



# STATE OF IDAHO

## Board of Veterinary Medicine

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### Minutes for October 25, 2010

The Idaho Board of Veterinary Medicine met in Main Conference Rooms A and B of the Idaho Department of Agriculture building, Boise, Idaho. This meeting was called for the purpose of carrying out regular Board business. The meeting was called to order at 8:30 a.m. MDT by Board President Dave Schulz, DVM. Those in attendance were:

**Board:**

Dave Schulz, DVM – President  
Doug Walker, DVM – Vice President  
Dave Clark, DVM – Member  
John Coplin, DVM – Member  
Joyceanne Fick – Public Member

**Deputy Attorney General:**

Roger Gabel – Administrative Law

**Office Staff:**

Karen Ewing – Executive Director  
Carol Youtz – Technical Records Specialist

**Additional Attendees:**

Kelly Nielsen – ISDA CFO  
Sara Stover – DFM  
Barry Rathfon, DVM – Board Investigator  
Margretta Kethler, DVM – Moscow, ID  
Cheryl Grantham – IDHW  
Danny Warn – IDHW

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### AGENDA ITEMS

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- 5 **1. MINUTES:** 6/14/10, 6/25/10, 7/29/10, 8/18/10, and 9/9/10
- 6 Ms. Fick moved to approve the minutes as written. Dr. Walker seconded. Motion passed. All minutes
- 7 were signed by the Board.
- 8
- 9 **2. NEW BOARD MEMBER INTRODUCTION: Dr. John Coplin**
- 10 Dr. Coplin is originally from Wyoming, and received his DVM degree from Kansas State University.
- 11 He owns mixed-animal practices in both Idaho Falls and St. Anthony, Idaho.
- 12
- 13 **3. FISCAL:**
- 14 **3.A. Kelly Nielsen – Five-year Revenue Projection/General Finances:**
- 15 The Board’s expenses are increasing, mainly due to the reclassification of the support staff position.
- 16 The legislature determines the Board’s spending authority each year. Based on Mr. Nielsen’s five-
- 17 year projections, the Board’s cash balance will be depleted to zero by 2014. A fee increase rule
- 18 change is recommended for submission in 2011, to be reviewed during the 2012 legislative session.
- 19 The 2012 annual renewal period would require the higher fees.
- 20
- 21 **3.B. Sara Stover – Fee increase considerations:**
- 22 Ms. Stover indicated that the Board should have six (6) to twelve (12) months annual expenses in its
- 23 free fund balance. If too large of a fee increase is proposed, it may not be approved by the
- 24 Governor’s Office. Dr. Schulz and Ms. Ewing will produce various fee increase/licensee
- 25 numbers/expense scenarios for the next five (5) to ten (10) years for review at the January 24, 2011
- 26 meeting. Mr. Nielsen will also review the projections to ensure accuracy. Ms. Ewing will contact the

1 Board of Dentistry to obtain further information on its free fund balance and operating expenses.  
2 Board staff will also survey all licensees through a newsletter article to find out how many would use  
3 an online renewal system, with payment by credit card, to ensure there would be enough use to  
4 justify the expense.  
5

6 **3.C. Net Revenue/Expense from disciplinary actions:**

7 Research by Ms. Ewing showed that disciplinary actions provide net expense, rather than revenue. In  
8 most cases, the final settlement does not include the additional work done by the Board's prosecutor,  
9 Emily Mac Master, to revise the disciplinary document based on negotiations, as well as to present  
10 the final disciplinary document to the Board for approval. Ms. Ewing is to work with Ms. Mac  
11 Master to calculate how these expenses might be included in the final disciplinary documents to  
12 ensure full reimbursement of expenses by the disciplined licensees.  
13

14 **4. OLD BUSINESS:**

15 **4.A. CVT Board Member Idea – Comment Received:**

16 Only one (1) response was received to the Board's May 2010 newsletter survey. Melena Ballantyne,  
17 CVT, commented positively on the idea to change Idaho Code to require a Certified Veterinary  
18 Technician (CVT) member on the Board. Erica Mattox from the Idaho Society of Veterinary  
19 Technicians and Assistants (ISVTA) will attend the January 24, 2011 meeting to provide an update  
20 on the ISVTA's efforts to build a large and stable organization that could provide nominees for the  
21 position.  
22

