



HEARING OFFICER'S REPORT

Date: May 6, 2011
To: Veterinary Medical Examining Board
Subject: Hearing Officer's Report on Rule Hearing

Hearing Date & Time: April 14, 2011, 6:00 P.M.
Location: Portland State Office Building
800 NE Oregon St., Portland, Oregon

The hearing on the proposed amendment to Oregon Administrative Rule 875-015-0030(1)(h) was convened at 6:38 P.M. Attendees were informed of the hearing procedure and asked to sign an attendance form indicating support for or opposed to the rule and whether they planned to present oral testimony. Attendees were told that the hearing was being recorded, that the hearing report and audio file would be posted on the Board's website, and that the public comment period would end at 5:00 P.M. on Monday, April 17, 2011.

Before receiving comments, I outlined the hearing process and summarized the proposed rule.

Attendees

David Christenson, DVM
Merri Compton
Daniel G. Koller, DVM
Glenn Kolb
Christine Ortner, DVM
Lauren Thompson, CVT
Cristina Keef

Jennifer Betz, DVM
Kiki Bennett, DVM
Scott Loepp, DVM
Laird Goodman, DVM
Daryale West
Andrea Frost, DVM

Nicole Chamberlin, DVM
Reed Prince, DVM
Keith Sides, DVM
Andrea Dover, DVM
Stephanie Cooper, CVT
Jessie Merritt

Summary of Oral Testimony

Five individuals presented oral testimony in opposition to the proposed rule amendment. Written copies of oral testimony of Drs. Chamberlin, Ortner, ten Broeke, Loepp, Prince; and Mr. Glenn Kolb, are attached.

Two individuals presented oral testimony in favor of the proposed rule amendment. Written copies of oral testimony of Drs. Betz and Koller are attached.



Written Comments

A total of 61 written comments were received, including copies of oral testimony. Five written comments from individuals were received in support of the proposed rule amendment. Written comments opposed (56) were received from individuals, the Oregon Veterinary Medical Association and the Washington County Veterinary Medical Association. Copies are attached. All written comments received before the close of the public comment period are included.

Written comments were received in support of the proposed rule amendment during the public comment period from:

Jennifer Betz, DVM David Christensen, DVM
Randall Haveman, DVM Jana Gale Connell, CVT
William Young, DVM

Written comments were received in opposition to the proposed rule amendment during the public comment period from:

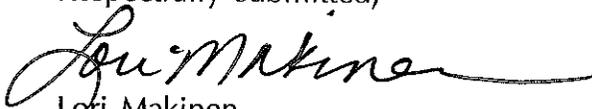
Keith Sides, DVM	Nicole Chamberlin, DVM	Glenn Kolb (OVMA)
Christine Ortner, DVM	Tanya ten Broeke, DVM	Michele Zawadzki, DVM
Constance White, DVM	Laird Goodman, DVM	Debbie Williams, CVT
Cheryl Lopate, DVM	Kiki Bennett, DVM	Cierra Buer, DVM
Jerry Williams, DVM	Susan Nolte, DVM	Bethany Groves, DVM
Alicia Zambelli, DVM	Chea Frost, DVM	Patti Smith, DVM Julie
Grossen, DVM	Daryl Leu, DVM	Sidney Bruckert-Fiske, DVM
Elizabeth Hardesty, DVM	Lisa Yung, DVM	Bethany Groves, DVM
L. Scott Loepp, DVM	Yvonne Wikander, DVM	Scott Shuler, DVM
Barry Leuck, DVM	Sherri Swarmer, DVM	Donald Howard, DVM
Jessie Merrit	Gordon Cunningham, DVM	R. Preston Ross, DVM
Anthony Oddo, DVM	Jeffrey Brubaker, DVM	Michael Reynolds, DVM
Carrie Shuler, DVM	Susan Erickson, DVM	Steve Callahan, DVM
Joellen Goldthorpe, DVM	Kristina Cox, DVM	Diane Heider, DVM
Jennifer Barrington, DVM	Justin Vaughn, DVM	Reed Prince, DVM
Sydnee Billings	Jonathan Williams, DVM	Pamela Cutting
Melissa Stepp	Merri Compton	

The following individuals attended the hearing and indicated opposition to the proposed rule amendment on the sign-in sheet:

Andrea Dover, DVM Daryale West Stephanie Cooper, CVT
Lauren Thompson, CVT Kristina Keef

The hearing was adjourned at 7:40 P.M. No additional written comments were received before the end of the public comment period. A chart showing demographic information on those providing testimony is also attached. This report and a link to the audio file of the hearing are posted on the Board's website, www.oregon.gov/ovmeb.

Respectfully submitted,



Lori Makinen
Executive Director



BARLOW TRAIL VETERINARY CLINIC, P.C.

FARM AND PET

Mixed Animal Practice

503-668-4137

Fax: **503-668-5353**

39231 Proctor Blvd
Sandy, OR 97055

April 15, 2011

Dear Board Members,

I would like to voice my support for the amendment of OAR 875-015-0030h to allow vaccination of apparently healthy animals without requirement of a physical exam. Physical examinations are always a recommended practice but requiring them would likely cause a significant number of pet owners to forgo recommended immunizations.

Respectfully,

David D. Christenson, DVM

Oregon Veterinary Medical Board proposed Rule Amendment of OR-875-015-0030

My name is Jennifer Betz, DVM and I am the owner of Sandy Animal Clinic in Sandy Oregon. I am in favor of the amendment to OR-875-015-0030. Although, I strongly agree with the need to uphold the standards of care in veterinary medicine, I do feel there are exceptions.

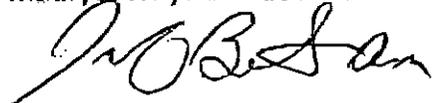
Sandy Animal Clinic has over 6,000 active clients with a large number of pets coming from rural areas. About 20% of these clients have numerous pets including; barn cats (those dumped off on their property), farm dogs, and sled dogs. In the past these people have been diligent in having their pets vaccinated. These pets are those that the owners would only seek veterinary care if their pets were severely injured. It is not that these owners don't care about their pets or aren't educated in the need for a yearly exam, it is that the large number of animals they have does not permit them to seek veterinary care on a yearly basis. They can only provide the bare minimum for these additional pets and that would be vaccines. They are, and have been at least vaccinating their pets and they are having them vaccinated at a veterinary clinic.

Since the Oregon law was clarified to require an exam for vaccinations, I have had numerous people become irate for the need for this action, stating they will not vaccinate. Their options are then to go to the feed store and vaccinate on their own or simply not vaccinate at all. This includes not vaccinating for Rabies. These people live in an area where their pets have the highest exposure for contracting diseases. These pets are exposed to coyotes, bats, foxes, raccoon and various other wildlife.

People not vaccinating their pets for rabies is a public health risk, a risk to animals and people. Those that are resorting to the feed store to purchase their vaccines are at risk as well. They are not properly trained in administration of vaccines nor the frequency. The vaccines they purchase may have a higher risk of fibrosarcomas and abscesses.

I feel that requiring an exam within one year for the administration of vaccines puts people and animals at risk as well as requiring veterinarians to uphold a higher standard of care than that of human medicine. People can walk into a pharmacy and have a flu vaccine administered by a pharmacy staff without a physical exam. People are clearly aware of this difference and are verbally stating that veterinarians are only in it for the money. I feel this would put a negative outlook on the veterinary profession as a whole.

Thank you for your consideration.



Jennifer Betz, DVM



**Cinder Rock
VETERINARY CLINIC**

Dr. Keith Sides
Dr. Holly Sides
Dr. Gayln Snair
Dr. Karen Laidley
Dr. Danielle Huff
Dr. Paul Edmonds

2630 S. Canal • Redmond, OR 97756 • Phone (541) 923-1638 • Fax: (541) 923-1752

Oregon Veterinary Medical Examining Board
800 NE Oregon Street Suite 407
Portland, OR 97232

Dear Hearings Officer,

I am writing in opposition to the proposed amendment to OAR 875-015-0030 (h) to permit vaccination of apparently healthy animals without a physical exam.

The well-defined VCPR was established by the OVMEB as a minimum standard for veterinarians in Oregon and the physical exam is the foundation for that relationship. The proposed amendment would change that minimum standard and allow a vaccination to be administered without a physical exam. I cannot see how this change protects animal health and welfare which is part of the mission statement of the OVMEB. In fact it appears to be a step backwards. I believe that the physical exam once a year to establish a VCPR is a minimum standard for veterinarians, but is also a minimum standard for animal ownership. The days of just providing food, water and shelter for animals are long gone. This amendment erodes the VCPR and diminishes the responsibility of the veterinarian and animal owner.

Amending OAR 875-015-0030 (h) in response to public complaints will appease those that have complained, but will do nothing to further animal health and welfare.

Please do not implement the proposed amendment.

Respectfully,

Keith Sides, D.V.M.
Past President OVMA

Sunnyside Veterinary Hospital, PC

16416 SE Sunnyside Rd
Happy Valley, OR 97015
503-658-8165
sunnyvet1@frontier.com

We at Sunnyside Veterinary Hospital conduct routine examinations annually or biannually, before each surgery, and before prescribing treatment or medications with illness or injury. We routinely examine animals before vaccinations if they have any medical concerns and don't vaccinate sick animals. However, we do have a small percentage of clients that come in just for a Rabies vaccination every three years and those with multiple pets that come in for their annual vaccinations and with any sick animals for exams. We would like to be able to disassociate exams and vaccinations for those clients and those that have had recent exams and just need vaccination.

Randall W. Haveman, DVM, MS

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April 14, 2011

Dear OVMEB:

I have been a practicing small animal veterinarian in the Portland area for 11 years in the areas of emergency, general practice and relief (temporary capacities). I am both disturbed and concerned with to the proposal to amend OAR 875-015-0030(1)(h) to allow a veterinarian to waive an exam for an apparently healthy animal presented for vaccines only.

In my experience, an animal's health is best determined by a veterinarian through a physical exam. In routine physical exams, I frequently detect problems that are unnoticed by the pet owner. Some of these problems include heart murmurs, pain, skin infections, wounds, enlarged lymph nodes, abdominal masses, thickened intestines, ear infections and broken or infected teeth. A veterinarian is then able to share exam findings with the pet owner (both normal and abnormal), offer further diagnostics to establish a definitive diagnosis, if abnormalities are found and in the end help the pet live a longer, healthier and happier life.

There are many current options that pet owners have to vaccinate their pets. These include through their family veterinarian, vaccine clinics at pet stores and feed stores. It is my opinion that a veterinarian is the best person to help a pet owner decide what vaccines are needed for a pet, based on lifestyle and risk and also discuss an appropriate schedule for vaccine administration. I am concerned that this amendment is based largely on economics, rather than what's best for the pet. A veterinarian is the person who can best determine an animal's health, period. I urge the board to keep the current rule as it stands, so that we veterinarians, along with pet owners, can work together to keep the animals of Oregon healthy.

Sincerely,



Nicole Chamberlin, DVM

Associate Veterinarian

Cascade Summit Animal Hospital

West Linn, OR

April 14, 2011

**Oregon Veterinary Medical Examining Board
Proposal to Amend OAR 875-015-0030(h)**

Dear Hearings Officer:

As a representative for the Oregon Veterinary Medical Association's Board of Directors, I am here this evening to speak against the proposal to amend OAR 875-015-0030(h).

The essential mission of the Oregon Veterinary Medical Examining Board is to "protect animal health and welfare." We believe this statement is as true today as it was in 1903, when the OVMEB was established.

Livestock was the primary focus of the licensing board in the early part of the 20th Century. But over the course of time, as dogs and cats became a more integral part of our lives, standards of care were expanded to address the treatment of these domestic animals and others. During the past 108 years, the OVMEB has adjusted the standards of care in part to reflect societal needs and concerns, but also to keep pace with the tremendous advances in veterinary science and medicine.

The physical examination is the very foundation of protecting animal health. Yet the proposed rule change would permit the vaccination of an apparently healthy animal without a physical exam. We believe this runs contrary to the OVMEB's mission and is not in the best interest of the patient. An "apparently healthy" animal is not necessarily healthy – and the ~~only~~ way to confirm the health status of the patient is by conducting a physical examination. ^{best}
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Prior to this hearing, we conducted a survey of our membership on the proposed amendment. Approximately 13 percent of our members responded to the poll, with 67 percent saying they want to keep the current rules intact, and 28 percent supporting the change in the rule. The remaining 5 percent had other comments. Of particular relevance, however, are the comments against the suggested amendments.

We have attached a copy of the comments both for and against the proposed amendment for your review and consideration. We believe that you will find a common thread among them – that underlying health issues are often discovered only through a physical examination. If the requirement to provide an examination is changed, then an opportunity to protect animal health is missed.



The quality of health care for animals in Oregon was enhanced when the OVMEB defined the Veterinary-Client-Patient-Relationship in administrative rule. They recognized the importance of the physical examination and how it protects animal health.

Without equivocation, the rule requires that a veterinarian physically examine the animal if it is a new patient or the animal has not been seen by the veterinarian within a 12-month period. This is good medicine, and it is good for the health and well-being of the patient. Anything less runs contrary to the good standard of care that has been supported by the OVMEB.

The OVMA asks that the OVMEB not implement the proposed amendment to OAR 875-015-0030(h).

Sincerely,

Glenn M. Kolb
Executive Director

**OVMEB Proposed Rule 2011
Vaccines & Exams**

Summary of Contents - OVMA Survey

On Tuesday, April 5, we sent an e-News to the membership and invited them to comment on the proposed rules via a link on Survey Monkey. Within minutes of posting the notice, we started to receive feedback from the membership.

Here is what we sent by our e-News service

Under current law, in order to establish a Veterinary-Client-Patient-Relationship, a physical examination is required if the animal is a new patient or if you have not seen the animal in more than 12 months. An exam is required even if the animal is brought to you only for the purpose of receiving a vaccine.

The Oregon Veterinary Medical Examining Board has proposed a rule change which would permit the vaccination of an apparently health animal without a physical examination.

You can read more about the proposed rule change here: <http://oregonvma.org/news/ovmeb-amends-rules-regarding-vaccines-vcprs> (copy and paste the Web address into your browser).

The Oregon Veterinary Medical Association would like to know if you agree or disagree with the rule changes proposed by the OVMEB.

The question that was asked:

Please select the statement you agree with.

- I support the proposed rule to permit the vaccination of an apparently healthy animal without a physical examination.
- I oppose the proposed rule and want to keep the current rule intact.
- Other (enter comment below)

As of Monday afternoon, 141 members (12% of the membership) responded to the survey, with 66.7% wanting to keep the current rules intact and 28.4% supporting the proposed rule changes.

Below is a summary of some of the comments both for and against the rule:

Veterinarians Who Support the Proposed Amendment

“The fact is anybody can go to the feed store and vaccinate their animal. Why should a veterinarian be subject to restrictions that others aren’t?”

“When we are vaccinated in our physician’s office, many times they vaccinate us in the waiting room by the nurse without an exam. As veterinarians, we can determine if the animal is apparently healthy without a complete exam and extra expense to the client.”

“Low income owners have a very difficult time with the expense of an office call and thereby forego needed vaccines. 2. Human medicine does not require a patient client relationship 3. Vaccines are readily available over the counter and become more used (and possibly incorrectly). 4. How do we keep any control on vaccinations in shelters if we require a full exam. The cost becomes prohibitive and again vaccinations leave the hands of the veterinarians who should know the most about them.”

“Let the individual practices make their own protocols regarding exams and vaccinations. Requiring an exam means fewer animals will be vaccinated in our state. We can expect this to directly increase infectious diseases like Parvo, FeLV, Panleuk, etc. The percentage of animals unvaccinated for Rabies will increase. So if we are honest with ourselves, we will admit that even with the most thorough physical exam, extensive bloodwork, radiographs and ultrasounds, we still cannot guarantee an animal will not have an adverse reaction to a vaccine. Why would we then require a physical exam 'by law'?”

