

1 **IDAHO BOARD OF VETERINARY MEDICINE**

2 **Approved Minutes**

3 **Monday April 22, 2013**

4  
5 The meeting was called to order at 8:30 a.m. by David G. Clark, DVM – Board President

6  
7 In Attendance:

8  
9 **Board Members:**

1. Dave Clark, DVM, Board President
2. Doug Walker, DVM, Liaison Officer
3. John Coplin, DVM, Vice President
4. Carol Eklund, DVM, Member
5. David Gerber, DVM, Member
6. Kathy Simpson, Public member

**Board Staff:**

7. Carol Youtz, Acting Executive Director
8. Cindy Hedge, Technical Records Specialist

**Attorney General's Office:**

9. Roger Gabel, Deputy Attorney General
10. Emily MacMaster, Deputy Attorney General

11. Rita Jensen, Paralegal

**Visitors:**

12. Vicki Smith, Executive Director, IVMA
13. Brett Bingham, IVMA President
14. Terri Dowdell, WestVet
15. Pamela Knowles, CVT, WestVet
16. Jeff Brouman, DVM, WestVet
17. Erica Mattox, IVMA
18. Rob Anderson, Anderson, Julian, and Hull
19. Yvonne Dunbar, Anderson, Julian, and Hull
20. Susan Goggin, DVM
21. Walter Rowntree, DVM

10  
11 **Minutes Approval:**

12 January 28 and February 13, 2012 – Dr. Coplin moved to approve the minutes as written.  
13 Dr. Eklund seconded. Motion passed.

14  
15 **Financial Report:**

- 16 a. Ms. Youtz reported that 75% of the fiscal year has elapsed. Personnel Cost allocation has  
17 expended 88%, Operating Expenses 55%, and Capital Outlay 76%. The Personnel Cost  
18 discrepancy will even out when the FY2013 supplemental appropriation that was  
19 approved in March 2013 is added into BOVM's budget.
- 20 b. The amount the Board requested for additional Fiscal Year 2014 Personnel Cost spending  
21 authority was partially approved. The original request was for a 3% increase to the  
22 Director and a \$3.00 increase for the Technical Records Specialist II. Dr. Clark asked if  
23 the State was still under a "no salary increases" policy. Ms. Youtz advised they are not.  
24 The Director position is non-classified and the Board can set the rate of pay. Currently,  
25 the BOVM Executive Director position is paid \$20,000 - \$65,000 less than Executive  
26 Directors at other regulatory boards in Idaho and surrounding states. Dr. Clark asked if

1 the Board's finances are correctly projected in the ten-year budget extrapolation. Ms.  
2 Youtz advised that, so far, the budget forecasts for revenue and expenses have been very  
3 close to Dr. Dave Schulz's estimations from 2011.  
4

#### 5 **Euthanasia Program Update:**

6 Dr. Eklund reported that two certified euthanasia training workshops were presented in  
7 March and April 2013. Eighteen (18) new Certified Euthanasia Technician (CET)  
8 applications were received this spring, and all applicants have attended a certification  
9 class.  
10

11 Ms. Youtz reported that one of the CETs had a medical emergency at the last minute, and  
12 was unable to attend her scheduled recertification training. Ms. Youtz explained that the  
13 Euthanasia Task Force recommended this CET be put on a new three-year training cycle  
14 beginning in 2014. Dr. Clark concurred, and delegated the Task Force to use its own  
15 discretion to review this type of situation. The Board members trust that the Task Force  
16 has the expertise to make training decisions for the euthanasia technicians.  
17

18 Ms. Youtz reported that Dr. Jeff Rosenthal, Executive Director for the Idaho Humane  
19 Society, conducted Chemical Capture training in Pocatello in March. Dr. Rosenthal is  
20 very concerned about the outdated equipment he sees at the smaller Euthanasia Agencies.  
21 Dr. McReynolds offered to work with Dr. Rosenthal to see about obtaining an ASPCA  
22 grant to help replace some of this equipment.  
23

24 Minidoka and Preston Certified Euthanasia Agencies will be reopening as soon as the  
25 agency applications and site inspections are completed.  
26

