



STATE OF IDAHO

BOARD OF VETERINARY MEDICINE

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1 **IDAHO BOARD OF VETERINARY MEDICINE**
2 **APPROVED MINUTES**
3 **MONDAY OCTOBER 24, 2011**

4
5 The Idaho Board of Veterinary Medicine met in Main Conference Rooms A and B of the Idaho
6 Department of Agriculture building, Boise, Idaho. This meeting was called for the purpose of
7 carrying out regular Board business. The meeting was called to order at 8:31 a.m. MDT by
8 Board President Dr. Douglas Walker. Those in attendance were:
9

Board Members:

Douglas Walker, DVM - Board President
Dave Schulz, DVM - Liaison Officer
Dave Clark, DVM - Vice President
John Coplin, DVM - Member
Carol Eklund, DVM - Member
Joyceanne Fick - Public Member (partial attendance by telephone)

Board Enforcement Attorney:

Emily Mac Master–Deputy Attorney General

Visitors:

Mark Johnston - Idaho Board of Pharmacy
Kelly Nielsen - Idaho Dept. of Agriculture
Barry Rathfon, DVM - Board investigator
Jeff Rosenthal, DVM - Idaho Humane Society
Vicki Smith - IVMA Executive Director

Board Staff:

Karen Ewing - Executive Director
Carol Youtz - Technical Records Specialist II

1
2 **DISCUSSION ITEMS:**
3

4 **1. MINUTES APPROVAL:** Approve minutes from June 20, 2011

5 Dr. Clark moved to approve the minutes as written. Dr. Coplin seconded, and the motion
6 passed.
7

8 **2. NEW BOARD MEMBER INTRODUCTION – Carol Eklund, DVM**

9 The Board welcomed Dr. Eklund as its newest member. She was appointed by the Governor
10 on October 13, 2011 and her term will expire September 1, 2016.

11 **3. NEW BUSINESS:**

12 A. Controlled substance issues and drug counseling (Mark Johnston 8:45 a.m.)

13 Mr. Johnston discussed the new legislation and rules from the Idaho Board of Pharmacy
14 (IBOP). The Board believes the veterinary profession should have been brought into the
15 discussion before the legislation and rules were presented to the legislature, as most
16 veterinarians feel blindsided by the new requirements.

17
18 Mr. Johnston explained that the statute change requiring client counseling for new
19 prescriptions was developed by the State Pharmacy Association and the Idaho State
20 University Pharmacy School, with no input from the IBOP. The IVMA may propose a statute

1 change to exempt veterinarians. Under current statute, veterinarians who do not provide
2 client counseling for new prescriptions will be in violation.
3

4 The IBOP also rewrote its rules in 2011 to require weekly reporting of controlled substances
5 dispensed. A complete rewrite of IBOP rules will be presented to the 2012 legislature.
6 Documentation of client counseling is also required in the 2012 rule rewrite. The Board will
7 provide an official public comment letter to the IBOP to request that veterinarians be
8 exempted from the weekly reporting requirement for controlled substances dispensed. The
9 comment letter will also ask for a change to Rule 240 requiring sterile product preparation to
10 occur within a hood or aseptic control device, as this is impractical and unreasonable in the
11 practice of veterinary medicine. In addition, the Board will comment on Rule 120.01, as it
12 appears to allow an unlicensed veterinarian to write prescription drug orders at Veterinary
13 Drug Outlets in Idaho.
14

15 The new IBOP rules require ASAP format software for controlled substances dispensed each
16 week if twelve (12) or more controlled substance dispensations occur. The Board asked if
17 IBOP might develop a simple online reporting system that veterinarians who are below the
18 ASAP format software threshold could use to enter their data each week. Mr. Johnston said
19 that this is a development that will come in the future, based on grant money. If veterinarians
20 never dispense controlled substances, they are exempt from the weekly reporting
21 requirement; if they normally dispense controlled substances and have a week in which none
22 are dispensed, the veterinarian must report zero to IBOP.
23

24 **B. Zero Based Budgeting (ZBB) overview (Kelly Nielsen 9:30 a.m.)**

25 The Board is mandated to implement ZBB and supply a detailed report with its FY2014
26 budget submission. Mr. Nielsen explained how ISDA completed the ZBB process; including
27 what worked and what didn't. The first step is identification of cost centers, and then a gap
28 analysis will be completed that identifies what tasks the Board is statutorily mandated to
29 perform, versus what is being done now. Programs will then be prioritized by importance,
30 and costs will be assigned to each, using full-time employee and salary information.
31

