

Oregon Veterinary Medical Examining Board

FINAL MINUTES

January 23, 2005
The Hotel Mallory
729 NW 15th Ave.
Portland, Oregon

Present: Dr. Jon Betts (Chair), Dr. Emilio DeBess (Vice-Chair)
Dr. Martha DeWees, Dr. Kris Otteman-Brant, Dr. Leon Pielstick, Dr. Robert J. Anderson
Dolores Galindo, CVT
Lori Makinen, Executive Director
Dennis Chaney, Investigator
Carol A. Parks, Assistant Attorney General

The meeting was called to order at 1 p.m. Dr. Anderson provided a summary of the Minimum Standards Review Committee's final meeting and report (attached). The Board went into executive session per ORS 192.660(1)(k) for case review and investigative interview. The meeting was adjourned at 4:30 p.m.

January 24, 2005
Portland State Office Building
800 NE Oregon St., Suite 445
Portland, Oregon

Present: Dr. Jon Betts (Chair), Dr. Emilio DeBess (Vice-Chair)
Dr. Martha DeWees, Dr. Kris Otteman-Brant, Dr. Leon Pielstick
Dolores Galindo, CVT
Lori Makinen, Executive Director
Dennis Chaney, Investigator
Carol A. Parks, Assistant Attorney General
Glenn Kolb, Executive Director, OVMA

The meeting was called to order at 8:30 a.m. The agenda and draft November 2004 minutes were approved as amended. The Board went into Executive Session to review case 02-0004.

In public session, the following agenda items were discussed:

Lane County Rabies Reporting: A licensee had asked whether the Board could impose discipline for failure to comply with this ordinance. The Board concluded that the Veterinary Practice Act contains no

rule or statute upon which to base a disciplinary action for failure to comply with an ordinance or law not specified, e.g., conviction for animal abuse.

Certified Veterinary Technicians:

- 1) Topic 'Inducing anesthesia' was removed from the agenda.
- 2) The Board will file a rule amendment allowing certified veterinary technicians to administer rabies vaccine under the direct supervision of a veterinarian, and requiring the rabies certificate be signed by the supervising veterinarian. The Board will request that Health Services proceed with its planned amendment to ORS 133, which would specify that the certificate be signed only by the supervising veterinarian. The Board requested that OVMA notify Health Services of its neutral position on the proposed amendments.
- 3) The Board will propose a rule amendment requiring veterinary technicians to attend 15 hours of CE every two years.
- 4) Ms. Galindo has set up a steering committee for organization of a veterinary technician association in Oregon. The committee comprises Ms. Galindo, another CVT, a sales representative from MWI and a PCC student. Both the Board and OVMA support this effort.

Veterinary Pathology

The Board's current interpretation of ORS Ch. 686 is that veterinary pathologists and radiologists need not be licensed. The Board will review other states' rules regarding veterinary specialties and continue the discussion at a future meeting.

Animal Mistreatment Generally

Dr. DeWees asked whether the Board might take a role in the issue of fostering animals held by humane societies or animal control facilities following rescue or confiscation. Members felt that such entities already had fostering arrangements and options in place. Individual species rescue organizations can contact public or nonprofit animal agencies to become approved foster providers.

Prescribing

The Board briefly reviewed FDA requirements and guidelines concerning veterinarians' prescribing rights and responsibilities. Dr. Betts and Dr. Pielstick will continue to research the issue and report back to the Board.

Mr. Kolb presented the Board with information about another state's regulatory and professional agencies' collaborative comprehensive training on complaint response, resolution and avoidance. The Board chair traditionally has spoken to the OSU graduating class on the Board's role in the profession, including complaint investigation and adjudication. The Board will work with OVMA to explore development of a CE approved workshop specifically addressing the complaint process.

Ms. Galindo informed the Board of an online records training module available through Washington State University. The module will allow participants to link to Oregon statutes for specific information. The module is proposed for use as a remedial tool in cases involving inadequate recordkeeping.

