



Oregon Veterinary Medical Board NEWSLETTER

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

October 2007

www.oregon.gov/ovmeb

► Board Member Changes

Governor Ted Kulongoski removed Dr. Kris Otteman from the Board in May based on lack of Oregon residency. Despite a foreshortened term, Dr. Otteman brought a fresh perspective that helped streamline and organize Board functions. Her contributions were significant, and the Board applauds her continued dedication to animals as Operations Director for the Oregon Humane Society.

After serving for nine years, Dr. Jon Betts stepped down in June. During his service, Dr. Betts provided legislative expertise, contributing many hours of testimony before the Legislature, meeting with individual Legislators, and promoting the Board's positions and goals to the profession and the public. As chair, Dr. Betts skillfully led the Board with reason, objectivity and fairness. While he will be greatly missed, the Board looks forward to Dr. Betts' continued contributions to the profession as President-Elect of the American Association of Veterinary State Boards (AAVSB).

Board Members

- Emilio E. DeBess, DVM, MVPH, Portland (Chair)
- Leon Pielstick, DVM, Burns (Vice-Chair)
- Lauren Acton, DVM, Woodburn
- Dolores Galindo, CVT, Gresham
- Bob Lester, DVM, Portland
- Rocky Liskey, Public Member, Klamath Falls
- Mark McConnell, BVMS, MRCVS, Springfield
- Mark Reed, Public Member, Portland

The Board welcomes Dr. Lauren Acton (WSU '88), who has been appointed to replace Dr. Betts. Dr. Acton works at Woodburn Veterinary Clinic, raises goats on her Molalla farm, is a member of the American Dairy Goat Association and judges goat shows nationally and internationally.

Also appointed and welcomed is Dr. Bob Lester (OSU '86), who replaces Dr. Otteman. Dr. Lester is a recruiting executive for Banfield, The Pet Hospital and also practices at various Banfield clinics. Dr. Lester decided in grade school to become a veterinarian.

► CVTs — CE and No-Nos

Certified Veterinary Technicians must now report 15 hours of Continuing Education every two years, beginning this year. Renewal forms will include a space for CE reporting. Technicians who have been licensed for less than one year will not have to report CE. Requirements for CVT CE are in the Veterinary Practice Act, OAR 875-010-0090, which can be viewed at www.oregon.gov/ovmeb (click on Veterinary Practice Act, then on Oregon Administrative Rules, Division 10).

Over the last year the Board disciplined CVTs who failed to renew their licenses but continued to perform CVT duties, some for as long as five years. The Board also disciplined their employers for allowing a noncompliant condition to exist (see OAR 875-015-0005(3)(a)). The Board was not moved by excuses, such as:

- I never got my renewal notice.
- I sent the renewal but never got my license.
- The clinic cat ate my renewal notice.

It is each Oregon veterinary licensee's professional responsibility to ensure that their license is valid. Veterinarians are responsible for compliance with the Veterinary Practice Act, which includes having properly licensed staff.

Vet and vet tech licenses expire on December 31st each year and have since the beginning of time. If you have not received a renewal form by December 31st, or if you're sure you sent it in but haven't received your license, don't wait until calving season — **contact us right away!**

► Online Payment Option

We were hoping to provide an online payment option for 08 renewals, but ...

- The office cat ate the programming code.

The truth is, credit card security issues are still being worked out. Sorry for the inconvenience, but we know you'll agree that assurance of secure payment is essential.

▶ 'The Vet Killed My Pet'

Some clients believe you should treat their animals without charging. Here's what we hear: the client brings an acutely ill patient to you. You do a basic exam and recommend further diagnostics and treatment. The client declines based on lack of funds, and asks you to 'do what you can.' You comply, send the patient home, the patient expires. The client contacts us, says you're 'just in it for the money,' you 'don't care about animals' and 'never told me Binky needed an x-ray.' The law is silent on your vocational motivation or lack of faunaphilia, but if a client alleges that you did not recommend a standard diagnostic or treatment option, and Binky's record doesn't show that you made a recommendation, you may get that dreaded letter from Investigator Chaney. Make sure your records are complete and in compliance with OAR 875-015-0030 (look it up on our web page!).

▶ 'The Vet Kept My Pet'

Your client has authorized all recommended treatments, but refuses to pay the bill. 'They can't keep Binky, can they?' Yes, you can. Animals are considered chattel and subject to Oregon lien law. Under ORS 87.192, you must 'retain the animal for at least 30 days' or 15 days if the animal is a cat or dog. After proper public notice and retention, the animal becomes your property. To see the entire text, go to <http://www.leg.state.or.us/ors/082.html>. If you have questions about this, best to consult your attorney.