32 **4. IN-SERVICE TRAINING/FARB FOLLOW-UP (Roger Gabel 10:00 a.m.)**

33 Agenda item tabled and moved to January 2012 meeting agenda, as Mr. Gabel was absent
34 due to illness.
35

36 **5. INVESTIGATIVE PROCESS (Barry Rathfon, DVM 10:45 a.m.)**

37 Dr. Rathfon explained his process when conducting complaint investigations. He reviews the
38 case file, gathers evidence through telephonic interviews, and then submits an investigative
39 case summary to the Board's liaison officer for review. The investigator never makes a
40 decision on whether a respondent should be disciplined. This decision is made by the Liaison
41 Officer, upon discussion with the Board's executive director and enforcement attorney.
42

43 **6. ANIMAL CRUELTY LEGISLATIVE UPDATE (Jeff Rosenthal, DVM 11:15 a.m.)**

44 Dr. Rosenthal discussed efforts to add a felony provision under the current animal cruelty
45 statutes. A ballot initiative has been generated by a group known as Idaho One of Three.
46 Idaho, North Dakota, and South Dakota are the only states without a felony animal cruelty
47 provision. Concerns by the livestock industry have stalled past legislation, but all other states
48 with felony animal cruelty provisions have been able to run successful livestock operations.

1 Dr. Rosenthal also provided follow-up on his new Domestic Animal Chemical Capture
2 course that was presented in August 2011; the new training went well.

3
4 LUNCH 11:30 a.m. to 12:00 p.m.

5
6 **7. PUBLIC HEARING ON RULE CHANGES (12:00 p.m. to 1:00 p.m.)**

7 A Public Hearing was held with a court reporter in attendance to record public comment, and
8 a written transcript of the hearing will become part of the official minutes. (Transcript
9 attached)

10
11 **8. DISCIPLINE/COMPLAINTS**

12 **A. Discipline: BVM-923 James LaRue, DVM (Emily Mac Master 1:15 p.m.)**

13 Ms. Fick joined the meeting by telephone. Ms Fick moved to approve the disciplinary
14 Stipulation as written. Dr. Clark seconded, and the motion passed.

15
16 **B. Set policy on signing of administrative Complaints**

17 The Board reviewed a draft policy document that identifies who can sign an administrative
18 Complaint to start a formal disciplinary action, as there is no current policy and this is not
19 clearly addressed in statute. The draft policy authorized the Liaison Officer to sign
20 administrative Complaints. Upon discussion, the Board amended the policy to authorize the
21 Executive Director to sign if the Liaison Officer is unavailable. Dr. Schulz moved to approve
22 the policy as amended. Dr. Eklund seconded, and the motion passed.

23
24 **C. Discipline for practicing with expired license**

25 Ms. Ewing introduced this topic at the June 2011 meeting, and the Board directed her to ask
26 her colleagues at the American Association of Veterinary State Boards (AAVSB) conference
27 what their policies were. Ms. Ewing discovered that most other states do discipline
28 veterinarians who practice with an expired license, and report the discipline to AAVSB's
29 disciplinary database. However, for the 2012 renewal period, Board staff will monitor late
30 renewals and report to the Board for further discussion, as the proposed \$200 late fee may
31 alleviate the problem. The Board discussed the intent of the law versus the letter of the law,
32 as the intent is to prevent veterinarians from practicing without a license in a malicious,
33 intentional manner. Board staff will add a brightly-colored insert with the 2012 renewal
34 forms for veterinarians, advising that all renewals postmarked after June 30, 2012 will incur
35 the \$200 late fee. In addition, the new late fee will be posted on the home page of the Board's
36 website once passed by the 2012 legislature.

37
38 **D. Technical expert selection for equine dental care proprietary school visit**

39 The Board discussed collaboration with the State Board of Education (SBOE) regarding a
40 site visit of an equine dental care proprietary school. The SBOE needs a technical expert to
41 attend the site visit to determine compliance with Idaho Code requirements. Dr. Clark moved
42 to appoint Dr. Coplin as a technical expert to accompany the SBOE on a site visit to the
43 proprietary school in question. Dr. Schulz seconded, and the motion passed.

