

Oregon Veterinary Medical Examining Board

July 1-2, 2001

Lincoln City, Oregon

FINAL MINUTES

Present: Dr. Vera Rogers (Chair)
Drs. Jonathan Betts, Emilio DeBess, Martha DeWees
JoAnn Dewey, Public Members
Lori Makinen, Executive Officer
Michael Zagyva, Investigator
Carol Parks, Assistant Attorney General
Susan Marshall, ADR Consultant

July 1, 2001: The work session was called to order at 12:30p.m.

Susan Marshall, a mediator with the Public Policy Dispute Resolution Program gave a presentation on collaborative approaches to decision-making and conflict resolution. Under Executive Order No. 00-09, the agency will be required to adopt a dispute resolution policy effective July 26, 2000.

The Board will determine the applicability of mediated negotiations to complaints against veterinarians.

Board attorney Carol Parks presented draft rule amendments. The Board will review, comment and may vote on the proposed amendments at the next meeting.

Dr. DeBess informed the Board that the Health Division plans to simplify and clarify rules relating to administration and certification of rabies vaccine.

Dr. DeWees introduced Dr. Harmon Rogers, AVMA representative. Dr. Rogers discussed the AVMA's perspective on the AAVSB's draft Model Practice Act.

The session was adjourned at approximately 4:00 p.m.

July 2, 2001: The agenda was adopted as amended. Approval of January 29, 2001 minutes was deferred to the next meeting.

Ms. Dewey was installed as the new Board chair. Dr. Rogers was thanked for her two years of service as chair.

The Executive Officer reported that new contracts for fiscal and database network services had been established, as well as a retainer with the Department of Justice for future contested case hearings appeals costs; and the complaint database has been modified to provide detailed history of consumer complaints and outcomes.

OLD BUSINESS

The Board discussed the issue of licensure of veterinary school graduates working as pathologists and tentatively agreed that they need not be licensed. Their work constitutes presentation of findings based on tissue analysis; diagnoses are made by veterinarians.

Dr. DeWees reported that Drs. Corey and Schmotzer are making progress in their consideration of certification of equine dentistry professionals. The Board agreed to postpone further discussion of recognition and/or regulation of this category of work until the a certifying authority has been developed and AAEP has formulated a recommendation.

The Board reviewed a revised violation severity scale and will test it along with the pending revision of the complaint evaluation tool at the next meeting.

Dr. Anderson said he would continue to monitor alternative therapies, but would not be able to attend the upcoming annual meeting of the American Holistic Veterinary Medical Association. An alternate attendee may be selected at the next meeting. Dr. Anderson indicated that practitioners of human physical therapy are expressing interest in working on animals. The Executive Officer was directed to invite a member of the International Alliance for Animal Therapy and Healing to the next meeting to discuss progress on establishing certification standards for alternative treatment methods.

Drs. DeBess and DeWees reported on their attendance at the annual conference and certifying class of the IAED. Both felt that the overall level of training and expertise was satisfactory, although Dr. DeBess expressed concern that supervision was lacking.

Dr. Anderson reported that OVMA is considering seeking legislative approval in the next session for increased civil penalty authority for the Board. Ms. Dewey will review other states' statutes and rules regarding civil penalty authority.

New committee assignments were announced: Dr. DeBess will work with Lori Makinen on development of the 01-03 budget; Drs. Anderson and DeBess will evaluate current and potential regulation of practice ownership. Dr. DeWees will work with Dr. Anderson on alternative or complementary veterinary medicine.

Drs. DeBess and DeWees will attend the AAVSB annual meeting in Boston, July 14-16. The Board directed that if a vote is needed to adopt the Model Practice Act, they are authorized to agree on a position and represent the Board accordingly.

Carol Parks, Board attorney, gave an update on the status of an appealed Final Order.

COMPLAINTS

2000-21—Complaint alleged that the veterinarian failed to monitor a cat following a declaw, which resulted in infection and ultimate death of the cat. The patient record was inadequately detailed and different veterinarians had treated the cat without noting its condition or communicating sufficiently with the client. The Board considered the record to be sub-standard and management of the patient to have been negligent; however, in lieu of discipline, the veterinarian agreed to implement improvements in record-keeping and communication, and to allow a Board member to conduct random records inspections to monitor improvement. Dr. DeWees moved, Dr. DeBess seconded, Dr. Betts abstained, and the Board voted to approve the case resolution.