“I support the proposed rule with the exception of rabies vaccination in pets. The public health consequences of rabies are too important to assume an animal is healthy without an exam. For all vaccinations which can legally be given by an owner I support the proposed rule.”

“It is not so much that I disagree with the current rule as it is that it is forced down us like all regulations are, limiting our ability to use the common sense and medical knowledge that we have gone to school and worked for all these years. And the double standard for us as veterinarians is blatant, since people don't have to have exams in order to get vaccines for themselves. And to suggest that we could do these exams without charging for them is a slap in the face to us "money grubbing veterinarians" who have worked so hard to promote our worth in a relatively low-paying profession. Not to mention the extra time that could be spent taking care of sick animals. Also, suggesting that techs could do the exams is not very sensible if techs are not allowed to diagnose - isn't calling an animal healthy a diagnosis? Especially since, according to a letter the board sent a client of ours, "a technician can do that exam or a vet can do it and not charge for it." That statement is shameful to everything veterinarians stand for.”

Thank you!!! It just drives clients away from veterinary practices!”

“People can get their influenza vaccination at the local pharmacy. This seems like a very sensible change.”

“People can walk into a pharmacy and receive a flu vaccine. The requirement for a physical exam is rightly seen by pet owners as officious and unnecessary in apparently healthy individuals.”

“It is not fair for veterinarians to have to require a physical examination of an apparently healthy animal prior to vaccination. Mobile vets, vaccination clinics at pet stores and animal control

facilities are not held to the same requirements, and we are threatened to be penalized for doing it. Do pharmacists examine us before administering flu shots? Let us do our jobs, and don't make it MORE difficult to make a living in our profession.”

“Please permit vaccines without exams on healthy animals. The economy hasn't turned around. Trust us to help protect animals and people as we always have.”

“If I as a human being can get a flu shot at Walmart without my ears, eyes, teeth, skin, lymph nodes, heart, lungs, etc. etc. being examined, then certainly the public has the right to determine whether their animal gets a physical exam before a vaccine.. We are only hurting our reputation as veterinarians by making exams mandatory in this instance. The term money grubber has come up many times as I try to explain this to my clients. Yes, we need to promote the physical exam and all its merits but ultimately the decision is the owners. If they can buy the vaccine themselves on line or at a feed store and administer it themselves then certainly we should be able to give them without an exam also. In addition, vaccine clinics have given them without exams and have never been successfully prosecuted so lets level the playing field for all vets. and allow for free trade. Thank you for your consideration in this matter.”

“I strongly agree that a physical exam should not be required. This is evidently the standard in human medicine, where you can be vaccinated at ShopKo or Rite-Aid. Equine clients are often very averse to being charged an examination fee, as they consider their animals as livestock. It is also ridiculous that vaccine is sold over the counter and that owners can administer it themselves, whereas vets must complete a physical exam.”

“While I am in favor of an annual physical exam in general, I think that our profession places far too much emphasis on vaccinations in the first place, and a requirement to do an exam (implied an additional charge to client) on an apparently healthy animal is absurd and archaic thinking. We should strive for good service , not mandatory requirements for clients/ patients.”

Veterinarians Who Oppose the Proposed Amendment

“If an exam is only required once/year, and not immediately prior to the vaccination, how does that help protect the pet? From the standpoint of the pet owner, pet's are still their property. This is a property rights issue. It is not the business of the State to dictate annual exams for pets or their humans! It is the responsibility of veterinarians to advise owners that annual exams are in the best interest of their pet's welfare. It's a decision that should rest with the owner whether to follow that advice or not.”

“I give all animals a brief exam when they come in, even if it is only for vaccinations. The problem is that clients are getting charged for the exam in addition to the vaccine and they are upset about that. I feel all pets should be examined before, but not necessarily charged a full office call fee.”

“Human medicine is using the Pharmacists as vaccine administrators. I expect us to have to follow suit, but I do not like it.”

“I strongly oppose the rule change. Our profession constantly devalues itself in the eyes of the public - we all know that the examination in most cases is way more valuable to the pets' health than the vaccination! Let's act like it and let's charge appropriately for it! How can we convince the public to believe in the value of our professional knowledge if all we believe in is the lowest common denominator? Thank you for asking for input about this. I was appalled that the OVMEB would even suggest backing down on this issue; it is clearly not in the best interest of our patients or our profession!”

“We have different levels of exams (with different costs) at my practice, depending on the time we spend with the patient. I think at least a brief exam should be done if it has been more than a couple of months since the pet was seen, if the owner has concerns about the pet's health, if the pet has had major medical issues in the past, or if the pet is on long term medication for a health issue. This is practicing higher quality medicine, which is better for the patient and the client, and it helps reduce liability issues for the veterinarian.”

“I am solidly against this change. It is a giant leap backwards from all the progress that veterinary medicine has taken over the last few years. I understand that the Board is proposing this rule change because of complaints from citizens; however, I would strongly argue that there is a price to pet ownership - and that price exceeds that of "vaccines." We will do our patients and clients no favors by suggesting that all a pet needs for health are vaccines.”

“It is our opinion that the written comment “to permit vaccination of an apparently healthy animal without a physical examination” describes the problem with the proposed rule. We routinely see “apparently” healthy animals that should NOT be vaccinated and are, in fact, ill. Some are very ill. Unappreciated fevers, in-heat females, pets with an allergic flare, and profound dental disease to name a few would all be missed and these animals will be vaccinated. This does an injustice for both patient and client. The patient would be fighting a battle against an already present immune challenge. Any illness post-vaccine would be assumed to be a vaccine reaction when in actuality it was a more serious situation. The client would have paid to vaccinate a pet that everyone would assume is now well vaccinated. In fact, the patient may not mount an appropriate immune response to the immunization(s) at all. We question how much of this is instituted, or stimulated, by vaccine clinics where no exams are offered, or performed, although the patient has never been seen before. The same goes for many clinics that allow waiving exams for vaccines even if the pet has not been seen in the last 12 months. The requirement for a VCPR is ignored and unenforced in these situations under the pretense that it is better to have the pets vaccinated than it is to enforce the Oregon Veterinary Practice Act. It is a disservice to the public who are led to believe that vaccines are innocuous and that exams are unnecessary. It also makes those of us adhering to the practice act look like we are requiring “unnecessary” exams to the public. The reality is that undiagnosed illnesses are a greater risk to the patients than the vaccinated diseases. It is unclear to us what constitutes a “routine visit” for which the client could waive and the clinician would agree. All species for which we provide medical care – companion animals – hide illness. It is our opinion that clients do not have the medical background to determine when their pet may or may not be ill or capable of responding

to vaccines. For them to believe that they are being charged for “unnecessary” or “waive-able” exams is disturbing and concerning for our profession as a whole. As stated “exams are a fundamental diagnostic tool, and waiving exams, particularly when an animal is presented with an undiagnosed problem, may lead to inappropriate treatment.” This last statement is just as true for the ill animal presented for treatment as for the “apparently” healthy animal presented for vaccine. To boot, according to the OVMA e-news alert, “the pending rule change does not indemnify a veterinarian from responsibility for adverse outcomes if an unhealthy animal is vaccinated and an adverse event occurs.” This paints veterinarians into a corner. If we require the exam, which we would, then we are refusing to waive an “unnecessary” exam as far as the public is concerned. If we waive the exam, then we are not only legally liable for the adverse outcome, but also not meeting standards of care. It is a no win situation. We are wholeheartedly against the proposed change. It is a disservice to everyone involved – client, patient, general public & clinician. This is a letter I have drafted for Frontier Vet Hosp Docs and is being circulated among Wash Co VMA members for agreement-signature to be sent to vet board.”

“The notion that an exam is not required and yet veterinarians are still liable for any adverse outcomes is hypocritical. Moreover, this is business issue that clients are concerned about and the OBVME is charged with overseeing safety of patients among other things not business practices. If veterinarians have clients that are concerned about paying for an exam before a vaccine is administered, waive the fee if they so choose. If the OBVME has a method to insure an animal is healthy without an exam perhaps they could share that with us.”

“Apparently does not always mean healthy. Vaccination does not mean immunization if the animal is compromised in any way.”

“Allowing vaccinations without an exam cheapens the value of veterinarians. There are too many potentially hidden problems that can be missed without an exam. Vaccinations are a MEDICAL procedure, and should require a valid VCPR!!!”

“If OAR 875-015-0030(1)(h) is amended to “allow a veterinarian to waive an exam for an apparently healthy animal presented for vaccines only” it will create another unfair advantage for veterinarians who provide vaccine services alone, it will render the VCPR meaningless, and it will ultimately result in poor quality care for the veterinary patient. OAR 875-015-0030(1)(h) should remain intact as stated and apply to all veterinarians. We as veterinarians swore to an oath to protect the public and our patients. Allowing vaccines without examinations establishes the veterinarians worth equal to that of the lay public. How does the veterinarian determine that the animal is “apparently healthy” without examining it? Take the uneducated word of the client?”

“Eliminating the exam requirement allows mass “low cost” vaccination clinics by non-local organizations that undercut local practitioners. I have had to spend a great deal of time and effort explaining to my clients about the exam requirement and if this law is suddenly changed, the public perception will be that those of us who have strictly adhered to this requirement have simply been trying to hoodwink our clients out of extra money. By us having to re-explain ourselves to our clients with a completely reversed position regarding vaccinations and exams, we will lose a great deal of hard earned trust. I didn't make the rule in the first place, but I've certainly had to follow it and now I will lose clients if the law “flip-flops”!”

"It is absolutely ridiculous for a client to get a vaccine for their animal with no exam, yet the veterinarian is still liable for a poor outcome should a problem arise. The only way an animal can be deemed healthy is by having a complete physical exam."

"Vaccinations should fall under a procedure done only with a valid VCPR. An annual examination is not too much to ask from our clients. Thanks for listening."

"For twenty eight years I offered the special service of offering vaccines without an exam for healthy animals one night a week, it was initially done for follow up vaccines done in series but quickly developed into a very busy aspect of my practice. when the rules changed and so did my policy. the results were very surprising, in the hundreds of clients seen over the last year only a hand full of people were upset. I believe the rule change was a good thing, even if the board reverses its' policy, I will probably keep mine as it now is."

"The examination is the most important part of vaccination. Many animals would never get an exam if it wasn't required."

"Lowering the current medical standard (of having at least a yearly exam) to define the V-P-C-R in order to immunize a patient would have severely negative consequences for the companion pet population in Oregon. There is no serious reason to lower this standard; it would represent a large step backward in animal care."

"1. Never challenge a compromised patient with vaccine. 2. An animal's nature is to appear overtly healthy as long as possible. 3. Without a physical exam you can't magically tell if an animal is truly healthy. 4. New rule makes DVMS look like Petco flunkies. 5. Is this really advocating for our patients? (No) 6. Shocking."

"Dr. Clinchpoop wins! I find it hard to believe that this topic is even being entertained by the board. This rule is actually lowering the standard of veterinary medicine, not raising it. I should never be allowed to treat an animal in the absence of a complete physical exam - and vaccination is a preventive treatment. What's next? Drop your dog off at the clinic and I'll have my tech get things started. I still have 9 holes of golf to play before I am coming in to the office... Okay, so I'm being a little bit facetious. But see the point. Treatment without a current exam is a bad idea in any medical profession."

"This rule change would further devalue the importance of a veterinary exam. Pets rely on veterinarians to perform an exam on them so that we can be the best advocate for their needs. Many underlying issues have been uncovered during a routine exam by me in the 14 years I have been practicing. Often on pets that were presented only for a vaccination initially- the owner forgets to mention on a 10 year old cat for example that it hasnt been eating much lately- and a simple exam reveals a large abdominal mass. Vaccinating this cat without an exam would have done it no good, and been a potential liability for not discovering the underlying issue as early as possible. We cannot throw away our creed to "above all do no harm" - and to have a pet at the vet and not take the very brief amount of time required to do a thorough exam is negligent on our part, and could potentially be harmful to pets, as many of their diseases will be missed."

"I think this rule completely devalues the role of the veterinarian in the role of animal health. It is also medically wrong to perform any medical procedure without a VCPR."

"It seems that at times the OVMEB is more concerned about consumers complaining about their pocketbooks than they are about The welfare of animals in this state."

"This proposal is a huge step backward for veterinary medicine. What is needed is board-directed protocol for protection of pets, and of the public from zoonotic diseases, which can only be derived from an adequate exam (VCPR). There should be direction to follow AAHA and AAFP recommendations as opposed to needless superfluous or unnecessary vaccines."

"I am very disappointed that the OVMEB even brought this rule change up again for discussion. The required health exam BEFORE the vaccination is the most important part of the client's entire visit with their pet. This should be the minimum standard for the sake of the pet's health. It does not that anyone is emphasizing this to the complaining consumer."

"I am thinking that it is dangerous for pet owners to decide when and if the animal should be vaccinated as I think that as a profession we have emphasized the "once a year" vaccine regimen for way to long and our pets have become over-vaccinated. I think that each pet/situation needs to be looked at in terms of life-style, risk (true risk, not assumed risk) before they are vaccinated. This might not necessarily be a case for examination of the pet but at least an in-depth conversation with the owner which takes time (and could be called an "office call" I suppose. If the intent of the rule change is to ensure that more pets are vaccinated then I suppose you may get more pets to the vet if the owner doesn't perceive that the vet just wants to do the exam to rack up more expenses for the owners... just some rambling thoughts."

"I strongly believe that we need to have a valid doctor, client, patient relationship in order to be vaccinating animals. A physical exam is crucial."

"Apparently healthy is a vague term. I believe the current rule helps veterinarians practice better medicine by reinforcing the value of at least annual physical examinations."

"Our patients can't talk, without an exam we run the risk of vaccinating a healthy pet."

"I am disappointed to see that we are considering taking a step back when I was so happy to see us taking a step forward. The annual examination is very important and I don't feel comfortable giving vaccines or any other medical treatment without a recent/current examination. The rule change did not affect how my practice operates, but I know that it does affect some of the neighboring facilities. We need to do what is in the best interest of our patients and how can we claim to be equipped to deal with adverse effects of a vaccination if we cannot say with reasonable comfort that the pet was in reasonably good health prior to vaccination and feel that we made reasonable effort to detect issues that may contraindicate or complicate having a vaccine administered. Feel free to contact me if desired."

"In difficult economic times why would any clinic complain that the OVMEB is making exams mandatory for vaccines. This action would, in fact, add to every clinic's bottom line. I certainly

know it added to my bottom line. With respect to complaints from clients, I service a rather lower end clientele and we had had VERY few complaints, so no matter what the Board decides we are keeping the new fees. The Board looks stupid changing protocol when a few clients and hospitals complain. Let's move the industry forward, show some leadership and help us all out."

"It is impossible to tell if an animal is "apparently healthy" without an exam. For those that wish to decrease the cost to customers I would recommend including a brief exam in the cost of the vaccine."

"Most clinics and veterinarians with basic ethics are practicing with a valid Client-Vet-Patient relationship. Those that don't think they can abide by these very MINIMUM (annual exam) standards should think about a change of profession. The rest of the professionals in the state shouldn't have to say it's OK to lower the legal standard to satisfy the "bottom-feeders".

"I do not like the idea of vaccinating an "apparently healthy" patient without an exam. There are so often reasons that vaccinations are postponed based on a physical exam. How do you know an animal is healthy w/out an exam? With the increasing frequency of vaccine reactions and immune mediated disease I think the OVMA is opening itself up to a large range of potential problems by establishing this guideline."

