

OVMEB BOARD MEETING PUBLIC SESSION	February 19-20, 2021	8:00 AM
Zoom Conference: Meeting ID: 920 5927 6175 Password: MjF2B6		
Board President: Emilio DeBess, DVM, MPH	Phone 971-673-0224	Fax 971-673-0226

Board member Attendees:	Staff Attendees:
Emilio DeBess DVM, MPH, Chair	Cass McLeod-Skinner JD, Executive Director
Peggyd Yates, 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
Karen Pate, Public Member	
Dean Wilson, DVM	
Public Attendees: Multiple members of the public attended.	

Friday February 19, 2021 Public Session

8:00 AM Convene Public Session

- 1. PUBLIC COMMENTS** – No public comment.
- 2. CONSENT AGENDA –**

- a. **Today's Agenda** - Hamilton moved to approve today's agenda; Lamb seconded; vote unanimous. Motion passed.
- b. **January 25, 2021 Public Board minutes** – Pate motioned to approve the January Public Board meeting minutes; Wilson seconded; vote unanimous. Motion passed.

3. ADMINISTRATIVE RULE HEARING – Feb 19, 2021

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

Discussion:

OVMEB received many comments regarding the section of the notice that stated there would be no economic impact. It was clarified that the economic impact was regarding the effect on the Board, not the licensees. Board to expand economic impact statement to include impact on community we serve. Discussion was had regarding workload on agency staff, length of effectiveness, repeatability, COVID vs general applicability, and OSHA responsibilities. Board agreed that it would like to make the rule general and not COVID-19 specific.

Outcome:

Hold open rulemaking for further comment on economic impact (for revisions). Yates moved; Lamb seconded; unanimous vote.

4. DISCUSSION AND ACTION ITEMS

a. Executive Director's Report -

Report was provided and received.

b. Best Practices Questionnaire -

Board was informed of and provided the questionnaire. Will revisit during June 2021 board meeting in order to file a supplemental Annual Performance Progress Report for 2020/2021.

c. 2020 Annual Performance Progress Report -

Board ratified.

d. 2021-23 Agency Request Budget -

Informed Board of the process. Board ratified.

e. 2021-23 Governor's Request Budget -

Budget testimony and PowerPoint Presentation. Board Ratified.

f. 2019 Secretary of State Audit and Response -

Board ratified. Discussion was had over recommendations made, especially around PDMP compliance and HIPAA requirements.

g. Practice Policies -

Continuing education for courses taught - preparing for a lecture and lecturing to vet community is not considered CE for RACE. Will need to come back to this after Board reviews more information – revisit in April.

h. Administrative Policies -

- a. **Arrest/Conviction Application Review Policy** – Policy applies to applications for all license types. Davis moved to approve; Mair-Williamson, seconded; vote unanimous. Motion passed.
- b. **Annual Dispensing Practitioner Drug Outlets (DPDO) self-checklist submission timeframe** – Board discussed moving DPDO self-checklist into license renewal process. Modify application to reflect it and timeline. When certifying facility, managing veterinarian should be filling it out. Discussion regarding potentially adding an extra signature line for completion and one for managing vet. Response was that MV is responsible, regardless of who fills it out and signs. If the DPDO checklist is attached to the renewal, better chance of managing vet responsible. Wilson moved to incorporate DPDO checklist into facilities renewal with Dec. 31 deadline; Davis seconded. Vote unanimous. Motion passed.
- c. **Limits on Licensing Exam Attempts** – Whether the Board wanted to set limits on the number of times an applicant could take licensing exams. Board determined to not set a limit. Lamb moved for no limit on exam attempts; Wilson seconded. Vote unanimous. Motion passed.

- a. **Measure 110 changes** – Discussed upcoming rule changes in response to Measure 110.
- b. **CET Rules** - Members to provide their redlines to Director by April 1 for coordination into document to review at April's board meeting.
- c. **Pending Votes on CVT Rules** – Creating a RAC – Board had previously voted to create a RAC to address CVTs and dental issues and enter into rulemaking. A RAC had yet to be convened.

History of the CVT rules: Jan. 26, 2019 minutes – Board voted to repeal OAR 875-030-0040(2)(e)(G) and add task to duties prohibited. Board went into rulemaking 3 years ago, took public comment, but didn't take final vote. A second was supposed to be filed as rulemaking but was never filed.

Moving Forward:

RAC for dental extraction and CVTs.

What questions to you want RAC to address?

- Extractions under immediate supervision of a licensed vets
- Involves both CVT and vet

- CVTs being asked to do things that they're not adequately trained for, being paid for, etc.

