



NEWSLETTER



IDAHO BOARD OF VETERINARY MEDICINE

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PRESIDENT'S MESSAGE

We just finished our fall meeting on October 24th. This was the first meeting in which I was President and Chair. I did not do anything spectacular to become president; the Board is structured under statute so that in your fourth year term you become President. It hardly seems possible that this is my fourth year on this board, but as we all know, time seems to go by way too fast.

I thought I would use this message to give everyone an idea of what an average board meeting is like. Few people truly have an idea what this board does. Most of the people that I talk to think we spend all of our time on discipline cases, when in fact that is only a small fraction of the time that encompasses a normal meeting. Hopefully, I will not bore you with an average day, but here we go. We introduced and met our new board member, Dr. Carol Eklund. I think she will be a good addition. Thanks to Dr. Bruce Lancaster for his outstanding service to the Board; we wish him well in his future endeavors.

Then we spent a large portion of the time with Mark Johnston, the executive director of the Idaho Board of Pharmacy (IBOP). We had a very direct conversation with him and asked IBOP to consider exemptions for veterinarians from their recent rule changes regarding

controlled substances dispensed reporting. A follow-up article is included in this newsletter to advise you of the IBOP's final decisions.

As you are well aware, the state has been trying to become more fiscally responsible. That affects us as well. Therefore, our next agenda item was zero-based budgeting, which basically is going through your budget with a magnifying glass trying to find any way to save money. This is an ongoing process, and we will be revisiting this in the next few meetings.

Dr. Barry Rathfon, the board's investigator, came as he does every fall to explain the complaint investigation process to our new member. Dr. Jeff Rosenthal stopped by from the Idaho Humane Society to give an update on the animal cruelty legislation. He also gave a report on the new domestic animal chemical capture course he provided for law enforcement certified euthanasia technicians. Many thanks to Jeff for all of his hard work.

We actually discussed one discipline case. Emily Mac Master from the Attorney General's office attended the meeting and presented this case to us for approval. The board is extremely lucky to have such a competent individual. We also went through a policy discussion regarding potential discipline for practicing with an expired license. We approved our new Certified Euthanasia Task Force appointments and reappointments. The new appointments are Dr. Teresa Kasper-Sauer and Officer Stephen Buzzell. The reappointments are Dr. Tami McReynolds and Dr. Jo-Anne Dixon. Please take the opportunity to thank these hard working people.

Some time was spent on continuing education issues, including what will be accepted with respect to alternative medicine C.E. General business was discussed including this newsletter, future meeting dates, and approving travel vouchers.

There you have it, one day at an Idaho Board of Veterinary Medicine meeting. We did take a couple of breaks and were able to eat homemade peach turnovers and cookies made by Carol Youtz. Having Carol as an employee has its perks as a board member.

I hope this gives you an idea of what an average day is like on the board. Finally, I would like to let you all know that

our complaints are down dramatically, and we attribute that to the veterinarians in this state doing a good job as practitioners and communicators. Keep up the good work so our jobs on the board are made easier.

Doug Walker, DVM

INTRODUCING DR. CAROL EKLUND

I am Carol Eklund, the newest member of the Board of Veterinary Medicine. I have been practicing in Boise since I graduated from Oklahoma State University College of Veterinary Medicine in 1979. I am originally from Nebraska, where I attended the University of Nebraska for my undergraduate work. My first years of practice were at Mountain View Animal Clinic with Dr. Larry Eld. I have owned Pets First Animal Clinic with my husband until we sold the practice to Dr. Michael McKown five years ago. I continue to work there on a part time basis.

As an Idaho veterinarian for over 30 years, I feel it is my turn to give back to my profession and the people of Idaho. Having owned a practice for over 20 years, I understand the importance of serving the public well. My experience dealing with everyday problems in the business realm and in the area of veterinary medicine will allow me to have the perspective needed to advocate for the animal-owning public.

I am proud to be a member of the board. I plan to be an integral part of the board in making fair decisions for the public and for the profession.

