

Oregon Veterinary Medical Examining Board
October 28-29, 2003
Portland, Oregon
FINAL MINUTES

October 28, 2003

Present: Dr. Jon Betts (Chair)
Drs. Bob Anderson, Emilio DeBess, Martha DeWees, Leon Pielstick
Ms Jo Ann Dewey & Mr. Donald Hagglund, Public Members
Lori Makinen, Executive Director
Dennis Chaney, Investigator
Carol Parks, Board Counsel

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

The Board discussed finalizing proposed rule amendments. The committee to review minimum veterinary practice standards will begin meeting in January. Board chair Dr. Betts will work with OVMA on staffing the committee.

The Board discussed an article that appeared in the Bend Bulletin newspaper that featured applicant background checks. At present, only three regulatory boards in Oregon do not routinely check applicants' criminal backgrounds: the boards of Accountancy, Medical Examiners, and Veterinary Medical Examiners. Staff explained that reports from the National Disciplinary Database accompany required national board score reports for each applicant licensed elsewhere previously or currently. New graduates are presumed to have relevant conviction-free histories. Staff will research other states' policies, as well as the cost of doing routine criminal background checks on applicants and report back to the Board.

Additionally, staff will research and report back on other states' rules on confidentiality of patient records.

The Board went into executive session to discuss cases , 01-0029, 03-0004, 03-0005, 03-0006, and 03-0012. The Board discussed compliance with the stipulated agreement with Dr. Grant Mauer.

Board attorney Carol Parks clarified information provided at the annual meeting of the AAVSB relative to consistency of decisions. Similar facts in each case should dictate consistent outcomes.

The Board revisited the issue of whether a physical therapy program that employs Functional Indirect Technique may present instruction to veterinarians. Board attorney Parks suggested that ORS 686.040(7) may provide for approval of the program by rule; but that since a veterinarian is involved in the instruction,

the program is currently eligible for CE approval. Dr. Anderson moved, Dr. Pielstick seconded and the board voted by majority to approve the program for CE credit.

The meeting adjourned at 4:40 p.m.

October 29, 2003

Present: Dr. Jon Betts, Chair
Drs. Bob Anderson, Emilio DeBess, Martha DeWees, Leon Pielstick
Ms Jo Ann Dewey, Public Member
Lori Makinen, Executive Director
Dennis Chaney, Investigator
Carol Parks, Board Counsel

The meeting was called to order at 8:30 a.m. The Board went into executive session to discuss case #30-0006.

The Board welcomed an attorney representing applicant Dr. J. P. Leeming. The attorney presented Dr. Leeming's reaction to the Board's conditions for licensure. Dr. DeWees moved, Dr. Anderson seconded and the Board voted by majority to amend Dr. Leeming's Stipulated Agreement and Order.

The Board approved four VTNE applications from individuals who had neither four years of on-the-job experience nor had graduated from an accredited veterinary technology program. The applicants' respective combined education and experience were deemed equivalent to qualification requirements. Board delegated future approval authority to the Chair and Director.

Dr. Pielstick moved, Dr. DeWees seconded and the Board voted by majority to repeal OAR 875-010-0030(c) and amend OAR 875-010-0070(4).

Disposition of cases:

2002-0040—Dr. DeBess moved, Ms. Dewey seconded, and the Board voted by majority to issue a Final Order by Default to Dr. Richard Wiest.

2003-0001—Dr. DeWees moved, and Dr. DeBess seconded a motion to add an additional \$250 to the proposed notice of discipline for Dr. Steven Rush for violation of OAR 875-010-0060(9) (failure to advise a client of follow-up care; and (11) (charging for services not rendered) and impose a fine of \$250. The motion passed by majority vote. Dr. Betts voted against the motion.

2003-0005(A)—Dr. DeBess recused himself from discussion and voting. Dr. Pielstick moved, Dr. Anderson seconded, and the Board voted by majority to find no violation of the Practice Act. Ms. Dewey opposed the motion.

2003-0005(B)—Dr. DeBess recused himself from discussion and voting. Dr. Anderson moved, Dr. DeWees seconded, and the Board voted by majority to find no violation of the Practice Act.

2003-0006—Dr. DeWees moved, Dr. DeBess seconded, and the Board voted by majority to find Dr. Todd A. McNabb in violation of OAR 875-015-0005(3) (noncompliant conditions), OAR 875-010-0060(1) (Recordkeeping) and OAR 875-010-0060(19) (failure to follow any rule of the board); and impose a fine of \$500.

2003-0008—Dr. DeBess moved, Dr. Pielstick seconded and the Board voted by majority to amend the proposed notice of discipline for Dr. Arthur Mills to include violation of OAR 875-010-0060(9) (failure to advise of follow-up care) and to increase the total fine to \$1,000.

2003-0009—Investigation ongoing.

2003-0013—Ms. Dewey moved, Dr. Anderson seconded, and the Board voted by majority to revoke the license of Dr. Susan Matlock for violation of OAR 875-010-0060(2)(13) (failure to provide copies of patient records), and impose a fine of \$1,000. Drs. Betts and DeBess voted against the motion.

2003-0014—Dr. DeWees moved, Dr. Anderson seconded, and the Board voted by majority to revoke the license of Dr. Jimmy Conrad for violation of OAR 875-010-0060(2)(13) (failure to provide copies of patient records), and impose a fine of \$1,000. Drs. Betts and DeBess voted against the motion.

There being no further business, the meeting was adjourned at approximately 3:30 p.m..

Next meeting: January 19-20 in Portland.

Respectfully submitted,
Lori Makinen, Director