motion carried.

9.A. Dr. Nancy Basinger presented her ideas regarding the Board's disciplinary process and highlighted areas she felt were problematic for practitioners. She recommended that the reimbursement costs be itemized in each case, and that specific fines for certain types of violations be set forth for consistency.

9.B. The Board's prior policy was discussed in which the original client complaint is sent to a subsequent licensee who treated the patient. Due to privacy issues, a new policy was developed. In all future complaints in which a subsequent veterinarian is involved, the original complaint will not be sent. A cover letter asking for patient records and an evaluation of the patient upon presentation will be sent without naming the veterinarian who has been complained against.

9.C. Roger Gabel provided in-service training on disciplinary issues such as consistency in discipline and levels of evidence. Cases with similar facts were discussed in which one state overturned a Board's decision and the other state upheld the Board's decision. It is unknown how these cases would be resolved in Idaho, since there was not a precedent set due to the opposing decisions.

9.D. Dr. Schulz presented the revised veterinary hospital inspection form for review. All members were pleased with the new form and it will be implemented immediately. In disciplinary cases in which the disciplined veterinarian is an employee of the practice owner, the Board determined that the employee veterinarian can't bind the clinic owner to the terms of the disciplinary settlement.

10.A. Mark Johnston, Executive Director of the Idaho Board of Pharmacy (IBOP), and Fred Collings, investigator for the IBOP, spoke to the Board about a recent legal interpretation that requires an out-of-state veterinarian to obtain a DEA registration and IBOP controlled substance registration even though the veterinarian has no physical office in Idaho. The IBOP is recommending to veterinarians in this situation to use a client address as their primary place of business. This address is invisible to the client so there is no danger of drugs being delivered directly to the client.

10.B. A date of Monday, October 19, 2009 was set for the fall 2009 Board meeting.

10.C. The 2009 nomination of Ms. Fick to the AAVSB Board of Directors was discussed. Dr. King moved that the Board nominate Ms. Fick to AAVSB. Dr. Lancaster seconded the motion, and the motion carried.

10.D. Newsletter topics were discussed for the spring newsletter to be mailed with renewals as follows: Dr. Lancaster – Breeding Soundness Evaluations; Dr. King – outdated drugs; Ms. Fick – continuing education; Dr. Card – President's message; Dr. Schulz – practice review form/self-inspection; and Dr. Walker- new member introduction.

10.E. The Board discussed advice given by the Executive Director (ED). The Executive Director is to take care not to give legal advice, but it is understood that in many instances, callers have a situation at their veterinary hospital that requires an immediate answer from the Board office.

10.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

Amber Elizabeth Acker	Angela Glynn Allum	Kevin Wayne Ames
Kathirine Lynn Berman	Owen Taylor Black	Carrie Buroughs Breaux
Alexis Jean Campbell	Annette Arlene Darcey	Mary Suzette Delorey
Todd Galen Gunderson	Christina Sheehan Hampton	Steven David Haymore
Eileen Therese Kellner	Rene Ann King	Daria Starks Koym
Damian Mariano Lettieri	Bruce Steven Levine	Josiel Lopez
Cori Anne Mulliken	Brian Vern Noland	Valaine Palmer
Marcos Luis Puiggari	Shawn Michael Sanders	Sara Satya Shaw
Donna Jean Troyer	Kimberlee Jo Zahller	

Applications for Veterinary Technology Certification

Stacy Renee Box	Whitney Nicole Clark (Osborn)	Laura Christine Coats
Nicholle Kristine Joyce	Joan Maier-Bone	Susan Ann Prokop
Stephanie Rena Silvernagel	April Sabine Snow	

11. The activities of the Certified Euthanasia Task Force (CETF) were discussed. The CETF plans to prepare new euthanasia training courses for 2010, and will use the euthanasia manual published by the HSUS. The CETF will prepare a revised Idaho manual that covers information and documents specific to Idaho. Also, new bound drug log books will be provided to all Certified Euthanasia Agencies (CEA) for the fall 2009 inspections. This will allow for easier CEA inspections since the drug log books will all be identical.

Meeting adjourned 3:40 pm

Jennifer M. Card, VMD

A. Bruce King, DVM

K. Bruce Lancaster, DVM

David A. Schulz, DVM

Douglas J. Walker, DVM

Joyceanne V. Fick