#### 27 **2014 Proposed Rule Changes Negotiated Rulemaking process:**

28 a) **Time Limit to provide medical records to another veterinarian** – Dr. Clark  
29 referenced the current rule (14 days) and asked about changing the rule to match the  
30 current 24-hour time limit to provide vaccination records. After discussing this topic,  
31 Dr. Clark suggested that time limit to provide both medical records and vaccination  
32 records could be changed to three days. Mr. Gabel provided handouts that included  
33 draft verbiage. Dr. Eklund moved to modify the language in IDAPA 46.01.01.154.05  
34 that states “within fourteen (14) calendar days” and change it to read “within three  
35 (3) business days”. Dr. Walker seconded. Motion passed. The draft verbiage of the  
36 proposed Rule change is:

37 **05. Ownership of Medical Records.** Medical records are the personal property of  
38 the hospital or the proprietor of the practice that prepares them. Other  
39 veterinarians, including those providing subsequent health needs for a patient, and  
40 the patient's owner may receive ~~within fourteen (14) calendar days,~~ a copy or  
41 summary of the patient's medical record, upon the request of the patient's owner  
42 or other caretaker. ~~Vaccination~~ Records shall be supplied within ~~twenty-four (24)~~  
43 ~~hours, unless the business is closed, in which case the records shall be provided~~  
44 ~~within twenty-four (24) hours of resumption of business~~ three (3) business days,  
45 counting the day of the request if a business day. (3-8-12)(\_\_\_\_)  
46

1           **b) Euthanasia Program rule changes** – Roger Gabel reported that the Task Force  
2 discussed language requiring a CET jurisprudence exam and defining a passing score  
3 for both the CET written exam and the CET jurisprudence exam. Mr. Gabel discussed  
4 the suggestions from the Task Force, as outlined in Appendix A of this document. Dr.  
5 Walker moved to approve the proposed Rule changes for presentation to the 2014  
6 Legislature. Ms. Simpson seconded. Motion passed.  
7

8           **c) Refunds for veterinary application fees** – Ms. Youtz reminded the Board that the  
9 fees for CVT, CET and CEA original applications are currently non-refundable.  
10 Legislation was introduced in January 2013 to make the veterinary application fees  
11 non-refundable. The Bill passed narrowly in the House, but failed in the Senate. The  
12 Senate Agricultural Affairs Committee felt the application fee and the first year’s  
13 license fee should be separated. Since the financial impact on the Board’s annual  
14 budget is not adversely affected by issuing refunds to veterinary applicants who  
15 withdraw their applications, the Board agreed to table the issue.  
16

17 **2013 Rule and Statute changes:**

18           **Board of Pharmacy** – The *Prescribing Drug Outlet* (PDO) is a recent addition to the  
19 Pharmacy Practice Act. Currently veterinarians can dispense medications as PDOs. Dr.  
20 Brett Bingham (IVMA President) doesn’t think this will affect the way veterinarians  
21 currently dispense meds, but veterinary clinics or hospitals that dispense medications  
22 would be referred to as PDOs instead of pharmacies.  
23

24           During the 2013 Legislative Session, the IVMA introduced HB 266 that allows  
25 veterinarians to dispense and deliver medication, as long as a valid Veterinarian-Client-  
26 Patient Relationship (VCPR) exists.  
27

28 **In-service training:**

29           Roger Gabel provided information on national legal cases. The Board reviewed each of  
30 these cases. Mr. Gabel discussed the definition of “substantial evidence”, and noted that  
31 a court will not generally reverse a Board decision because a civil court usually adopts a  
32 lower standard of investigation than the Idaho Board of Veterinary Medicine. Mr. Gabel  
33 also discussed stipulations. Idaho stipulations are consistent with findings of fact, and  
34 these findings are very specific.  
35

36 **Idaho Society of Veterinary Technicians and Assistants (ISVTA) Membership Update:**

37           Erica Mattox reported that the organization as a whole is becoming more stable, while  
38 also increasing its membership. At the end of 2012 they had 132 members. ISVTA is  
39 trying to establish chapters in the Magic Valley, Eastern Idaho, and North Idaho. They  
40 have a great working relationship with all of the veterinary technician schools in the state.  
41

42           In 2012, ISVTA offered thirteen (13) continuing education (CE) credits, four of which  
43 took place in the Magic Valley and four in Eastern Idaho. ISVTA-sponsored continuing  
44 education courses are free for ISVTA members, although non-members are required to  
45 pay \$10 per course.  
46