▶ The Board Made You Do It

Under rule amendments adopted in 2006, you must conduct an exam to establish a Veterinary Client Patient Relationship (VCPR). This means you will now be absolutely truthful if you tell a client that you cannot provide treatment without an exam. This is in the Definitions section of the Veterinary Practice Act, OAR 875-005-0005(15). While you're there, flip to the next page and read 'Licensee's Duty to Cooperate.' What you don't know can bite you.

Renewals forms for 2009 have been e-mailed; paper forms will be mailed by 11/1/07 for vets and in December for CVTs. This year, CVTs must report 15 hours of CE. CVTs with less than one year's experience do not have to report CE. Veterinarians do not report CE this year.

▶ Most FAQs

Do I have to give the client a copy of Binky's record, even if the client won't pay the bill or the copying fee?

Yes. Invoice the client or send the account to collection, but provide a copy of the record, including imaging, if requested. The Board wants you to provide copies within 72 hours.

Must I hand-sign Binky's rabies certificate?

Yes. If you give the shot, you sign the certificate. And remember that CVTs may now administer rabies vaccine under DIRECT supervision of a veterinarian, but the veterinarian still needs to sign the certificate.

Binky bites. Must I examine him each time?

No. Once you've established a VCPR, you may choose to conduct subsequent exams to the extent allowed by Binky and/or the client. Be sure to note in Binky's record that an incomplete exam was conducted for cause, e.g., 'biter', or by client request.

What if I prefer to do a full exam each time?

It's your prerogative to establish business policies for your practice. OAR 875-015-0030 (h) allows you to do a partial exam or omit it. Your client can waive but not compel you to omit an exam.

Must I write prescriptions for on-line pharmacies?

No. But if you choose to, you might want to make sure the pharmacy is licensed to do business in Oregon. You can find out at the Pharmacy Board's web page, www.oregon.gov/pharmacy.

▶ Proposed Rule Amendments

Rule amendments are contemplated when the Board encounters conduct on which the Veterinary Practice Act is silent, where an existing rule is insufficient or when practice standards or technology require updated or better defined rules. The phrase 'including but not limited to' allows the Board to take action even if a specific issue is not addressed in the VPA; however the Board prefers to add or amend rules to address prevailing needs. While a regulatory agency cannot write a rule for every conceivable situation, recurrent problems should have specific rules. The latest batch of proposed amendments is attached. Text to be added is in [brackets] and text to be deleted is underlined. If you have comments, please provide them in writing by December 15, 2007.

► A Public Member's Perspective

While I work in a museum, I feel qualified to serve on the Veterinary Medical Examining Board due to the menagerie I have at home. On our small farm we have 4 dogs, 11 cats, 3 horses, 3 ponies, 7 sheep, 5 chickens and a turkey. I have spent hundreds of dollars saving a pet rooster that cost \$1.00 at the feed store and I have arrived at OSU with a colicing 27- year old horse at 9 PM on a Sunday night. We take their care seriously and I have the credit card balance to prove it. I respect and appreciate veterinarians and technicians and your ability to keep our furry and feathered family members healthy. After almost two years serving on the board, I have gained great appreciation for the challenges you face from both your patients and your clients.

I bring no agenda to the board process, but I look forward to helping keep the Veterinary Practice Act up to date with the advances in veterinary medicine and the evolving profession. Protecting the integrity of the testing and licensing process and accommodating new clinic ownership models are special interests of mine.

In the matter of complaints, it would be easy to assume that public members side with the clients and veterinary members side with the veterinarians. With only two public members the licensees might work to "protect their own". I can assure you that it doesn't work out that way. Most decisions are unanimous, and when there is a split vote, I cannot recall a single "public vs. licensed" divide.

People serving on the board, both licensed and lay persons, do so to protect the public, and to a great extent, protect the profession as well. The difference is the perspective that each member brings to the process. Would you, as a veterinarian board member, have cared for the animal in question differently? Would I, as a public board member, have been satisfied with the care if it was given to my animal?

Whether you look at the care through the viewpoint of the provider or the client, the question is the same. Did the care given fall within the minimum standards of the Veterinary Practice Act? Providing veterinary care that does not meet the minimum standard violates the public trust and hurts the profession as a whole. It is in everyone's interest to ensure minimum standards are being met.

As long as all voices are heard and respected, and the decisions are based on the facts and fair application of the Veterinary Practice Act, the public and the profession are both well served. As a public member, I believe the process is working well. Now if you just had a minimum standard for us clients....