44
45 **9. RULE CHANGE/FEE INCREASE DISCUSSION**

46 The Board discussed the results of the recent survey of all licensees and certificate holders.
47 The survey received 746 responses with 54% support in favor of the fee increases, 34%
48 against, and 13% indifferent. Dr. Clark met with seven (7) members of the Magic Valley
49 Veterinary Medical Association who commented that they were all opposed to the \$75 fee

1 increase for an active veterinary license renewal. While the Board has two-thirds (2/3)
 2 support from Idaho-licensed veterinarians for the higher fee, the Board will reduce the active
 3 renewal fee rule change to a \$50 increase, for a total of \$175 per year rather than \$200. Dr.
 4 Clark moved to reduce the fee increase for veterinarians to renew an active license from \$75
 5 to \$50, with all other proposed fee increases to be presented to the legislature as previously
 6 published. Dr. Schulz seconded, and the motion passed. This will require a future fee
 7 increase sooner than originally planned, but the proposed increase should still last several
 8 years. The public comment period ends on October 26, 2011. If any further comments are
 9 received, the Board will hold a teleconference meeting to discuss them prior to working with
 10 Mr. Gabel to submit the fee change revision for publication.

11
 12 The Board also conducted a survey on the rule change to remove the requirement for a
 13 written release when patient record copies are requested to be transferred. There were 71% of
 14 respondents who supported this change, 14% who opposed, and 12% indifferent. When
 15 adding together the “support” and “indifferent” categories, 83% of respondents have no issue
 16 with removing the written release requirement.

17
 18 Vicki Smith from the IVMA stated that the Board has the confidence of veterinarians as a
 19 group, and this was reflected in the survey responses. Veterinarians would prefer no fee
 20 increase, but are willing to support the fee increase if it will keep the Board from being put
 21 under the Bureau of Occupational Licenses.

22
 23 **10. CONTINUING EDUCATION**

24 **A. RACE and RAIVE**

25 The conflict between AAVSB Registry of Approved Continuing Education (RACE) and the
 26 Registry of Alternative and Integrative Veterinary Medical Education (RAIVE) was
 27 discussed at the 2011 AAVSB conference. Dr. Clark moved to have the Board stay with
 28 current RACE CE approval standards, and not accept RAIVE as an approval clearinghouse
 29 for complementary and alternative veterinary medicine CE courses. Ms Fick seconded, and
 30 the motion passed. Board staff is to deny all future alternative medicine courses, unless
 31 RACE-approved, and bring alternative medicine courses submitted for CE approval directly
 32 to the Board. The Chi Institute’s acupuncture program is acceptable for approval.

33
 34 **B. IA State/Priority Press Ethics Course**

35 The Board requested Board staff to ask the course provider if Dr. Eklund can take the course
 36 at no charge to determine its potential use in disciplinary sanctions. If Dr. Eklund can take
 37 the course before the January 2012 meeting, she will report to the Board at that time. If not,
 38 she will present her evaluation of the course at the Board’s next meeting.

39
 40 **C. EXECUTIVE SESSION: Discuss Andrew Broaddus, DVM correspondence**

41 (Allowed by Idaho Code Section 67-2345(1)(d))

42 Ms. Fick moved that the Board, pursuant to Idaho Code Section 67-2345 (1)(d) convene in
 43 executive session to consider records that are exempt from public disclosure. Dr. Coplin
 44 seconded the motion: Roll call vote as follows:

| | <u>YES</u> | <u>NO</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|---------------------------------------|------------|-----------|----------------|---------------|
| 45 | | | | |
| 46 | | | | |
| 47 Doug Walker, DVM – Board President | <u>x</u> | ___ | _____ | _____ |
| 48 Dave Schulz, DVM – Liaison Officer | <u>x</u> | ___ | _____ | _____ |
| 49 Dave Clark, DVM – Vice President | <u>x</u> | ___ | _____ | _____ |

| | <u>YES</u> | <u>NO</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|----------------------------------|------------|---------------|----------------|---------------|
| 1 John Coplin, DVM – Member | <u>x</u> | <u> </u> | <u> </u> | <u> </u> |
| 2 Carol Eklund, DVM – Member | <u>x</u> | <u> </u> | <u> </u> | <u> </u> |
| 3 Joyceanne Fick – Public Member | <u>x</u> | <u> </u> | <u> </u> | <u> </u> |

4 Board staff was asked to remain in the room. Executive Session began at 3:12 p.m.
5
6

7 Dr. Coplin moved to adjourn the executive session and return to the open meeting. Ms. Fick
8 seconded, and the motion passed unanimously. The Board members returned to open session
9 at 3:32 p.m. Dr. Walker stated, “Let the record reflect that the Board members have returned
10 to open session following an executive session during which they discussed correspondence
11 from Dr. Andrew Broaddus regarding continuing education (CE). Dr. Eklund moved to have
12 veterinarians be responsible for reporting their own CE credits; Board staff will no longer
13 enter CE credits from Board-approved CE course sign-in sheets. Ms. Fick seconded, and the
14 motion passed. The Board directed Ms. Ewing to include an article in the next newsletter to
15 inform veterinary licensees and veterinary technician certificate holders of the policy change.
16