23 **4.B. Veterinarian/Client/Patient Relationship (VCPR):**

24 The Board discussed the issue of the frequency of an exam or visit to a client/patient premise for  
25 establishment of a valid VCPR for drug administration, and decided to leave it at twelve (12) months  
26 as submitted to the 2011 legislature.  
27

28 **4.C. Equine dental service by laypersons/New equine dental school:**

29 The Board discussed equine dental care provided by laypersons. Dr. Schulz recommended that the  
30 Idaho Board be progressive by setting a minimum education and competency standard, and start  
31 certifying equine dental technicians to work under the direct supervision of veterinarians. Ms. Ewing  
32 is to contact Dr. Bernie Fletcher, from the Academy of Equine Dentistry, to arrange for him to speak  
33 to the Board about the future of equine dental technicians in Idaho. The Board further discussed the  
34 new equine dental school recently opened by Dale Jeffery in King Hill, Idaho. Ms. Ewing is to  
35 contact the Board of Education to discuss its criteria for approving this new school.  
36

37 **4.D. 2011 Legislation revision Idaho Code § 54-2115A:**

38 The Board reviewed a wording change to the 2011 legislative submission of Idaho Code § 54-2115A  
39 that was made by Katharine Gerrity at Legislative Services Office. Ms. Fick moved to approve the  
40 LSO wording revision. Dr. Clark seconded. Motion carried.  
41

42 **5. INVESTIGATIVE PROCESS: Dr. Barry Rathfon:**

43 Dr. Rathfon, the Board's investigator since 2001, explained the investigative interview process he  
44 goes through when a complaint case investigation has been assigned to him. Dr. Schulz commended  
45 Dr. Rathfon on his excellent interviewing skills.

1 **6. UNLICENSED PRACTICE:**

2 **6.A. Surgery by regular employee:**

3 The Board's statutes provide that "an owner or an owner's regular employee" can "care for and treat"  
4 animals belonging to such owner. There is currently no definition in statute of "care for and treat".  
5 The Board discussed this issue and determined that "care for and treat" does not include surgery, and  
6 surgical procedures should be done by veterinarians only. Ms. Ewing is to contact the Idaho  
7 Dairymen's Association regarding submission of an article regarding this topic, as dairies seem to  
8 have the most issues with unlicensed practice.

9  
10 **6.B. Food Animal Paraprofessionals:**

11 The idea of using food animal paraprofessionals to provide medical care to food animals was  
12 discussed. No further action will be taken at this time.

13  
14 **7. DR. MARGRETTA KETHLER – Practice concerns:**

15 Dr. Kethler addressed the board regarding her concerns that the higher standard of practice is causing  
16 veterinary care to be too costly for average citizens to obtain medical treatment for their animals. Dr.  
17 Kethler is also concerned about the rule that requires a written release signed by the owner before  
18 patient record information can be transferred to another party, and the rule that allows vaccinations to  
19 be given without an exam if an exam has occurred in the prior ninety (90) days. Dr. Kethler also  
20 discussed the waste that occurs in veterinary hospitals, and her desire to clean, sterilize, and reuse  
21 plastic syringes and surgical gloves. The Board feels strongly that new gloves and syringes should be  
22 used for every patient. Owners have the expectation that new medical supplies will be used when a  
23 veterinarian and staff care for their animals.

24  
25 **8. VOLUNTEER IDAHO: Danny Warn and Cheryl Grantham:**

26 Ms. Grantham and Mr. Warn presented the Volunteer Idaho registry for emergency healthcare  
27 professionals. Volunteer Idaho is administered by the Idaho Department of Health and Welfare  
28 (IDHW). IDHW seeks permission to access the Board's database to verify the licensure status of  
29 volunteer veterinarians. The Board does not want IDHW to have direct access to the Board's  
30 database, but data that is already public information could be sent to the Volunteer Idaho registration  
31 system. Volunteer Idaho would pay for any programming needed to write a script to access identified  
32 fields. Volunteer Idaho will send over a draft MOA for review and approval at the Board's January  
33 24, 2011 meeting.

34  
35 Adjourned for lunch at 12:04 p.m. Meeting was called back to order at 12:31 p.m. by Dr. Schulz.