Mark Reed was appointed to the Board by Governor Kulongoski in November, 2005. Mr. Reed is Operations Director of the World Forestry Center.

► Reporting

Unlike other regulated health professions in Oregon, veterinarians are not required by law to report colleagues' suspected misconduct. But what if you observe conduct that you know isn't right? The Board keeps details of complaints and investigations confidential. Anonymous complaints are handled no differently than those from identified sources. If you are concerned that medical protocols or clinic conditions fall below minimum standards, or that colleagues or coworkers are practicing while impaired, you can report and be assured that your anonymity will be preserved. Polls consistently rate veterinarians as a highly trusted profession. Sadly, it is also true that veterinarians constitute a high-risk profession for addictions. You can help us ensure your continued public approval and the safety of animals in veterinary care by letting us know if you think that something wrong is going on.

► Privacy Statute Invoked

Oregon's public information laws require disclosure of all licensee information except Social Security Number and complaint details. Recently, the Board was advised by its attorney that ORS 192 allows exemption of a licensee's private information from disclosure. Now licensee home address, phone number and email will **not** be provided to the public.

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▶ AAVSB Annual Conference

The American Association of Veterinary State Boards held its annual conference in Charleston, SC, in October. Selected Board members and staff attended. Dr. Daniel Harrison (Bend Equine Medical Center) gave a presentation on Oregon's precedent success in citing unlicensed veterinary practice. Board investigator, Dennis Chaney, talked about case development, emphasizing the necessity for valid evidence.

Attendees particularly appreciated a presentation entitled 'Generational Issues and the Discipline Process' by Donna Mooney, RN, MBA, who heads investigations for the North Carolina Board of Nursing. The presentation focused on characteristics of generations identified as Traditionalists (born in the 20s - 40s), Boomers (1943-1960), Gen X (1960-1980) and Millennium (1980-2000). Ms. Mooney noted that understanding what informs and motivates members of the different generations is key to management and disciplinary strategies and decisions.

As an example, Ms. Mooney told how nurses of her generation were trained and never questioned their obligation to stay on duty until relieved. She said nowadays, though, some professionals are more likely to stop working when the duty shift ends, whether or not a replacement arrives.

While the presentation is designed to assist regulators in dealing with disciplinary matters, grocking this issue can also be helpful to licensees in practice. For resources, start your search engine and key 'understanding the generations.'

▶ Euthanasia Task Force SOS

The Euthanasia Task force is responsible for ensuring that Oregon's animal control agencies and shelters perform euthanasia with only certified individuals and uniform protocols. Larry Crabb and Lorene Crabb, of Multnomah County Animal Control, currently comprise the ETF. Larry and Lorene were the first CETs licensed after the people of Oregon, through a citizen initiative, authorized formation of the Euthanasia Task Force in the 80s. We need three more volunteers—CVTs or veterinarians—to help train and certify agencies and euth techs. Expenses and per diem are covered by the Board. If you or someone you know can help, please contact us.

▶ Rabies Reporting

Multnomah County Ordinance 1093 states:

"A veterinarian performing a rabies vaccination of a dog or cat must transmit a copy of the vaccination certificate or written documentation that includes the information contained on the certificate to the Director (Animal Services) within 60 days. In the alternative, a veterinarian may issue a pet license in accordance with the rules adopted by the Director, and submit proof of licensure to the Director within 60 days."

Veterinary patient records are not protected by privacy laws. Don't let unfounded concerns about confidentiality prevent you from complying with this ordinance.

▶ Last Word from the Chair

As practices expand, and the number of clients increases, we find ourselves in a quandary:

- Shall we schedule every 20 minutes or every 30 minutes?
- Should I double-book just in case someone doesn't show?
- Should I accept all walk-ins?
- Can I examine each animal and provide the best care from my patients?

Regardless of your decisions, patient management should always follow the same rules—each patient needs a physical exam (not your receptionist notes) in accordance with the Veterinary Practice Act. The basics start with temperature, current weight, body condition, examination of eyes, ears, nose and throat and other systems.

When the Board reviews records, information not written is assumed not done. Lack of data is not interpreted to constitute a 'normal' finding. By far, medical records are the most significant reason why veterinarians are disciplined. Poor medical recordkeeping can make you liable to your clients, to the Board and to the courts.

Professionalism is reflected in the time you spend with your patients, and the notes you chart in the medical record help ensure that your excellent patient care can be continued inside and outside of your practice.

Emilio E. DeBess, DVM, MVPH, was appointed by Governor John Kitzhaber in May, 2000. Dr. DeBess is also the state Public Health Veterinarian, an instructor at OSU-CVM and Portland Community College and does relief work.

