

Vermont Secretary of State
Office of Professional Regulation

STATE VETERINARY BOARD

UNAPPROVED MINUTES
MEETING of THURSDAY, NOVEMBER 14, 2002

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1. The meeting was called to order at 9:14 a.m.

Members present: David T. Lamb, D.V.M., Chairman; Michele R. Tulis, D.V.M., Secretary; Mark A. Basol, D.V.M.; Ronald S. Svec, D.V.M.; Nancy Carey, Vice-Chair; and Heather Hoisington.

OPR Staff Present: Larry S. Novins, Board Counsel; Christopher Winters, Board Counsel; Rita Knapp, Unit Administrator; and Carla Preston, Board Administrator.

2. The Chairman called for approval of the Minutes of the September 12th meeting. Dr. Svec made a motion, seconded by Dr. Basol, to approve the Minutes of the September 12, 2002 meeting as presented. The question was called and the motion passed. Ms Hoisington abstained.

3. **Hearings/Stipulations** None to report.

4. **Reports:**

Larry Novins, Board Counsel, and Rita Knapp, Unit Administrator, attended the meeting to hand out new Board Manuals which were introduced at the Office of Professional Regulation's seminar on November 13th. They briefly discussed the format of the manuals and its contents which included definitions, complaint process, what you need to know as a member of a board, the history of OPR, and so on. Areas were left available for inclusion of Board specific information such as laws, rules, minutes, etc. Members very much appreciated the new manuals.

Dr. Svec added that he attended OPR's seminar and found it very interesting and informative. He said OPR is beginning discussions concerning legislation that would provide authority to impose fines for unlicensed practice cases. In the event, the fine is not paid, no action to correct the situation is taken on the part of the respondent, repeated actions occur, etc. the matter would be turned over to the Attorney General's Office for criminal prosecution. The Board was pleased to learn that OPR was considering options to deal with unlicensed practice cases.

5. The following applicants attended the meeting at 10:00 a.m. to complete the licensure process. The Board voted to go into executive session at 10:56 a.m. and out at 11:00 a.m.. Dr. Basol made a motion, seconded by Dr. Tulis, to approve the candidates listed below for licensure on the basis of their applications and successful completion of the State Board examination. Motion passed unanimously.

Begley, Sarah E., D.V.M.
Caron, Margaret C., D.V.M.
Karzenski, Stacey S., D.V.M.
Leonard, Cynthia A., D.V.M.

Carlson, Mark D., D.V.M.
Eward, William C., D.V.M.
Kyle, Julie E., V.M.D.
Patrick, Shana L., D.V.M.

6. **Proposed Legislation or Rules**

The Board discussed the language regarding Immunity from liability of licensees who report suspected cases of cruelty to animals. Attorney Novins and Ms Knapp explained that it was removed from the Office bill during the last days of the Legislative Session. The matter was discussed further.

6. **Proposed Legislation or Rules** - continued

The Board reviewed the Memorandum from Dr. Todd Johnson, State Veterinarian, concerning this language. His Memo, which was copied to Dr. Anna Worth with the Vermont Animal Cruelty Task Force, supported this provision and suggested a few changes.

Based on the discussion that ensued, Dr. Tulis made a motion, seconded by Dr. Svec, to support this language and include it in the Office bill. The matter was discussed further.

Attorney Novins suggested that members contact their local representative. He said members could also visit the Legislature's Web page for voting records showing who supported and did not support this language. Ms Knapp suggested they contact Senator Doyle.

Dr. Tulis said there has been a correlation between animal abuse with child abuse. She said she has considerable literature supporting those findings and agreed to forward pertinent articles to Jessica Porter, OPR's Director.

The Board may seek additional support from the Vermont Veterinary Medical Association and others. As a result of the discussion, the Board agreed to incorporate the changes suggested by Dr. Johnson.

Attorney Novins said he would amend the original draft language to include the changes discussed and present it to members for review. The question was called and the motion passed unanimously.

2) The Board briefly discussed introducing language for statutory authority to require licensure/registration of veterinary technicians, but concluded that the need had not been demonstrated. Ms Knapp verified that very few, if any, complaints had been filed against a veterinary technician. Ms Carey said that the group previously interested in it was no longer actively pursuing registration. The supervising veterinarian is responsible for a technician's actions in his or her employ.

7. **COMPLAINTS** - None to report.

8. **Continuing Education**

- a. **"Ultrasound Course - Abdomen and Thorax,"** submitted by Dr. Anja Wurm, requested approval for five (5) hours of continuing education credits. Dr. Basol explained that the training was provided at his clinic and that Dr. Dave Sobel was unable to stay the full five hours as originally planned. Dr. Basol verified that the program was worthwhile and that their skills were improved. Based on the discussion that ensued, Dr. Svec made a motion, seconded by Ms Hoisington, to approve this continuing education program for two (2) hours. Motion passed. Dr. Basol abstained.

