



Oregon Veterinary Medical Board

NEWSLETTER

800 NE Oregon St., Suite 407 Portland, OR 97232

Z October 2004

► CE Due with '05 Renewal

Veterinary license renewals will be mailed in late October. Since '05 is an odd year, you will need to report 30 hours of Continuing Education on your renewal form. Approved CE will be listed on the form. If you are unsure whether a particular CE course is approved, please contact us. Late fees will be charged for renewals that are not returned before December 31. If you received this newsletter, then we have your current address. If you did not get a newsletter, but your colleague(s) did, please contact us.

How Are We Doing? 😊😐😞

The Board has contracted with a private consultant to conduct a customer satisfaction survey. You will receive the survey along with your renewal form. The survey tool will be posted on our website. The Board has not participated in survey design, and neither staff nor Board members will ever see the completed surveys. The consultant will provide a written report, which will be mailed to licensees. We will also post the report on our website.

Participation in the survey is voluntary. The consultant says that most surveys produce a return rate of about 2%, which provides a statistically valid sample. We scoffed and assured the consultant that veterinary professionals are *way* above average! So now we need your help to make good on our wild claim and, most importantly, let us know how we're doing.

► New Tests for Applicants

Beginning in January, veterinary applicants in Oregon will be required to pass a test on knowledge of salmon poisoning, groundsel and tansy ragwort toxicity in livestock, and effects of endophyte toxins on livestock. The new test will be provided with the Jurisprudence Exam. If you would like to check your knowledge on these topics, please contact the Board office.

Practice Violations

Disciplinary activity in the last year included two cases involving veterinarians who closed practices and failed to make arrangements for clients to obtain record copies. In both cases the Board issued disciplinary notices and imposed fines. The Veterinary Practice Act requires that veterinarians provide copies of records (including radiographs, if requested) to clients in a timely manner. The Board has decided that 'timely' means within 72 hours and ASAP in emergencies. While dire circumstances may prevent compliance, veterinarians are nonetheless responsible for ensuring by whatever means possible that clients have access to records. Failure to notify the Board of temporary or permanent inability to provide records exacerbated these cases. If you ever find yourself in this situation, let us know. We can help.

Veterinary technician and assistant scope-of-practice violations also resulted in discipline for veterinarians. The Practice Act allows certified technicians to perform a wide range of duties under the supervision of a veterinarian, ***except: diagnose, prescribe, perform surgery except as an assistant to the veterinarian and administer rabies vaccine.*** In addition to not being allowed to do the above, ***non-certified staff may not induce anesthesia or operate x-ray equipment unless they've completed a 20-hour radiation safety course.*** Summarized rules for certified staff are on the next page and complete rules for certified and non-certified staff can be found on our website (click on Links and go to Oregon Administrative Rules, Division 30).

Job security for Board investigator Dennis Chaney depends in part on violations concerning recordkeeping and examinations. We have acknowledged those veterinarians who helped keep Mr. Chaney busy this year. Requirements for compliant recordkeeping are on the next page; feel free to ignore them if you would like to get better acquainted with Mr. Chaney.

Minimum Veterinary Practice Standards

875-015-0020

Each veterinarian shall comply with the following:

(1) Recordkeeping: Daily written reports shall be kept for each animal treated, but records for herd or flock animals may be maintained on a group or client basis. All records shall be readily retrievable and must be kept for a minimum of three (3) years following the last treatment or examination. Records shall include, but are not limited to, the following information:

- (a) Name, address and telephone number of the owner and/or client;
- (b) Name, number of other identification of the animal and/or group;
- (c) Species, breed, age, sex, and color or distinctive markings of the animal;
- (d) Beginning and ending dates of custody of the animal;
- (e) Upon presentation, when applicable by species, the animal's condition of the following, even if such condition is normal:
 - (A) Temperature; (B) Weight; (C) Mucous membranes;
 - (D) Auscultated chest; (E) Abdomen; (F) Lymph nodes;
 - (G) Musculoskeletal condition.
- (f) Physical examination findings & any laboratory data;
- (g) Provisional and/or final diagnosis;
- (h) Treatments, medications, and immunizations administered, prescribed or dispensed to include dosage and route of administration;
- (i) Surgical description and types of anesthetic agents;
- (j) Progress of the case while in the veterinary medical facility;
- (k) Exposed radiographs with permanent identification;
- (l) If a client waives or denies approval of any examinations, tests, or other recommended treatments, such waiver or denial must be noted in the records.