"We as a profession need to take the emphasis off of vaccines and place the value on the physical exam. Most owners see the benefit of a physical exam... every year. The ones that don't will continue to buy their vaccines online or bring their pet in once every three years for a rabies vaccine. Too many pets are being over vaccinated and not receiving the benefit of a physical exam. Having a physical exam within 12 months to do anything to a pet is important... even if it is "only" vaccines. It gives us a chance to discuss parasite control, physical exam findings, weight related issues, disease prevention- so many things that are missed if the emphasis remains on vaccination only. It is impossible to determine if a pet is "apparently healthy" if an exam and questioning the owner is not done. To change the rule is a disservice to the pet."

"I feel as though we would do a huge disservice to our patients by encouraging vaccines only. An exam is our only chance for education of clients. A vaccine only policy would be a step backwards."

"A better rule would to have an exam required if is a new patient or new client but once a VCPR exists AND the pet is apparently healthy, then no exam is required."

"I support for any animal obtaining medical services that an exam have been conducted within 12 months. At the clinic's discretion/client waiver an exam may be waived for vaccine or other lesser services ie med refills IF an exam has been conducted within 12 months prior to the request. OTC services would not require an exam (TNT, flea products, grooming, non prescription dewormer). No medical services should be provided including vaccine when a valid VCP relationship does not exist as defined as an exam conducted within 12 months."

“We would be doing a disservice to our patients by providing vaccines without a physical exam. Abnormalities are COMMONLY found on examination of a pet that presents as "healthy" for vaccines. Frequently, enough of an abnormality is found to prevent or postpone vaccination.”

“The only way to deem an animal apparently healthy is through a physical exam. I find problems all the time during routine physical exams, such as heart murmurs and palpable abdominal masses. Clients are able to purchase many vaccines and administer them without a vaccination through feed stores, etc. The only vaccine that requires a veterinarian to administer is Rabies. It is not much to ask for a client to have their pet examined once a year, and more importantly, it is for the safety and benefit of their pet.”

“I believe the fact they must get a rabies vaccine through a veterinarian needs to show the client that value, even with a quick exam. There have been some patients that only get seen every three years for a rabies vaccination and that gives us an opportunity to discuss any current and possible future health issues. It's just better medicine.”

“If my understanding of the current rule is correct, patients can already be vaccinated without an exam as long as the patient has had an exam in the past calendar year. To me, the current rule simply requires that our patients are examined at least annually to help assess their health and identify subclinical disease. The old rule allowed pets to be vaccinated year after year without ever receiving a physical examination. If owners do not see their pets as being sick, they will often decline an examination that they do not perceive to be beneficial for their pet. As an associate in a practice that would previously vaccinate animals year after year if the owner declined examination, the adoption of the current rule has proven to be invaluable. I have been able to diagnose heart disease, dental disease, neoplasia, and even a pregnancy in patients that had not received an exam in years. The owners were unaware of those conditions, and were very thankful that I was able to give them a more accurate assessment of their pet's health. I am certain that all those clients would have continued to decline exams if they were allowed to do so. I think the current rule should stay the way it is. It is better for our patients and their health.”

“I am a rural mixed animal practitioner in a less than affluent area. I generally tend to oppose the proposed rule change. I can put myself in the shoes of a young family struggling on a limited budget who want a pet but need to keep costs down. Certainly, when I go for a flu vaccination I don't get (nor want) a physical exam, but I am asked if I am feeling well and a few other questions about my health. Given that we can't do that for our animals, I prefer the exam required option. We can always choose not to charge for a brief exam at a vacc. clinic if we wish. However, I don't feel strongly enough about the issue to want to throw my body in front of the train if it goes through. Yours respectfully.”

“Let's not go backwards on our attempts to improve the level of care for pets under our care. The VMEB has done a great job of improving the quality of care in our state. Example: mandatory pain meds. You send a mixed message now if you take this step backwards.”

“I think VCPR is really important to maintain annually. Vaccination for pets not seen at least once a year by a vet is irresponsible. The animal may have concurrent health issues that need discussion with the client or preclude vaccination. I thought the original decision to mandate at

least an exam once a year for pets that are to be vaccinated was an excellent rule change. It promotes quality care and places emphasis on the value of the physical exam. If there are vets currently practicing in Oregon that want to vaccinate pets without that annual physical exam because they worry about the cost to the client or losing clients they can waive the fee- they should no more be able to waive the current mandate to do a physical exam, than they should when prescribing prescription meds. You need to see that animal annually and check it. I would like to see the OVMA not cave to pressure and maintain the original intent of the law.”

“I understand that the public feels exams are frivolous, but vaccines are powerful medications and can have serious and life threatening consequences. There is mounting evidence that over vaccination can shorten the lives of our patients. If veterinarians are expected to be responsible for educating pet owners on the benefits and risks of vaccinations and to be responsible both morally, legally, and potentially financially for the side effects, then we should have the board's backing on requiring a physical exam prior to vaccination. And yes, we should be expected to charge an additional fee for that service. It is how we make a living!”

“We will not do any kind of medical procedure vaccine or otherwise unless we have a current exam on record. I really think it is important. However we do not require exams for any vaccine if we have already performed an exam in the previous 12 months. The animal does have to be apparently healthy. I do know that some clinics perform an exam with every vaccine.”

“Vaccination is a medical procedure with risks, complications and contra-indications. It also must be handled and performed correctly to be effective.”

“After years of explaining the current rule and why it is important for animals to be examined prior to vaccination this rule change is a step backwards for our profession and the animals we care for.”

“I cannot state strongly enough how much I think we need to be performing physical examinations on the pets even for "apparently healthy animals" in order to vaccinate and I also think that for new concerns an exam should be required. Many times I have been a new veterinarian for an animal that has previously "been seen" by another veterinarian and I have found serious medical conditions that have not been appropriately addressed. Often these pets have been having vaccinations without examinations and frequently these pets have only been seen by a technician and had absolutely no conversations about wellness issues by an actual veterinarian or simply given medications without an exam. Sadly, when I see these pets and discuss recommendations with the owners, they are confused because they “were never told this information by their previous veterinarian (whom they never saw).” I think that we do a disservice to pets if we vaccinate without an examination as owners think their pets have been evaluated and determined to be healthy. The way the current law is written, there is no requirement to charge for the exam if preferred by the veterinarian and the vaccines may not be effective if an "apparently healthy pet" is actually not healthy. I think that by offering these without exam, gives owners a false sense of security about their pet's health. Additionally, isn't an examination needed to determine if it is healthy (how can an owner expect to determine the health of their pet without the years of study that we have been exposed to). Obviously, when there are gross abnormalities, we will address the problem, the more subtle problems are what

may be missed without our expertise. Finally, if an owner truly wants to forgo with the veterinary services, they can always purchase vaccines from another source for all vaccines except rabies and I do not think that an exam every 3 years when a rabies vaccine is due is too much to ask, especially since we must be sure a pet will mount an appropriate immune response against horrible virus. Really, we can only do the best for our patients by thoroughly examining them, determining the appropriate diagnosis in order to develop useful treatment options.”

“We constantly see health problems owners are not aware of. The current rule greatly helps to hold to the oath to prevent pain and suffering. Vaccine Clinics already offer any vax with no exam.”

“I was glad when this original rule was passed. First of all, I feel the majority of veterinary clinics already required a yearly exam as standard protocol. Secondly, animals are very good at hiding illnesses and owners may not be able to detect these. Finally, due to the rate at which domestic animals age, I believe a yearly exam is necessary.”

“In my opinion a physical exam is simply good medicine. Having a pet is a responsibility and vaccinations with an exam are part of that.”

“We have been living with the rule to require an exam at least annually for several months, and have had little negative feedback from our clients. The whole of veterinary medicine has been trying to educate clients for years about doing annual examinations to catch health problems, and by and large have been unable to convince more than a moderate portion of them about the impotence. Since the rule has been in effect, we have been doing those exams, and have found so many things that need to be addressed. Not everyone is willing to address them, but many ARE. Why do we want to go backward again. Please don't revoke a step forward for Oregon veterinarians.”

“I oppose the proposed rule because my perception is that it has been driven by client complaints. Veterinarians are then in turn complaining because they want to please the client by not requiring an exam as has previously been done. Veterinarians who want to comply with the rule fear that their competitor down the street will not comply and will then have a competitive edge. As a general rule, those clients who have complained, are probably not what most veterinarians would consider "good" clients. These are not the clients which are driving veterinary medicine forward, demanding excellent care for their family members. The current rule does not require veterinarians to charge for an exam, it is simply trying to establish a state wide "good" standard of care.”

“We as a group need to stand united to promote the value of the service we provide. I am tired of pandering to the general public. If we all have a rule to go by we then have something substantial to stand on to support the quality of our excellent care. It is the veterinarian's choice whether or not they want to charge for this service. The complaining public can seek out the care they desire from those who choose not to charge for the service. Our good clients are not complaining. Our good clients are what drive the veterinary profession in regards to salary, benefits, retirement plans and advancements in veterinary care.”

“The only logical reason to support this would be in support of vaccine clinics. Some members of our occupation have already moved to three-year vaccines...now when folks come in for those they'd have the option of waiving an exam? When does that patient get examined? It seems better that we support the annual exam, even if it means holding the vaccine hostage. We'd still have the option to omit the exam if the client declines it and we documented it in the medical record.”

“This is important for 2 reasons - exams are far more important than vaccines for both public health as well as animal health - detection of disease and education of clients goes a long way towards promoting a healthy pet population. Also, certain vaccines aren't always appropriate in certain pets. We as veterinarians are legally liable for inappropriately vaccinating pets - exams give us an opportunity to determine if the pet may be safely vaccinated, and protect us from legal action should a pet suffer from adverse reactions to the vaccination.”

“I am outraged! This sounds like a convenience for the mobile vaccine clinics. How can you know if an animal "looks healthy " unless you exam it? If the animal gets sick after vaccination how can you. Prove the animal was/wasn't sick before administering the vaccine? What is the value of this change? Economy for clients or safety of the animals?!!!! I have had too-numerous-to-count patients that came in for vaccines. I ALWAYS do a TPR and found they had was febrile. I have always been proud of this policy. But I will not do a free exam because of some ridiculous rule! I need the OVMA to back veterinarians who are committed, work hard to make a living and have a staff to take care of too. Should we up our liability policies right now?”

“Physical exams are a vital part of monitoring and diagnosing a patient's health. Instead of removing the physical exam requirement, it would seem more useful educating the general public on the usefulness of preventative medicine - which would include an annual physical exam.”

“Dear Members of the Board, I urge you not to succumb to pressure from a few members of the public when drafting policies that have an impact on the quality of care that is provided to our animal patients. The previous clarification of the rule 875-005-0005 was clear, concise, and I am sure discussed at length by the Board. Practicing veterinarians will surely be forced to admit that vaccination is a medical procedure, with potential unwanted side effects, and that vaccinations should not be given to animals that are ill. Likewise they would have to admit that on many routine annual exams, they have discovered problems that the owners had no idea existed. Any veterinarian that would argue that an examination of a new patient before administering vaccinations is not necessary is more interested in protecting their business model than protecting their patients. The Board made the correct decision last fall in stating that new patients must have a physical exam before any medical treatment is administered, including vaccines; they need to stand up for the welfare of our patients and not be swayed by the misinformed or misguided public and conflicted veterinarians.”

“I would like to require an exam if I have never seen the animal before. If the animal has been a patient of mine previously and is then presented for vaccines over 12 months since the last exam I would be willing to waive the exam if the animal is apparently healthy and the owner would be required to sign a waiver declining exam.”

“The VCPR is a huge part in providing individualized and accurate care! Please don't lower your standards, or mine.”

“Since when does the OVMEB get involved in the finances of license holders? When a veterinarian steps into an exam room he or she is making a health evaluation of that animal. A diagnosis? Your rules are gobbety - gook. A CVT can walk into the room vaccinate the animal and the veterinarian will never see the pet. How can he or she say that it is an apparently healthy animal? CVT cannot make a diagnosis yet. I'm sure it is coming. To say that animal is apparently healthy is a diagnosis pure and simple.”

“I always do an exam for all vaccines given. It is our clinic policy to do an exam on every patient that comes to the hospital no matter what they are in for or how recently they have been seen.”



CASCADE SUMMIT
Animal Hospital

April 14, 2011

From : Christine Ortner, DVM, ABVP

Cascade Summit Animal Hospital West Linn, OR

RE: OVMEB proposed rule change to allow vaccination of animal without an examination by a veterinarian

I have already submitted comments in an email to the OVMEB. I am against the proposed rule change. I think we need to decide if this proposed rule change will be of benefit to animals or possibly cause them harm. In my practice I frequently see animals that are brought in for vaccines that have health problems the owner did not know about. Problems range from ear infections to spleen tumors. If these animals were not examined by a doctor, they would not have been helped and possibly harmed by vaccines or vaccine reactions. I do not believe it is possible for an animal to be called "apparently healthy" without a physical exam because animals are very good at hiding illness. It takes a very thorough exam by a doctor to qualify an animal as being healthy. Vaccines are not benign injections. Many animals feel lethargic for 24 hours following vaccines and some even have more severe reactions. If they are having other health problems at the time of vaccination, such as chronic kidney failure in cats, a mild vaccine reaction is all it would take to push them over the edge into a crisis. The definition of "apparently healthy" is too vague.

Christine Ortner



Tanya M. ten Broeke, DVM
Deborah R. Ward, DVM
Carol A. McDanel, DVM

GLADSTONE VETERINARY CLINIC

"Healing in Our Hands"
14 April 2011

Re: Proposed Amendment to Allow Administration of Vaccines without a VCPR

I am a proud member of both the OVMA and the PVMA. When the VCPR amendment was made, I was thrilled to see the OVMEB raising the bar for standards of care in our industry. One of the most frustrating challenges I face every day is explaining the difference between high-quality, preventative medicine, rather than just "giving the dog his shots." Standards of care vary too widely already in veterinary medicine. Unenlightened clients don't understand the difference between a \$230 cat spay and a \$34 cat spay. The Board has made great progress in elevating the standards for pain management. Requiring a VCPR for vaccinations is a logical progression.

Veterinarians should be advocates for our patients who cannot speak for themselves. Our patients can't complain about the new swelling they found under their armpit, or the fact that their left knee hurts when they first get up in the morning, or that they are always thirsty, or they are losing weight without trying. Isn't it our responsibility to care for our patients, rather than just check off a box every year for Rabies, Distemper-Parvo, and Bordetella vaccines? Shouldn't we be tailoring vaccinations to our patients? How do we do that without having a conversation with the client? Maybe the client checks the box "indoor only," but a conversation with the doctor reveals that the cat goes outside, but they are pretty sure that she "just stays in the backyard." A leukemia vaccine might protect that cat from contracting leukemia from the FeLV-positive neighbor cat.

I recently saw a 9-year-old dog who had received vaccinations at a vaccine clinic 2 weeks prior to my exam. The owner had noticed that over the past several months "Barrow" had lost a little weight, and wasn't eating quite as well as he had previously. On my exam, I found an abdominal mass, which turned out to be hepatic neoplasia. The dog's health rapidly deteriorated, and he was euthanized 1 month later. If that patient had had an exam, perhaps his mass would have been noticed earlier, perhaps he wouldn't have unnecessarily vaccinated.

Please continue in your mission to elevate the standards of care in our profession and do not amend the current rule requiring a VCPR with vaccinations. We owe it to our patients.

Tanya M. ten Broeke, DVM
Owner and Medical Director
Gladstone Veterinary Clinic
Oregon Veterinary License #5718

Lori Makinen

From: Michele zawadzki [zawa003@yahoo.com]
Sent: Tuesday, April 12, 2011 3:27 PM
To: OVMEB Info
Subject: Proposed changes

I would like to comment regarding the latest proposed changes in exam requirements.