36  
37 **9. COMPLAINTS/DISCIPLINE:**

38 **9.A. Review redacted complaints:**

39 The Board reviewed three (3) redacted complaints that were resolved by former liaison officers  
40 without formal discipline, for the purpose of providing input to the current liaison officer. Case #1  
41 revealed tremendous communication issues and concern regarding the length of time the animal was  
42 under anesthesia for a dental procedure. Case #2 involved a death under anesthesia that may have  
43 been prevented had the owner not denied the addition of IV fluids during the procedure. Case #3  
44 revealed that in some cases, the owner's complaint may not contain accurate information, and  
45 judgement must be withheld until both sides of the story are heard. The Board generally agreed with  
46 the resolution of all cases reviewed.

47  
48 **9.B. Jeff Rosenthal, DVM letter – Who can file a complaint?:**

49 Dr. Rosenthal's letter outlined his concerns about who can file a complaint, and opined that only the  
50 owner at the time of service should have standing. Based on the Board's mission of public protection,  
51 the Board does not want to restrict who can file a complaint. The current review process weeds out

1 complaints with no basis. The one (1) year statute of limitations on filing a complaint also addresses  
2 Dr. Rosenthal's concerns. Ms. Ewing will respond to Dr. Rosenthal with the Board's opinion.

3  
4 **9.C. Colby Burr, DVM – Boarding at veterinary hospitals:**

5 Veterinarians must not advertise their boarding services as being under veterinary supervision or  
6 being superior because the boarding is at a veterinary hospital facility unless the veterinarian  
7 examines the boarding animals daily. This type of advertising could mislead the general public, and  
8 implies a higher standard of care that cannot be delivered without a daily exam. Ms. Ewing will  
9 contact Dr. Burr to provide the Board's opinion.

10  
11 **9.D. Roger Gabel – In-service training:**

12 Mr. Gabel provided information on recent national legal cases that have bearing for the Idaho Board.  
13 Case #1: Casey v. West Virginia Board of Veterinary Medicine regarded license reciprocity issues.  
14 Case #2: Kaufman v. Arizona State Veterinary Medical Examining Board regarded who is an  
15 aggrieved party in a Board action. Case #3: Zepecki v. Arkansas Veterinary Medical Examining  
16 Board regarded expert testimony and substantial evidence issues. Mr. Gabel further indicated that  
17 Idaho has a very good Veterinary Practice Act, with terms that are well-defined.

18  
19 **10. CONTINUING EDUCATION (CE):**

20 **10.A. AAVA and RACE CE Approval Standards:**

21 The American Academy of Veterinary Acupuncture (AAVA) sent a letter with concerns regarding  
22 the continuing education approval standards set by the American Association of Veterinary State  
23 Boards Registry of Approved Continuing Education (AAVSB RACE). In the last two years, AAVSB  
24 RACE has tightened up the requirements for RACE approved courses, and courses that were  
25 formerly approved are now being disapproved.

26  
27 **10.B. PBI Ethics Course:**

28 This course could be useful in cases where a veterinarian's license has been suspended or revoked  
29 due to ethics violations. Ms. Ewing will check with the course vendor to see if one or two board  
30 members can take the course at no charge for the purpose of evaluating whether it could be  
31 appropriate as a disciplinary requirement.

32  
33 **11. CORRESPONDENCE: Craig Maloney, DVM – Metacam question:**

34 The manufacturer of Metacam has recently announced to all veterinarians in the United States that  
35 both oral and injectable Metacam must not be used more than once in cats. Dr. Maloney wonders if  
36 the Board will now consider long-term use of Metacam to be malpractice. The Board cannot provide  
37 a definitive answer to this question due to the many variables that might arise in a specific case. In  
38 addition, the Board cannot provide an answer on what type of waiver or release form might be used,  
39 as this decision must be made by a veterinarian upon his or her own attorney's advice. The main  
40 issue regards communication and recordkeeping. Owners must be well informed of potential adverse  
41 side effects from any medication, and veterinarians must document these conversations in the patient  
42 record. Should a veterinarian use Metacam on a long-term basis, and have a patient that suffers an  
43 adverse reaction that results in a subsequent client complaint, the Board would survey the community  
44 to determine if Metacam use is within the standard of care. Ms. Ewing will prepare a newsletter  
45 article to address this issue.