SOLICITING EASTERN IDAHO: CERTIFIED EUTHANASIA TASK FORCE VETERINARIAN

The Certified Euthanasia Task Force (CETF) is a dedicated group that guides the Board's certified euthanasia program. The CETF members inspect Certified Euthanasia Agencies (CEAs), conduct written and practical Certified Euthanasia Technician (CET) training and examinations, and recommend suspension or revocation of a certification when necessary.

Dr. Rena Carlson-Lammers from Pocatello was originally appointed to the CETF on October 16, 2006, and her third term expires on October 15, 2012. The CETF seeks a veterinarian from eastern Idaho to replace Dr. Carlson-Lammers, as her schedule has

become so busy that she will not be able to serve after October 2012.

The rules regarding CETF appointments were changed in 2011 to increase the term of each appointment to three (3) years instead of two (2). This change was made because the euthanasia program is quite complex, and takes time to learn. CETF members are appointed by the Board of Veterinary Medicine, and are eligible to be reappointed, if desired.

The CETF normally meets in Boise in the spring and fall each year. CEA inspections are performed in the fall, and CET training courses are usually conducted in the spring. The annual time commitment is about two (2) days for meetings, two (2) to three (3) days for CET training, and approximately two (2) to five (5) days for CEA inspections. Additional time is spent preparing for meetings, trainings and inspections.

CETF members are paid the same as the Board, which consists of a \$50 honorarium on meeting, inspection, and training days. Travel expenses are reimbursed at the rates approved by the State of Idaho employee travel policy.

The mission statement of the CETF is as follows: **Under the direction of the Idaho Board of Veterinary Medicine, the CETF's mission is to promote humane euthanasia of homeless, injured, sick, and unwanted animals by implementing and regulating professional standards at Certified Euthanasia Agencies.**

The CETF would appreciate hearing from eastern Idaho veterinarians who want to help guide the Board's certified euthanasia program. If you are interested in serving, please contact Karen Ewing at the Board office by May 21, 2012.

RULE CHANGE SURVEY RESULTS

The Board conducted a major survey regarding two (2) of its 2012 proposed rule changes. The goal was to get a better idea of the opinions of licensees and certificate holders concerning the fee increases, and the removal of the written release requirement when patient record information is transferred. The Board thanks everyone who took the time to respond to the survey!

Rule Change Survey Results Continued....

The Board had the largest survey response ever received in its history. We heard from 784 licensees and certificate holders, which is 56% of all licensed and certified individuals. The results are as follows:

1) Fee increases:

I support	53%	(418 responses)
I oppose	34%	(263 responses)
I am indifferent	13%	(103 responses)

If "support" and "indifferent" are added together, 66% are okay with the fee increases.

2) Removal of written release requirement:

I support	71%	(554 responses)
I oppose	14%	(113 responses)
I am indifferent	12%	(94 responses)

If "support" and "indifferent" are added together, 83% are okay with the removal of this rule.

The Board also discussed all the comments received during the survey, and a public hearing was held on October 24, 2011. Vicki Smith from the Idaho Veterinary Medical Association (IVMA) testified in favor of both the fee increase and the removal of the written release requirement. Based on the survey results, the Board decided to go forward with the removal of the written release requirement.

However, even though the Board had 2/3 support for the fee increases, along with IVMA support, the Board decided to lower the proposed \$75 increase to the active veterinarians' renewal fee to a smaller increase of \$50. The Board understands the financial issues caused by the downturn of the economy, and is sensitive to the plight of veterinarians who have seen revenue reductions due to their clients' financial situations. The Board took your comments very seriously.

With this change, the Board will go to the 2012 legislature and ask that the annual renewal fee for an active veterinary license be set at \$175, instead of the originally-proposed \$200. While this level of increase will not last as many years as the original higher proposed fee, it should still last several years. All other proposed fee increases have been left as originally written.

BOARD-APPROVED CE DATA ENTRY

Due to confusion by a licensee that nearly resulted in a CE violation, Board staff will no longer enter continuing education credits from sign-in sheets completed at Board-approved local CE courses.

Please keep track of your CE certificates, and report the CE on your annual license renewal form. The Board requires providers of approved courses to supply attendance certificates to all attendees so you have CE verification for your records.

