

Board of Veterinary Medicine
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Unapproved Minutes
Meeting of June 11, 2009

1. The meeting was called to order at 9:12 A.M.

Members present: Mark A. Basol, D.V.M., Chairman; Ronald S. Svec, D.V.M., Secretary; Kristin Haas, D.V.M.; Terry York and Linda Johnston. Absent: Robert Bergmann, V.M.D., Vice-Chair.

OPR Personnel present: Larry S. Novins, Board Counsel; Carla Preston, Unit Administrator, and Kristy Kemp, Administrative Assistant. Edward G. Adrian, State Prosecuting Attorney, participated by phone.

Others present: Jennifer Schudder, Intern working at the Vermont State Veterinarian's Office,

2. The Chair called for approval of the Minutes of the February 12th and April 9th meetings. Dr. Svec made a motion, seconded by Ms. York, to formally approve the Minutes of the February 12, 2009 meeting and to approve the Minutes of the April 9, 2009 meeting as presented. The question was called and the motion passed unanimously.

3. Reports

4. Hearings/Stipulations and Consent Orders

At 9:30 A.M. the Board considered a *Stipulation and Consent Order* in the matter of Marie E. Jennings (Casire), D.V.M., Docket Number 2008-236 (VE05-0908). The Respondent was not present. Larry Novins presided for the Board. Edward Adrian was present for the State. A correction regarding the Respondent's name will be made on page one of the Order. Ms. Johnston made a motion, seconded by Dr. Svec, to accept the *Stipulation and Consent Order* as corrected. The question was called and the motion passed. Dr. Haas, Investigating Member, did not participate in the vote.

5. Statute/Rulemaking

Chairman Basol and Attorney Novins will meet within the next few weeks to go over the rules for changes needed. They will also include necessary changes based on the recent statutory changes. They will bring their proposed changes to the Board for review.

6. Complaints/Follow-up cases

2008-107 (VE12-0308) – The Board reviewed the Report of Concluded Investigation. Dr. Haas made a motion, seconded by Ms. Johnston, to accept the Investigative Team's recommendation and conclude this case without charges. The question was called and the motion passed. Dr. Svec, Investigating Member, did not participate in the vote.

2007-191 (VE12-0607) – The Board reviewed the Report of Concluded Investigation. Dr. Haas made a motion, seconded by Ms. York, to accept the Investigative Team's recommendation and conclude this case without charges. The question was called and the motion passed. Dr. Svec, Investigating Member, did not participate in the vote.

6. Complaints/Follow-up cases - continued

2008-433(VE07-1108)—The Board reviewed the Report of Concluded Investigation. Dr. Svec made a motion, seconded by Ms. York, to accept the Investigative Team's recommendation and conclude this case without charges. The question was called and the motion passed. Dr. Basol, Investigating Member, did not participate in the vote.

Follow-Up case re Dr. Robert M. Hicks: The Board reviewed its February 12, 2009 Stipulation and Consent Order and Ms. Preston's draft letter to Dr. Hicks regarding his status and compliance with the Order. The Board will send a letter asking if he is currently working and whether he has petitioned the DEA for reinstatement. If he is currently working, a follow-up letter may be needed for further clarification.

7. The Board reviewed the following applicants for licensure and took action as indicated.

Dr. Svec made a motion, seconded by Ms. York, to approve the following applicants for licensure based on their completed applications. The question was called and the motion passed unanimously.

Emily E. Buskey, D.V.M. (Examination) Elizabeth A. Johnson (Examination)
Patrick J. Leavey, D.V.M. (Examination) Shawntel M. Sechrist, D.V.M. (Endorsement)
Gary D. Stuttesman, D.V.M. (Endorsement) Jennifer L. Taylor, D.V.M. (Examination)

Dr. Svec made a motion, seconded by Ms. York, to formally approve the following applicants for licensure based on their completed applications. The question was called and the motion passed unanimously.

Christopher N. Garruba, V.M.D. (Endorsement) Susan E. Kissel, D.V.M. (Examination)

Dr. Svec made a motion, seconded by Ms. Johnston, to approve the following applicants for licensure **pending** receipt of verification of their having graduated. The question was called and the motion passed unanimously.

Julie M. Cornell, D.V.M. (Examination) Jessica C. Scillieri, D.V.M. (Examination)
Margaret M. Witters, V.M.D. (Examination)

8. Continuing Veterinary Medical Education

The Board reviewed the following requests for approval of continuing veterinary medical education programs and took action as indicated.