It is my opinion that the written comment "to permit vaccination of an apparently healthy animal without a physical examination" describes the problem with the proposed rule. We routinely see "apparently" healthy animals that should NOT be vaccinated and are, in fact, ill. Unappreciated fevers, pets with an allergic flare, and profound dental disease to name a few would all be missed and these animals would be vaccinated. This does an injustice for both patient and client. The patient would be fighting a battle against an already present immune challenge. Any illness post-vaccine would be assumed to be a vaccine reaction when it was a more serious situation. The client would have paid to vaccinate a pet that everyone would assume is now well vaccinated. In fact, the patient may not mount an appropriate immune response to the immunization(s) at all.

It is a disservice to the public to engage in a practice that leads them to believe that vaccines are innocuous and that exams are unnecessary. It also makes those of us adhering to the practice act look like we are requiring "unnecessary" exams. In some cases undiagnosed illnesses are a greater risk to the patients than the vaccinated diseases. A minimum requirement of a VCPR (veterinary client patient relationship) examination for all new patients is a fundamental diagnostic tool and also helps us establish a patient's medical history. It is our strong opinion that a minimum of an annual examination should be required of any patients receiving vaccines.

The overwhelming majority of our members oppose this change. It is a disservice to everyone involved – client, patient, general public & clinic.

Sincerely,

Michele Zawadzki, DVM

Murrayhill Veterinary Hospital.

Lori Makinen

From: constance white [doctornev2000@yahoo.com]
Sent: Saturday, April 09, 2011 7:38 PM
To: OVMEB Info
Subject: Proposed rule change: Written comments

To the Oregon Veterinary Examining Medical Board:

I am providing written comments regarding the proposed rule change regarding physical exams prior to vaccination in the state of Oregon. I currently practice in Portland and the public hearing is scheduled during my clinic shift so cannot attend.

My understanding is that the proposed rule change will allow veterinarians to vaccinate "apparently healthy" animals without exam yet does not indemnify us against adverse reactions subsequent to the vaccination.

I have several concerns:

- 1) In order to assess apparent health, my professional skills are used. Even without a tactile physical exam, my exam starts with visual assessment of the patient. Assessment of "apparently healthy" is a use of my professional competence and my assessment as "apparently healthy" has legal import.
- 2) Vaccine manufacturers will certainly not indemnify us against adverse reactions with an absent physical exam. To wit: if I vaccinate an apparently healthy Doberman or Boxer without cardiac auscultation (which would likely pick up the arrhythmia and/or gallop rhythm) and he suffers sudden death 3 days later, that manufacturer is highly unlikely to assume liability. Nor will my malpractice insurance or malpractice defense coverage since I failed to meet the standard of care. Current Board rules also indicate that I failed to meet the standard of care in case of license defense. Any rule allowing vaccine without a valid patient relationship must shield the veterinarian from liability.
- 3) Those animal owners seeking non-Rabies vaccines are welcome to purchase them over-the-counter and administer those vaccines. They do not require prescription or veterinary administration. For the purposes of Rabies vaccination, our state requires triennial vaccines after the first booster. As an accredited veterinarian, part of my job is to ensure that the vaccinee is not showing any signs of neurologic illness prior to vaccination.
- 4) It is well accepted that core vaccines for dogs and cats have a duration of immunity for at least 3 years. An assessment at least every 3 years is not a cost-prohibitive issue for any owner who can afford to supply otherwise reasonable care for their pet (my current exam fee runs close to \$50.00 and an FVRCP or DHPP vaccine \$17 which amortizes to \$22.33 per year if done triennially). Oregon's Humane laws indicate that lack of veterinary care deemed prudent by a reasonable person constitutes animal neglect in the second degree. I am fairly confident that a number of animal law specialists would consider failure to have an animal examined by a veterinarian at least three times in its lifetime would constitute animal neglect according to current Oregon law. I am not necessarily espousing this view but certainly understand their thinking and pay close attention to recent moves to remove animals' from their current legal category as chattel.
- 5) My professional skill is required in both assessing which vaccines are appropriate for the patient and

✓
4/11/2011

in administration. There is excellent (though circumstantial) evidence that adjuvant vaccines may have increased risk for vaccine associated sarcoma in felines. We work hard to identify what FeLV risk a feline patient may have so as to not over-vaccinate low risk patients (according to AAFP guidelines) and use modified live vaccines in AAFP guideline vaccine sites. Only by keeping current in practice guidelines and current literature (I reported >80 hours of CE in the last biennium) as well as through individual patient assessment, can we offer owners appropriate vaccine advice.

6) Our practice, as well as every other practice with which I have familiarity with, understands the legal definition of veterinary-patient relationship which indicates that an exam must have been conducted within the last 12 months to maintain a valid patient relationship. We certainly have many clients who meet that requirement visit us for vaccine appointments with a technician in which there is no exam fee. However, we know that animal and its medical history. Occasionally the technician will note an abnormality reported by the owner or observed in the patient and report it to the doctor(s). Our prior exams and relationship allow us as the DVM's caring for that patient to give a yeh or nay to the vaccine which was scheduled (without necessarily incurring an exam fee for that client).

I understand that many Oregonians are feeling unbelievable financial pressures and that this proposed rule change may be a concomitant result. I do suggest that my colleagues and I are highly motivated by our care and compassion for animals and their owners. I do not know a single veterinarian who is driven by greed (those who might have been often have a quick career change due to the long hours and rather meager compensation). We raise our fees begrudgingly only to keep up with our overhead because we know that it affects people who we care about with whom we've had personal relationships for years.

We are the last vestiges of what used to be the "family doctor". I hate to see it devolve to the litigious distrust which our MD colleagues have been afflicted.

Respectfully,

Connie White DVM Ph.D.
Oregon Veterinary License 5357
Fremont Veterinary Clinic
5055 NE Fremont
Portland OR 97213

Lori Makinen

From: lgoodman@murrayhillvethospital.com
Sent: Monday, April 11, 2011 12:52 PM
To: OVMEB Info
Subject: proposed rule change

April 11th, 2011

Oregon Veterinary Medical Examining Board 800 NE Oregon Street, Suite 407 Portland, OR 97232

Email: ovmeb.info@state.or.us

To the Oregon Veterinary Medical Examining Board,

As a concerned veterinarian, I agree with the comments from the Washington County VMA regarding the proposed rule change. The VMEB has done a great job of improving the standards of care for our patients. Do not take a step backwards.

Thanks,

Laird Goodman, DVM

Murrayhill Veterinary Hospital

We would like to comment regarding the latest proposed changes in exam requirements. It is our opinion that the written comment "to permit vaccination of an apparently healthy animal without a physical examination" describes the problem with the proposed rule. We routinely see "apparently" healthy animals that should NOT be vaccinated and are, in fact, ill. Unappreciated fevers, pets with an allergic flare, and profound dental disease to name a few would all be missed and these animals would be vaccinated. This does an injustice for both patient and client. The patient would be fighting a battle against an already present immune challenge. Any illness post-vaccine would be assumed to be a vaccine reaction when it was a more serious situation. The client would have paid to vaccinate a pet that everyone would assume is now well vaccinated. In fact, the patient may not mount an appropriate immune response to the immunization(s) at all. It is a disservice to the public to engage in a practice that leads them to believe that vaccines are innocuous and that exams are unnecessary. It also makes those of us adhering to the practice act look like we are requiring "unnecessary" exams. In some cases undiagnosed illnesses are a greater risk to the patients than the vaccinated diseases. A minimum requirement of a VCPR (veterinary client patient relationship) examination for all new patients is a fundamental diagnostic tool and also helps us establish a patient's medical history. It is our strong opinion that a minimum of an annual examination should be required of any patients receiving vaccines.

The overwhelming majority of our members oppose this change. It is a disservice to everyone involved - client, patient, general public & clinic.

On behalf of our members,

Washington County Veterinary Medical Association I agree with this letter.

Sincerely,

Laird Goodman, DVM

March 27, 2011

RECEIVED

MAR 29 2011

Dear OVMEB,

Veterinary Medical
Examining Board

Please accept these written comments for the public hearing on April 14th on the proposed rule change to amend OAR 875-015-0030(h):

The board has proposed to permit vaccination without examination. I do not want to see this proposed amendment lead to clinics vaccinating pets without any initial exam or yearly exam. I do not want to see "vaccine clinics" cropping up and vaccinating pets without examinations. I also do not want to see clients choosing to come only for vaccinations and not scheduling their annual examinations. If this rule changed, I am afraid this would happen.

Examinations are essential to diagnosing problems and maintaining the health of a pet. We all know that just because a pet "appears" healthy it can be misleading. Owners are not doctors and are not always aware of illness or medical conditions going on with their pets. Sometimes we have discovered pets presenting for vaccination that were sick, had a fever, or cats suffering from a bite wound, which the owners were not aware of, until we noticed the symptoms in the exam room and were able to recommend treatment. Examinations help protect the patient and the veterinarian. Can you imagine if you vaccinate a pet without an exam and a few days later the owner calls--- when they themselves have *now* discovered their pet is sick and thinks it was "ever since we went to the vet" or wonders why you didn't know their pet was sick when it was "just there"?

Because annual vaccination schedules usually line up with annual physical examinations, it makes sense to do them at the same time. Within parameters, I do agree that if a patient has had an annual exam within the last 12 months, that they should be able to receive their pet's vaccinations any time during that 12 months without having to repeat the exam. For example: For pets with vaccine reactions who need multiple vaccines, we split them up a week or so apart. An exam is performed at the time of the first vaccine and when the pet comes back a week later for the next vaccine, they should be able to waive another exam according to current law.

I hope that the board will vote to uphold the current rules and that if any changes are made, that it does not effect the current rule regarding initial VCPR exam, annual exam, and exam prior to treatment (if sooner than 12 months). I agree with the current rules requiring examinations. It is good medical practice and I would hate to see it change.

As the board has pointed out, any concerns over the current rules have arose out of misunderstanding of the rule by veterinarians, clinic staff, and by pet owners. This would not happen if all veterinarians clearly understood the rules and were unified in following them.

Finally, I am concerned that making changes to the rule will just cause further confusion and may open it up to loop-holes and rule-benders.

Sincerely,

Debbie Williams, CVT

Debbie Williams, CVT

Lori Makinen

From: Cheryl Lopate [lopatec1@gmail.com]
Sent: Saturday, March 19, 2011 8:50 PM
To: Lori Makinen; OVMEB Info
Subject: RE: Veterinary Board Proposed Rule Amendment, Etc.

I am appalled by the email you sent us regarding the rule changes on exam fees. You state that you are explaining the new rules to clients who call in with complaints and are telling them that as veterinarians, we are not required to charge an additional fee for an annual exam that is required to maintain the veterinary-client-patient relationship. You are however, requiring that if we are going to actively treat and prescribe treatments for this patient that we must perform and exam once annually.

That you are telling clients that we are not required to charge for this exam belittles our profession to these clients. As a profession, we are struggling now to show clients the importance of our professional services rather than the product/vaccine/diet we sell, etc. We are trying diligently to reduce costs for products and minimize markups and show the clients that what *we* perceive as important and worth the cost is the exam, diagnostics and treatment plan that we perform, review and prepare. So when a client calls in to complain about having to pay for an annual exam, that the Board is requiring for us to maintain a valid VCPR, the fact that you are telling them that while we must do them, we aren't required to charge for them, means that you are telling them that YOU believe that our services are worth nothing. If the OVMEB thinks are services are worthless, why should a client believe otherwise.

Please pass my thoughts on to the entire group of Board members.

Cheryl Lopate, MS, DVM
 Diplomate, American College of Theriogenologists
 lopatec1@gmail.com

Wilsonville Veterinary Clinic
 9275 SW Barber St
 Wilsonville OR, 97070
 (503) 682-3737 - office
 (503) 682-3540 - fax
 www.wilsonvilleveterinaryclinic.com

Reproductive Revolutions
 18858 Case Rd NE
 Aurora, OR 97002
 (503) 982-5701 - office
 (503) 982-5718 - fax
 www.reproductiverevolutions.com

From: Lori Makinen [mailto:lori.makinen@state.or.us]
Sent: Thursday, March 17, 2011 9:41 AM
Subject: Veterinary Board Proposed Rule Amendment, Etc.

You should now be able to open this PDF. If you cannot, please view it later today on our website, www.oregon.gov/obmeb. Click on 'Proposed Rule Amendments.'

Lori Makinen, Executive Director
 Veterinary Medical Examining Board
 800 NE Oregon St., Ste. 407
 Portland, OR 97232
 971-673-0223
 Fax 971-673-0226

Lori Makinen

From: Hart Road Animal Hospital [hartroadanimalhospital@comcast.net]
Sent: Thursday, March 17, 2011 10:50 AM
To: Lori Makinen
Subject: RE: Veterinary Board Proposed Rule Amendment, Etc.

I would like to be able to attend, but in the middle of the day on a Thursday is a very difficult time to get good attendance- probably for a lot of people in this field (which might be why only one veterinarian showed up to the last meeting).

I feel strongly it is important that we convince the clients that the exam is far more important than the vaccines, and it can be dangerous to inappropriately vaccinate - I wasn't at the meeting, but the response by the clients seems to be based more on lack of understanding and concern about money than it is on what is really best for the pets involved. Without appropriate representation of this view, I fear we will move backwards in how we treat our pets.

I will attempt to attend this meeting, but it is unlikely I can get away from my practice at this time -- is there any other way I and others can voice our support of the original rule requiring exams at this meeting?

KiKi Bennett, DVM

Hart Road Animal Hospital
16400 S.W. Hart Road
Beaverton, OR 97007
(503) 591-5282

From: Lori Makinen [mailto:lori.makinen@state.or.us]
Sent: Thursday, March 17, 2011 9:41 AM
Subject: Veterinary Board Proposed Rule Amendment, Etc.

You should now be able to open this PDF. If you cannot, please view it later today on our website, www.oregon.gov/obmeb. Click on 'Proposed Rule Amendments.'

Lori Makinen, Executive Director
Veterinary Medical Examining Board
800 NE Oregon St., Ste. 407
Portland, OR 97232
971-673-0223
Fax 971-673-0226

Lori Makinen

From: Jana Gale Connell [hockeyblades@yahoo.com]
Sent: Thursday, March 17, 2011 10:45 AM
To: Lori Makinen
Subject: Re: Veterinary Board Proposed Rule Amendment, Etc.

I was able to read that just fine. Is this something we can vote on? I am so for this. We have been doing this for years and years.

thanks,
Jana Connell

✓
"When we blindly adopt a religion, a political system, a literary dogma, we become automatons. We cease to grow."

"The only abnormality is the incapacity to love."
Anais Nin

Indigo Moon Arts
Got a pet question?
<http://askthevettech.com/>

--- On Thu, 3/17/11, Lori Makinen <lori.makinen@state.or.us> wrote:

From: Lori Makinen <lori.makinen@state.or.us>
Subject: Veterinary Board Proposed Rule Amendment, Etc.
To:
Date: Thursday, March 17, 2011, 9:40 AM

You should now be able to open this PDF. If you cannot, please view it later today on our website, www.oregon.gov/obmeb. Click on 'Proposed Rule Amendments.'

Lori Makinen, Executive Director
Veterinary Medical Examining Board
800 NE Oregon St., Ste. 407
Portland, OR 97232
971-673-0223
Fax 971-673-0226

Lori Makinen

From: drbillyoung@aol.com
Sent: Thursday, March 17, 2011 10:39 AM
To: Lori Makinen
Subject: Re: Veterinary Board Proposed Rule Amendment, Etc.

