



Oregon Veterinary Medical Board

NEWSLETTER

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

May 2006

► Practice Act Updated (Finally!)

Attached is your copy of the updated Veterinary Practice Act (VPA). It contains changes to ORS Chapter 686 enacted by the 05-07 Legislature, as well as amendments to OAR 875 (rules) made by the Board. To save costs, we produced a no-frills copy, and suggest your enshrine it in a 3-ring binder or other container of choice for handy reference in your practice.

VPA revisions began in October 2004 with the formation of the Minimum Standards Committee. There were public hearings in June 2005 and March 2006. Final amendments were approved in January and May 2006.

Many of the changes affect certified veterinary technicians. Vet techs may now perform dental extractions and administer rabies vaccine under the direct supervision of a veterinarian. *What has NOT changed: Rabies certificates must still be **signed** by the administering or supervising veterinarian. No stamps or virtual signatures, please!*

There are also changes in eligibility for VTNE applicants, as well as an important change in who may verify an on-the-job VTNE applicant's eligibility (see Rules, Division 30, page 23 for specifics). The VTNE application fee was increased to \$130, as the cost of the test has risen to \$110. And beginning in 2008, vet techs will be required to report 15 hours of Continuing Education every two years (see Rules, 875-010-0090(7)(a), page 9).

Other important changes are requirements to notify the Board within 30 days of a home or business address change, and duty to cooperate with the Board (see Rules, 875-005-0010, page 3).

Besides rule changes, the VPA was reorganized for clarity and ease of reading. The lengthy state contract requirements have been deleted (OVMEB is subject to contracting requirements applicable to all state agencies; they are redundant in rule). Definitions previously scattered throughout the document have been consolidated in Rules, page 2. You'll notice that the Board has now defined 'client' and 'VCPR.'

► Why Change VTNE Rules?

Oregon is one of the few states that still accepts on-the-job experience as eligibility to sit for the VTNE. In the last few years, the number of applicants has almost tripled, which has become a burden on staff and resources. More importantly though, since most out-of-state applicants' experience is verified by out-of-state veterinarians, the Board could not hold accountable a veterinarian who provided inaccurate or false verification. The amended rule requires experience verification by a veterinarian licensed in Oregon.

The Board also decided that the requirement of four years' experience was too vague, in that it did not specify a 40-hour or full-time work week. Thus, the change to require verification in hours of experience.

The changes will help ensure the integrity of the application process while still allowing qualified applicants who have not completed an AVMA accredited program to become certified as technicians.

And a reminder for veterinarians whose employees may be interested in becoming certified: information on the VTNE, as well as a sample test, can be found at www.aavsb.org. Follow the links to 'Veterinary Technicians.' The VTNE application and instructions are at www.oregon.gov/ovmeb.

► Where Do Rules Come From?

Unlike statute changes, which must be approved by the Governor and the Legislature, rulemaking occurs at the Board's discretion. The Minimum Standards Committee focused on rule changes that had been under consideration for several years. Over the course of its meetings, which were announced and open to the public, the Committee discussed, debated and deliberated on the proposed changes. Ultimately, they produced a report with recommendations, which was then presented to the Board and reviewed by the Board's attorney to ensure that they were reasonable and within the scope of statutory intent.

Then two public hearings were held. Rule hearings give interested parties an opportunity to provide written or verbal testimony supporting or opposing proposed changes. The hearing is recorded and transcribed, and a report is provided to the Board. The Board considers all testimony before voting to adopt, further revise, or halt rulemaking. Boards are not required to act on testimony; however, significant support or opposition is taken into account.

Once the Board has voted to adopt final rule amendments, Board staff morph the rules into proper formats for filing with the Secretary of State and Legislative Counsel. Adopted rules are usually designated effective upon filing.

Rulemaking generally is initiated by the Board; however, input from licensees, the public, stakeholders or interested parties may also prompt rulemaking. Unscientific data suggests that the public wants rules that regulate fees, require a veterinarian to accept clients, and mandate appropriate 'bedside manner' and refunds for adverse outcomes. Since the Board's statute doesn't include authority over business practices, such changes are unlikely.

► **Complaint Synopsis**

The majority of complaints received are about fees, discourtesy, failure to communicate followup care, fees, perception of indifference to the client's feelings, failure to fully inform clients of treatment options, fees, failure to provide copies of records in a timely manner, and fees. *Test yourself: of the above, which are within the Board's jurisdiction to investigate?* If you aren't sure, look at the new VPA. New rules mean potential violations, so please acquaint yourself with the new rules and incorporate them into your protocols.

► **See 'Anatomy of a Complaint'**

Board Chair Dr. DeBess and director Lori Makinen have developed an eponymous CE PowerPoint presentation that is available to groups upon request. The presentation debuted at the Sept. '05 PVMA meeting and was part of the OVMA Veterinary Conference in March '06. The next showing will be at the MPVMA June meeting. If you are interested in this program please contact us. We think it's very informative, you get CE, and it's *FREE!*

Board Members

- Emilio E. DeBess, DVM, MPH, Portland (Chair)
- Leon Pielstick, DVM, Burns (Vice-Chair)
- Jon Betts, DVM, Woodburn
- Dolores Galindo, CVT, Gresham
- Rocky Liskey, Public Member, Klamath Falls
- Mark McConnell, DVM, Springfield
- Kris Otteman-Brant, DVM, Sherwood
- Mark Reed, Public Member, Beaver Creek

► **Board Member Changes**

The Board bade farewell to two members in 2005. Dr. Marty DeWees of Springfield and Ms. JoAnn Dewey of Bend were appointed to the Board in 1997 and ended their second terms in March and September, respectively.

Newly appointed members are Dr. Mark McConnell of the Springfield Emergency Clinic, and Mr. Mark Reed, operations director at the World Forestry Center in Portland.

Dr. Pielstick was appointed to a second term beginning in November 2005, and although Dr. Jon Betts' second term ends this June, he has graciously agreed to serve for an additional year.

► **From Dr. DeBess, Board Chair**

In six years on the Board, I have observed an interesting trend: the emergence of animal law specialists and promotion of legal protection for animals. Combined with rising costs of veterinary medicine—due in part to improved technology and client demand for sophisticated diagnostics and treatments—judicializing regulation of the profession could result in higher malpractice insurance premiums, more cost increases to the public and, unfortunately, reduced access to service for many clients.

How this trend will affect public perception of veterinarians as compassionate professionals, and its potential impact on animal health, remains to be seen. But veterinarians should be prepared for accountability not only to the Board, but also to a growing cadre of animal law litigators.

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

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