9. **Miscellaneous Correspondence**

- a. Dr. Lamb reported on his attendance at the New England Veterinary Medical Association/MVMA Joint Scientific Conference & Trade Show that was held September 22-24, 2002. He said it was a very good meeting and noted that he learned several new things. He said there were a few veterinarians in attendance from this area.

9. **Miscellaneous Correspondence** - continued

Dr. Lamb noted that the New England Association of State Veterinary Boards, Inc. did not hold its annual meeting. He assumed that the American Association of Veterinary State Boards had taken over that function.

- b. Dr. Svec reported on his research concerning physical therapists who wish to practice physical therapy on animals. He said he spoke to Jacqueline Gambino on the subject. Dr. Svec said she told him that she was not actively pursuing it now, just researching it for the future. She indicated some of the modalities in which she is interested which included orthopaedic follow-up, strength, stretch, exercise, swimming facility, acupressure, etc. Ms Gambino said she has not taken the course; she wanted to first make sure she could perform the treatments on animals.

Dr. Svec said he also contacted David Levine at the University of Tennessee who offers courses on the subject. Dr. Svec learned that it is a fairly extensive program consisting of several steps. Some aspects of the program are taught by physical therapists and others by veterinarians. A prerequisite for taking the course is to be either a graduate of a physical therapy program or veterinary program. He said certificate holders are encouraged to work under the direct supervision of a veterinarian and that it is best if services are performed at a veterinary clinic.

Dr. Svec said he is awaiting a response from the American Physical Therapy Association (APTA) and from the Physical Therapy Advisors. He will provide an update at the next meeting.

- c. The Board reviewed and noted the October 9, 2002 letter from *Nutrena* stating attendees its recent continuing education program. The Board will remind them that it is their responsibility to provide certificates of attendance to attendees.
- d. The Board reviewed and noted the Memorandum and 2002/2003 American College of Veterinary Internal Medicine (ACVIM) Membership Directory.
- e. The Board reviewed and noted the September 2002 issue of the New Mexico Board of Veterinary Medicine's Newsletter.
- f. The Board discussed topics to be addressed in the Vermont Veterinary Medical Association's Newsletter or in the Board's Newsletter to be sent with renewal notices (mid April 2003). Topics suggested included PAVE, dispensing issue, new laws, continuing education credits and the Board's policy regarding CE's, etc.
- g. The Board noted the September/October 2002 Issue of the *FDA Veterinarian*.
- h. Various FYI documents were noted.

10. **American Association of Veterinary State Boards (AAVSB) Correspondence**

- a. The Board reviewed and noted the October 30, 2002 Memorandum regarding PAVE Information. For the benefit of Attorney Larry Novins, Dr. Lamb provided some history and subsequent evolution about the AAVSB and the American Veterinary Medical Association (AVMA).

10. **American Association of Veterinary State Boards (AAVSB) Correspondence - continued**

Dr. Lamb explained that years ago (~ 1991), the Vermont Board worked with other regional boards to standardize licensing requirements. The group, consisting of the state veterinary boards from New England incorporated under the name of the New England Association of State Veterinary Boards, Inc. and worked diligently on formulating requirements that met all states' needs. He said that idea gained national attention because it recognized the benefits to standardizing the licensing process and requirements.

Dr. Lamb said representatives from the AVMA met and later incorporated the AAVSB. That organization offered a disciplinary data bank and other services to its member boards. Since the AVMA, a professional organization of veterinarians, was then responsible for licensure examinations, a conflict of interest was perceived. Veterinarians could make the examination too difficult to keep the number of licensees down. The AVMA had clout and the funding to prepare a licensing examination where individual states could not. As a result of the efforts of both organizations, the National Board of Veterinary Medical Examiners (NBVME) was formed which oversees the national examination called the North American Veterinary Licensing Examination (NAVLE).

The AAVSB has since decided to take on other aspects or functions that the AVMA had historically performed. Those functions included developing a model practice act, accrediting veterinary schools/colleges, and accrediting foreign trained veterinarians. Dr. Lamb said there are now two model laws practice acts with regard to veterinary medicine, the AVMA's version and the AAVSB's version.

Dr. Lamb said the third area for potential conflict of interest involved credentialing foreign educated veterinarians. He said the AVMA developed its program, the Education Commission for Foreign Veterinary Graduates (ECFVG), in the 1950's and that it has a good program. However, arguments can be made that the Association represents economic interest because the state boards are not involved in the process. A mechanism for evaluating an education system of foreign veterinary schools is needed. He said the ECFVG program consists of multiple steps, (clinical, test of the English Language, etc.). This program experienced a huge backlog where candidates had to wait years to enter. The AVMA does not want to turn this process over to the AAVSB and fears losing control it has had for many years.