I agree with the proposed rule changes. THANK YOU!!!!!!! Bill

-----Original Message-----

From: Lori Makinen <lori.makinen@state.or.us>
Sent: Thu, Mar 17, 2011 9:43 am
Subject: Veterinary Board Proposed Rule Amendment, Etc.

You should now be able to open this PDF. If you cannot, please view it later today on our website, www.oregon.gov/obmeb. Click on 'Proposed Rule Amendments.'

Lori Makinen, Executive Director
Veterinary Medical Examining Board
800 NE Oregon St., Ste. 407
Portland, OR 97232
971-673-0223
Fax 971-673-0226

March 25, 2011

Cierra Buer, DVM

Oregon Licencee, 6215

401 DeCosta Lane

Oakland, OR 97462

Dear Veterinary Medical Examining Board,

I am writing in regard to the proposed rule change to amend OAR 875-015-0030(h) which would permit vaccination of an apparently healthy animal without a physical examination. I am of the opinion that this would be a change to the detriment of the veterinary profession and to the animals we serve. I do not believe that the rule should be changed because of pressure from consumers. Vaccination by a veterinarian at a veterinary clinic is of higher quality and safety than vaccines purchased at a feed store. Veterinarians are ensuring that the animal to be vaccinated is healthy and can handle the stress of a vaccine. The only way a veterinarian may determine if an animal is "apparently healthy" as stated in the rule change, is to perform an exam. I don't see how the rule change can protect veterinarians or our patients, if our involvement is taken out of the process. Vaccinations are also valuable to veterinary clinics as a means of opening a dialogue with owners. A vaccination appointment with an exam provides the opportunity to build a relationship with clients and establish a record of the animal in a healthy state. This is invaluable, and benefits all involved. I encourage the board to keep the rule as it stands, and not go back on the changes that have already been made. I thank you for your time.

Sincerely,

Dr. Cierra Buer

RECEIVED

MAR 30 2011

Creekside Veterinary Clinic

Veterinary Medical
Examining Board

5456 River Road North
Keizer, Oregon 97303

Phone (503) 390-5222

March 30, 2011

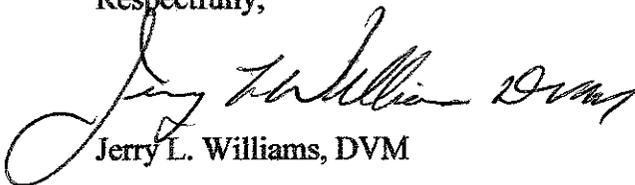
Dear Oregon Veterinary Examining Board,

These are my comments on OAR 875-015-0030(h) and the proposed changes to the rule. I feel that it should include a yearly annual wellness exam, with further vaccinations available with a waiver of exam by the owner. I also think that every illness or injury should include an exam that includes the area or system that is affected even after a yearly exam.

I also strongly feel that vaccination clinics should follow the same rules as clinics concerning when examinations are necessary. I do not feel that owners can always recognize if a pet is well or not. I believe that examinations should only be given by Veterinarians and not a CVT. I realize if a CVT sees a problem during their exam., they would ask the Veterinarian to rule on the problem. However, you are causing a CVT to diagnose (making a judgment) that the pet is **free of illness** or problem that only a Veterinarian is licensed to do.

I hope that the board will vote to uphold the current rules and that if any changes are made, that it does not effect the current rule regarding initial VCPR exam, annual exam, and exam prior to treatment. I agree with the current rules requiring examinations. It is good medical practice. I do think the rules have not been clear to everyone concerned and that changes are not needed, but further clarification for all would be the best. Change takes time.

Respectfully,


Jerry L. Williams, DVM

✓

Lori Makinen

From: Susan [s.nolte@frontier.com]
Sent: Tuesday, April 05, 2011 11:41 PM
To: OVMEB Info
Subject: OAR 875-015-0030(h)

To Whom It May Concern:

Regarding the proposed ammendment to OAR 875-015-0030(h). A cornerstone of animal and human health is appropriate vaccination given to healthy animals. A thorough exam by a fully trained and licensed individual is required to determine "health". We veterinarians are held to a standard of care by the animal owning public and our courts of law. How are we to establish and maintain that "standard of care" if on one hand some segment of the public is allowed to say "you can't require an exam" while another segment of the population in a court of law is allowed to say (and be upheld with expensive penalties) that "you didn't require that". Unless of course some member of the Oregon State Veterinary Examining board can provide testimony that indeed an exam is NOT required even if an adverse reaction subsequently occurs!

I firmly believe the wording in this statute should be left alone and moreover ENFORCED.

Thank you for your attention.

Susan Nolte, DVM

Lori Makinen

From: Dr. Wikander [drwikander@frontiervet.com]
Sent: Thursday, April 07, 2011 2:29 PM
To: Lori Makinen
Subject: FW: Veterinary Board Proposed Rule Amendment, Etc.

Lori & Veterinary Board Members,

We would like to comment regarding the latest proposed changes in exam requirements.

It is our opinion that the written comment "to permit vaccination of an *apparently* healthy animal without a physical examination" describes the problem with the proposed rule. We routinely see "apparently" healthy animals that should NOT be vaccinated and are, in fact, ill. Some are very ill. Unappreciated fevers, in-heat females, pets with an allergic flare, and profound dental disease to name a few would all be missed and these animals would be vaccinated. This does an injustice for both patient and client. The patient would be fighting a battle against an already present immune challenge. Any illness post-vaccine would be assumed to be a vaccine reaction when in actuality it was a more serious situation. The client would have paid to vaccinate a pet that everyone would assume is now well vaccinated. In fact, the patient may not mount an appropriate immune response to the immunization(s) at all.

We question how much of this is instituted, or stimulated, by vaccine clinics where no exams are offered, or performed, although the patient has never been seen before. The same goes for many clinics that allow waiving exams for vaccines even if the pet has not been seen in the last 12 months. The requirement for a VCPR is ignored and unenforced in these situations under the pretense that it is better to have the pets vaccinated than it is to enforce the Oregon Veterinary Practice Act. It is a disservice to the public who are led to believe that vaccines are innocuous and that exams are unnecessary. It also makes those of us adhering to the practice act look like we are requiring "unnecessary" exams to the public. The reality is that undiagnosed illnesses is a greater risk to the patients than the vaccination diseases.

It is unclear to us what constitutes a "routine visit" for which the client could waive and the clinician would agree. All species for which we provide medical care – companion animals – hide illness. It is our opinion that clients do not have the medical background to determine when their pet may or may not be ill or capable of responding to vaccines. For them to believe that they are being charged for "unnecessary" or "waive-able" exams is disturbing and concerning for our profession as a whole. As stated "exams are a fundamental diagnostic tool, and waiving exams, particularly when an animal is presented with an undiagnosed problem, may lead to inappropriate treatment." This last statement is just as true for the ill animal presented for treatment as for the "apparently" healthy animal presented for vaccine. To boot, according to the OVMA e-news alert, "the pending rule change does not indemnify a veterinarian from responsibility for adverse outcomes if an unhealthy animal is vaccinated and an adverse event occurs." This paints veterinarians into a corner. If we require the exam, which we would, then we are refusing to waive an "unnecessary" exam as far as the public is concerned. If we waive the exam, then we are not only legally liable for the adverse outcome, but also not meeting standards of care. It is a no win situation.

We are wholeheartedly against the proposed change. It is a disservice to everyone involved – client, patient, general public & clinician.

Yvonne Wikander, DVM (author)
Bethany Groves, DVM

4/7/2011

Lori Makinen

From: Alicia Zambelli [aliciazambelli@gmail.com]
Sent: Monday, April 11, 2011 4:08 PM
To: OVMEB Info
Subject: Alarm with upcoming proposed changes in exam requirements

April 11th, 2011
Oregon Veterinary Medical Examining Board
800 NE Oregon Street, Suite 407
Portland, OR 97232
Email: ovmeb.info@state.or.us

I am very concerned about this action the board is considering. I fell this would be a huge step backwards for patient care and protection. Please do not undermine pet health!

To the Oregon Veterinary Medical Examining Board,

We would like to comment regarding the latest proposed changes in exam requirements. It is our opinion that the written comment "to permit vaccination of an apparently healthy animal without a physical examination" describes the problem with the proposed rule. We routinely see "apparently" healthy animals that should NOT be vaccinated and are, in fact, ill. Unappreciated fevers, pets with an allergic flare, and profound dental disease to name a few would all be missed and these animals would be vaccinated. This does an injustice for both patient and client. The patient would be fighting a battle against an already present immune challenge. Any illness post-vaccine would be assumed to be a vaccine reaction when it was a more serious situation. The client would have paid to vaccinate a pet that everyone would assume is now well vaccinated. In fact, the patient may not mount an appropriate immune response to the immunization(s) at all. It is a disservice to the public to engage in a practice that leads them to believe that vaccines are innocuous and that exams are unnecessary. It also makes those of us adhering to the practice act look like we are requiring "unnecessary" exams. In some cases undiagnosed illnesses are a greater risk to the patients than the vaccinated diseases. A minimum requirement of a VCPR (veterinary client patient relationship) examination for all new patients is a fundamental diagnostic tool and also helps us establish a patient's medical history. It is our strong opinion that a minimum of an annual examination should be required of any patients receiving vaccines.

The overwhelming majority of our members oppose this change. It is a disservice to everyone involved – client, patient, general public & clinic.

On behalf of our members,
Washington County Veterinary Medical Association

I strongly agree with and support the content of this letter.

Sincerely,
Alicia Zambelli, DVM



4/12/2011

Lori Makinen

From: Chea Hall [hallvet2@gmail.com]
Sent: Tuesday, April 12, 2011 4:41 PM
To: OVMEB Info
Subject: Proposed Rule Change

To Whom it may concern:

I would like to comment regarding the latest proposed changes in exam requirements.

It is my opinion that the written comment "to permit vaccination of an apparently healthy animal without a physical examination" describes the problem with the proposed rule. We routinely see "apparently" healthy animals that should NOT be vaccinated and are, in fact, ill. Unappreciated fevers, pets with an allergic flare, and profound dental disease to name a few would all be missed and these animals would be vaccinated. This does an injustice for both patient and client. The patient would be fighting a battle against an already present immune challenge. Any illness post-vaccine would be assumed to be a vaccine reaction when it was a more serious situation. The client would have paid to vaccinate a pet that everyone would assume is now well vaccinated. In fact, the patient may not mount an appropriate immune response to the immunization(s) at all.

It is a disservice to the public to engage in a practice that leads them to believe that vaccines are innocuous and that exams are unnecessary. It also makes those of us adhering to the practice act look like we are requiring "unnecessary" exams. In some cases undiagnosed illnesses are a greater risk to the patients than the vaccinated diseases. A minimum requirement of a VCPR (veterinary client patient relationship) examination for all new patients is a fundamental diagnostic tool and also helps us establish a patient's medical history. It is our strong opinion that a minimum of an annual examination should be required of any patients receiving vaccines.

The overwhelming majority of our members oppose this change. It is a disservice to everyone involved – client, patient, general public & clinic.

Sincerely,

Chea Hall, DVM
Murrayhill Veterinary Hospital.

--

A. Chea Hall, DVM
Murrayhill Veterinary Hospital
(O) 503-579-3300
(F) 503-579-4645

✓

4/13/2011

Lori Makinen

From: Andy Frost [andyfrost@drandyfrost.com]
Sent: Monday, April 11, 2011 3:06 PM
To: Lori Makinen
Subject: Re: Veterinary Board Rulemaking Hearing, 4/14, Portland

Lori -- attached find my comments.

I, and the other veterinarians in my practice, are not comfortable in administering vaccinations to animals which have not been examined. I realize that the proposed rule change will not force us to do so, but it has been nice to be able to feel supported in this. Vaccinating unexamined pets won't meet our standard of care, but if this rule change passes, we may spend more time explaining why, and why Dr. Down-the-Road is legally able to vaccinate without an exam. I've been so pleased to see the focus of the annual and semi-annual health exams move to preventive medicine, early diagnosis of problems in their most-treatable stages, and weight control, nutrition, dental health, behavior, internal and external parasite control and other discussions taking their rightful place along with vaccination discussions. Vaccinations are an immensely powerful preventive tool. I don't want pets to go without due to financial constraints. But if my health care consisted of an annual "flu shot" in the aisle of a Costco, I'd be poorly served. I see the proposed rule change as a move backward in client education and a decline in professionalism.

Sincerely,
Andrea K. Frost, DVM

RECEIVED

APR 11 2011

April 6, 2011

Veterinary Medical
Examining Board

Dear OVMEB:

I am writing to urge your committee to reject the proposal to allow vaccines without a current exam. As a veterinarian, I vigorously oppose the proposal as I strongly believe it will hurt the animals we have vowed to help, as well as the clients we have vowed to educate.

In the eleven years I have been a veterinarian, I cannot begin to describe how many wellness vaccine appointments have turned into educational talks, or the gateway to more complicated issues. Most clients have questions during the wellness exam, and these questions would not be answered in a vaccine only environment. Three recent cases come to mind.

"Rascal" is an eleven year old indoor only cat I saw one year ago for a wellness vaccine appointment. His owner had noted no abnormalities. During the exam, I found a very enlarged spleen. Subsequent diagnostics revealed that Rascal had a malignant cancer in his spleen, which was surgically removed. To this day, Rascal is doing very well.

"Cirrus" is an older female Australian shepherd that presented for a wellness vaccine visit recently. During the exam, a malignant cancer was detected in her eye. The owner had the cancer removed, and Cirrus's prognosis is now excellent. Cirrus's wellness appointment also allowed the owner and I to discuss treatment for her painful arthritis.

"Henry" is a young boston terrier that was recently diagnosed with intestinal parasites. His owner also has young children at home, and had many questions about the parasites. Without his wellness exam, as a veterinarian, I would have had no chance to educate the owner about zoonotic disease, and also convince the owner to have Henry neutered and not breed him. Henry has two genetic problems that should not be perpetuated.

If the veterinary board encourages vaccine only policies, we risk public health, animal health, and impairing the trust placed in us as professionals. Please reject this new proposal and leave the law as is.

Sincerely,



Patti Smith DVM
Hart Road Animal Hospital
503-591-5282

RECEIVED

April 7th, 2011

APR 11 2011

Veterinary Medical
Examining Board

Oregon Veterinary Medical Examining Board
800 NE Oregon Street, Suite 407
Portland, OR 97232
Email: ovmeb.info@state.or.us

To the Oregon Veterinary Medical Examining Board,

We would like to comment regarding the latest proposed changes in exam requirements.

It is our opinion that the written comment "to permit vaccination of an apparently healthy animal without a physical examination" describes the problem with the proposed rule. We routinely see "apparently" healthy animals that should NOT be vaccinated and are, in fact, ill. Unappreciated fevers, pets with an allergic flare, and profound dental disease to name a few would all be missed and these animals would be vaccinated. This does an injustice for both patient and client. The patient would be fighting a battle against an already present immune challenge. Any illness post-vaccine would be assumed to be a vaccine reaction when it was a more serious situation. The client would have paid to vaccinate a pet that everyone would assume is now well vaccinated. In fact, the patient may not mount an appropriate immune response to the immunization(s) at all.

It is a disservice to the public to engage in a practice that leads them to believe that vaccines are innocuous and that exams are unnecessary. It also makes those of us adhering to the practice act look like we are requiring "unnecessary" exams. In some cases undiagnosed illnesses are a greater risk to the patients than the vaccinated diseases. A minimum requirement of a VCPR (veterinary client patient relationship) examination for all new patients is a fundamental diagnostic tool and also helps us establish a patient's medical history. It is our strong opinion that a minimum of an annual examination should be required of any patients receiving vaccines.

The overwhelming majority of our members oppose this change. It is a disservice to everyone involved – client, patient, general public & clinic.

