



STATE OF IDAHO

BOARD OF VETERINARY MEDICINE

2270 OLD PENITENTIARY RD
PO BOX 7249
BOISE ID 83707
Telephone (208) 332-8588
Fax (208) 334-2170
Email: bovminfo@agri.idaho.gov
Website: www.bovm.idaho.gov

1 **IDAHO BOARD OF VETERINARY MEDICINE**
2 **APPROVED MINUTES**
3 **MONDAY JANUARY 23, 2012**

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 8:30 a.m. MST by Board
8 President Dr. Douglas Walker. Those in attendance were:
9

- | | | |
|--|----|--|
| 10 Board Members: | 21 | Administrative Law Attorney: |
| 11 Douglas Walker, DVM - Board President | 22 | Roger Gabel - Deputy Attorney General |
| 12 Dave Schulz, DVM - Liaison Officer | 23 | |
| 13 Dave Clark, DVM - Vice President | 24 | Enforcement Attorney: |
| 14 John Coplin, DVM - Member | 25 | Emily Mac Master - Deputy Attorney General |
| 15 Carol Eklund, DVM - Member | 26 | |
| 16 Kathy Simpson - Public Member | 27 | Visitors: |
| 17 | 28 | Erica Mattox - ISVTA |
| 18 Board Staff: | 29 | Vicki Smith - IVMA Executive Director |
| 19 Karen Ewing - Executive Director | 30 | Joyceanne Fick, Former Public Member |
| 20 Carol Youtz - Technical Records Specialist II | | |

31
32 **DISCUSSION ITEMS:**
33

34 **1. MINUTES APPROVAL:** Approve minutes from October 24, 2011
35 Dr. Schulz moved to approve the minutes as written. Dr. Coplin seconded, and the motion
36 passed.
37

38 **2. NEW BOARD MEMBER INTRODUCTION:** Kathy Simpson
39 The Board welcomed its new public member Kathy Simpson. She was appointed by Governor
40 Otter on December 22, 2011 and her term will expire September 1, 2013. Ms. Simpson will be
41 eligible for reappointment by the Governor, if desired.
42

43 **3. ZERO BASED BUDGETING (ZBB)**
44 Ms. Ewing updated the Board on her work identifying the Board's cost centers. She is currently
45 completing the Gap Analysis, which compares the Board's statutorily mandated duties to the
46 duties actually performed.
47

48 Dr. Schulz presented financial spreadsheets showing estimated revenue, expenses, and Free
49 Fund Balance for ten years, based on the \$50 veterinary renewal fee increase. The reduction in
50 the increase from \$75 to \$50 will allow approximately five (5) years before another increase is
51 needed. A future fee increase of \$25 for active veterinarian renewals may be sufficient.
52

1 **4. IN-SERVICE TRAINING/FARB FOLLOW-UP (Roger Gabel)**

2 Mr. Gabel thanked the Board for funding his attendance at the FARB Attorney Certification
3 Seminar in Park City, UT, as the information presented was quite valuable in his representation
4 of the Board. In addition, Mr. Gabel presented the following three (3) legal cases, which
5 highlight disciplinary action appeals applicable to medical licensee regulation:

6 Case #1: Cabret-Carlotti v. Arizona Medical Board (AZ 2011)

7 Case #2: Appeal of Roland E. Huston, Jr., DVM (NH 2003)

8 Case #3: Jorge J. Leal, MD v. Secretary, U.S. Dept. of Health and Human Services
9

10 **5. LAW CHANGES:**

11 **A. 2013 Statute**

12 Ms. Ewing presented an outdated euthanasia statute, Idaho Code § 54-2103 (9)(b) that allows an
13 individual trained in euthanasia techniques prior to December 31, 1992 to become certified as a
14 euthanasia technician. This is no longer valid and must be removed. In addition, an attorney for
15 the American Veterinary Medical Association (AVMA) contacted the Board office regarding a
16 statute that requires correction, Idaho Code § 54-2103 (46). The citation for the AVMA Council
17 on Education must be revised to cite the AVMA Committee on Veterinary Technician
18 Education and Activities. The Board agreed that these statute changes should be submitted to
19 the 2013 legislature for revision.
20

21 **B. 2013 Rules**

22 The Board discussed potential rule changes to be presented to the 2013 legislature as follows:
23 Rule 004: Add Board office email address/website, and clarify filing of official documents by
24 email/email attachment

