

**Oregon Veterinary Medical Examining Board
The Oregon Zoo
4001 SW Canyon Rd.
Portland, OR**

FINAL MINUTES

January 29, 2006

Present:

Dr. Emilio DeBess (Chair)	Mr. Rocky Liskey & Mr. Mark Reed, Public Members
Dr. Jon Betts, Woodburn	Dr. Kris Otteman
Dr. Mark McConnell	Lori Makinen, Director
Dr. Leon Pielstick (Vice-Chair)	Dennis Chaney, Investigator
Ms. Dolores Galindo, CVT	Carol A. Parks, Assistant Attorney General

Executive session was convened at approximately 12:15 p.m. The Board reviewed the following new cases: 2005-0014, 05-0021, 05-0028, 05-0023, 05-0024, 05-0025, 05-0026, 06-0001, 05-0029. The Board then reviewed the following old cases: 05-0016, 03-0016, 05-0013, 03-0009. The meeting was adjourned at approximately 3:34 p.m.

January 30, 2006

Present:

Dr. Emilio DeBess (Chair)	Mr. Rocky Liskey & Mr. Mark Reed, Public Members
Dr. Jon Betts, Woodburn	Dr. Kris Otteman-Brant
Dr. Mark McConnell	Lori Makinen, Director
Dr. Leon Pielstick (Vice-Chair)	Dennis Chaney, Investigator
Ms. Dolores Galindo, CVT	Carol A. Parks, Assistant Attorney General

The meeting was called to order at 9:00 a.m. The agenda was approved as amended. Draft minutes from the October meeting were approved.

The Board welcomed two new members. Dr. Mark McConnell owns the Springfield-Eugene Emergency Veterinary Clinic. He has been licensed in Oregon since 1993. Mr. Mark Reed is the Board's new public member. He is the Operations Director of the Oregon Forestry Council and lives in Beaver Creek. The Board also welcomed guest Julie Corbett. Ms. Corbett is an employee of the Oregon Zoo and plans to attend veterinary school in the fall.

Ms. Galindo shared a letter sent to the Board by the Oregon Veterinary Technician & Assistant Association indicating the OVTAA's interest in participating in the Board's rulemaking process.

Chair Report

Dr. DeBess, updated the Board on avian flu. The Department of Agriculture (ODA) is monitoring domestic fowl over concerns about the virus passing to humans. Concerned parties should contact Dr. Don Hanson at the ODA. Establishment of an 800 number for reporting dead birds is under consideration. Dr. Otteman asked if there are implications for felines; Dr. DeBess said at this time there is no evidence that the virus has jumped from birds to cats, although it can jump from species to species. Of greatest concern is whether it will pass from human to human.

Dr. DeBess also updated the Board on voluntary reporting of zoonotic diseases. A reporting form has been sent to veterinarians electronically and through the OVMA and PVMA newsletters to veterinarians in the state. Dr. DeBess said he is pleased with the response, and shared feedback on heartworm and leptospirosis.

Dr. DeBess distributed a sample of other states' rules covering confidentiality of patient records and a clinic inspection form. Both topics will be discussed at the next meeting.

Member Reports:

Dr. Betts informed the Board that he has been appointed to the American Association of Veterinary State Boards (AAVSB) Board of Directors. He reported on his attendance at a joint meeting of the AAVSB and National Board of Veterinary Medical Examiners (NBVME) meeting in Orlando. Pertinent issues include whether states should limit the number of times candidates may sit for national examinations, whether the Qualifying Exam should be a requirement for licensure along with the NAVLE, the possibility of the NBVME merging with the AAVSB, and the future of the on-the-job eligibility criterion for applicants to the Veterinary Technician National Exam (VTNE). Dr. Betts reported that the AAVSB has obtained ownership of the VTNE and is in the process of developing a computerized version of the test, and that 19 states now accept the Program for Assessment of Veterinary Equivalence (PAVE) in addition to the ECFVG equivalency test for licensing of foreign graduates.

Mr. Reed provided a greatly expanded list of links for the Board's website.

Director Report:

Ms. Makinen reported that veterinarian and veterinary technician license renewals are almost complete, but that the 06 process was slower and made more difficult by the fact that staff are now responsible for receipt and deposit of renewal checks. In the past, cashiering was done under contract by Health Services. As of January 27th, staff have processed 1,583 veterinary license renewals and 716 veterinary technician license renewals. Of those licensed in 2005, 153 veterinarians and 231 veterinary technicians have not renewed licenses for 06. Licenses issued in 05 are valid through March 31st.