1 Dr. Walker speculated that many Idaho veterinarians are willing to pay their technicians  
2 to attend ISVTA courses, as the training makes the technicians more valuable employees.  
3 Dr. Walker also offered to provide a contact from North Idaho to facilitate an ISVTA  
4 chapter in that area of the state.  
5

6 **Mobile homecare services provided by WestVet:**

7 Dr Jeff Brouman, owner of *WestVet Animal Emergency and Specialty Center*, proposes  
8 sending trained veterinary technicians on home visits to perform follow-up care for post-  
9 op patients, including:

- 10 (a) Review medications and make sure it is the correct dosage  
11 (b) Review animal "confinement" with the owner  
12 (c) Administer physical therapy procedures  
13

14 Board members expressed concerns that this could be considered the management of  
15 ongoing medical cases, which is defined in Idaho law as the practice of veterinary  
16 medicine. Board members are also concerned about a veterinary technician, no matter  
17 how well-trained, being assigned to assess and manage a patient's pain level. The  
18 proposed home visits should not be a substitution for a veterinary examination.  
19

20 Dr. Clark asked how physical therapy and the Veterinary Practice Act (VPA) work  
21 together. The VPA reads that if a veterinarian is licensed in the State, establishes a valid  
22 veterinary-client-patient relationship (VCPR), and prescribes physical therapy, that  
23 therapy can be delivered by an "allied health professional". Idaho Code §54-2103  
24 defines an allied health professional as ". . . a person holding a current active license, in good  
25 standing, in any state to practice one (1) of the healing arts including, but not limited to  
26 medicine, dentistry, osteopathy, chiropractic, acupuncture and podiatry."  
27

28 Dr. Clark tabled the topic for the next meeting, and would like Ms. Youtz to collect  
29 information on how other State Boards are addressing this issue.  
30

31 **IVMA comments on the Board's current complaint process:**

32 Dr. Bingham reported the IVMA Board of Directors recently held a teleconference  
33 meeting to discuss a concern brought to their attention regarding the BOVM complaint  
34 process. Dr. Bingham distributed handouts to the BOVM members with suggestions on  
35 how to handle complaints, and an IVMA flow chart.  
36

37 Dr. Gerber participated in the teleconference. Dr. Gerber said the IVMA members felt  
38 they were being stonewalled. Dr. Coplin stated that our Board should focus on the  
39 complaint process itself, and not on any particular case.  
40

41 Dr. Clark reminded the Board that an agenda item scheduled for later this afternoon will  
42 address the topic of Liaison Officer duties and the workflow of the BOVM complaint  
43 process.  
44

45 **New Business:**

46 Ms. Youtz received a request from a certified veterinary technician (CVT) to approve  
47 college credits in the field of radiographic technology to fulfill some or all of the CVT's

1 required continuing education credits in the field of veterinary technology. Dr. Coplin  
2 moved to approve fourteen (14) units of radiology courses for continuing education. Dr.  
3 Walker seconded. Motion passed.

4  
5 Ms. Youtz also received a request to award continuing education credits for a conference  
6 held in Spokane, Washington, even though the course was not pre-approved by the Board  
7 office. Dr. Gerber was a presenter at this seminar. Dr. Eklund moved to award five (5)  
8 continuing education credits for any Idaho veterinarian who attended this conference.  
9 Ms. Simpson seconded. Motion passed. Dr. Gerber abstained.

10  
11 Ms. Youtz will notify the two licensees of the Board's decisions.  
12

### 13 **Evidentiary Hearing for BVM 12-21:**

14 The evidentiary hearing was cancelled because the Respondent chose to sign a  
15 Stipulation and Consent Agreement for Informal Disposition. Dr. Coplin moved that the  
16 Board, pursuant to Idaho Code 67-2345(1) (d), convene in executive session to consider  
17 records that are exempt from public disclosure. The motion was seconded by Dr. Eklund.

18 Ms. Youtz took a roll call vote:

19 Dr. Clark – yes  
20 Dr. Coplin – yes  
21 Dr. Eklund – yes  
22 Ms. Simpson – yes  
23 Dr. Gerber – yes  
24 Dr. Walker – yes

25 Motion passed.

26  
27 The Executive Session convened at 2:46 pm. Board members and Board staff were asked  
28 to remain, along with the Respondent, her counsel, and representatives from the Office of  
29 the Attorney General. All other meeting attendees were excused.

