



## HEARING OFFICER'S REPORT

**Date:** March 1, 2004  
**To:** Veterinary Medical Examining Board  
**Subject:** Hearing Officer's Report on Rule Amendment Hearing

**Hearing Date & Time:** February 11, 2004, 10:00 A.M.  
**Location:** State Capitol, Hearing Room B, Salem, Oregon  
**Held at the request of the Oregon Veterinary Medical Association  
and the Marion-Polk Veterinary Association**

The hearing on the proposed rule amendment was convened at 10:12 A.M. Attendees were informed of the hearing procedure and asked to sign registration forms if they wished to comment on the proposed rule amendment. Attendees were told that the hearing was being filmed and tape-recorded, and that the public comment period ends at 5:00 P.M. on February 23, 2004.

Before receiving comments, I briefly summarized the proposed rule.

Attendees—the following individuals signed the registration form:

Gordon Cunningham, DVM	Kris Otteman-Brant, DVM
Jerome Schwartz, DVM	Robert Shimek, DVM
Nonalee Tyler, CVT	Richard Hillmer, DVM
Tom Keck, DVM	Dolores Galindo, CVT
Kim Erbes, DVM	JoAnn Dewey

### Summary of Oral Comments

Six individuals spoke in opposition to the proposed rule amendment:  
Comments of Drs. Cunningham, Schwartz, Keck, Erbes, Shimek and Hillmer:

- No demonstrated public health or medical need.
- Proposed rule is inconsistent with OAR 333-019-0017(4).
- Does not increase availability of vaccine opportunities.
- Reduces control of zoonotic disease.
- Increases risk of improper selection, administration, documentation.
- Veterinarian's signature inappropriate if veterinarian did not administer vaccine.
- Exposes veterinary technicians to liability.

Other states' similar rules are irrelevant.  
The point is not 'can' but 'should' technicians administer rabies vaccine.  
Public safety is not addressed by rule amendment.  
The current rule is adequate.

Three individuals spoke in favor of the amendment. Comments of Nonalee Tyler, CVT, Dolores Galindo, CVT\* and Jo Ann Dewey\*:

Certified Veterinary Technicians are primary caregivers, already administering other vaccines.

The public would support not having to wait for a veterinarian's availability to administer vaccines. The public knows that nurses and other paraprofessionals in human medicine competently administer vaccines and other medications.

Portland Community College (PCC) recognizes and understands the importance of veterinarians' and veterinary technicians' respective roles in maintaining and protecting public health; rabies virus being one of the more visible aspects of that role. PCC also recognizes that correct administration of any vaccine or medication is critical. Certified Veterinary Technicians are formally trained to administer injections competently. They are trained by veterinarians. The amendment does not require practice owners or veterinarians to change practice standards; it provides the option to do so. PCC's goal is for Certified Veterinary Technicians to become active, trusted and productive members of the veterinary medical team.

\*Speaking as instructor at Portland Community College Veterinary Technician Program and veterinary services consumer, respectively.

Dr. Jon Betts, speaking for the Board, indicated his understanding that an OVMA poll found members essentially split on the amendment. The Board's amendment retains authority in veterinarians.

The hearing was adjourned at 10:43 A.M. Additional written comments were received during the public comment period which closed at 5:00 P.M., February 23, 2004

### **Written Comments**

A total of 15 written comments were received. Comments opposed to the amendment were received from seven individuals and the Marion-Polk Veterinary Medical Association. One individual wrote that consistency with OAR 333-019-0017(4) needs to be effected prior to adoption of the rule. Comments in favor of the amendment were received from six individuals.

Written comments in opposition to the proposed rule amendment were provided during the hearing from:

Dr. Gordon Cunningham, Salem  
Dr. Jerome Schwartz, Salem  
Dr. Tom Keck, Dallas  
Dr. Kim Erbes, Salem  
Dr. Robert Shimek, Salem

Dr. Terri L. Jackson, Dallas  
Dr. Ronald P. Macedo, Dallas  
Dr. William R. Fullmer, Dallas  
Dr. William D. Barry, DVM

The following individuals and organizations provided written comments in support of the rule amendment during the public comment period:

Dr. Randy Larrison, Hillsboro  
Dr. Keith Gordon, Hillsboro  
Dr. Kristin Terise, Tigard

Dr. Elizabeth Kleps, Beaverton  
Dr. Terrance McCoy, LaGrande  
Dr. Scott Loepp, Hillsboro

Copies of notices and written comments are available upon request.

Respectfully submitted,

Lori Makinen  
Director