

**Oregon Veterinary Medical Examining Board
Phoenix Inn
300 NW Franklin St.
Bend, OR**

FINAL MINUTES

Present:

Dr. Emilio DeBess (Chair)

Dr. Leon Pielstick (Vice Chair)

Dr. Lauren Acton

Dr. Robert Lester

Dr. Mark McConnell

Dolores Galindo, CVT

Mr. Rocky Liskey, Public Member

Mr. Mark Reed, Public Member

Lori Makinen, Director

Dennis Chaney, Investigator

**Monday, November 5, 2007
12:00 p.m. - 5:45 p.m.**

**Conducted in Executive Session
New Case Review
Investigative Interviews**

**Tuesday, November 6, 2007
8:30 a.m. - 4:45 p.m.**

Executive Session Convened

The Board reviewed complaints discussed during its September 12, 2007 teleconference.

Public Session Convened

Dr. Acton moved, Ms. Galindo seconded, and the Board voted unanimously to find no violation in the following cases: 07-0011; 07-0012; 07-0014; 07-0015 and 07-0017.

Ms. Galindo moved, Mr. Liskey seconded and the Board voted unanimously to approve the agenda with the following additions:

Definition of 'inducing' for purposes of non-Certified Veterinary Technician employees' scope of work; Removal of 'Examining' from the Board's name; Limited licensure for pathologists and other non-practicing DVMs; Definition of 'herd' regarding horses; Whether veterinarians with degrees other than DVM may use DVM; Mobile practice rules; and aseptic surgery requirements.

Ms. Galindo will develop a definition of 'inducing' for discussion at the next meeting.

If changes to ORS Ch. 686 are proposed during the upcoming Legislative session, the Board will seek to remove 'Examining' from its title.

Drs. DeBess and Pielstick will develop a draft legislative concept concerning limited or specialty licensure.

Oklahoma, for one, has specific rules for mobile practices. Dr. DeBess will obtain a copy for discussion at the next meeting.

The Board interprets minimum standards for aseptic surgery thusly: Cap, mask and gown for spays. Intubation is recommended if a body cavity is opened. Veterinarians are ultimately responsible for successful anesthesia. Intubation is not necessary for cat neuters.

Horses may be considered 'herd or flock' animals if they meet the definitions in OAR 875-005-0005(9).

AAVSB Annual Meeting

Drs. DeBess, McConnell and Pielstick, along with director Makinen and investigator Chaney, attended the AAVSB annual conference in Charleston, SC, on September 15-17, 2007. Mr. Chaney gave a presentation on the Board's use of its subpoena power in a successful investigation and prosecution of an unlicensed equine dentist. He emphasized that only with good evidence can the Board proceed through an investigation to a successful outcome. Dr. DeBess, who is a member of the AAVSB RACE Committee expressed concerns regarding the RACE approval process and recommended adding course content evaluation and including a certified veterinary technician on the Committee.

The Board ratified a proposed amendment to OAR 875-030-0040, which adds 'or other health certificate.'

Chair Report

Dr. DeBess and director Makinen gave a CE presentation on the Board's complaint investigation process to the Central Oregon Veterinary Medical Association on Sunday, November 4, 2007, at the Bend River House.

As state public health veterinarian, Dr. DeBess participated in the state's emergency preparedness exercise, 'TopOff.' The exercise united local authorities and resources to respond to a simulated disaster, in this case, a dirty bomb. This was the first such exercise to include animal care. Dr. DeBess worked with Multnomah County Animal Control on decontaminating, tagging and photographing, and cleaning animals prior to containment to facilitate reunion with owners. Dr. DeBess reported that the process was very orderly.

Cats infected by bats continue to be the main rabies concern regarding exposure to humans. The Department of Human Services may consider amending public health rules to require vaccination of cats statewide. Of the last 25 cases, two were foxes and 23 were bats. Bats are the primary problem in the Pacific Northwest, while raccoons and skunks are the primary problem on the East Coast.

West Nile Virus: 26 human cases were reported this year. Raptors and robins are most affected. A WNV squirrel and two dogs were diagnosed. Dr. Sally Cole diagnosed two dogs in Linn County. The public remains unaware of the extent of the problem, as it moves very slowly through the state due to cooler temperatures. There is county by county progress and it will eventually move through the state. So far this year, 35 horses have been diagnosed with WNV, and most were euthanized.

