

OVMEB BOARD MEETING PUBLIC SESSION	April 23-24, 2021	8:00 AM
	Zoom Conference: https://zoom.us/j/95505908661?pwd=T3Bmd3Z4a0lpNW9JMUxWenpwQjdTZz09	
	Meeting ID: 955 0590 8661 Passcode: 18uhn3	
Board President: Emilio DeBess, DVM, MPH	Phone 971-673-0224	Fax 971-673-0226

Board member Attendees:	Staff Attendees:
Emilio DeBess DVM, MPH, President	Cass McLeod-Skinner JD, Executive Director
Karen Pate, Public Member	Bertina Balajadia, Administrative Assistant
Dannell Davis, DVM	Brenda Biggs, Inspector
Allison Lamb, DVM	Janine Holland, Investigator
Natalie Mair-Williamson, CVT	Joanna Tucker-Davis, Assistant Attorney General
Dean Wilson, DVM	
Public Attendees: Several Public Members Attended	

Friday, April 23-24, 2021, Public Session

8:00 AM Convene Public Session 4/23/2021

1. **PUBLIC COMMENTS** – None.
2. **CONSENT AGENDA** –
 - a. **Today’s Agenda** – Davis moved to approve today’s agenda; Wilson seconded; vote unanimous. Motion passed.
 - b. **February 19-20, 2021, Public Board Meeting Minutes** – Lamb moved to approve February 19-20, 2021, Public Board Meeting Minutes; Davis seconded; vote unanimous. Motion passed.
 - c. **October 24, 2020, Public Board Meeting Minutes** – Pate moved to approve October 24, 2020, Public Board Meeting Minutes; Wilson seconded; vote unanimous. Motion passed.
3. **ADMINISTRATIVE RULE HEARING** – April 23, 2021
 - a. **OAD 875-011-0010- Prohibited and Unprofessional Conduct** –

Discussion: Discussion was had as to the amended provisions. 4/23/21 vote - Davis moved to adopt rule as amended; Pate seconded; vote unanimous; motion passed.

*It was noted that the public comment period ended at 5:00pm on 4/23/21, so the Board withdrew the vote, to have discussion and voting on 4/24/2021.

Davis moved to withdraw the vote; Lamb seconded; vote unanimous. Motion passed.

4/24/21 – re-entered rulemaking and Board received further public comment.

Davis moved to adopt the rule as amended; Pate seconded; Vote unanimous. Motion passed.

b. OAR 875-011-0015 Compliance with Governor’s Emergency Executive Orders Action and Guidance – new permanent rule

4/23/21 Discussion: Discussion was had as to including OSHA’s rules or guidance. *Closed discussion; Public comment ended at 5:00pm. Re-entered rulemaking Saturday morning for discussion and vote.

4/24/21 Discussion: Members discussed ramifications without the rule; clarified whether the rule was specific to Covid-19. Wording is not Covid-19 specific.

Vote: Davis moved to accept to OAR 875-011-0015 as written; Wilson seconded; Vote unanimous. Motion passed.

4. DISCUSSION AND ACTION ITEMS

a. Executive Director Report – Report was received.

b. Practice Policies

- i. **OAR 875-015-0035 Telemedicine, prescription medications – Lamb**
Issued tabled until 4/24/21 to review AVMA report.

4/24/21 Discussion: Discussion was had as to whether the Board and/or the Governor had waived or lessened VCPR requirements for telemedicine since onset of COVID. Discussion on whether Governor waived VCPR specifically; AAG to do research on Governor’s intention.

- ii. **Standard of Care – Corriher**
Issue: Whether there was a policy or opinion regarding closing a pregnant animal after finding pregnant/not continuing with spay surgery.
Discussion: Discussion was had as to whether this was an internal policy to the workplace, not needing Board involvement.
Outcome: No Board action; a matter of internal policy.

- iii. **ORS 686.040 – “In consultation with” 30-day rule**
Issue: What has been the Board’s interpretation and practice of “in consultation with” and the 30 days within ORS 686.040.
Discussion: Discussion about what “in consultation with” means, Board’s historical interpretation, and practice. AAG to do some research on intention. Table conversation and bring back to June meeting.
Outcome:

- iv. **OAR 875-015-0030 – Anesthetic records issue - Marcum**
Issue: Whether the Board requires documentation of cardiac and respiratory monitoring during anesthesia and its progress.

Discussion: Discussion was had as to the effects on rural veterinarians with limited staffing. Current rule does not require you to document that, but you are free to do so.

Outcome: Wilson moved to enter rulemaking for OAR 875-015-0030; Lamb seconded; vote unanimous. Motion passed.

c. Administrative Policies

i. Continuing education for courses taught

Issue: Whether licensees are eligible for CE credit by preparing and giving presentations.