Ask Mr. Chaney:

- Is there a law that mandates a physical exam at each visit? *YES. See above. And note (l).*
- Can I vaccinate or prescribe medication without conducting a physical exam? *YES, see above, and don't forget to document the client's waiver.*
- Is a specialist seeing a referred patient subject to records requirements? *YES, see above, and please document the client's waiver.*
- A client wants me to write a prescription for an on-line pharmacy without conducting an exam. Isn't that against the law? *NO. It's up to you. Just remember to document the client's waiver.*
- If another veterinarian's client wants me to refill a prescription without an exam, can I do it? *YES, if you obtain a copy of the patient record from the veterinarian for retention and—all together now—document the client's waiver!*

Wanted: Veterinary Technicians

Soon, the Board will amend the rules to further expand eligibility to take the Veterinary Technician National Exam (VTNE) and become certified as a veterinary technician. Currently, the Board approves applicants who have graduated from an accredited vet tech school or program, or who have four years of verifiable clinical experience. The current rule also permits the Board to approve 'other programs.' Under this provision, the Board may approve applicants who have an equivalent combination of education and experience, e.g., a bachelors degree in animal science and two years of clinical experience. As of this date, there are approximately 1,785 licensed veterinarians and only 835 certified veterinary technicians in Oregon. Under your supervision (defined as having received an instruction from you), certified veterinary technicians may:

Obtain and record information: Complete admission records, including clients' statements concerning the patient's problems and history, and the technician's own observations of the patient.

Maintain daily progress records, surgery logs, X-ray logs, DEA logs, and all other routine records; Prepare patients, instruments, equipment and medications for surgery:

Prepare and sterilize surgical packs;

Clip, surgically scrub, and disinfect the surgical site;

Administer preanesthetic drugs; Position the patient for anesthesia;

Induce anesthesia; Operate anesthetic machines, oxygen equipment, and monitoring equipment.

Collect specimens and perform lab procedures:

Apply and remove wound and surgical dressings, casts, and splints;

Monitor and record the patient's vital signs;

Administer topical, oral hypodermic, and intravenous medication;

Operate X-ray equipment and other diagnostic imaging equipment; take ECGs, electroencephalograms, and tracings;

Perform dental prophylaxis, including operating ultrasonic dental instruments **AND**

other acts not specifically stated, under the supervision of a veterinarian.

Veterinarians employing non-certified staff should encourage them to review their experience and education and consider applying for the VTNE and certification. See our website or contact us for forms and info.

| VTNE Dates | |
|---|-----------------------|
| Test Date | Application Deadline |
| January 21, 2004 | Nov. 19, 2004 |
| June 17, 2005 | April 16, 2005 |
| January 20, 2006 | Nov. 21, 2005 |
| The VTNE is administered by Board staff in Portland | |

Your Board Members

- Jonathan E. Betts, DVM, Woodburn (Chair)
- Emilio E. DeBess, DVM, MPH, Portland (Vice-Chair)
- Martha H. DeWees, DVM, Springfield
- Jo Ann V. Dewey, Public Member, Bend
- Dolores Galindo, CVT, Gresham
- Rocky Liskey, Public Member, Klamath Falls
- Kris Otteman-Brant, DVM, Sherwood
- Leon Pielstick, DVM, Burns

Rule Amendments

The Board has adopted housekeeping rule amendments which allow addition of qualifying examinations and approval of foreign graduate equivalency programs in addition to the ECFVG. The Board has repealed the rule that allowed ECFVG candidates to obtain their intern permit prior to completion of the ECFVG program.

We have also amended the North American Veterinary Licensing Exam (NAVLE) rule to allow applicants to apply directly with the testing agency, which saves staff time and eliminates the need to amend the rules every time the NAVLE fee increases. The fee has risen from \$375 to \$425 this year and will increase to \$450 in December. The Board's \$50 fee for certifying the eligibility of candidates has not increased.

The rabies administration rule still allows only veterinarians to administer and sign certificates. This may change in the near future. Minimum standards and CE for CVTs will also be addressed. We will keep you informed.

| NAVLE Dates | |
|-----------------------------|------------------------|
| Test Date | Application Deadline |
| April 11-23, 2005 | January 8, 2005 |
| Nov. 15-Dec. 10, '05 | August 11, 2005 |
| April 10-22, 2006 | January 5, 2006 |

NAVLE is administered by Sylvan Prometrics nationwide.

Budget

The Board's proposed biennial 05-07 budget of \$510,084 is a slight increase over the 03-05 budget. The increase is partly due to costs associated with adding an additional member to the Board, and the Department of Administrative Service's authorization to increase Attorney General line item by 16%. The new budget does not include any license fee or staff salary increases. Revenues are projected at about \$569,000, which means that we may continue to waive fees for veterinary technician, euthanasia technician and euthanasia facility renewals.