2000-36—Complaint alleged that the veterinarian improperly left a sponge inside a cat's abdomen and refused to release the cat following spay surgery. Records indicated that the veterinarian had used an a laparotomy sponge, loosely sutured in the abdomen, to facilitate continuous drainage. Before the veterinarian

could remove the sponge, scheduled for the day after surgery, the client took the cat to another clinic. The Board further found that the case included a fee dispute and possible personal animosity between the two involved veterinarians. Dr. Rogers moved, Mr. Hagglund seconded, and Board unanimously found no violation of the Practice Act.

2001-02—Complaint alleged that an emergency clinic failed to examine a dog and refused to refer to a veterinarian of client's choice for post-ER treatment. Examination of the records indicated that management of the case was appropriate. The Board does not have authority to regulate veterinarians' referral policies. Dr. Anderson moved, Dr. Rogers seconded, and the Board unanimously found no violation of the Practice Act.

2001-05—Complaint alleged that an anemic dog being treated at an emergency clinic was inadequately monitored during the night and found dead in the morning. Examination of records indicated that the dog was examined 15 minutes prior to being found collapsed in the kennel. Clients declined an autopsy. The Board concluded that the dog was extremely ill and appropriate treatment and monitoring were documented. Dr. Anderson moved, Dr. Rogers seconded, and the Board voted to consider no violation of the Practice Act.

2001-14—Complaint alleged that the veterinarian administered expired vaccine. The Board found no evidence of this in the record, but did note concern that a technician may have administered rabies vaccine. A letter of concern will be sent to the veterinarian. Mr. Hagglund moved, Dr. Betts seconded, and the Board voted to consider no violation of the Practice Act.

2001-15—Complaint alleged that the veterinarian failed to diagnose distemper. The Board concluded from the records that the veterinarian acted appropriately: the dog's age and evident vaccine history made a definitive diagnosis difficult. Further, when the dog's condition worsened, the client took the dog to a different veterinarian. Dr. Rogers moved, Mr. Hagglund seconded, and Board unanimously found no violation of the Practice Act

2001-21—Complaint alleged that the veterinarian failed to provide oxygen for a dog with breathing difficulty and failed to supply oxygen while the dog was being transported to the nearest ER clinic. Examination of the record indicated that the veterinarian did not act inappropriately. However, the Board noted that the veterinarian failed to document a physical exam and sedated an animal with expiratory distress, and a letter of concern will be sent. Ms. Dewey moved, Dr. DeWees seconded, and the Board unanimously found no violation of the Practice Act.

2001-22—Pending further investigation at September meeting in Bend.

2001-23—Pending further investigation at September meeting in Bend.

2001-27—Complaint alleged that the veterinarian administered a Parvo vaccine that client's dog. The

Board determined that the veterinarian had acted appropriately, including reporting the event to the vaccine manufacturer. The complaint was determined to be not valid for Board action. Dr. DeWees moved, Mr. Hagglund seconded, and the Board unanimously found no violation of the Practice Act.

2001-28—Complaint alleged that the veterinarian failed to diagnose panleukopenia, resulting in the death of two cats. Examination of the record showed that four months had elapsed from the time of examination to the date of the complaint, and that the bill for services was outstanding. The Board noted that the veterinarian had failed to perform a basic diagnostic test, however, and a letter of concern will be sent. Dr. Rogers moved, Dr. DeWees seconded, and the Board unanimously found no violation of the Practice Act.

2001-31—Complaint alleged that the veterinarian damaged a cat's spinal cord during spay surgery, which caused the cat to become blind. Records indicated pre-anesthetic bloodwork, a routine surgery and recovery, and that the cat was difficult to handle. Two of the client's other cats, spayed under the same anesthesia protocol, recovered without incident. Mr. Hagglund moved, Dr. Anderson seconded, and the Board unanimously found no violation of the Practice Act.

2001-37—Complaint alleged that the veterinarian failed to arrive in time to successfully artificially inseminate a gilt. Examination of the record showed that the veterinarian had called the client to reschedule the appointment. Dr. DeWees moved, Mr. Hagglund seconded, and the Board unanimously found no violation of the Practice Act.

Next Board meetings: September 23-24, 2001 Bend
 December 3-4, 2001 Portland
 February 10-11, 2002 Portland

There being no further business, the meeting was adjourned at approximately 3:00 p.m.