On behalf of our members,

Washington County Veterinary Medical Association

I agree with this letter.

Sincerely,

April L. Gorman, DVM



ADC

ANIMAL DERMATOLOGY CLINIC

DARYL B. LEU, D.V.M.

RECEIVED

APR 11 2011

Veterinary Medical
Examining Board

7023 S.W. Beaverton Hillsdale Hwy.

Portland, Oregon 97225-2003

Phone: 503-297-2225

Fax: 503-292-9762

Email: Leuvet@yahoo.com

April 11, 2011

Oregon Veterinary Medical Examining Board (OVMEB)
800 N.E. Oregon Street, Suite 407
Portland, OR 97232

Re: Opposition to amending OAR 875-015-0030(h) to permit vaccination of an apparently healthy animal without a physical examination (hereafter referred to as "AMENDMENT").

Dear Veterinary Medical Examining Board Members:

I am adamantly opposed to amending OAR 875-015-0030(h) to permit vaccination of an apparently healthy animal without a physical examination for the following reasons:

1. Using the term "apparently" healthy suggests that a veterinarian can determine an animal's state of health merely, and solely, by visual inspection. This is contradictory to the principles taught in veterinary medical school, a violation of the Veterinary Practice Act;

OAR 875-005-0005(16); *"Veterinary Client Patient Relationship (VCPR)": Except where the patient is a wild or feral animal or its owner is unknown; a VCPR shall exist when the following conditions exist:*

The veterinarian must have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has seen the animal within the last year and is personally acquainted with the care of the animal by virtue of a physical examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept;

OAR 875-011-0010(1); *Gross negligence in the practice of veterinary medicine; (2) A pattern, practice or continuous course of negligence, ignorance, incompetence or inefficiency in the practice of veterinary medicine. The incidents may be dissimilar; and (12) Failure to maintain records which show, at a minimum, the name of the client, identification of the patient, its condition upon presentation, the tentative diagnosis, treatment performed, drug administered, amount of drug, any prescription, and the date of treatment. For companion animals, identification of the patient should include species, breed, name, age, sex, color, and distinctive markings, where practical.*

and a practice that is unequivocally detrimental to the health and safety of animals.

2. Vaccinations are utilized to prevent disease, mitigate suffering and promote health. Authorizing (legalizing) veterinarians to administer a potentially harmful (lethal) biological agent to an animal following a simplified (visual exam only) evaluation is an irresponsible act on

Page Two
OVMEB
April 11, 2011

the part of the OVMEB, and is not only counterproductive to the goal of preventative medicine, but perpetuates a disservice to the animal and the consumer.

3. Cut rate (street corner, pet store, mobile and hospital/clinic) veterinarians have historically, and notoriously, vaccinated animals without a prerequisite physical examination, or a Veterinary-Client-Patient-Relationship (VCPR), with full disregard for the Veterinary Practice Act or the welfare of their patients. The "AMENDMENT" to allow vaccinations without physical examinations will only vindicate these veterinary indiscretions, and give legal authority to all veterinarians who seek to provide these untoward veterinary services.

4. The "AMENDMENT" will legalize a substandard level of veterinary medicine, allow a discriminate group of "vaccine only veterinarians" to violate the VCPR requirement, and put animals at risk of living their lives without the benefit of regular physical examinations.

5. The "AMENDMENT" devalues the veterinary education, the "state of the art" and the veterinary practice act by allowing veterinarians to practice at the level of "apparently" healthy versus "definitively" healthy. A visual inspection of the animal to determine its "apparent" health can be performed equally as well, in most instances, by the consumer as by the veterinarian, thereby giving them each an equal level of expertise.

6. Vaccinations provide a dependable motivation for consumers to have their pets examined regularly by a veterinarian. The "AMENDMENT" will allow consumers to "opt out" of vital physical examinations and unwittingly put their animals at risk of poor health and disease.

7. The "AMENDMENT" will raise the cost of health care as a result of medical conditions that escape early detection, advanced diseases that require complex medical management, and an increase in the morbidity and mortality among animals.

8. The "AMENDMENT" will have legal ramifications for the OVMEB if animals are harmed as a result of inappropriate vaccinations, or undetected disorders, when consumers question the OVMEB with regard to allowing, or permitting, a veterinarian to administer a potentially harmful agent to an animal without using his/her medical knowledge and full capabilities to prevent any, and all, adverse reactions. The OVMEB is entrusted to protect the health and safety of all animals and the general public. There is no defense in a court of law for providing substandard care when a veterinarian is trained, skilled and capable of performing otherwise.

Respectfully,

A handwritten signature in black ink, appearing to read "Daryl B. Leu", with a long horizontal flourish extending to the right.

Daryl B. Leu, D.V.M.

RECEIVED

APR 11 2011

April 7th, 2011

Oregon Veterinary Medical Examining Board
800 NE Oregon Street, Suite 407
Portland, OR 97232
Email: ovmeb.info@state.or.us

Veterinary Medical
Examining Board

To the Oregon Veterinary Medical Examining Board,

We would like to comment regarding the latest proposed changes in exam requirements.

It is our opinion that the written comment "to permit vaccination of an apparently healthy animal without a physical examination" describes the problem with the proposed rule. We routinely see "apparently" healthy animals that should NOT be vaccinated and are, in fact, ill. Unappreciated fevers, pets with an allergic flare, and profound dental disease to name a few would all be missed and these animals would be vaccinated. This does an injustice for both patient and client. The patient would be fighting a battle against an already present immune challenge. Any illness post-vaccine would be assumed to be a vaccine reaction when it was a more serious situation. The client would have paid to vaccinate a pet that everyone would assume is now well vaccinated. In fact, the patient may not mount an appropriate immune response to the immunization(s) at all.

It is a disservice to the public to engage in a practice that leads them to believe that vaccines are innocuous and that exams are unnecessary. It also makes those of us adhering to the practice act look like we are requiring "unnecessary" exams. In some cases undiagnosed illnesses are a greater risk to the patients than the vaccinated diseases. A minimum requirement of a VCPR (veterinary client patient relationship) examination for all new patients is a fundamental diagnostic tool and also helps us establish a patient's medical history. It is our strong opinion that a minimum of an annual examination should be required of any patients receiving vaccines.

The overwhelming majority of our members oppose this change. It is a disservice to everyone involved – client, patient, general public & clinic.

On behalf of our members,

Washington County Veterinary Medical Association

I agree with this letter.

Sincerely,



Pacific Ave. Veterinary Clinic
2625 Pacific Ave.
Forest Grove, OR 97116
(503) 357-8880

RECEIVED

APR 11 2011

Veterinary Medical
Examining Board

April 7th, 2011

Oregon Veterinary Medical Examining Board
800 NE Oregon Street, Suite 407
Portland, OR 97232
Email: ovmeb.info@state.or.us

To the Oregon Veterinary Medical Examining Board,

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The overwhelming majority of our members oppose this change. It is a disservice to everyone involved – client, patient, general public & clinic.

On behalf of our members,

Washington County Veterinary Medical Association

I agree with this letter.

Sincerely,

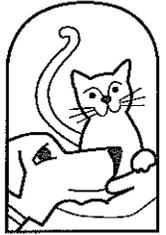
Elizabeth J. Hardesty, D.V.M.
Ann M. Lynn, D.V.M.
W. Palmer, D.V.M.
D. [unclear], D.V.M.
J. Sport [unclear]
J. [unclear] D.V.M.

RECEIVED

APR 12 2011

Veterinary Medical
Examining Board

NORTHWEST
NEIGHBORHOOD
VETERINARY
HOSPITAL



April 7, 2011

Dear Board Members,

I am writing to voice my concerns about the proposed rule change OAR 875-015-0030(1)(h). I am strongly against the proposed change to allow vaccinations without an exam. I feel this change completely devalues the role of veterinarians as health care professionals. Vaccinations are a medical procedure with potential risk to the patient. All animals should have a Veterinary-Client-Patient Relationship prior to any medical procedure including vaccinations. I am concerned veterinarians are losing their relevance in the animal health field and this rule change will be very detrimental to the field.

The rule states we are still responsible for any adverse outcomes resulting from the vaccination of unhealthy animals. Without an exam, it will be impossible to determine if an animal is healthy enough to receive a vaccination. I am concerned that this puts undue liability on the veterinarian.

Please consider the negative implications that this rule change will have on the veterinary profession.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Shuler". The signature is fluid and cursive.

Scott Shuler, DVM

2680 NW THURMAN STREET
PORTLAND, OR 97210
503/227-6047
FAX 503/227-7213
www.nwneighborhoodvet.com

RECEIVED

APR 12 2011

Veterinary Medical
Examining Board

April 7th, 2011

Oregon Veterinary Medical Examining Board
800 NE Oregon Street, Suite 407
Portland, OR 97232
Email: ovmeb.info@state.or.us

To the Oregon Veterinary Medical Examining Board,

We would like to comment regarding the latest proposed changes in exam requirements.

It is our opinion that the written comment "to permit vaccination of an apparently healthy animal without a physical examination" describes the problem with the proposed rule. We routinely see "apparently" healthy animals that should NOT be vaccinated and are, in fact, ill. Unappreciated fevers, pets with an allergic flare, and profound dental disease to name a few would all be missed and these animals would be vaccinated. This does an injustice for both patient and client. The patient would be fighting a battle against an already present immune challenge. Any illness post-vaccine would be assumed to be a vaccine reaction when it was a more serious situation. The client would have paid to vaccinate a pet that everyone would assume is now well vaccinated. In fact, the patient may not mount an appropriate immune response to the immunization(s) at all.

It is a disservice to the public to engage in a practice that leads them to believe that vaccines are innocuous and that exams are unnecessary. It also makes those of us adhering to the practice act look like we are requiring "unnecessary" exams. In some cases undiagnosed illnesses are a greater risk to the patients than the vaccinated diseases. A minimum requirement of a VCPR (veterinary client patient relationship) examination for all new patients is a fundamental diagnostic tool and also helps us establish a patient's medical history. It is our strong opinion that a minimum of an annual examination should be required of any patients receiving vaccines.

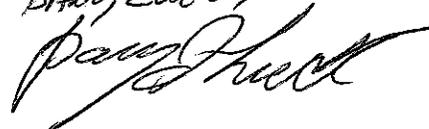
The overwhelming majority of our members oppose this change. It is a disservice to everyone involved – client, patient, general public & clinic.

On behalf of our members,

Washington County Veterinary Medical Association

I agree with this letter.

Sincerely,
BARRY LUEDKE, DVM



✓

RECEIVED

APR 12 2011

Veterinary Medical
Examining Board

April 7th, 2011

Oregon Veterinary Medical Examining Board
800 NE Oregon Street, Suite 407
Portland, OR 97232
Email: ovmeb.info@state.or.us

To the Oregon Veterinary Medical Examining Board,

We would like to comment regarding the latest proposed changes in exam requirements.

It is our opinion that the written comment "to permit vaccination of an apparently healthy animal without a physical examination" describes the problem with the proposed rule. We routinely see "apparently" healthy animals that should NOT be vaccinated and are, in fact, ill. Unappreciated fevers, pets with an allergic flare, and profound dental disease to name a few would all be missed and these animals would be vaccinated. This does an injustice for both patient and client. The patient would be fighting a battle against an already present immune challenge. Any illness post-vaccine would be assumed to be a vaccine reaction when it was a more serious situation. The client would have paid to vaccinate a pet that everyone would assume is now well vaccinated. In fact, the patient may not mount an appropriate immune response to the immunization(s) at all.

It is a disservice to the public to engage in a practice that leads them to believe that vaccines are innocuous and that exams are unnecessary. It also makes those of us adhering to the practice act look like we are requiring "unnecessary" exams. In some cases undiagnosed illnesses are a greater risk to the patients than the vaccinated diseases. A minimum requirement of a VCPR (veterinary client patient relationship) examination for all new patients is a fundamental diagnostic tool and also helps us establish a patient's medical history. It is our strong opinion that a minimum of an annual examination should be required of any patients receiving vaccines.

The overwhelming majority of our members oppose this change. It is a disservice to everyone involved – client, patient, general public & clinic.

On behalf of our members,

Washington County Veterinary Medical Association

I agree with this letter.

Sincerely,

 DVM

Sherri Swarmer
Forest Heights Veterinary Clinic
7365 SW Barnes Rd
Portland, Or. 97225

TWIN OAKS VETERINARY HOSPITAL

DONALD L. HOWARD, D.V.M., P.C., C.V.A., C.A.C.

5701 Gaffin Road SE

Salem, OR 97317

Phone: 503-585-6701 Fax: 503-480-8629

donhowarddvm@yahoo.com

Oregon Veterinary Medical Examining Board
800 NE Oregon Street Suite 407
Portland, OR 97232

Testimony concerning OAR 875-015-0030(h)

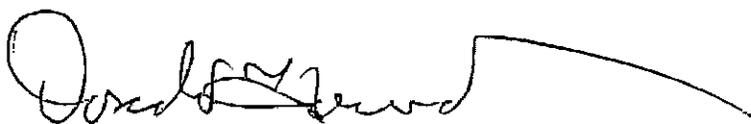
I am against the current proposal ruling regarding vaccination of an apparent healthy animal without a physical examination. I believe the OVMEB is out of line making Any statement that is inconsistent with the expected standard of care by a Veterinarian as outlined by the OVMEB 875-015-0030(h). It is the Veterinarian that evaluates each case and determines the level of care that should be provided, and what is best for this patient under the conditions by which it is presented. It is then the client that makes the decision in whether to proceed with the Doctors findings or not. Not the other way around. Pet owners rely on the judgment of the professional as to the level of health or non-health the patient has. If the Veterinarian is to depend on the pet owner assessment of their pet's health and proceed ahead based on the client's findings, then the professional should be held harmless of any adverse outcome regardless of whether the Veterinarian administered the medicine/ vaccine or not. Also, it is the Veterinarian that should determine if a fee should be charged or not, NOT the client or the OVMEB. This is by professional judgment in each individual case. Should the Veterinarian make an error and do less than what is expected by the consumer/client then he/she is placing himself/herself in a compromising position and possible malpractice. By the OVMEB responding to public demands, they are putting the Veterinarian in a position of defense against the client and the OVMEB as well. The practice of Veterinarian medicine is on the competitive capitalistic system which is the standard of business climate in this United States. Therefore

it is the attending Veterinarian's decision to treat each case as he or she deems fit for the patient (pet) as well as the client. This should not be dictated in any way by the OVMEB other than holding the professional to the standard of care as outlined.

The purpose of the OVMEB is to protect the public from fraudulent and/or improper application of veterinary procedures for a fee, period. Anything beyond this is taking away the ability of the Veterinarian to make a judgment call on presentation of the case. This phrasing or rephrasing of 875-015-0030(h) is totally out of line in that it positions the Veterinarian in defense against the client (consumer) as well as the OVMEB.

I believe the OVMEB needs to review and examine their job description and purpose as outlined by the Oregon Legislature. To propose removing from the Veterinarian the ability to make a professional judgment and act on those findings and give that to the client- then putting the Veterinarian in a position of possible negligence should the outcome be less than desired is absurd and nothing short of irresponsible. This is putting the OVMEB and the client in the best of both worlds and the Veterinarian in the worst of both worlds.

I request that the State of Oregon leave OAR 875-015-0030(h) as it is.

A handwritten signature in black ink, appearing to read "Donald L. Howard", with a long horizontal flourish extending to the right.