RAC membership – 13 total

(4) DVMs

(1) Veterinary dentists

(4) CVTs

(1) CVT specialized in dentistry

University/PCC technician programs – involved in curriculum of teaching dentistry

Public member as alternates

11 voting members, 2 alternates

Members can request subject matter experts

Urban/rural diversity

Large animal/small animal reps

Vet assistants (unlicensed) – bring them in as subject matter experts

Board Liaison – non-voting board member - Dr. DeBess

Topics: OAR 875-015-0050, vet dentistry and x-ray, OAR 875-030-0040

To draft and send out call for membership, 2 week application

RAC membership review in April's meeting

- d. **CVTs and CETs: Background Checks and Disciplinary Authority** – Staff will bring back revised rules to review for implementing background checks for all license types. Possible review at April or June meeting.
- e. **Nonprofits and Using Expired Drugs** – Issue: Donating expired or close to expired drugs to non-profits. Non-profit often rely on expired or about to expire drugs to serve people who might not otherwise be able to afford vet care/drugs for their pets. Board will need to consult with Board of Pharmacy (BOP) to know what consequences could be with the DPDO waiver. Dr. DeBess and Director McLeod-Skinner will follow up with BOP.
- f. **Prescription Diets** – Concerned that BOP will consider “prescription” diets as regulable and find liability. Dr. DeBess and Director McLeod-Skinner will include this topic in their follow up with BOP.
- g. **Facilities and Licensee Rules Separation** - Staff will bring back redline version for board review to June meeting.

h. **Overall Rule Review** - We are required to review rules every 5 years. Sections will be assigned to each member. Staff will get redlines started and bring it back to Board.

i. **Rulemaking for OAR 875-011-0010** – Pate moves to enter into rulemaking; Yates seconded. Vote unanimous. Motion passed.

7. IN THE MATTERS OF:

- **2020-0047:** The Board found no violation and moved to close the case. Wilson moved, Pate seconded, vote unanimous. Motion passed.
- **2020-0057:** The Board found no violation and moved to close the case. Lamb moved, Wilson seconded, vote unanimous. Motion passes.
- **2020-0056:** The Board found two violations of OAR 875-011-0010(22) and voted to issue a Notice of Proposed Discipline with a civil penalty of \$1,000. Davis moved, Hamilton seconded, vote unanimous. Motion passed.
- **2020-0020:** The Board found a violation of OAR 875-015-0030(8)(b) and voted to issue a Notice of Proposed Discipline with a civil penalty of \$250. Wilson moved, Yates seconded, vote unanimous. Motion passed.
- **2020-0036:** The Board found no violation and moved to close the case. Davis moved, Lamb seconded, vote unanimous. Motion passed.
- **2020-0041:** The Board found violations of OAR 875-011-0010(13) and OAR 875-015-0030(1) and voted to issue a Notice of Proposed Discipline with a civil penalty of \$500. Yates moved, Ms. Pate seconded, vote unanimous. Davis recused. Motion passed.
- **2020-0028:** The Board found no violation and voted to close the case. Davis moved, Ms. Yates seconded, vote unanimous. Motion passed.
- **2020-0025:** The Board found violations of OAR 875-011-0010(7) and voted to issue a Notice of Proposed Discipline with a civil penalty of \$250. Yates moved, Mair-Williamson seconded, vote unanimous. Lamb recused. Motion passed.
- **2020-0034:** The Board found no violation and voted to close the case. Lamb moved, Wilson seconded, vote unanimous. Motion passed.
- **2020-0038:** The Board found no violation and voted to close the case. Pate moved, Mair-Williamson seconded, vote unanimous. Motion passed.

- **2020-0031:** The Board found a violation of OAR 875-011-0010(7) and voted to issue a Notice of Proposed Discipline with a civil penalty of \$250. Mair-Williamson moved, Lamb seconded, vote unanimous. Motion passed.
- **2020-0033:** The Board found no violation and voted to close the case. Yates moved, Wilson seconded, vote unanimous. Motion passed.
- **2020-0011:** The Board found no violation and voted to close the case. Pate moved, Wilson seconded, vote unanimous. Motion passed.
- **2020-0035:** The Board found no violation and voted to close the case. Davis moved, Lamb seconded, vote unanimous. Motion passed.
- **2020-0039:** The Board found no violation and voted to close the case. Wilson moved, Davis seconded, vote unanimous. Motion passed.
- **2020-0026:** The Board found no violation and voted to close the case. Lamb moved, Davis seconded, vote unanimous. Motion passed.
- **2020-0018:** The Board found no violation and voted to close the case. Davis moved, Yates seconded, vote unanimous. Motion passed.
- **2020-0037:** The Board found violations of OAR 875-010-0031(3)(c) and OAR875-011-0010(14) and voted to issue a Notice of Proposed Discipline with a civil penalty of \$500. Mair-Williamson moved, Pate seconded, vote unanimous. Motion passed.
- **2020-0032:** The Board found violations of OAR 875-010-0031(3)(c) and OAR875-011-0010(14) and voted to issue a Notice of Proposed Discipline with a civil penalty of \$250. Yates moved, Pate seconded, vote unanimous. Motion passed.

3:43 PM Adjourn for the Day

Prepared by Janine Holland, Investigator; 03/18/2021

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