BOARD SPENDING DETAILS

A common question received during the rule change survey asked what the Board spends money on. The Board's largest expense is personnel and their State benefits. The Board office is staffed by two (2) State employees; an Executive Director and a Technical Records Specialist II. The expenses for their hourly pay and State benefits in Fiscal Year 2011 were \$115,249. Fiscal Year 2011 ran from July 1, 2010 to June 30, 2011.

State benefits required for full-time State employees were \$31,502 of the total \$115,249. State employee benefits include health, life, and accident insurance, retirement, sick and vacation leave, worker's compensation, and FICA. Board and Certified Euthanasia Task Force (CETF) members were paid \$50 honorariums on the days they conducted official business, for a total of \$4,500. The total spent on wages and benefits for employees and Board/CETF member honorariums was \$119,749.

In Fiscal Year 2011, the Board spent \$63,682 for non-personnel operating expenses. Following is an itemization of those expenses:

Postage/Mail/Phone/Fax/Data line	\$4,410
Membership fees/employee training	3,312
Printing/Photocopying/equipment repair	1,438
Board member-employee travel/meals	13,130
Investigator	8,676
Audit/legal notices/court reporter	5,249
Office/computer supplies	1,855
Rent/equipment	1,613
Governmental Overhead	23,999
(Government Overhead includes attorney fees, rulemaking fees, State Treasurer, State Controller's Office, human resources, IT, and fiscal support)	
TOTAL OPERATING EXPENSE	\$63,682

Board Spending Details Continued....

The Idaho Board of Veterinary Medicine (Board) is funded solely from the fees paid by veterinarians, certified veterinary technicians, certified euthanasia agencies, and certified euthanasia technicians. The Board receives no General Fund tax dollars. Each year, the Idaho Legislature’s Joint Finance and Appropriations Committee decides how much of the Board’s funds it will allow the Board to spend. The appropriations are divided between personnel, operating expenses, and capital outlay.

The Board’s personnel appropriation has been frozen by the Legislature at its prior fiscal year level; to stay within the allotted amount of personnel funds in the fiscal year that runs from July 1, 2011 to June 30, 2012, Board staff will each take an unpaid furlough day.

The Board is a stand-alone State regulatory agency, but rents office space in the Idaho State Department of Agriculture (ISDA) building for \$1,200 per year. A Memorandum of Agreement with the ISDA also allows the Board to receive Fiscal, IT, and Human Resources support. The Board pays the ISDA 3.5% of its annual revenue for these services. This is much more cost effective for the Board compared to renting its own office space and providing its own administrative services. The Board’s revenue in fiscal year 2011 was \$168,487, while its total expenses were \$183,431.

IDAHO BOARD OF PHARMACY RULES

The Idaho Board of Pharmacy (IBOP) sent a mailing to veterinarians, informing them of rule changes that had been implemented during the 2011 legislative session. One of the main rule changes requires veterinarians that dispense controlled substances from hospital inventory to keep an electronic log in ASAP-formatted software, and submit a weekly report to the IBOP. This weekly reporting regards only controlled substances dispensed from veterinary hospital inventory, not controlled substances administered or prescribed.

The Board of Veterinary Medicine (Board) invited Mark Johnston from IBOP to attend its October 24, 2011 meeting. The IBOP has submitted rule changes for 2012 that affect veterinarians, and the Board asked numerous questions regarding the proposed changes. After the discussion, the Board submitted a public comment letter to the IBOP during its official rulemaking public comment period.

The Board’s comment letter to the IBOP addressed the new requirement for weekly “controlled substances dispensed” reporting by veterinarians. The Board recommended that veterinarians be exempted from this reporting requirement. The Board further suggested that if an exemption could not be granted, that rather than having each veterinarian obtain ASAP-format reporting software, the IBOP develop an online reporting system where veterinarians and their staff could log in and enter the information directly into the IBOP’s system.

The IBOP agreed with this idea, but it is going to take some time for the idea to come to fruition. The IBOP must obtain a grant for funding, and then the online reporting system software must be developed. The Board anticipates this process will take a couple of years.