30  
31 The Board members returned to open session at 3:02 pm following an Executive Session,  
32 during which they discussed information obtained as part of an inquiry into a person's  
33 fitness to retain a license, and also discussed medical records exempt from disclosure  
34 under Idaho Code § 9-340(C)(9) and (13).

35  
36 Ms. Simpson moved to amend the Stipulation on Pages 5 and 7 to read 'the board or its  
37 agents' and accept as amended. Dr. Gerber seconded. Ms. Youtz took a roll call vote:

38 Dr. Eklund – yes  
39 Dr. Coplin – no  
40 Dr. Clark – yes  
41 Dr. Walker – abstain  
42 Dr. Gerber – yes  
43 Ms. Simpson – yes

44 Motion passed.  
45  
46

1 **STIPULATION AND CONSENT AGREEMENTS:**

2 **BVM-1001** - Dr. Walker recommended the Board accept the Stipulation. Dr. Eklund  
3 moved to accept the Stipulation and Consent Agreement as presented. Dr. Gerber  
4 seconded. Ms. Youtz took a roll call vote:

5 Dr. Eklund – yes  
6 Dr. Coplin – yes  
7 Dr. Clark – yes  
8 Dr. Walker – abstain  
9 Dr. Gerber – yes  
10 Ms. Simpson – yes

11 Motion passed.  
12

13 **BVM-975** – Dr. Clark has concerns about the C-section requirements in the  
14 stipulation. Dr. Walker advised respondent works in an emergency office and doesn't  
15 feel like the requirement will be an issue. Dr. Clark asked what happens if the  
16 Respondent is unable to provide two C-sections. Ms. Mac Master stated that if the  
17 Respondent hasn't been able to complete the requirements, but can show an attempt, the  
18 Stipulation could be amended. Dr. Walker stated he felt this Board could be flexible on  
19 that. Mr. Gabel stated that the Respondent could come before the Board, state that the  
20 hospital didn't have enough C-sections to complete the reporting requirement, and ask for  
21 an extension. Dr. Eklund moved that if Respondent has no C-sections within the year,  
22 the Board will readdress the Stipulation. Dr. Coplin seconded. Ms. Youtz took a roll call  
23 vote:

24 Dr. Eklund – yes  
25 Dr. Coplin – yes  
26 Dr. Clark – yes  
27 Dr. Walker – abstain  
28 Dr. Gerber – yes  
29 Ms. Simpson – yes

30 Motion passed.  
31

32 **BVM 12-24** - Ms. Mac Master reported that the Respondent voluntarily surrendered  
33 her veterinary license, and is recommending approval of the Stipulation as presented. Dr.  
34 Walker recommended the Board accept the Stipulation. Ms. Simpson moved to accept  
35 the Stipulation as written. Dr. Eklund seconded. Ms. Youtz took a roll call vote:

36 Dr. Eklund – yes  
37 Dr. Coplin – yes  
38 Dr. Clark – yes  
39 Dr. Walker – abstain  
40 Dr. Gerber – yes  
41 Ms. Simpson – yes

42 Motion passed.  
43  
44  
45

1 **AAVSB Annual Meeting -- September 19-21, 2013:**

2 The annual meeting of the *American Association of Veterinary State Boards* (AAVSB)  
3 will be held in Kansas City, Missouri this year. **Dr. Coplin** will be attending as  
4 upcoming Board President, and will be the voting delegate. **Dr. Eklund** and the  
5 **Executive Director** will also attend.  
6  
7  
8

9 **Board Staffing Update:**

10 Dr. Clark advised that Karen Ewing is unable to return to her duties as Executive  
11 Director. The Board will begin recruiting for this position, and needs to come to  
12 consensus on the salary range. Dr. Walker suggested the salary range be set at \$53,000 to  
13 \$65,000 depending on experience. The rest of the Board concurred. The initial résumé  
14 reviews will be done by Dr. Clark and Dr. Eklund. ISDA's HR Division will assist with  
15 telephone screenings, and the top candidates will be invited to interview before the entire  
16 Board at the June 17, 2013 meeting.  
17

18 Ms. Youtz also proposed making the full-time temporary position a full-time classified  
19 position. Dr. Coplin moved to make the full-time temporary position a full-time  
20 classified position and award a 2% salary increase to the Technical Records Specialist II.  
21 Dr. Walker seconded, and the motion passed. As soon as ISDA can process the  
22 paperwork, Ms. Hedge's position will be reclassified, and her salary will be increased by  
23 2%.  
24