Along with seven other co-located licensing agencies, the OVMEB is required to submit a 'white paper' addressing prospective consolidation into the Health Licensing Agency in Salem. At meeting time, the project was on hold pending further written direction from the Governor's staff and Legislative Fiscal Office.

Whether the Board office will stay at its current location, as well as the status of pending requests to move the administrative assistant and investigator to more private space, remains unaddressed.

Makinen informed the Board that there are two state agencies with statutory authority to compel the Board to suspend a license: the Department of Justice, Support Enforcement Division, and the Oregon Department of Revenue. If so directed, professional licensing boards must suspend the license of any individual who has failed to meet child support or tax obligations.

In response to increasing complaints to the Board from the public and licensees concerning provision of client records, the Board discussed OAR 875-010-0060(13), which defines failure to provide records as unprofessional conduct. In cases where a client or another veterinarian is making unreasonably excessive or repeated demands for record and/or x-ray copies, the Board concluded that once a veterinarian can be proven to have provided record copies, e.g., return-receipt or registered mail, then continued demands need not be met, except in cases of emergency.

The Board received a letter from Dr. Eugene Curnow, who is retiring after more than 50 years of practice. A copy of the letter is attached. Dr. Betts noted that Dr. Curnow has served as an example and inspiration to the profession.

Legislation and Rulemaking:

Legislation passed in the last session that affects the OVMEB statute. It is expected that the Secretary of State will have updated statutes on their website before April. Thereupon, the Board will send a copy of the updated Veterinary Practice Act, which will include all statute and rule amendments.

Legislative Concepts: The Board intends to submit the following changes to statute:

- Amend the 'agent' provision in ORS 686.040(2). Mr. Liskey, Mr. Reed and Board attorney Carol Parks will seek input from the Oregon Cattlemens Association and OVMA.
- Amend ORS 686.150 to provide authority to direct a licensee to undergo a competency examination, pursuant to authority under SB318 to discipline for failure to undergo such an exam.
- Amend ORS 686.260 to provide authority to inspect facilities and enforce the provisions of OAR 875-015-0020.

Rulemaking: The Board approved the following rule amendments. A copy of the proposed changes will be mailed to licensees and interested parties, and published in the March Secretary of State's bulletin. A rules hearing will be scheduled for the earliest appropriate date following publication.

- Change the expiration date of veterinary and veterinary technician license renewal deadlines from December 31 to March 31, with late periods and fees moved up accordingly.
- Require veterinary technicians to report Continuing Education in even years.
- Provide authority under ORS 686.040(7) for the Board to approve CE provided by non-veterinarians.
- Provide authority under provisions of SB318 for the Board to direct a licensee to undergo a competency evaluation.
- Add language to clarify definition of prescription/legend drugs, consistent with FDA definitions.
- In 875--15-0030(2), delete 'shave' and add 'surgically prepare.'

- Require display of veterinary licenses in workplace.
- Require veterinarians and veterinary technicians to provide Board with home address and phone number.
- Require veterinarians and veterinary technicians to notify the Board of address change within 30 days.

Complaint Resolution:

The Board made the following decisions in public session:

Case 05-0022—Dr. Betts moved, Dr. Pielstick seconded, and the Board voted unanimously to impose a fine of \$100 for violation of ORS 686.020(1) (practicing after expiration of intern permit).

Case 05-0025—Mr. Reed moved, Dr. McConnel I seconded, and the Board voted unanimously to impose a fine of \$1,000 for violation of OAR 875-010-0060(2) (making false or misleading representations to the Board).

Case 05-0026—Dr. Betts moved, Dr. Pielstick seconded, and the Board voted unanimously to impose a fine of \$100 for violation of ORS 686.020(1) (practicing after expiration of intern permit).

Case 05-0014—Dr. Betts moved, Dr. Pielstick seconded, and the Board voted unanimously by all present to find no violation of the Veterinary Practice Act. Dr. Otteman recused herself from discussion and voting.

Case 05-0028—Dr. Pielstick moved, Dr. Otteman seconded, and the Board voted unanimously to find no violation of the Veterinary Practice Act.

Next meeting: April 30-May 1, 2006 in Eugene. There being no further business, the meeting was adjourned at approximately 3:45 p.m.

Respectfully submitted,

Lori Makinen
Director