Dr. DeBess's second and final term on the Board ends in June. The Board will vote in a new chair and vice-chair at the next meeting.

Dr. DeBess and Makinen plan to meet with Sen. Kurt Schrader and OVMA president, Jacquie Nielson and director, Glenn Kolb in November to discuss rule amendments and possible legislative concepts.

Director Report

Veterinary license renewals have been emailed and USPS mailed. CVT renewal forms will be sent later in November.

The House Health Care interim committee held a hearing on Oct. 8th, 2007, to discuss findings of a review conducted by committee chair, Rep. Mitch Greenlick. The Committee is interested in whether boards' mission statements and performance adequately reflect their duty to protect the public. Among other goals, the Committee may review public member representation on boards, as well as confidentiality of complaints and investigations.

Makinen attended a meeting in September with the Governor's policy advisors and Dept. of Administrative Services staff. The purpose of the meeting was to obtain information on how boards conduct business in the wake of problems with the Board of Nursing. Future meetings are expected to include representatives of the office of the Attorney General.

Complaint Resolution

06-0001—Dr. McConnell moved, Dr. Lester seconded and the Board voted unanimously to approve Dr. Richard Thoreson's successful completion of his Stipulated Agreement.

06-0003—Mr. Liskey moved, Ms. Galindo seconded and the Board voted unanimously to require Dr. Melissa Schurr to enter into a two-year Stipulated Agreement in which she will not handle or administer controlled drugs and will direct her treatment provider to furnish the Board with quarterly progress reports.

07-0007A—Dr. Pielstick moved, Mr. Reed seconded and the Board voted unanimously to find Dr. James Bauersfeld in violation of the Veterinary Practice Act and impose a \$500 civil penalty for violation of OAR 875-015-0005(3)(a) (noncomplying condition) and 875-015-0030(7) (false advertising).

07-0007B—Mr. Reed moved, Dr. Pielstick seconded, Dr. DeBess abstained and the Board voted by majority to find Dr. Shana Savikko in violation of the Veterinary Practice Act and impose a \$5,000 civil penalty for violation of ORS 686.020 and 686.030 (unlicensed practice) and a \$1,000 civil penalty for violation of OAR 875-011-0010(18)(19) (failure to respond).

07-0009—Ms. Galindo moved, Dr. McConnell seconded and the Board voted unanimously to find Dr. Robert Alford in violation of the Veterinary Practice Act and impose a civil penalty of

\$250 for violation of 875-015-0030(3)(A) (failure to examine prior to sedation/anesthesia) and a \$250 civil penalty for violation of 875-015-0030(1)(U) (failure to document client's waiver of examination).

07-0021A—Dr. Pielstick moved, Mr. Liskey seconded and the Board voted unanimously to find CVT Christina Kropf in violation of the Veterinary Practice Act and impose a civil penalty of \$100 for violation of OAR 875-030-0050 (performing duties of CVT without license).

07-0021B— Dr. Pielstick moved, Mr. Liskey seconded and the Board voted unanimously to find Dr. Raymond Calkins in violation of the Veterinary Practice Act and impose a civil penalty of \$100 for violation of OAR 875-015-0005(3) (noncomplying condition).

06-0032A—Dr. Pielstick moved, Dr. Acton seconded and the Board voted unanimously to find no violation of the Veterinary Practice Act.

07-0010—Dr. Acton moved, Mr. Liskey seconded, Drs. DeBess and McConnell voted nay, and the Board voted by majority to find no violation of the Veterinary Practice Act.

07-0019A—Mr. Reed moved, Dr. Pielstick seconded, Dr. McConnell recused himself, and the Board voted by majority to find no violation of the Veterinary Practice Act.

07-0019B—Dr. Pielstick moved, Ms. Galindo seconded, Dr. McConnell recused himself, and the Board voted by majority to find no violation of the Veterinary Practice Act.

07-0024B—Dr. Pielstick moved, Dr. Acton seconded and the Board voted unanimously to find no violation of the Veterinary Practice Act.

07-0023—Ms. Galindo moved, Mr. Liskey seconded and the Board voted unanimously to find no violation of the Veterinary Practice Act.

07-0025—Dr. Pielstick moved, Dr. McConnell seconded and the Board voted unanimously to find no violation of the Veterinary Practice Act.

Next meeting: Portland, Oregon, January 28-29, 2008. Location TBA.

There being no further business, the meeting was adjourned at 2:00 p.m.