Weekly “controlled substances dispensed” reports must now be submitted to the Idaho Board of Pharmacy. If you dispense twelve (12) or more times per week, you must report electronically in ASAP-format. If eleven (11) or less controlled dispensations are done per week, manual reporting is allowed. The IBOP has developed a simple Excel spreadsheet for manual reporting, or they have a form that can be hand-written and faxed to the IBOP each week.

If you never dispense controlled substances from hospital inventory, you are exempt from the weekly reporting requirement. If you do dispense controlled substances from hospital inventory, and happen to have a week in which no controlled substances are dispensed, you must report zero (0) to the IBOP for those particular weeks.

Another 2012 proposed IBOP rule change regards sterile product preparation. The IBOP proposed a requirement that all sterile product preparation occur within a hood or other aseptic control device. The Board informed the IBOP that this is not practical in veterinary medicine, as injections are routinely taken directly from drug bottles by syringe, and are injected into I.V. solutions in treatment areas, kennel rooms, and barn yards. The IBOP agreed to change the wording of this proposed rule to remove the hood/aseptic control device requirement if the preparation is to be administered immediately.

The IBOP’s proposed 2012 rule changes will be heard by the legislature in January 2012. Affected parties can testify for or against the rulemaking during the appropriate legislative committee hearings. The IBOP’s rules are normally heard by the House and Senate Health and Welfare Committees. Should you wish to testify

regarding the IBOP's 2012 rulemaking, you can check the State of Idaho legislative website for the schedule.

Rules hearings are normally announced only a few days in advance of the hearing, so this requires checking the State website each day to determine when the hearings will be held. The applicable website is at the following address: <http://www.legislature.idaho.gov/>. You can also email, mail, or fax your comments to the Health and Welfare Committee members prior to the hearings, and contact your own legislators. Questions on the new reporting requirement can be directed to the Idaho Board of Pharmacy in Boise at (208) 334-2356.

DID YOU KNOW?

It is a violation of the Idaho Veterinary Practice Act for Certified Veterinary Technicians, technicians, and assistants to perform deliberate teeth extractions. Only a licensed veterinarian may extract teeth in this state.

PRESCRIPTION DIET PET FOODS

A common question received at the Board office regards "prescription diet" pet foods sold only at veterinary hospitals. Upon consultation, the Idaho Board of Pharmacy confirmed that "prescription diet" pet foods are not considered to be veterinary legend or prescription drugs; therefore, the Veterinary Practice Act does not require a valid veterinarian/client/patient relationship (VCPR) for a veterinarian to sell these foods. In addition, no prescription is required.

The Idaho State Department of Agriculture (ISDA), Plant Industries Division, has regulatory authority regarding the ingredients in pet foods, including "prescription diet" foods, and reviews the labeling and product claims made by pet food manufacturers. This authority is intended to protect consumers. The ISDA reviews pet food labels at its office, and then ISDA staff performs field inspections and sampling of pet foods to determine if the food contained in the bag is in agreement with the product labeling. If you sell pet foods, you may have an ISDA inspector come to your veterinary hospital.

The ISDA inspections at random veterinary hospitals provide a double-check for veterinarians and consumers to ensure the ingredients in a pet food bag match the labeling by the manufacturer. The Board of Veterinary Medicine has no authority to regulate "prescription diet" pet foods sold through

veterinarians; the ingredients and labeling are regulated by the ISDA.

Should an ISDA inspector come to your veterinary hospital for the purpose of inspecting pet foods, your questions or concerns should be directed to the ISDA/Plant Industries Division in Boise at (208) 332-8620.

CIVIL PENALTIES FOR CE VIOLATIONS

The Board has published prior articles to give veterinarians and certified veterinary technicians (CVTs) a "heads-up" regarding the 2010 statute change that allows a \$500 to \$1000 civil penalty to be levied when continuing education (CE) and recordkeeping violations have been found.

In 2010, all veterinarians and CVTs met their CE requirements, so no one was subject to the new civil penalty. However, in 2011, one (1) veterinarian and three (3) CVTs submitted renewals and Board staff found that these individuals had not earned their required CE. Each person was sent a civil penalty agreement for signature that set forth a \$500 civil penalty and the requirement that the missing CE be earned within a set time period.