- a. **"One Health,"** submitted by Dr. Millie Armstrong with the Vermont Veterinary Medical Association (One Health Initiative Task Force), was formally approved for five (5) hours of continuing veterinary medical education which was held on April 30, 2009.
- b. **"Current Issues in Feline Medicine,"** submitted by David Hamilton with Fort Dodge Animal Health, was approved for two (2) hours of continuing veterinary medical education which was held on June 11, 2009.
- c. **"Course on State Veterinary Laws, Rules, Regulation and Statutes,"** submitted by Dr. Madan Khare with VetMed Consulting.com, requested approval for two (2) hours of continuing veterinary medical education. Since this program is approved by the Registry of Approved Continuing Education (RACE), Board approval is not required.

8. Continuing Veterinary Medical Education - continued

- d. **“Canine Lyme Disease: Testing, Managing, preventing and other Thoughts,”** submitted by Dr. Andrew Eschner with Merial, requested approval for one and a half (1.5) hours of continuing veterinary medical education. Since this program is approved by the Registry of Approved Continuing Education (RACE), Board approval is not required.

The Board voted to conduct an audit of continuing veterinary medical education reported of 10 percent of its licensees. The notice will describe acceptable verification for submittal.

9. Newsletter Topics!

Topics to be included in the next newsletter include the Chairman's report, communication among the veterinarian, his or her staff, and the client/patient, OPR's new licensing system (eLicense), prescriber consent information, statistics, notice of CVME audit, update of statutory changes, rule making process, etc.

10. Miscellaneous Correspondence

- a. The Board reviewed the April 27, 2009 and other emails from Dr. Anne K. G. Basilwich concerning the Board's position on filling outside prescriptions. The Board's practice is to not answer specific legal questions which it may have to address in its adjudicatory function, that is, in the course of deciding a disciplinary complaint. Dr. Basilwich will be referred to the rules and statutes governing the profession. She may establish a policy for her own practice.
- b. The Board reviewed and noted the March 5, 2009 Letter of Agreement from the National Board of Veterinary Medical Examiners (NBVME) regarding the 2009-2010 North American Veterinary Licensing Examination (NAVLE) Administration.
- c. The Board reviewed and noted the May 25, 2009 letter from Douglas Gordon, President of Superior Equine Pharmaceuticals, Inc. concerning the compounding of phenylbutazone powder. The information will be shared with the Vermont Department of Health.
- d. The Board reviewed the May 22, 2009 letter from John Bisaccia, D.C. with the Vermont Chiropractic Association regarding the use of the term chiropractic in advertising and a description for animal manipulation. The Board is not authorized to designate the terms used for the treatments performed on animals. Attorney Novins will respond.
- e. The Board reviewed and noted the May 2009 issue of the National Board Report, a quarterly newsletter of the NBVME.

11. Other Business Introduced by the Board

- A. The Board discussed the disciplinary process and their role and level of involvement as Investigating Member's (experts) assigned to cases. Attorney Novins advised that in contested hearings the Board member assigned to a case may discuss the case with the Respondent's expert to go over the details. Investigative Teams, particularly the Investigating Member, should see answers to charges so that he or she can further advise the prosecuting attorney. In addition, the Board requested that in their role as investigating members on cases, draft charges and draft stipulations and consent orders be shared with them for review before filing.

11. Other Business Introduced by the Board - continued
- B. The Board asked for clarification of Act 80 Use of Prescriber Identifiable Prescription Drug Information for Marketing or Promoting Drugs (Title 18 V.S.A. § 4631). Attorney Novins explained that the consent to disclosure of prescriber identifying information is an Optin or Optout program and was established by the Attorney General's Office and the Vermont Department of Health for marketing purposes. Licensees who do not wish to participate do not need to submit a form. Licensees wishing to participate should complete the form indicating consent. Licensees who previously consented and now wish to revoke that consent must complete the Revocation of Consent form.
- C. Ms. Preston and Ms. Kemp asked the Board to consider allowing them to review and approve "routine" applications for licensure on the basis of examination or endorsement. This request stems from the elimination of the Temporary Permit provision and the statutory changes that have simplified requirements for applicants licensed in other jurisdictions applying to Vermont. It would save time to eliminate the extra step of issuing a Temporary Permit, inactivating it, and then reissuing the full credential upon Board approval. It would also save the Board time. In addition, applicants are not left waiting for Board approval to begin working. Based on the discussion that ensued, Ms. York made a motion, seconded by Ms. Johnston, to authorize staff to approve routine applications and issue licenses on its behalf. Any unusual or non-standard application will be presented to the Board for review. The applications will be listed on the agenda and presented to the Board at the next meeting for formal approval. The question was called and the motion passed unanimously.
12. The next meeting is scheduled for **Thursday, August 13, 2009** at 9:00 AM.
Additional meetings in 2009 are scheduled as follows: October 8th and December 10, 2009
13. There being no further business, the meeting was adjourned at 12:50 P.M.

Respectfully submitted,

Carla Preston, Unit Administrator
Office of Professional Regulation