

Oregon Veterinary Medical Examining Board

November 13, 2000

Portland, Oregon

FINAL MINUTES

Present: Dr. Vera Rogers (Chair)
Drs. Robert Anderson, Jonathan Betts, Emilio DeBess, Martha DeWees
Don Hagglund, Public Member
Lori Makinen, Executive Officer
Michael Zagyva, Investigator
Michele Kumar, Board Assistant
Carol Parks, Assistant Attorney General

The meeting was called to order at 8:30 a.m. The agenda was adopted as amended. August 7 and September 18 (telemeeting) minutes were approved as amended.

OLD BUSINESS

The Board received a request for clarification of “owner” and “client” in the Practice Act. The Act does not define the terms and uses them interchangeably. The Board plans an intensive review and revision as necessary of the Practice Act for the 01-03 biennium. In the meantime, the Board reaffirms its interpretation of the rule: provision of records on request must be timely and not denied due to nonpayment of fees or other disputes with clients or other veterinarians. Members were asked to study the Act and note needed changes for discussion at a future workshop/retreat

Corporate Ownership of Practices: Drs. Anderson and DeBess will attend the next OVMA meeting to update OVMA on the Board’s current position as well as obtain OVMA’s input.

Standards of Care/Equine Dentistry/Veterinary Technician rule review continue to be underway by assigned members.

Amendments to OAR 875-010-0060, Unprofessional or Dishonorable Conduct: deferred to March meeting in Southern Oregon.

Negotiations continue between AVMA and AAVSB concerning design and administration of a reciprocity examination for foreign graduates.

NEW BUSINESS

Reports from Dr. DeBess on attendance at International Equine Dentistry Association and Board Member Training were deferred to the next meeting.

The Board received a request for clarification on licensing of veterinary pathologists. At this time, the Board interprets 686.020(2) to include work done by pathologists; therefore, veterinary pathologists in private practice should be licensed in Oregon. The Board will consider other states’ veterinary rules as well as how the Board of Medical Examiners regards the status of pathologists.

Continuing Education reporting requirements for new licensees who have completed their intern periods were discussed. The current policy is to waive CE requirements for this group of licensees; however this policy was pertinent to the former requirement of 10 hours' CE per year. Since Intern Permits expire one year after issuance, it is possible for an individual to practice with an initial, active license for almost two years without having to report CE. The Board will resolve this issue prior to the next CE reporting year, 2002.

The Board received a request for VTNE eligibility consideration of AAHA's distance learning veterinary technology program at Cedar Valley College. As AVMA accreditation is imminently pending for this institution, the Board deferred the request for consideration at the next meeting.

Board attorney Carol Parks recommended that the Board officially delegate certain types of authority to the Executive Officer. Mr. Hagglund moved, Dr. Anderson seconded and the Board voted unanimously to delegate authority to the Executive Officer position to: 1) Sign Orders; 2) Manage personnel issues and keep Board informed of staff changes; and 3) Carry out decisions of the Board.

INVESTIGATOR REPORT

Investigator Michael Zagyva reintroduced a revised complaint evaluation tool for use by members in reviewing complaints. Mr. Zagyva reported on his visit to a pet store suspected of providing vaccines to animals after ownership has transferred to customers. The suspicion appears to be unfounded.

COMPLAINTS

2000-03—Carried forward from previous meeting. Complaint alleges suspicious death of cat and refusal to provide records on demand. Cat brought in for morning spay, client told at 3:00 pm that cat was ready to go home. Client arrived at clinic at 3:45 pm, told cat should stay at the clinic. Client left and at 5:45 pm, received a call notifying that cat had died. When client went to the clinic next day, the veterinarian initially refused to provide the client a printout of computer records, as they contained personal comments about the client. Client insisted on seeing the record and was given a copy. The veterinarian told the Board that the surgery and recovery were routine and uneventful and that the cat was adequately observed but died suddenly of unknown causes. The client did not request an autopsy. Dr. Betts moved, Mr. Hagglund seconded and the Board voted unanimously to propose no violation of the Practice Act and to recommend that this clinic improve its records documentation and the veterinarian attend CE in critical care.

2000-22—Carried forward from previous meeting. Complaint alleged the veterinarian misled clients about dog's condition, did not perform surgery as described to clients after dog's death, and refused to provide a copy of the records. The situation escalated and law enforcement personnel became involved. After intensive review and an informal conference with the veterinarian, the Board concluded that the veterinarian overdosed the dog with preanesthesia and failed to provide adequate supportive or emergency care. The conduct may constitute a violation of 875-010-0060(7), Failure to use generally accepted diagnostic procedures and treatments; however, temporarily in lieu of imposition of discipline, the Board directed the veterinarian to attend and report back on CE in anesthesia. If the veterinarian complies, no discipline will

be imposed. Dr. DeWees moved, Dr. Anderson seconded, and the Board voted unanimously in favor of the motion.

2000-25—Complaint alleges that the veterinarian caused cruel and undue suffering to an infant raccoon by force-feeding it after being instructed not to do so by the client. Mr. Hagglund moved, Dr. Anderson seconded, and the Board voted unanimously to find no violation of the Practice Act.

2000-29—Complaint alleges that a mare and her foal died due to the veterinarian's failure to arrive at the client's barn on time. The veterinarian provided information indicating that the client had refused to agree to housecalls due to cost. Mr. Hagglund moved, Dr. Anderson seconded, and the Board voted unanimously to find no violation of the Practice Act.

2000-30—Complaint alleged that the veterinarian refused to administer emergency treatment to a dog that had been vomiting for some time. The veterinarian was occupied treating an anaphylactic shock case. The client left the clinic with the dog and returned later again demanding instant service. After a preliminary exam had been conducted and the dog was being prepared for bloodwork, the client again left the clinic and was pursued to the parking lot and asked to pay for services rendered thus far. Mr. Hagglund moved, Dr. Anderson seconded, and the Board voted unanimously to find no violation of the Practice Act.

2000-32—Review to be continued at next meeting.

2000-33—Complaint alleges that the veterinarian performed unauthorized dental work on a hamster. The case involved several veterinarians. Review of all records persuaded the Board that the complaint was a disguised fee dispute. Mr. Hagglund moved, Dr. Anderson seconded, and the Board voted unanimously to find no violation of the Practice Act.

EXECUTIVE OFFICER REPORT

Ms. Makinen reported that the first draft of the 01-03 budget has been approved by the Department of Administrative Services and is expected to be adopted without reductions by the Governor. The Board's website is complete and ready to be launched. Followup on the August 7, 2000 meeting was detailed.

Next Board meeting: January 29, 2001, Portland

There being no further business, the meeting was adjourned at approximately 5:00 p.m.