The veterinarian was allowed three (3) months to obtain the required CE, while the CVTs were allowed six (6) months. It is much more difficult for CVTs to find classroom-setting CE; this is why they were allowed more time. Please be aware that the Board takes CE very seriously. You are responsible to keep track of your CE hours and ensure you have met your CE recertification requirement.

Veterinarians must submit twenty (20) hours of RACE or Board-approved CE every two (2) years; a maximum of fifteen (15) credits may be earned in an online manner. CVTs must submit fourteen (14) credits of RACE or Board-approved CE every two (2) years, with a maximum of ten (10) credits earned in an online manner.

Please contact the Board office if you are unsure when your two (2) year CE recertification period starts and ends. Once the Board purchases new licensing software, you will be able to enter your own CE credits and view them at any time from an internet-connected computer.

COMPLAINT STATISTICS

FY2010, FY2011, and PARTIAL FY2012

(FY2012 covers July 1, 2011 through June 30, 2012)

	2010	2011	2012
All types of written complaints (including unlicensed practice, accreditation violations, no jurisdiction)	39	17	12
Formal client complaints	23	14	8
Complaints dismissed	12	9	3
Discipline settlements	5	1	1
Administrative hearings	1	0	0
Letters of caution and warning letters	9	1	1
Cease and Desist letters	12	2	0

OVERNIGHT HOSPITALIZATION COMMUNICATIONS

An issue that the Board of Veterinary Medicine frequently brings to the attention of its licensees is client communication. The Board has found that a large number of the complaints filed by clients have poor communication as a common factor.

A common area where miscommunication can arise regards veterinary patients that are hospitalized overnight. Many clients believe that a veterinary hospital is the same as a human hospital, and has staff present to monitor patients over the course of the evening, night, and early morning hours. While this may be the case at a 24-hour veterinary emergency clinic, this is often not true at most regular veterinary hospitals.

When you have a patient that must be hospitalized overnight, do you make the client aware that there will be no one at the veterinary hospital during that time? Clients who understand that there is no overnight monitoring may want to make other nighttime arrangements for their animal. If there is an emergency veterinary hospital in your area, you can inform the client that the animal may be transferred to a facility with overnight monitoring, should the client desire to take this action. Your referral should be noted in the patient record.

Fully-informed clients can make their own decisions based on your explanation of the potential risks and benefits. Documentation of these discussions and recommendations in the patient record will provide verification that the conversation took place.

OVARIECTOMY vs OVARIOHYSTERECTOMY

The Board was contacted by two (2) veterinarians who asked if the Board finds an Ovariectomy (OVE) to be an acceptable form of sterilization surgery in a female animal. Both veterinarians were concerned that the Board could consider an OVE to be outside the accepted standard of care, compared to an Ovariohysterectomy (OVH).

The Board finds OVE to be an acceptable sterilization procedure that meets the standard of care. The Board does recommend that veterinarians using the OVE procedure ensure they have the understanding and consent of the client so that misunderstandings about the procedure are alleviated. Consider using an educational handout along with a personal discussion to help your clients understand the difference between an OVE and an OVH.

PROPOSED LATE FEE INCREASE FOR 2012

The Board has submitted its 2012 rule changes to the legislature. As you are aware, the rule changes propose to increase the late fee for veterinarians from the current \$50 up to \$200. Many comments were received regarding this large increase.

The Board office sends out the annual renewal forms in the first week of May each year; renewals must be received with a return postmark deadline of June 30 to avoid the late fee. This allows all licensees and certificate holders about seven (7) weeks to fill out the form and mail it back to the Board office with payment.

The late fee is a self-imposed and avoidable fee, as it never has to be paid if a renewal is received with a postmark of June 30 or before. Please take the time to process your renewal form promptly and return it to the Board office with payment. The \$200 late fee for veterinarians, if passed by the legislature, will be imposed in 2012 for all late renewals. The late fee for CVTs will be increased from \$25 up to \$50.