

**Oregon Veterinary Medical Examining Board**  
**November 17-18, 2002**  
**Portland, Oregon**  
**FINAL MINUTES**

**November 17, 2002**

Present: Jo Ann Dewey (Chair)  
Drs. Bob Anderson, Jonathan Betts, Emilio DeBess, Martha DeWees, Leon Pielstick  
Don Hagglund, Public Member  
Lori Makinen, Executive Director  
Dennis Chaney, Investigator

The meeting was called to order at 10:30 a.m. The Board went into executive session to conduct new case review and investigative interviews.

Disposition of new cases:

2002-37—Mr. Hagglund moved, Dr. Pielstick seconded, and the Board voted unanimously to find no violation of the Practice Act.

2002-47—Dr. Betts moved, Dr. DeWees seconded, and the Board voted unanimously to find no violation of the Practice Act.

2002-0053—Dr. DeBess moved, Mr. Hagglund seconded, and the Board voted unanimously to find Dr. Ashley Magee in violation of ORS 686.020(1)-(2), 686.030(1)-(7) and 686.130(3), and to impose a fine of \$500 plus administrative costs.

2002-0048—Dr. DeWees moved, Dr. Anderson seconded, and the Board voted unanimously to find no violation of the Practice Act.

2002-0040—Investigation pending.

2002-0028—Dr. DeBess moved, Dr. Anderson seconded, and the Board voted unanimously to find no violation of the Practice Act.

Ongoing case review: 02-0021, 01-0029, 01-0053, 02-0030

02-0001—Dr. Jean Zech-Manhart has signed a Stipulated Agreement and Final Order.

Cases closed: 01-0062, 02-0042

02-0039—Dr. Pielstick moved, Dr. DeBess seconded, and the Board voted unanimously to withdraw the Notice of Proposed Discipline against Dr. Robert H. Anderson.

Executive Director reported on status of agency budget, license renewal process, performance measures to be presented to the Legislature, followup communications with complainants and respondents, NAVLE and VTNE application approvals, and a staff unemployment benefits hearing.

The meeting was adjourned at approximately 4:00 pm.

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Don Hagglund, Public Member  
Lori Makinen, Executive Officer  
Dennis Chaney, Investigator  
Rod Lemeni, Board Assistant  
Carol Parks, Board Counsel

The meeting was called to order at 8:30 a.m. The agenda was approved as amended. Draft minutes of September 2002 meetings were approved as amended.

### Investigative Interviews:

02-0036—Dr. DeWees moved, Dr. Pielstick seconded, and the Board voted unanimously to find no violation of the Practice Act.

02-0027—Dr. DeBess recused himself from discussion. Dr. Pielstick moved, Dr. DeWees seconded, and the Board voted to find no violation of the Practice Act.

01-0022—Dr. Pielstick moved, Dr. DeWees seconded, and the Board voted unanimously to find no violation of the Practice Act.

The Board welcomed Robin Sherwin. Ms. Sherwin gave a presentation on her experience with and research into vaccine related sarcomas and urged the veterinary community to inform clients of the relative benefits and risks of current vaccination schedules.

The Board denied a request from an applicant requesting waiver of a VTNE eligibility criterion.

The Board ratified the appointment of Steve Nagel to the Euthanasia Task Force. Dr. DeWees moved, Dr. Pielstick seconded and the vote was unanimous.

Dr. DeBess updated the Board on the latest incidence of West Nile Virus.

Board attorney Carol Parks identified willful indifference as the standard required to prove 'gross negligence,' and will provide more information at the next meeting. Ms. Parks informed that Board that the terms 'dispense; and 'administer' are not significantly differentiated in the Practice Act, nor is there clear distinction between 'drugs,' 'medications,' and 'vaccines.' Staff will provide a written draft opinion to members for future discussion.

Investigator Dennis Chaney asked the Board for guidance on an issue involving a veterinarian's boarding facility and the veterinarian's obligation to provide veterinary services, if needed. The Board concluded that boarding operations are not within the purview of the Board if the client waives veterinary service and opts only for boarding service.

The Board directed Mr. Chaney to visit an unlicensed individual offering holistic veterinary services.

There being no further business, the meeting was adjourned at approximately 1:30 pm.

Next meeting: February 10-11, 2002 in Portland.