Legislative Activities

The Board has proposed two concepts for the 2005 legislative session. The first attempts to close the 'agent' loophole in ORS 686.040 (Application of ORS 686.020), which currently reads:

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

Board counsel has consistently interpreted 'agent' to mean anyone the 'person' so designates, and advised that selective exemptions would be problematic. In 1993, the Board attempted to amend the statute, but a legislative committee member who was also a rancher persuaded the Board to withdraw the concept. OVMA considered presenting a similar concept in this session, but has decided against it. It is possible that, given the unlikelihood of success at this time, the Board may not present the concept.

Last year, the state Office of Degree Authorization (ODA) notified the Board that degrees issued from St. Kitts-Nevis are illegal for use in Oregon. Holders of Ross University Veterinary School degrees could be subject to prosecution if the ODA statute were to be enforced against them. The Board has expended considerable resources on this issue in negotiation with ODA. The Board contends that authority to approve veterinary degrees resides in the Veterinary Practice Act. The second legislative concept the Board has submitted exempts OVMEB from provisions of ODA's statutes. ODA has indicated that they will not oppose the Board's proposed exemption.

AAVSB and FARB

Members Dr. Kris Otteman-Brant and CVT Dolores Galindo attended the annual meeting of the American Association of Veterinary State Boards (AAVSB) in Kansas City, Sept. 16-19th. New members are always encouraged to attend AAVSB meetings, which conduct special seminars for board volunteers and administrative staff.

Investigator Chaney attended the attorney certification training of the Federated Association of Regulatory Boards in New Orleans, Oct. 8-12.

Minimum Standards Committee

The final meeting of the committee is scheduled for November 7th in Woodburn. Chairman Dr. Robert J. Anderson anticipates presenting a report and recommendation to the Board in early 2005. The Board will then review the recommendations and decide whether to propose rule amendments. If amendments are proposed, there will be opportunities for public comment prior to rule adoption. Licensees and interested parties will receive copies of proposed amendments and public comment information. Members of the committee are: Dr. Jon Betts; Dr. Dennis Cundy; Dr. Marty DeWees, Dr. Nancy Dollarhide; Dr. Michael Foland; Dr. Bob Franklin, Dr. Leon Pielstick and Dr. Joann Voss-Brown.

Equine Dentistry (Wilbur-r-r-r-r!)

At its June meeting in Bend, the Board heard from representatives of both sides of the equine dentistry controversy. Those opposed to the practice of equine dentistry by non-veterinarians contend that many such practitioners are inadequately trained, skilled or supervised, and are causing serious damage to horses. Those in favor claim that there are legitimate training programs available and that the 'good' equine dentists abide by the Veterinary Practice Act by ensuring that they do their work with a referral from and under the supervision of a licensed veterinarian.

The Board faces two problems in dealing with harmful equine dentists: lack of complaints from the public, and logistical inability to apprehend perpetrators. There is also a matter of local veterinarians' understandable reluctance to report their friends and neighbors who may be using equine dentists, although since the meeting, progress in this area is happening. As a first step toward gathering evidence, a letter has been sent to selected clients, warning them of the potential hazards in employing unlicensed practitioners, and asking for cooperation in helping identify individuals doing harm.

While the Board has the authority to launch an investigation on its own initiative, issuing subpoenas and going before a judge to seek an injunction without witnesses could make the agency look like the opposite of the subject of this section. (Sorry about bad but irresistible pun. -Ed.)

0 And from the staff...

One of our highest priorities is processing license applications. Anecdotal information from veterinarians licensed in other states suggests that Oregon's licensing process—particularly compared to states in which an umbrella agency regulates more than one profession—is relatively simple and quick. Here's how it works: an applicant completes a qualifying qualification form; supplies a transcript or diploma copy; requests national board scores from Veterinary Information Verifying Agency (VIVA); and requests verification of license status from other states. Graduates of foreign, unaccredited schools must also provide proof of completion of either the ECFVG or PAVE program. When these steps are done, we mail or fax the Jurisprudence Exam (and, starting in January, the regional toxins test) and when the applicant completes the tests, we provide the license activation form. When the activation form is returned to the office, the license is issued.

Another top priority is dealing with consumer complaints. We first look to authority under the Veterinary Practice Act. Complaints about fees, attitude, office policies and the like are non-jurisdictional. Complaints found to be jurisdictional are further evaluated for specific noncompliance. The investigator may consult with one or two Board members about cases that appear to be mere mistakes (rather than malpractice) and will then either present the case to a rotating preview committee or to the full Board for consideration. ORS Ch. 676 prohibits disclosure of information relating to complaints and investigations; thus, cases that do not result in discipline remain confidential.

Staff comprises 2.25 FTE (Full Time Equivalent) with a full-time director, 3/4 time assistant, and 1/2 time investigator. See below for office hours and contact info.

Office hours: 6:30 to 5, M—Th 7 to 4 on Fri.

Staff

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