25 Rule 205.02.a. (1), (2), and (3): Remove injection attempts/percentages and revise competency
26 wording

27 Rule 100.02.b: Remove requirement to refund technician fees when application is denied (based
28 on 2012 legislative opinion) and add wording indicating all fees are non-refundable.
29

30 **C. 2012 rule change comments/documents – Bruce King, DVM**

31 The Board discussed the comment letter and DVM Newsmagazine articles supplied by former
32 member, Dr. Bruce King. Dr. King prefers that the Board not remove the requirement for a
33 written release when patient record copies are to be transferred. Veterinarians may still request a
34 release, but if the client does not agree to sign one, the record copies must still be released. The
35 Board believes that patient care will be better facilitated without the written release requirement.
36

37 The Board also discussed its 2012 statute and rule changes that are working their way through
38 the legislature. The members of the House Agricultural Affairs Committee are concerned that
39 the Board's statute change to remove refunds for veterinarian applications that are withdrawn,
40 should be revised to also withdraw refunds to applicants whose applications are denied. The
41 Committee had the same comments on the Board's rule change to remove refunds for Certified
42 Veterinary Technician (CVT) applications that are withdrawn.
43

44 **6. PRE-PURCHASE EXAM PATIENT RECORDS**

45 The Board discussed confusion that can occur with equine pre-purchase examination patient
46 records and decided to make no changes to its rules. While the Board's current rules do not
47 address the pre-purchase examination relationship between prospective buyer, owner, and
48 veterinarian, no major problems have been reported to the Board regarding this issue.

1 **7. CRIMINAL BACKGROUND CHECKS**

2 **A. ISP/FBI audit recommendations**

3 The Board underwent its first criminal background check audit by the Idaho State Police (ISP),
4 on behalf of the FBI. Audits are conducted every three (3) years to ensure Board staff is
5 adhering to all State and Federal requirements. The ISP/FBI recommended that Board members
6 sign confidentiality agreements prior to reviewing criminal history information of applicants;
7 the Board declined to take this action, as members are well aware of the mandate to maintain
8 confidentiality. The ISP/FBI also recommended that the Board increase the chain of custody
9 security of applicants' completed fingerprint cards by including an envelope with the fingerprint
10 card. This will allow the law enforcement officer taking the prints to seal the completed card in
11 the supplied envelope prior to return to the Board office by the applicant. The Board directed
12 staff to make this change to its standard procedures.

13
14 **B. Background checks for renewals**

15 The Board's former public member, Joyceanne Fick, asked the Board to consider conducting
16 criminal background checks on all renewing licensees and certificate holders. Ms. Fick
17 indicated that other state veterinary boards are taking this action. At this time, the Board does
18 not find this level of scrutiny to be needed, as all current background checks on new applicants
19 have only revealed misdemeanors. Ms. Ewing will research other states to determine how many
20 conduct criminal background checks for renewals, and report back to the Board.

21
22 **8. ISVTA UPDATE (Erica Mattox)**

23 Erica Mattox, President of the Idaho Society of Veterinary Technicians and Assistants (ISVTA)
24 provided a progress report on the ISVTA's efforts to build membership and develop regional
25 associations around the state. Ms. Mattox had previously asked the Board to consider changing
26 Idaho Code to require a Certified Veterinary Technician (CVT) member on the Board. The
27 Board has requested annual updates to determine if the ISVTA is stable enough to provide CVT
28 nominees to serve on the Board. The ISVTA currently has forty-eight (48) members, after
29 starting with only eight (8) members in 2008. Ms. Mattox indicated that it will probably be at
30 least two (2) more years before the ISVTA will be able to provide consistent nominations.

31
32 LUNCH

33
34 **9. DISCIPLINE/COMPLAINTS**

35 **A. BVM-973 Outdated complaint (Emily Mac Master)**

36 Ms. Mac Master introduced generic details of a complaint that occurred outside the one-year
37 statute of limitations. Idaho Code § 54-2105 (8) (f) allows the Board to investigate a complaint
38 "upon its own motion", even if it is outside the one-year threshold. Dr. Coplin moved to
39 investigate the BVM-973 complaint. Dr. Eklund seconded. Motion passed.

40
41 **B. Inspections**

42 A review of the Board's statutory inspection powers was conducted by Mr. Gabel, and he
43 opined that the Board can perform veterinary hospital inspections that are not part of a formal
44 disciplinary action. The Board had previously worked under the assumption that inspections
45 were not authorized unless required by a Board Order. Ms. Ewing asked the Board to consider
46 whether a minimum inspection reimbursement rate should be set to cover all expenses incurred
47 by the Board, beyond mileage and Board member honorarium. The Board recommended that
48 the Liaison Officer make this decision on a case-by-case basis.

