



# STATE OF IDAHO

## BOARD OF VETERINARY MEDICINE

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### Special Teleconference Meeting August 2, 2012 Dial-in number (208) 332-8658

The meeting was called to order at 8:02am Mountain Daylight Time by Dr. Douglas J Walker, Board President. Ms. Youtz took a roll call. In attendance:

<u>By teleconference:</u>	<u>In person:</u>
Douglas J. Walker, DVM	Carol P Youtz, Acting Executive Director
David G. Clark, DVM	Lois Gramer, Office Specialist (Temp)
John R. Coplin, DVM	
David A. Schulz, DVM	
Kathy Simpson, Public Member	

Excused: Carol Eklund, DVM

#### Items for discussion

#### **1. Dr. Dax Hinton's supervised temporary permit and unlicensed practice**

Dr. Schulz presented a brief synopsis of the case. Dr. Hinton's license application and payment was received in the Board office on Monday, June 4, because he mistakenly overnighed the application packet to the Board's PO Box address. Express mail cannot be delivered to a PO Box, so Dr. Hinton's packet missed the June 1<sup>st</sup> deadline in arriving at the Board office. This meant that his application was not reviewed at the June 11 Board meeting. Dr. Hinton subsequently obtained a supervised temporary permit, which was issued on July 10, 2012.

Because Dr. Hinton is currently working under a supervised temporary permit, he cannot become accredited to sign health certificates until his regular veterinary license is issued, nor can he obtain a Controlled Substance Permit from the Idaho Board of Pharmacy. Dr. Schulz opined that these restrictions were hampering Dr. Hinton's ability to practice veterinary medicine in Idaho, and requested that the Board issue Dr. Hinton's regular veterinary license, just as if the application had been reviewed and approved at the June 11, 2012 Board meeting. Idaho Code §54-2107 states, in part, "*The Board will review applications and issue licensed in January and June of each year. Applicants shall have their completed applications at the board office by the first day of January or June, except as specified in other sections of this chapter or by board rule.*" (*emphasis added, cpy*)

Dr. Schulz moved to issue Dr. Dax Hinton's regular veterinary license and cancel the supervised temporary permit, pending legal counsel from the Attorney General's Office. Ms. Simpson seconded the motion. Roll call vote was taken, and the motion passed unanimously.

Ms. Youtz will inform Dr. Hinton and his employer that the Board has made a decision on the subject, but is still waiting for legal advice before proceeding to issue the regular license.

**2. REQUEST TO WAIVE \$200 LATE FEE**

Dr. Heather Woodke sent a letter to the Board, asking that her \$200 late fee be waived as an act of compassion, since she did not practice frequently in Idaho.

Roger Gabel, legal counsel for the Board, stated in a letter dated July 27, 2012 that the Board does not have the legal authority to waive a late fee. The letter states, in part, "Idaho Code §54-2112 and Board Rules 12.01 and 12.03 clearly state that an expired license (that is, one not renewed by July 1) may be reinstated (or renewed) as long as the licensee, among other things, submits payment of the applicable late fee. Nothing in the statute or the rule gives any indication or suggestion that the late fee can be waived."

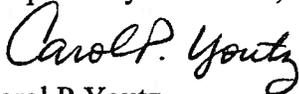
Based on legal counsel advice, Dr. Schulz moved to deny the request to waive the late fee. Ms. Simpson seconded. A rollcall vote was taken, and the motion passed unanimously. Late fees cannot be waived.

The Board instructed Ms. Youtz to write a letter to the licensee, advising her of the Board's decision and requesting the \$200 late fee to keep her Idaho license active.

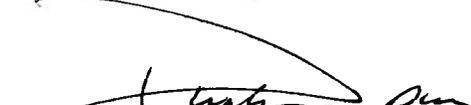
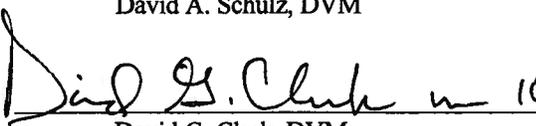
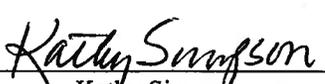
**3. Adjourn**

There being no further business to discuss, the meeting adjourned at 8:18am MDT. The next scheduled Board meeting will take place on Monday, October 15, 2012.

Respectfully submitted,



Carol P Youtz

 _____ Douglas J. Walker, DVM	10/15/12 _____ Date	 _____ John R. Coplin, DVM	10-15-12 _____ Date
David A. Schulz, DVM	Date	<EXCUSED>	08/02/12
_____ David A. Schulz, DVM	_____ Date	Carol A. Eklund, DVM	_____ Date
 _____ David G. Clark, DVM	10/15/12 _____ Date	 _____ Kathy Simpson	10/15/12 _____ Date