The Board was informed by a concerned veterinarian that an animal shelter was using the chemical castration agent Neutersol. The Board's attorney reaffirmed that the Board does not have authority over public agencies or private agency's activities concerning animals in their legal possession.

Director Report:

- Legislation: A number of bills have been introduced that potentially impact the Board, including a proposal by the Office of Degree Authorization (ODA) which would prevent veterinary graduates of schools not approved by ODA (such as Ross University) from using their licenses for employment in the public sector. Other bills would eliminate the Board's ability to recoup hearing expenses; eliminate the Board's authority to write Final Orders in contested cases; require the Board to establish a fiscal impact committee to assess fiscal impacts of all proposed rule amendments; allow the Board to issue two, three, four or five-year licenses; and allow the Board to, under certain circumstances, retain outside counsel. Dr. Betts will testify as needed. The Board's budget hearing is tentatively scheduled for March.
- AAVSB has proposed working with VIN to develop a records training and ethics module.
- The capability for electronic payment of fees is expected to be in place in time for '06 renewals.
- A regional disease test has been appended to the Jurisprudence Exam. Applicants must score 100 percent on salmon poisoning, tansy ragwort and endophyte tests.
- Proforma Consulting reports that completed surveys were received from 47 percent of licensees. Survey results are being tabulated and a summary report is expected in time for the Board's budget hearing.

The Board went into executive session per ORS 192.660(1)(k) to review open cases and new complaints. In public session, the Board proceeded as follows:

03-0016—Dr. Pielstick moved, Dr. DeWees seconded and the Board approved a motion to amend the Stipulated Agreement.

04-0004—Dr. DeWees made and Dr. Otteman seconded a motion to find no violation of the Veterinary Practice Act. All members present voted to pass the motion.

04-0012—Dr. Otteman made and Dr. Pielstick seconded a motion to find no violation of the Veterinary Practice Act. All members present voted to pass the motion.

04-0015—Investigation ongoing.

04-0016—Investigation ongoing.

04-0017—Investigation ongoing.

04-0018—Dr. DeWees made and Dr. Otteman seconded a motion to find no violation of the Veterinary Practice Act. Drs. DeWees and Otteman and Ms. Galindo voted in favor. Dr. Pielstick voted against. Drs. Betts and DeBess abstained. Motion failed.

Dr. Pielstick made and Dr. Otteman seconded a motion to find no violation of the Veterinary Practice Act. Drs. Pielstick and Otteman and Ms. Galindo voted in favor. Drs. Betts and DeWees voted against. Dr. DeBess abstained. Motion failed.

Dr. DeWees mad and Dr. Pielstick seconded a motion to find no violation of the Veterinary Practice Act. Drs. DeWees, Pielstick, DeBess, Otteman and Ms. Galindo voted in favor. Dr. Betts abstained. Motion carried.

04-0019—Dr. DeWees made and Dr. Otteman seconded a motion to find no violation of the Veterinary Practice Act. All members present voted to pass the motion.

04-0020—Dr. DeBess made and Dr. Pielstick seconded a motion to find no violation of the Veterinary Practice Act. All members present voted to pass the motion.

04-0021—Dr. DeBess made and Dr. Pielstick seconded a motion to find no violation of the Veterinary Practice Act. All members present voted to pass the motion.

03-0016—Dr. Pielstick made and Dr. Otteman seconded a motion to alter conditions of a Stipulated Agreement with Dr. Joseph Barry. All members present voted to pass the motion.

96-0015—Dr. Otteman made and Dr. DeWess seconded a motion to consider the conditions of a Stipulated Agreement with Dr. Sarah Anderson as having been met. All members present voted to pass the motion.

02-0021—Dr. Otteman made and Dr. Pielstick seconded a motion to propose a Stipulated Agreement with Dr. Daniel Koller requiring compliance with applicable conditions of a Stipulated Settlement and Disciplinary Order issued by the California Veterinary Medical Board. All members present voted to pass the motion.

Next meeting: March 6-7, 2005 in Corvallis

There being no further business, the meeting was adjourned at 5:15 P.M.

Respectfully submitted,

Lori Makinen

Director