Donald L Howard D.V.M
License number 957

CC Glen Kolb Executive Director OVMA

CC Keith Sides D.V.M President of OVMA

Oswego Veterinary Hospital

590 SW 3rd St Lake Oswego, OR 97034 (503) 636-3001

Oregon Veterinary Medical Examining Board

800 NE Oregon St, Ste 407
Portland, OR 97232

Regarding OAR 875-015-0030(h)

April 11, 2011

Members of the Oregon Veterinary Medical Examining Board,

I appreciate the difficult position you are in when defining a VCPR in the OR Practice Act and I also appreciate the opinions and financial concerns of the pet owners of our area but I wanted to take a few moments of your time to point out why I, as a Practice Manager, find the proposed amendments disconcerting:

- Our profession continually struggles to educate the pet owning public about the value not only of what we do in general but also the value of an annual medical exam for their pet. If the Practice Act neglects to define an annual exam as part of the VCPR the annual exam will be devalued that much more. For years veterinary medicine emphasized vaccinating annually and a pet's health was often focused on the those vaccines. As our profession improved our standards and we educated one another on lessening dependency on vaccines and focus on other preventative care the shift that took place emphasized the true value of an annual exam. Eliminating that standard will create a dynamic that may force some hospitals in Oregon to compromise their standard of care because the owners have been misled concerning the value of the annual exam.
- There is a profession-wide agreement that our feline preventative care visits are dropping off dramatically and although there have been several published theories on the reason, I feel certain that defining a VCPR that does not include an annual exam will only increase the absence of felines and exacerbate the already challenging situation. The industry is scrambling to educate and enable feline owners to appreciate preventative care that includes lab work, parasite control and comprehensive annual exams in an effort to prevent the later stage disease that we may be able to avoid.
- The ultimate and most basic reason the Practice Act should define the VCPR as including an annual exam is because DVM's seem to agree it is in the patient's best interest and that is, after all, the standard we all strive to achieve.

I appreciate your time and dedication to our profession.

Sincerely,



Jessie Merritt CVPM

April 11, 2011

RECEIVED

APR 14 2011

Veterinary Medical
Examining Board

Oregon Veterinary Medical Examining Board
800 NE Oregon Street Suite 407
Portland, OR 97232

Testimony concerning amending OAR 875-015-0030(h)

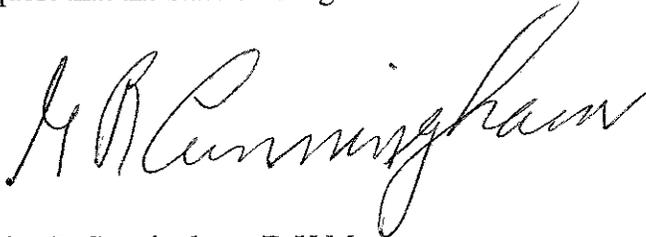
CVT will administer a vaccine and the veterinarian will never see the animal. This will turn the veterinary practice into a vaccine clinic which the state of Oregon has not been protecting the public from anyway. You appear to feel comfortable with not enforcing the practice act there and yet you will allow the public to dictate who gives an exam. In your email you state that "Exams are a fundamental diagnostic tool and waiving exam, particularly when an animal is presented with and undiagnosed problem, may lead to inappropriate treatments". The practice act goes into great length to define what an exam is and now you are just going to dispense with it.

It is difficult enough to convince the public that we are giving them value when we examine their animals. The state is not helping much when you say "we don't need an exam for a little unimportant rabies vaccine that a CVT gives anyway".

I use a report card on their pet's health when I give a vaccine exam which I charge less for than health maintenance exam. I often find issues concerning the pet's health that this owner is whining to the state that he doesn't need an exam. They are suffering from dental issues, severe flea dermatitis, itching 24-7 and ongoing otitis. We all know that the examining board does not want any cruel practices among its license holders or the public which an exam would go a long way in taking the suffering and cruelty from these pets and not put the veterinarian in violation of the many parts of the practice act.

It would appear that the examining board does not want to explain the purpose of an exam. You know and I know this is about money and the examining board has said many times in my tenure as a licensed Oregon veterinarian that they do not become involved in fee issues.

I request that the state of Oregon leave OAR 875-015-0030(h) as is.



Gordon R Cunningham, D.V.M.
License number 1066

April 9, 2011

Veterinary Medical Examining Board
800 NE Oregon Street, Suite 407
Portland, OR 97232

Re: Proposed amendment to OAR 875-015-0030(h)

Dear Board Members,

I have recently reviewed your proposed amendment to the referenced rule. As I understand the proposal, this amendment would eliminate the need for a physical exam prior to administering a vaccine in an apparently healthy animal.

The proposed amendment raises significant concerns. First, there is no definition or standard as to what constitutes an “apparently healthy animal?” At best, this is an ambiguous and highly subjective standard. Would an obese animal without other symptoms considered to be “apparently healthy”? What about an aged pet? Would a Labrador retriever that is less animated than the one seen earlier in the day be “apparently healthy”?

Second, this is an untenable and inequitable approach. Essentially, the Board is stating that veterinarians may waive exams because citizens have complained. Yet there is no exemption from liability if the patient experiences a complication following a vaccine that has been administered without an exam having been performed. In short, if an animal is “apparently healthy” (according to some undefined standard), is therefore not examined but, following the vaccine, experiences a complication that could have been avoided with an exam, the veterinarian is still liable.

Third, the proposed amendment contradicts other Board policies. According to a recent (undated) letter, the Board stated “. . . Exams are a fundamental diagnostic tool and waiving exams, *particularly when an animal is presented with an undiagnosed problem*, may lead to inappropriate treatment.” [Emphasis added.] Without an exam, how will a veterinarian know whether there is a problem or not? The essential purpose of a physical exam is to rule in or rule out problems. Specifically, if the standard established by the board is that veterinarians don’t always have to perform an exam, many occult diseases may be missed. This will be a gross disservice to the patient, the client, and, potentially, the public -- all of whom the Board serves.

Finally, as conscientious veterinary practitioners, we do our best to schedule annual exams to coincide with the schedule for the patient's vaccine administration. This is the most sensible way to avoid both health risks to patients and inconvenience and additional costs to animal owners. The proposed amendment invites the abrogation of an essential component of the Board's mission: protecting the wellbeing of the patients. To make the proposed change is a disservice to the animals, veterinarians, and public interest you are charged with protecting. I urge you to withdraw the proposed amendment to OAR 875-015-0030(h).

Sincerely,

R. Preston Ross, DVM
Hospital Director/Owner
Fremont Veterinary Clinic
5055 NE Fremont St.
Portland, OR 97213



RECEIVED

APR 13 2011

Veterinary Medical
Examining Board

To: Oregon Veterinary Medical Examining Board

April 11, 2011

800 NE Oregon Street, Suite 407

Portland, OR 97232

From: Anthony Oddo DVM, MA

Re: Proposed amendment to OAR 875-015-0030(h) allowing vaccination without examination

Dear OVMEB:

I respectfully submit my objection to the proposed amendment allowing a veterinarian or CVT to vaccinate an animal without an appropriate examination.

I would like to first point out a discrepancy in the specifications of the amendment as described in your e-mail of 3/17/11 vs. as posted on your website. Your e-mail specifies "...to permit vaccination of an apparently healthy animal without a physical examination". This infers that someone is responsible for determining health status, but not specifying who or how they are to arrive at that conclusion. Your website specifies "...to permit vaccination without physical examination", suggesting that no one is responsible for determining health status prior to vaccination, an unacceptably cavalier and unprofessional approach to healthcare.

As a practical matter, any member of the public or their designated agent can vaccinate their pet without involving a veterinarian at all. Vaccine, needles and syringes are readily available at any feed store or animal supply outlet. The appropriateness, administration, safety, effectiveness and record keeping of such vaccination is completely in the hands of the pet owner in this situation. They also accept responsibility for recognizing and dealing with adverse reactions.

When a pet owner presents their animal to a veterinarian for vaccination, the veterinarian becomes responsible for the appropriateness, safety, administration, effectiveness and record keeping of the vaccination, and dealing with adverse reactions.

It is thoroughly unreasonable to expect a veterinarian to provide an acceptable standard of care without the minimum data base to make good decisions. I submit that the minimum acceptable data base is obtaining a history and performing an examination. The history and exam can and should be appropriate in extent to the presentation, and need not be as extensive as that specified in OAR 875-015-0030(h).



In my experience, a credible determination of “apparently healthy” requires evaluation of vital signs, including measurement of temperature and heart rate, and estimation of body score at the very least. I have had clients relate that their pet looked “perfectly healthy”, only to have them die the next day of chronic disease. I routinely see clients who refer to their morbidly obese animals as “perfectly healthy”. I have seen dogs presented for vaccination after incarceration at a county humane society who appeared healthy but tested positive for Parvovirus. We tested the dogs for Parvovirus only after checking vital signs and questioning the owner. We have delayed or declined to vaccinate dogs who were too young, debilitated with stress, illness or poor body condition, pregnant, or otherwise poor candidates for vaccination despite the owner’s request to do so.

Your e-mail offers a justification for the amendment that citizens have been misinformed by veterinary offices as to OVMEB examination requirements. I regrettably recognize and acknowledge an unacceptable level of misinformation and inappropriate advice from veterinary providers that serves only the interest of shameless profiteering. I welcome and support any efforts by the OVMEB to curtail fraud. Unfortunately, this amendment does nothing to solve this problem.

Minimum standards should not be used to undermine the credibility of the veterinary profession by leading the public to believe that vaccination is nothing but a mindlessly administered injection that solves their problems without risk.

All veterinarians should be held to a higher standard of credible evaluation before rendering an opinion or providing a treatment.

Respectfully submitted,

Anthony Oddo DVM, MA



Michael J. Reynolds, DVM
Jeffrey W. Brubaker, DVM
Sarah Deppenbrock, DVM

1308 North First Avenue
Stayton, Oregon 97383
503.769.7387 (PETS)
503.769.9832 fax
info@santiamvetmed.com

www.santiamvetmed.com

Stayton Veterinary Hospital

April 12, 2011

To Whom it may concern,

These comments are in regards to the proposed amendment of OAR 875-015-0030 which would allow veterinarians to vaccinate pets without a Veterinary-Client-Patient-Relationship (VCPR). I disagree with this proposed change for the following reasons.

1. The current rule sets a minimum statewide standard of veterinary care. A good standard of care, not just a standard of care.
2. The proposed rule change seems counter to the ideal of improving standards of care. Clients are demanding excellent health care for their pet family members as is evidenced by the demands for improved veterinary medical technology and the subsequent high cost of veterinary education.
3. In my opinion, if a veterinarian is going to vaccinate (treat) a pet, he/she should be able to give the client some assurance that the pet is free from obvious signs of disease. This is accomplished through a physical exam.
4. The current rule does not compel veterinarians to charge a fee, just provide good care. If a veterinarian does not feel that his/her clients will tolerate an exam fee for a vaccine, the fee could be waived.
5. Veterinarians need to learn how to explain fees and the importance of services rather than hiding behind the board rules as a reason for fee charges.

Regards,

Jeffrey Brubaker, DVM

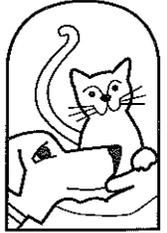
Michael Reynolds, DVM

RECEIVED

APR 14 2011

Veterinary Medical
Examining Board

NORTHWEST
NEIGHBORHOOD
VETERINARY
HOSPITAL



April 7, 2011

Dear Board Members,

Amending OAR 875-015-0030(h) to permit vaccination of an apparently healthy animal without a physical examination opens veterinarians up for liability and does a disservice to animals. The Veterinary-Client-Patient Relationship (VCPR) is at the center of quality veterinary medicine. How can an animal be classified as healthy without an examination? Does the owner make that decision?

Vaccination protocols need to be tailored to each individual animal's needs and identifying those needs requires a VCPR. If animal owners want cheap "shots", they can obtain vaccines from catalogs or internet sites. We should not change our standard of care because clients don't want to pay for a veterinarian examination.

If I understand the current regulation, as long as an animal has been examined within the last year, vaccines can be given without an exam. A single exam within 12 months is not too much to ask of animal owners. Our decisions need to be based on what is in the best interest of the animal not the owner's wallet.

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Fleming Shuler", with a long horizontal flourish extending to the right.

Carrie Fleming Shuler, DVM, MPH

2680 NW THURMAN STREET
PORTLAND, OR 97210
503/227-6047
FAX 503/227-7213
www.nwneighborhoodvet.com

Cornell Center Animal Hospital
16155 NW Cornell Road
Suite 800
Beaverton, OR 97006

April 14, 2011

Veterinary Medical Examination Board
800 NE Oregon St., STE 407
Portland, OR 97232

Board Members,

I am against proposed rules change that would no longer require veterinarians to examine a patient before vaccination of a patient.

Clients come to us with an expectation that we will do no harm. Unfortunately, clients all too frequently come to us with a sick animal and want us to vaccinate their pet thinking this is a therapeutic treatment rather than a preventative measure.

I acknowledge that there are circumstances when we cannot perform a complete physical exam on a patient, due to fractious behavior, and then we have to use our best judgment based on oral history provided by client and observation to determine if the patient is healthy enough to vaccinate.

I also acknowledge there are times when we deem a patient healthy enough to vaccinate and they may have an adverse reaction or underlying illness that makes a vaccination seem inappropriate but I believe that, to the best of our ability, it is our responsibility to make sure the patient is healthy enough to vaccinate and if not, explain to our client why it is important not to vaccinate their pet until it is healthy.

Thank you for your consideration

Greg Stanchfield DVM



April 11, 2011

Veterinary Medical Examining Board

800 Oregon Street
Portland, OR 97232

Dear Members of the OVME Board,

In response to the proposed amendment to OAR 875-015-0030(h), we wish to state our position in support of those veterinarians who require an examination with each vaccination appointment and recheck examinations in general, and why we choose not to waive such appointments. We feel that it is the Board's continued responsibility, along with the veterinarian's, to educate the pet owner about why such examinations are important — that they identify occult and zoonotic disease, educate clients about steps to take to improve wellness, verify that the pet is indeed healthy enough to receive vaccinations and continue other treatments, provide pre-treatment for a vaccination reaction if warranted and educate clients about potential reactions, as well as update other needs in healthcare such as parasite control.

With the recession and advent of longer duration-of-immunity vaccinations, veterinarians have had to struggle to maintain patient visits. The economy is just as hard on us as it is for our clients, and operating costs keep rising. It does not make sense to initiate a policy that will hurt the business and potentially hurt an animal. The livelihood of our staff relies on the business staying healthy and we don't want to alter a policy that would be difficult to reverse once the economy improves. Most importantly, **it is just not good medicine.**

As an example, I was able to diagnose Leptospirosis in a one-year-old dog who had a fever of 104F but "seemed fine" to the owner requesting a vaccination booster. This dog had gone hiking with its owner at the coast the week before. Another case was a cat with pale mucous membranes, presented for a Rabies vaccination, who ended up testing FeLV positive. Most recently, I found a mass on the rear leg of a Boston Terrier that the owner thought was not significant — fine needle aspiration revealed a sarcoma, surgical excision revealed an subcutaneous hemangiosarcoma, and the oncologist recommended life-saving leg amputation and chemotherapy! Although these are rather disconcerting diagnoses, the clients involved were deeply appreciative because the dogs recovered and the cat's illness led to testing and protection of the other cats in the household.

We understand that clients will seek no-exam vaccinations and that is their prerogative. Vaccination clinics have always existed and serve a purpose. We have flexibility in our protocol for waiving exams for chronic conditions, but it is rarely longer than 6 months. The Board should not put itself in a position of sanctioning no-exam visits just to quell complaints — we certainly don't. We have a Health Care Plan available for purchase that provides no-cost annual vaccinations, but still includes paid-for (yet reduced-cost) examinations. The examination is always emphasized as the most important part.