Discussion: Vet/CE instructor is requesting 4 hours of CE per class taught because it required 3 hours of prep for an hour of teaching class. Discussion was had regarding research time and preparation.

Outcome: Request denied as current rule does not allow it.

5. WORK SESSION (following Executive Session)

a. OAR 875 Division 40 - CET Rules revisions

Issue: The CET rules need a full review and revision to address scope of duties, responsibilities, jurisdiction.

Discussion: Discussion was had on these issues.

Outcome: Dr. Lamb, Dr. DeBess, Ms. Tucker-Davis, and Director McLeod-Skinner to review redlined versions, streamline; and bring documents back to June meeting for review and possible future rulemaking.

b. Background checks for all Licensees - OAR 875-010-0000, OAR 875-0030-0010, and OAR 875-005-0010

Issue: Whether background checks should be done on all licensees at initial application and renewal.

Discussion: Members discussed that Board should background check everyone at least once; do 10% on existing renewals. Board has been doing background checks on new licensees since beginning of Jan. 2021, but have not been doing 100% of renewals.

Outcome: In order to get the renewal background check on all licensees, it is proposed that the Board will do 25%/year for the next 4 years. Members would like background check language to be identical for each license type. Staff is to provide proposal to create new division for licensing requirements for all license types for future review.

c. OAR 875-005-0005 Definitions

Issue: Review and revise definitions.

Discussion: Discussion was had about adding new definitions, numbering, and alignment with pharmacy rules.

OAR 875-015-0030 already has extensive definition as to what is required within medical records; does not include consent.

OAR 875-015-0030(V) works; new (W)

Outcome: Wilson moved to enter rulemaking on OAR 875-005-0005; Lamb seconded; vote unanimous. Motion passed.

d. OAR 875-010-0031 Allows operation of temporary facilities for up to 15 days per year.

Outcome: Table until June meeting.

e. OAR 875-015-0040 Minimum standards for Veterinary Drugs

Pate moved to enter rulemaking in June; Davis seconded; vote unanimous. Motion passed.

f. RAC member applications

Issue: Dr. DeBess suggested staff to divide the applications in different categories; Board members can score each applicant 1-3 or 1-5; highest score would move forward.

Outcome: Applications to be reviewed at June's meeting.

6. IN THE MATTERS OF (following Executive Session)

Measure 110 changes to rules/applications

Outcome: Staff and AAG will review applications, align with new rule language, and bring back to June meeting for review.

Suspension of VCPR within OAR 875-015-0035 Telemedicine

Outcome: Staff and AAG will do research on COVID and wildfire suspension history.

2020-0023: The Board found no violation and voted to close the case. Pate moved; Davis seconded, vote unanimous. Motion passed.

2020-0027: The Board found no violation and voted to close the case. Mair-Williamson moved, Wilson seconded, vote unanimous. Motion passed.

c.1.: Pate moved to approve licensure, Mair-Williamson seconded, vote unanimous. Motion passed.

c.2.: Davis moved to allow applicant to test, Wilson seconded, vote unanimous. Motion passed.

c.3.: Mair-Williamson moved to approve licensure, Ms. Mair-Williamson, Lamb seconded, vote unanimous. Motion passed.

c.4.: Mair-Williamson moved to approve licensure, Wilson seconded, vote unanimous. Motion passed.

2020-0024: The Board found no violation and voted to close the case. Lamb moved, Wilson seconded, vote unanimous. Motion passed.

2020-0040A: The Board found no violation and voted to close the case. Lamb moved, Mair-Williamson seconded, vote unanimous. Motion passed.

2020-0040B: The Board found no violation and voted to close the case. Lamb moved, Wilson seconded, vote unanimous. Motion passed.

2020-0040C: The Board found violations of OAR 875-030-0045 and OAR 875-015---30 and voted to issue a Notice of Proposed Discipline with a \$250 civil penalty. Mair-Williamson moved, Wilson seconded, vote unanimous. Motion passed.

2020-0029: The Board found no violation and voted to close the case. Mair-Williamson moved, Pate seconded, vote unanimous. Motion passed.

2020-0030: The Board found no violation and voted to close the case. Wilson moved, Mair-Williamson seconded, vote unanimous. Motion passed.

2020-0054: The Board found no violation and voted to close the case. Pate moved, Wilson seconded, vote unanimous. Motion passed.

2020-0045A: The Board found no violation and voted to close the case. Davis moved, Lamb seconded, vote unanimous. Motion passed.

2020-0045B: The Board found no violation and voted to close the case. Davis moved, Wilson seconded, vote unanimous. Motion passed.

2020-0051: The Board found no violation and voted to close the case. Davis moved, Mair-Williamson seconded, vote unanimous. Motion passed.

3:10 PM Adjourn meeting 4/24/2021.

Prepared by Janine Holland, Investigator; 06/02/2021.

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