46  
47 **12. GENERAL BUSINESS:**

48 **12.A. Report on 2010 AAVSB Conference, including veterinarian tips and equine dentistry:**

49 Dr. Schulz, Dr. Walker, Ms. Fick, and Ms. Ewing discussed the topics presented at the annual  
50 AAVSB conference. Dr. Schulz believes that the president and vice-president should attend the  
51 AAVSB conference annually, as it is an excellent learning experience. The Board president might

1 also benefit from attending investigator's training presented by the Council on Licensure,  
2 Enforcement, and Regulation (CLEAR) to prepare for his/her upcoming service as liaison officer.  
3 Ms. Ewing will research CLEAR's training schedule and report to the members by email.

4  
5 In addition, Ms. Fick recommended that Board members attending AAVSB might attend committee  
6 meetings to familiarize themselves with the duties and responsibilities of each committee. Ms. Fick  
7 also asked AAVSB members whether a committee should be assigned to discuss what is happening  
8 nationwide with equine dentistry.

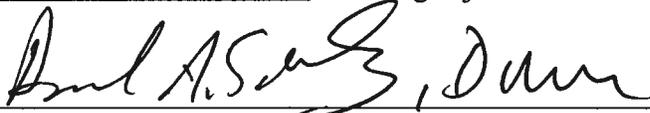
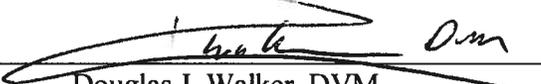
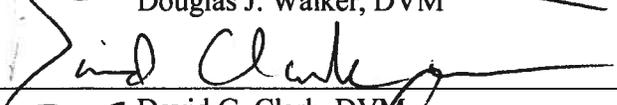
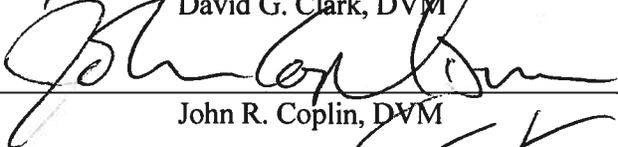
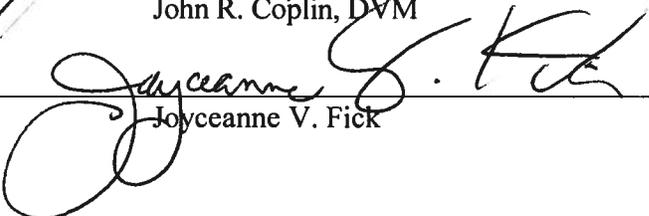
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10 **12.B. 2011 FARB meeting attendee decision:**

11 Ms. Ewing has a conflict that prevents her from attending the January 2011 conference of the  
12 Federation of Associations of Regulatory Boards (FARB), and has requested that Ms. Youtz attend in  
13 her stead. The annual FARB conference presents information on licensing and discipline issues that  
14 are relevant for all types of regulatory Boards. Ms. Fick moved to approve sending Ms. Youtz to the  
15 2011 FARB conference. Dr. Coplin seconded. Motion passed.

16  
17 **12.C. Review Executive Director travel reimbursements: July 1, 2009 to present:**

18 During the Board's 2009 financial audit, the Legislative Services Office auditor recommended  
19 annual reviews of travel reimbursements for the Executive Director. This review provides direct  
20 oversight of travel reimbursements to verify that all charges are valid. The Board's review found no  
21 issues with Ms. Ewing's travel reimbursements from September 2009 through September 2010.

22  
23 There being no further business to discuss, Ms. Fick moved to adjourn the meeting. Dr. Walker  
24 seconded. Motion carried. Meeting adjourned at 3:03 p.m. MDT.

25  
26  1.24.11  
27 \_\_\_\_\_  
28 David A. Schulz, DVM Date  
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31 \_\_\_\_\_  
32 K. Bruce Lancaster, DVM Date  
33  
34  1-24-11  
35 \_\_\_\_\_  
36 Douglas J. Walker, DVM Date  
37  
38  1/24/11  
39 \_\_\_\_\_  
40 David G. Clark, DVM Date  
41  
42  1-24-11  
43 \_\_\_\_\_  
44 John R. Coplin, DVM Date  
45  
46  1-24-11  
47 \_\_\_\_\_  
48 Joyceanne V. Fick Date