25 **Miscellaneous business:**

- 26 a) **Regulatory software updates** – GL Solutions, the new software provider for five of the  
27 self-governing medical boards, has been working with BOVM's database since October  
28 2012, but experienced major data conversion issues during the process. The GLS system  
29 was unable to create the annual renewal notices by the April 15<sup>th</sup> deadline, so the Board  
30 president made the decision to put the database conversion on hold until after the 2013  
31 renewal season was completed.  
32

33 BOVM staff will use the legacy database to print and process the renewal forms for all  
34 four license types.  
35

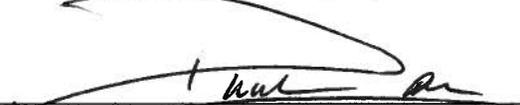
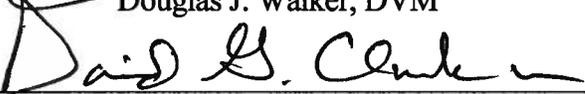
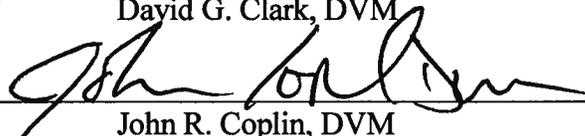
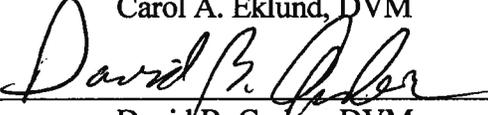
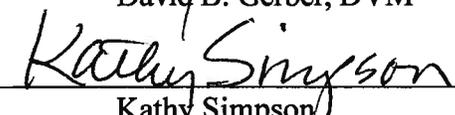
- 36 b) **Board of Pharmacy, DEA registrations and the inter-relationship with veterinary**  
37 **licensees** – Ms. Youtz reported that, over the last year, the Board office has received  
38 multiple reports from the DEA or the Board of Pharmacy regarding Idaho veterinarians  
39 who have ordered or dispensed controlled substances without holding a valid controlled  
40 substance registration. Ms. Youtz asked the Board if they wished to proceed with  
41 possible disciplinary action in such cases. Mr. Gabel advised that, since there is no clear-  
42 cut policy, rule, or statute, that each reported case should be evaluated separately.  
43
- 44 c) **Liaison Officer Guidelines** - Dr. Clark presented a proposal to review the Board's  
45 current complaint process. He has prepared a letter and questionnaire that will be mailed  
46 to the last fifteen Liaison Officers. Dr. Clark proposed the creation of a Liaison Officer

1 Guideline Manual. This would be a manual only, and would not carry the same weight as  
2 Statute or Rule.

3  
4 Mr. Gable cautioned the Board that inflexible changes to the complaint process may limit  
5 the Board's ability to protect the public. The Board agreed to have the office staff mail  
6 the survey and questionnaire to the last fifteen Liaison Officers, and to post the complaint  
7 process flowchart on the Board's website. It was suggested that IVMA post the  
8 flowchart on its site as well, but BOVM has no control over what IVMA chooses to post  
9 on its website.

10  
11 **d) Liaison Officer Authority** – Roger Gabel presented language to change the policy  
12 regarding Liaison Officer authority. This Policy change will clarify the Liaison Officer's  
13 authority when determining how a complaint will be resolved. Dr. Eklund moved to  
14 adopt the Policy revision as written. Dr. Walker seconded, and the motion passed.

15  
16 There being no further business to discuss, Dr. Clark moved to adjourn. Dr. Coplin seconded,  
17 and the motion passed. Meeting adjourned at 4:45 pm.

18  
19  
20  6/17/13  
21 \_\_\_\_\_ Date  
22 Douglas J. Walker, DVM  
23  6/17/13  
24 \_\_\_\_\_ Date  
25 David G. Clark, DVM  
26  6/17/13  
27 \_\_\_\_\_ Date  
28 John R. Coplin, DVM  
29  6/17/13  
30 \_\_\_\_\_ Date  
31 Carol A. Eklund, DVM  
32  6/17/13  
33 \_\_\_\_\_ Date  
34 David B. Gerber, DVM  
35  6/17/13  
36 \_\_\_\_\_ Date  
37 Kathy Simpson