Based on complaints about the delay and other issues, the AAVSB decided to create its own system of evaluating foreign educated veterinarians. The Program for the Assessment of Veterinary Education Equivalence (PAVE) was recently formed. Dr. Lamb said the program is similar but appears to be less cumbersome. It consists of a qualifying examination, training, etc. In August of 2002, PAVE had its first candidates begin the program.

The AVMA and the AAVSB have not reached an agreement with regard to this subject. Many boards have not taken action on the issue.

The Board will be interested to see the results from the first PAVE candidates. The Board has the statutory authority to accept both programs for evaluating foreign education. Dr. Lamb added that the AAVSB provides a great service to its member state boards with regard to centralizing testing, disciplinary data base, improved communication among boards, and so on.

10. **American Association of Veterinary State Boards (AAVSB) Correspondence - continued**

Attorney Novins thanked Dr. Lamb for the update on this matter. The first candidate to apply who went through the PAVE program will be interesting.

- b. The Board reviewed and noted the Summer 2002 Issue of the AAVSB Newsletter.
- c. The Board discussed the November 12, 2002 E-mail from Dr. Wayne Anderson who is interested in licensure by endorsement but is unsure if he meets the clinical experience requirement. He said he is currently employed as Principal Pathologists at Wyeth Research and has done some clinical work in this facility. The Board concluded that more information is needed with regard to his relationship to clinical practice. He needs to provide details about the type of cases he sees, when, how often, and the relevance to usual small animal practice, etc. If the Board determines that his experience does not meet the criteria, Dr. Anderson has the option of sitting for the NAVLE to qualify on the basis of examination.
- d. The Board reviewed and noted FYI documents.

11. **National Board of Veterinary Medical Examiners (NBVME) - Correspondence - None to report.**

12. **American Veterinary Medical Association (AVMA) Correspondence**

- a. The Board reviewed and noted the September 2002 documents from the AVMA regarding PAVE.

13. **Strategic Planning**

Topics to be addressed in the future included the possibility of issuing courtesy or transient practice permits, continuing education, etc. The purpose of a courtesy license or permit is to allow veterinarians who are licensed in other states to work in Vermont for a specific amount of time and circumstance without going through the entire licensure process. The matter was discussed further. If the Board agrees that there is a need for this type of licensure or permit, it will likely require legislative action. The Board will ask Attorney Novins to verify that statutory authority is needed, or if it is currently covered under another provision.

Dr. Svec provided a copy of his Alaska application for a courtesy license for review. He explained the process for obtaining a courtesy license in Alaska. He said he must be sponsored by a veterinarian in that state, submit a verification of good standing from the state where is working, a completed application, etc. The matter will be discussed further at future meetings.

14. **Other Business Introduced by the Board**

The Board again raised the issue of writing and filling prescriptions. The Board met with Attorney Chris Winters, Board Counsel for the Board of Pharmacy, to discuss this issue. The Board asked, if veterinarians have the right or authority to fill a prescription for a patient that is not their client, which is written by another veterinarian who has seen the patient? Can a veterinarian who has see the patient and has a veterinary-client-patient relationship, write a prescription and have it presented to a colleague down the road to have it filled? Who's liable? Dr. Lamb said veterinary drugs are not available at a pharmacy. These issues are happening more and more and the Board needs guidance in this regard.

14. Other Business Introduced by the Board - continued

The Board brought up another issue concerning Vetcentric, an internet pharmacy where kickbacks are issued. Dr. Tulis said this company advertises in veterinary journals. The Board provided Attorney Winters with that information as well as a copy of a letter from World Resource Pet Supply which is recruiting veterinarians to distribute their products.

Attorney Winters agreed to work with Attorney Novins on this issue and report back to the Board at its next meeting, January 9, 2003.

15. Public Comment - None to report.

16. Election of Officers.

Members noted that terms for Dr. Lamb and Ms Carey expire as of December 31st and that they are not eligible for reappointment. Ms Hoisington made a motion, seconded by Ms Carey, to nominate the following slate, Dr. Tulis for Chairperson; Dr. Basol for Vice-Chairman; and Dr. Svec for Secretary. The question was called and the motion passed.

17. The next meeting date is scheduled for **Thursday, January 9, 2003.**

**Meeting dates for 2003 are as follows:
January 9, 2003; March 13, 2003
May 8, 2003; July 10, 2003
September 11, 2003; November 13, 2003**

18. The meeting was adjourned at 1:29 p.m.

Respectfully submitted,

Carla Preston
Board Administrator
Office of Professional Regulation