1 **C. Redacted closed complaint review**

2 The Board reviewed two (2) complaint files that were closed without action by the prior liaison
3 officer. The complaints were redacted of any identifying information regarding complainant and
4 veterinarian. The purpose of the review is to determine if the liaison officer handled the cases
5 appropriately, this provides guidance to the current liaison officer. The review also allows the
6 other members to see the kinds of complaints that are received.

7
8 **10. CONTINUING EDUCATION (CE)**

9 **A. Chi Institute CE approval request**

10 In 2009, AAVSB RACE tightened up their standards for approval of continuing education (CE)
11 courses. Many courses in alternative medicine that had previously been approved were denied.
12 Due to this CE denial, the Chi Institute of Chinese Medicine requested individual CE approval
13 of its courses by each State Board of Veterinary Medicine. Upon discussion, the Board decided
14 it does not have the necessary expertise in Complementary and Alternative Veterinary Medicine
15 (CAVM) to determine approval or denial of CAVM CE courses. The Board directed staff to
16 contact AAVSB RACE to find out which courses submitted by the Chi Institute have been
17 approved. Ms. Ewing will then contact the Chi Institute to let them know that only AAVSB
18 RACE-approved courses in CAVM will be allowed for CE. If Board staff has any further CE
19 requests that they are concerned about, the pre-approval request can be put on the agenda for the
20 next Board meeting.

21
22 **B. IA State/Priority Press Ethics Course follow-up (Dr. Eklund)**

23 Iowa State University, in collaboration with Dr. Jim Wilson, created a new online RACE-
24 approved CE course in veterinary law, ethics, and recordkeeping. Dr. Eklund completed the
25 online course to determine its value to remediate issues revealed in disciplinary actions. Dr.
26 Eklund felt the course was excellent. Before leaving each online module, the student must take
27 and pass an exam with a score of 70% or higher. Dr. Wilson's book "Law and Ethics of the
28 Veterinary Profession" is used as a basis for this course. Ms. Ewing will contact Dr. Jim Wilson
29 to determine if separate modules can be assigned, as Module 3 regarding Professional
30 Negligence and Medical Records appears to hold the most value for disciplinary case
31 assignment.

32
33 **C. Duplicating courses for CE**

34 An Idaho veterinarian asked if continuing education (CE) courses can be repeated to earn
35 additional CE credits. For example, a CE course is offered in the morning one week, and offered
36 again in the evening the next week. The Board finds this to be unacceptable for additional CE;
37 the CE course can be retaken, but no CE credit will be earned.

38
39 **11. CERTIFIED EUTHANASIA TASK FORCE UPDATE**

40 The Board discussed the activities of the Certified Euthanasia Task Force (CETF) to conduct
41 euthanasia technician trainings, perform euthanasia agency inspections, and review rules
42 needing revisions. The Board reviewed the CETF's minutes from its meeting on November 8,
43 2011, along with the CETF's 2011 newsletter. The Board also discussed Rule 200 that requires
44 one (1) member of the Board to be on the CETF. The Board had previously decided that the
45 Board President would be on the CETF. However, upon further discussion, the Board decided
46 that the Board member who can most conveniently participate in the CETF's activities will be
47 assigned. This will provide flexibility as needed.

1 **12. GENERAL BUSINESS**

2 **A. Board calling cards**

3 Ms. Ewing queried the Board to determine if each incoming board member should
4 automatically be issued a telephone calling card, as has been done for many years. The Board
5 requested that staff ask each new member whether he or she wants a calling card, and respond
6 accordingly.

7
8 **B. Spring newsletter**

9 The Board discussed topics for its spring 2012 newsletter, which will be mailed with each
10 renewal form. The topics will include: 1) President’s message, 2) Kathy Simpson introduction,
11 3) DEA registrations, 4) RX refill requirements, 5) 2012 fee rules, 6) 2012 non-fee rules, 7)
12 2012 statute, 8) Drug counseling for new RXs, 9) New late fees and CE civil penalty, 10)
13 Complaint/discipline statistics, 11) Types of phone calls received at Board office, and 12)
14 Recommending best care and noting recommendation denials in patient record.