Sincerely,

Susan M. Erickson DVM Ph.D.
Medical Director
Pet Samaritan Clinic
2519 E. Burnside St.
Portland, OR 97214

2519 East Burnside • Portland, OR 97214 • 503/233-5001

• MEMBER AMERICAN ANIMAL HOSPITAL ASSOCIATION •



Members of the Board, as a profession, veterinarians abhor change, even when it is for the good of our patients and the profession. This was the case last year with the adoption of the current guidelines regarding the VCPR and annual exam. You had reasons and ideals to further the practice of veterinary medicine when you adopted this ruling a year ago. Have those reasons changed? We would hope not, because it is good medicine.

We know that our pets age on average an equivalent of seven years for each calendar year. Do we only see our doctor every seven years? Why does the AVMA recommend examinations twice a year? Is it because it is good medicine? If the current revision is adopted, who decides if the pet is "healthy" for its vaccinations every year or three years.

There has been the argument that the annual exam for vaccination is an economic hardship that we are requiring owners to be burdened with. Nowhere have we seen in the rulings a mandatory cost associated with this annual examination. When we go to our doctor for an exam, do we always see the doctor, or do we see a physician's assistant, or a nurse practitioner? What a great chance to utilize our certified technicians and allow them to do what they have been trained and licensed for with wellness exams for vaccinations. When a health concern is found, the veterinarian can then assist in the examination process. This would free up the veterinarian's time, utilize our technicians to their potential and maybe keep them interested in the profession.

Instead of lessening or weakening the veterinary image by making us appear wishy washy concerning the need for an annual exam, help us to educate our clients as to why annual examinations are good medicine.

Please stay the course and do not cave in to peer pressure.

Thank you,

The staff at Companion Pet Clinic, McMinnville Inc.

RDVM
Dyanee Billings

John E. Billings, DVM
Pamela J. Lutting, Vet Ass
McBee Stepp, Vet Ass

Lori Makinen

From: Glenn Kolb [glenn.kolb@oregonvma.org]
Sent: Monday, April 18, 2011 10:07 AM
To: Lori Makinen
Subject: Fw: Fwd: Proposed rule change

Lori,

Dr. Steve Callahan sent us his comments on the proposed rule change. Thank you for accepting it into the "record."

Glenn

----- Original Message -----

From: Raina Dey
To: Glenn Kolb
Sent: Tuesday, April 12, 2011 5:36 PM
Subject: Fw: Fwd: Proposed rule change

-----Original Message-----

From: callahallfamily@aol.com
To: reina.dey@oregonvma.org
Sent: Tue, Apr 12, 2011 11:17 am
Subject: Proposed rule change

Hello Raina;

I had no luck with the "browser" attempt either . . . so here's my input.

I am strongly opposed to the proposed rule change concerning administering vaccines without an appropriate (exam within past year) doctor/patient relationship. There are many reasons I may or may not recommend certain vaccines based on the lifestyle/exposure potential of a pet, current health status, former vaccine reactions, prior immune-mediated disease concerns, etc. All of those considerations require that the doctor/patient relationship established before administering vaccines (or, other medications, as the current law requires).

Just mark me, and the other 5 doctors in this practice—Joey Goldthorpe, DVM, Kristina Cox, DVM, Diane Heider, DVM, Jennifer Barrington, DVM, and Justin Vaughn, DVM (we discussed this at a recent doctors meeting, and were all in agreement)—as categorically opposed to the proposed rule change.

Sincerely,

Steve Callahan, DVM
541-753-2223

4/18/2011

PROPOSED AMENDMENT TO OAR 875-015-0030(H)

April 14, 2011

Companion Pet Clinic of Beaverton, LLC
Companion Pet Clinic of Gresham, LLC
Daniel G. Koller, DVM, JD

I am in support of the OVMEB's proposed amendment to OAR 875-015-0030(h) to permit vaccination of an apparently healthy animal without a physical examination. I concur with the address and statements made by Dr. Vets(?) from Sandy Oregon. I would like to add the following comments in support of the amendment:

This agency has been formed, not for the benefit of veterinarians, but for the protection of the consumer. We must remember that this Board is mandated to protect the consumer and regulate the activities of veterinarians who hold a monopoly on the treatment of animals for disease, injury, surgery and dentistry. We are all well aware of the dangers of monopolies. The amendment is memorializing what has always been the custom and course of conduct of pet owners and I might add, caring veterinarians. I strongly feel that the pet owner (consumer) has the right to waive the requirement of a complete physical examination to their apparently healthy animal. Veterinarians are now noticing, in their journals and on their appointment calendars, that patient visits are on a downward trend. The veterinarians that are testifying here today objecting to the amendment, are asking this Board to mandate an examination which, in addition to good medicine, is perpetuating a self-interest opportunistic motive of increasing examinations for money. No one can deny that a physical exam is good practice and highly advisable any number of times a year. By making it a requirement and taking away the owners rights to deal with their animal as best they can, given their personal financial situations, the veterinarians, who hold the monopoly on the examination, are using this Board for their own pecuniary benefit.

Pets are property here in Oregon, and as such the owners of these properties have a duty to care for the health and welfare of their pets. Not all pet owners are equal; financially or otherwise. Most pet owning consumers try to do what they can afford to do for their pets health and well being. In the case of vaccinations, the Pet Owner should be allowed to determine whether or not his animal needs a physical examination prior to vaccination. The cost of an examination has deterred

many owners from having their pets vaccinated. In Oregon the examination fee can range in cost from an additional \$15.00 to \$90.00 depending on the particular veterinarian or hospital. This amendment does not restrict the veterinarian from practicing the best medicine. Nothing in this amendment deters a veterinarian from personally requiring an examination before vaccination. The veterinarian or hospital can still require examinations prior to any vaccination. They are free to charge or not charge for such examinations. The only thing that this amendment does, is take away the illegal effect of not examining a pet with an owners waiver. It allows the owner to make the determination that his/her pet is healthy and can be vaccinated without an examination. The amendment also allows an exception to the VPCR when it comes to vaccinating new patients where their owners do not want, or can not afford an examination. There is little downside to vaccinating a healthy pet. The owner, by waiving said examination, takes the responsibility of any untoward consequences. The veterinarian will be held harmless and he/she will not have committed a rule infraction.

Pet owners have been permitted to practice veterinary medicine on their own animals almost as long as this Board has been in existence:

ORS 686.040(2) Nothing in ORS 686.020 (1)(a) shall be so construed as to prevent any person or the agent or employee of the person from practicing veterinary medicine and surgery or dentistry in a humane manner on any animal belonging to the person, agent or employee or for gratuitous services or from dehorning and vaccinating cattle for the person, agent or employee.

This clearly permits the owner of animals to not only perform surgery on their animals, but to vaccinate their own animals legally. The self-interest of a monopolistic group of professionals should not prevent those veterinarians within this group from trying to assist the owners of the pets vaccinating their charges by making it illegal for one of their own to vaccinate without examination.

As mentioned by others, vaccines are available at feed stores and through the internet. Breeders and many owners have been vaccinating their own pets for decades. It seems to me that it would be much more beneficial to have the pet vaccinated by trained personnel and veterinarians that are willing to vaccinate “client determined healthy pets” than have the owners do it to their own pets.

The veterinarians who have testified at this hearing, want to scare the public into believing that “best medicine” dictates the necessity of examining a pet before vaccination. No one denies that. But, these veterinarians want to take away their rights to determining whether or not their pet needs to be examined before vaccination. These veterinarians ignore the fact that humans obtain flu and other vaccinations at Safeway Pharmacies and other stores without an examination or a patient client relationship with a with a human physician.

It is true that vaccinating apparently healthy animals is clearly not as dangerous as vaccinating apparently sick animals. Who better to determine whether or not a pet needs veterinary attention but the owner. The owner has always made the determination as to whether or not to take the pet to the veterinarian for any number of conditions and situations. It has always been the law that the owner of the animal determines whether or not their pet gets veterinary attention. That is the way it works. There are limitations to the general physical examination outlined in OAR 875-015-0030 Minimum Veterinary Practice Standards. The physical examination itself does not uncover all or even a majority of conditions that would cause a veterinarian to recommend foregoing the vaccinations. The necessary diagnostic procedures that must be followed when there is an unhealthy pet presented for vaccination can be quite costly. The down side of vaccinating unhealthy pets are not that risky or substantial when compared to failing to vaccinate a larger number of otherwise healthy pets.

This amendment would allow for vaccination clinics to continue to help financially strapped consumers with pets to perform what the AVMA advises regarding vaccination protocol. To deny the consumer their right to make a determination regarding the health needs of their pet is unconscionable. By requiring physical examinations prior to vaccination, the Board is increasing the cost of vaccinations from \$15.00 to \$90.00 per pet, for the ultimate benefit of the veterinarians’ profit margin. This Board must adopt the amendment so that more pets can be vaccinated by qualified, trained personnel rather than be turned away because of the added cost of a physical examination. The amendment does not restrict those veterinarians who want to provide the “best medicine” from requiring a physical examination, yet it protects the consumers right to choose a veterinarian that will provide the service for less cost without violating the Practice Act.

Does this Board really want to protect the veterinarians' bottom line or are they going to shield the public you are sworn to protect from the overreaching monopoly?

Daniel G. Koller, DVM
Attorney at Law

**PUBLIC COMMENTS on Proposed Amendment to OAR 875-015-0030(1)(h)
Rule Hearing April 14, 2011**

Last	First	Lic.	Issued	Clinic/Organization	City (ofc/home)	Test.	Yes/No
Christensen	David	DVM	1983	Barlow Trail VC	Sandy/Eagle Ck	wr	yes
* Betz	Jennifer	DVM	1998	Sandy AC	Sandy/Damascus	wr/oral	yes
* Sides	Keith	DVM	1981	Cinder Rock VC	Redmond	wr	no
Haveman	Randall	DVM	1980	Sunnyside VH	Happy V./Newberg	wr	yes
* Chamberlin	Nicole	DVM	2000	Cascade Summit AH	West Linn/Pdx	wr/oral	no
* Kolb	Glenn	none	n/a	OVMA	Salem	wr/oral	no
* Ortner	Christine	DVM	2002	Cascade Summit AH	West Linn/O	wr/oral	no
* ten Broeke	Tanya	DVM	2002	Gladstone VC	Milwaukie/Pdx	wr/oral	no
Zawadzki	Michele	DVM	2003	Murrayhill AH	Beav/Pdx	wr	no
White	Constance	DVM	1999	Fremont VC	Pdx	wr	no
* Goodman	Laird	DVM	1983	Murrayhill AH	Beav/Tigard	wr/oral	no
Williams	Debbie	CVT	2009	Creekside VC	Keizer	wr	no
Lopate	Cheyl	DVM	2003	Wilsonville VC	W'ville/Aurora	wr	no
* Bennett	KIKI	DVM	2004	Hart Road AH	Beaverton/Aloha	wr	no
Connell	Jana Gale	CVT	1994	Jamestown VH	Jamestown CA	wr	yes
Young	William	DVM	1970	W Eugene AH	Eugene	wr	yes
Dahlquist	Matt	DVM	1992	Gateway VH	Pdx	wr	neither
Buer	Cierra	DVM	2006	CPC Oakland	Oakland/Roseburg	wr	no
Williams	Jerry	DVM	1968	Creekside VC	Keizer/Salem	wr	no
Nolte	Susan	DVM	1984	Pacific VH	Pdx	wr	no
Wikander (#1)	Yvonne	DVM	1989	Frontier VH	Hillsboro	wr	no
& Groves (#1)	Bethany	DVM	2008	Frontier VH	Hillsboro/Pdx	wr	no
Zambelli	Alicia	DVM	1996	Murrayhill AH	Beav/Pdx	wr	no
Hall	Chea	DVM	2002	Murrayhill AH	Beav/Canby	wr	no
* Frost	Andrea	DVM	1997	Pacific VH	Pdx	wr	no
Smith	Patti	DVM	2004	Hart Road AH	Beaverton	wr	no
Grossen	Julie	DVM	1993	Pacific VH	Pdx/Milwaukie	wr	no
Leu	Daryl	DVM	1978	Animal Dermat. Cl.	Pdx	wr	no
Bruckert-Fiske	Sidney	DVM	1996	Pacific Ave VC	Forest Grove	wr	no
Hardesty	Elizabeth	DVM	2003	Frontier VH	Hillsboro/Beav	wr	no
& Yung	Lisa	DVM	2006	Frontier VH	Hillsboro/Pdx	wr	no
& Palmer	Jill	DVM	2001	Frontier VH	Hillsboro	wr	no
& Groves (#2)	Bethany	DVM	2008	Frontier VH	Hillsboro/Pdx	wr	no
* & Loepp	L Scott	DVM	1984	Frontier VH	Hillsboro	wr/oral	no
& Wikander (#2)	Yvonne	DVM	1989	Frontier VH	Hillsboro	wr	no

Shuler	Scott	DVM	1999	NW Neighborhood VH	Pdx	wr	no
Lueck	Barry	DVM	1989	CPC Aloha	Aloha/Gaston	wr	no
Swanner	Sherrri	DVM	1999	Forest Heights VC	Pdx/La Center	wr	no
Howard	Donald	DVM	1968	Twin Oaks VH	Salem	wr	no
* Merritt	Jessie	none	n/a	Oswego VH	Lake Oswego	wr	no
Cunningham	Gordon	DVM	1970	South Salem VC	Salem	wr	no
Ross	R Preston	DVM	1990	Fremont VC	Pdx	wr	no
Oddo	Anthony	DVM	1985	High Desert Vet	Bend	wr	no
Brubaker	Jeffrey	DVM	2004	Santiam Canyon Vet	Stayton	wr	no
& Reynolds	Michael	DVM	1999	Santiam Canyon Vet	Stayton/Aurnsville	wr	no
Shuler	Carrie	DVM	1999	NW Neighborhood VH	Pdx	wr	no
Stanchfield	Greg	DVM	1984	Cornell Center AH	Beaverton	wr	no
Erickson	Susan	DVM	1986	Pet Samartan Clinic	Pdx/Oregon City	wr	no
Callahan	Steve	DVM	1987	Williamette VH	Corvallis	wr	no
& Goldthorpe	Joellen	DVM	2002	Williamette VH	Corvallis	wr	no
& Cox	Kristina	DVM	2002	Williamette VH	Corvallis/Philomat	wr	no
& Heider	Diane	DVM	2003	Williamette VH	Corvallis/Albany	wr	no
& Barrington	Jennifer	DVM	2002	Williamette VH	Corvallis	wr	no
& Vaughn	Justin	DVM	2004	Williamette VH	Corvallis	wr	no
* Prince	Reed	DVM	1995	CPC McMinnville	McMinnville/Amity	wr/oral	no
& Billings	Sydnee	none	n/a	CPC McMinnville	McMinnville	wr	no
& Williams	Jonathan	DVM	2009	CPC McMinnville	McMinnville/Newbg	wr	no
& Cutting (sp?)	Pamela J	none	n/a	CPC McMinnville	McMinnville	wr	no
& Stepp	Meissa	none	n/a	CPC McMinnville	McMinnville	wr	no
* Compton	Merr	none	n/a	Cornell Center AH	Beaverton	none	no
* Koller	Daniel	DVM	1974	CPC Beaverton	Beaverton	oral	yes
* Dover	Andrea	DVM	2008	Sanford Brown College	Pdx/La Center	none	no
* West	Daryale (sp?)	none	n/a	unk	unk	none	no
* Cooper	Stephanie	CVT	2003	Oswego VH	Lake Oswego/Pdx	none	no
* Thompson	Lauren	CVT	2008	Carlton VH	Carlton/Lake O	none	no
* Keef	Cristina	none	n/a	PVMA	Portland	none	no

* = attended hrg
 & = also signed letter
 Yes = change rule