17 **11. CERTIFIED EUTHANASIA TASK FORCE APPOINTMENTS**

18 New: Teresa Kasper-Sauer, DVM; Stephen Buzzell, CET;

19 Reappointments: Tami McReynolds, DVM; Jo-Anne Dixon, DVM

20 Dr. Coplin moved to appoint Dr. Teresa Kasper-Sauer and Officer Steve Buzzell to the
21 CETF. The motion was seconded by Dr. Eklund. Motion passed. Dr. Schulz moved to
22 reappoint Dr. Tami McReynolds and Dr. Jo-Anne Dixon to the CETF. Dr. Coplin seconded.
23 Motion passed.
24

25 **12. GENERAL BUSINESS**

26 **A. 2012 FARB attendance**

27 Ms. Ewing usually attends the Federation of Associations of Regulatory Boards (FARB)
28 conference each year, but due to a personal scheduling conflict, the Board approved sending
29 Ms. Youtz to FARB in January 2011. Ms. Ewing has a scheduling conflict for the January
30 2012 FARB meeting, and recommended to the Board that no staff or members attend this
31 meeting, since the Board sent Mr. Gabel to the FARB conference for attorneys in Park City,
32 Utah in September-October 2011. This will save the Board approximately \$2100. Dr. Clark
33 moved to approve the Executive Director’s recommendation to not send a Board Member or
34 staff member to FARB in 2012, in the interest of budget savings. Dr. Schulz seconded, and
35 the motion passed.
36

37 **B. Fall newsletter**

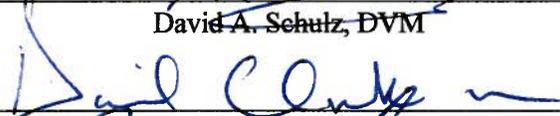
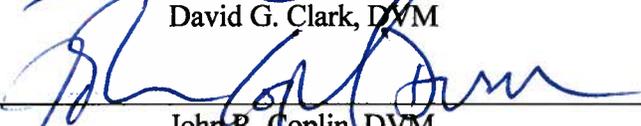
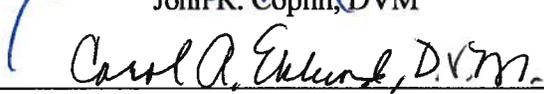
38 The Board discussed sending a Fall newsletter to disseminate regulatory information to
39 licensees and veterinary technician certificate holders. Dr. Walker will write his President’s
40 Message to explain what kinds of issues are discussed in a regular Board meeting, as this
41 information is not widely known. Dr. Eklund will write an article introducing herself as the
42 Board’s newest veterinarian member. Other topics will include Board of Pharmacy rule
43 changes, Board of Veterinary Medicine rule changes, answering questions raised during the
44 rule survey regarding Board expenses, CE civil penalty reminder, and complaint statistics. A
45 future article might describe calls received at the Board office.
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48
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1 C. Review Executive Director travel voucher
2 Based on audit recommendations from Legislative Services Office, the Board members
3 reviewed and approved Ms. Ewing's travel voucher from attending the AAVSB 2011
4 conference; no discrepancies were revealed.
5

6 D. Set policy for Executive Director performance evaluations.
7 Dr. Schulz proposed that the Board meet in Executive Session without staff present to
8 discuss the annual performance and salary compensation of the Executive Director for all
9 future evaluations. This will ensure that all members feel comfortable to speak freely. Roger
10 Gabel reviewed draft policy requiring an Executive Session. Dr. Eklund moved to accept the
11 policy for moving into executive session to discuss Executive Director performance. Dr.
12 Clark seconded. Motion passed.
13

14 E. Set spring, June, and fall 2012 meeting dates
15 Dates of April 23, 2012, June 11, 2012, and October 15, 2012 were set.
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17 Meeting Adjourned at 3:38 p.m.
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|---|-----------|
|  | 1-23-12 |
| Douglas J. Walker, DVM | Date |
|  | 1.23.12 |
| David A. Schulz, DVM | Date |
|  | 1/23/12 |
| David G. Clark, DVM | Date |
|  | 1-23-12 |
| John R. Coplin, DVM | Date |
|  | 1/23/2012 |
| Carol A. Eklund, DVM | Date |
|  | 1-23-2012 |
| Kathy Simpson | Date |