15
16 **C. Joyceanne Fick nomination to NBVME**

17 Dr. Clark moved to nominate Ms. Fick for a second three-year term to the National Board of
18 Veterinary Medical Examiners (NBVME). Dr. Schulz seconded. Motion passed.

19
20 **D. Joyceanne Fick commendation**

21 Dr. Walker presented a signed commendation from the Governor in honor of Ms. Fick’s
22 outstanding service to the public of Idaho from February 24, 2005 to December 22, 2011.

23
24 **MOTION TO ADD AN AGENDA ITEM:**

25 After the January 23, 2012 meeting began, the Board received a draft legislative bill that would
26 exempt veterinarians from reporting weekly controlled substances dispensed to the Idaho Board
27 of Pharmacy (IBOP), and place the Idaho Board of Veterinary Medicine (IBOVM) in charge of
28 receiving these reports. This issue must be discussed so a response can be provided. Dr. Eklund
29 moved to add the draft bill regarding IBOP data reporting requirements to the meeting agenda.
30 Dr. Coplin seconded, and the motion carried.

31
32 Senator Jeff Siddoway, chair of the Senate Agricultural Affairs Committee, requested a Board
33 representative’s presence at a meeting scheduled for Wednesday, January 25. Ms. Ewing will
34 attend the meeting to discourage the draft bill from being pursued, as it is inappropriate to place
35 this controlled substance reporting requirement under the IBOVM.

36
37 **13. LICENSE/CERTIFICATE REVIEW AND APPROVAL**

38 Twenty-four (24) veterinarian applications were reviewed and approved. The individuals
39 approved are:

40 **Veterinarians:**

41	Byrne, J. Scott	Leiblsle, Scott Robert	Pierce, Ann Elizabeth
42	Desautel, Tonia Rene	Leonard, Nicole Erin	Popish, Steven Howard
43	Faith, Sarah Lynn	Louder, Craig Jay	Reese, Jacqueline Ann
44	Ginman, Adam Andrew	Meeks, Christina Marie	Reeves, Charles Gordon
45	Boatwright, Celeste Grace	Mitchell, Brian John	Timmermans, Simon Joel
46	Hannah, Selena Diane	Morley, Jr., Timothy Scott	Tucker, Melissa Dawn
47	Hardy, Tonya Suzette	Multhaup, Jeffrey L.	Wilson, Janine Marie
48	Kepping, Sheryl Ann	Peale, Deborah Margaret	Zarfoss, Mary Kathryn (M.K.)

1 Eight (8) Certified Veterinary Technician (CVT) applications were reviewed and approved. The
2 individuals approved are:

3 **Certified Veterinary Technicians**

4 Kelsch, Virginia Elizabeth

Baeza, Amy Nedra

5 Nelson, Dorothea "Dusti"

Sitton, Ember Mae

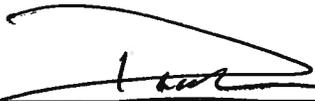
6 Ostler, Connie Jane

Jones, Janene Alyce

7 Corcoran, Johanna Rose

Scrima, Amy Lynn

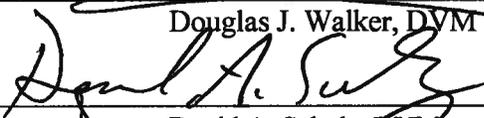
8
9 Meeting Adjourned at 3:30 p.m.

10
11
12
13
14 

15 Douglas J. Walker, DVM

4/23/12

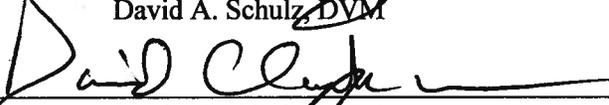
Date

16
17 

18 David A. Schulz, DVM

4.23.12

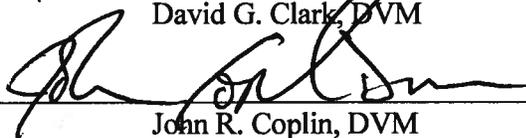
Date

19
20 

21 David G. Clark, DVM

4/23/12

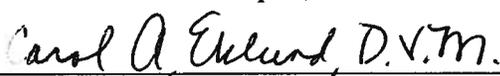
Date

22
23 

24 John R. Coplin, DVM

4/23/12

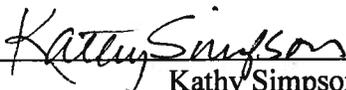
Date

25
26 

27 Carol A. Eklund, DVM

4/23/12

Date

28
29 

30 Kathy Simpson

4-23-2012

Date