

Minutes of the Meeting of the
Maryland State Board of Veterinary Medical Examiners
June 22, 2017

Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, MD 21401

Minutes of Team A Meeting

Team members in attendance: Board President Dr. David Handel, Dr. Elizabeth Callahan, and Ms. Lynne Chaput. Staff in attendance: Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorney General Cynthia Spirt.

Call to Order: Dr. Handel called the meeting to order at 8:53 a.m.

Approval of the Minutes: In a motion by Dr. Callahan, seconded by Ms. Chaput, the minutes of the May 25, 2017 meeting were unanimously approved as presented.

Ms. Chaput made a motion, seconded by Dr. Callahan, to adjourn the meeting to move into an administrative closed session pursuant to the applicable provisions of the General Provisions Article. The motion passed unanimously.

Status Report on Cases Before Team A

Docket No. 16-59
Docket No. 17-11
Docket No. 16-27
Docket No. 17-23
Docket No. 16-28
Docket No. 17-07
Docket No. 16-71
Docket No. 17-04
Docket No. 17-15
Docket No. 17-39
Docket No. 16-25

Minutes of the Meeting of the
Maryland State Board of Veterinary Medical Examiners
June 22, 2017

Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, MD 21401

Joint Open Meeting

Board Members Present: Board President David Handel, Vice President Dr. Heather Hendler, Dr. Elizabeth Callahan, Ms. Lynne Chaput, Dr. Perry Crawl, Dr. John Stott, and Ms. Victoria Wright-Conner. Staff in attendance: Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorneys General Cynthia Spirt and Craig Nielson.

Dr. Handel called the meeting to order at 10:22 a.m.

Approval of Minutes

In a motion by Dr. Stott and seconded by Ms. Chaput, the minutes of May 25, 2017 Board meeting were approved, as presented.

Veterinary Services

Prior to the Board meeting, Ms. Orlando requested that the Maryland Department of Agriculture provide the Board with an opinion on how it may deal with organizations and businesses that appear to be providing veterinary medical care without a license. Craig Nielsen, the principal counsel to the department, asked to discuss the issue with the Board. Mr. Nielsen stated that professional boards that regulate their competitors face some personal liability unless they make decisions that follow a clearly expressed state policy. Even then, those decisions have to be actively supervised by the state for members to be immune from state anti-trust laws. The department is in the process of developing regulations to detail this oversight process. In the meantime, Mr. Nielson urged the Board to take great care when they get complaints or make complaints against non-licensed people who are offering services until the department finishes its regulations and establishes a process for reviewing such decisions.

Draft of Bill Order

Mr. Nielsen provided a draft of a legislative bill for the Board to review. Dr. Handel asked Ms. Orlando to look at how other states define the practice of Veterinary Medicine so that the Board might consider revising the current definition to be more inclusive.

Shockwave Therapy

Last month, a Registered Veterinary Technician asked if she could provide shockwave treatment on horses. Although she will be providing that treatment as prescribed by a veterinarian, no veterinarian will be onsite. The Board asked the staff to get a detailed plan from her, in writing, with information about whether she will be sedating horses without a veterinarian on site, what procedures she will follow, whether the patient is being examined before each treatment, and how nerve blocks will be performed.

Ambulatory Practices

Dr. Laurie Landis, who operates a house call service focusing on palliative and hospice care, asked if she could hire a RVT to provide some services to her clients without the veterinarian being on site, such as giving subcutaneous fluids and insulin shots. The Board asked for more detail. Dr. Landis has offered to speak to the Board about her practice and some of the issues she faces. The Board agreed they would like to hear from Dr. Landis and get more specifics about what she would want an RVT to do. Ms. Orlando said she would invite Dr. Landis to the next or a subsequent meeting.

Regulations Proposed

Two regulations the Board approved last year but were held until the end of the 2017 legislative session were recently submitted for approval. Those submissions were provided to Board members for their information. The two regulations included (1) increasing the number of continuing education credits that could be earned with online courses and (2) requiring veterinarians to examine a patient at least once a year before renewing a prescription for a chronic condition.

Another regulation the Board decided to consider last month was: *A responsible veterinarian who terminates the employment of another veterinarian or registered veterinary technician for suspected*

substance or alcohol abuse or theft of controlled substances shall report the termination to the Board. Board members discussed the possible legal ramifications of such a change versus the need to protect consumers from licensees with known substance abuse issues. Ms. Spirt noted that this would likely be more of a statutory change than a regulatory one. In a motion by Dr. Handel, seconded by Dr. Callahan, the Board unanimously voted to direct the staff to develop appropriate statutory language for review that would require notification to the Board of any veterinarian terminated for substance abuse and to provide immunity to those reporting in good faith.

Clarifying Regulations

Record keeping - COMAR 15.14.01.10 (10)

The Board decided last month to consider clarifying language that is sometimes being construed to mean that a surgery log and anesthetic log must be separately maintained from the medical record. The current regulation state: At a minimum, the veterinarian's record shall include the following information, as applicable: (10) The surgery log and anesthetic log, if any.

The proposed change is: At a minimum, the veterinarian's record shall include the following information, as applicable: (10) Surgery and anesthetic information including, but not limited to, a pre-anesthetic exam, medications used, a brief synopsis of the surgery including surgical materials used, and a record of monitoring vital signs on a regular basis before during and after surgery.

This language will be vetted and brought back to the Board for a final decision.

Release of Medical Records – COMAR 15.14.01F

Board members also discussed the need to clarify the timeline surrounding a request for medical records. COMAR 15.14.01F (2) states: "If requested by a patient's owner, the veterinarian shall release a copy of an animal's written record to the owner or a subsequent treating veterinarian. The veterinarian may require the owner to pay the reasonable cost of providing the records requested."

The proposed wording to be added is: "If requested by a patient's owner, the veterinarian shall release a copy of an animal's written record to the owner or a subsequent treating veterinarian *in a timely manner*. The veterinarian may require the owner to pay the reasonable cost of providing the records requested. *Determining timely manner will depend on the circumstances of individual cases but should be no more than 72 hours.*"

Sanitation Reports

Ms. Morgan and Ms. James reported on the inspections of veterinary hospitals that they have conducted since the May 25, 2017, meeting. In a motion by Dr. Stott, seconded by Ms. Wright-Conner, the Board unanimously voted to accept the reports.

Veterinary License Applications

In a motion by Dr. Callahan, seconded by Dr. Stott, the Board unanimously voted to approve the applications submitted by Dr. Bloom, Dr. Durmin, and Dr. LeBlanc but to table the application for Dr. Starke who appeared to work as a veterinarian in California but did not have a California license in her application. Staff would try to determine if she had a California license before the end of the meeting.

Invitation to Speak

Ms. Orlando informed the Board that the Western Maryland Veterinary Medical Association requested a speaker from the Board to present at their October meeting to discuss the new emphasis on reviewing CDS logs during inspections. Inspector Ellen James has agreed to present. Dr. Handel and Ms. Wright-Conner said they would also try to attend when the date is confirmed.

Dr. Stott recommended that the Board sponsor a session at an MVMA meeting about DEA requirements and state requirements surrounding CDS. Dr. Handel said he would contact his Patterson representative to find an appropriate speaker.

The Board broke for lunch at 12:12 p.m. and reconvened at 12:34 p.m.

When Hospital Owners Die

Ms. Orlando noted that two sole practitioners have died in the last few months, leaving no clear ownership of the veterinary facility, though each has a responsible veterinarian and are continuing to operate. One clinic will be passed on to the son who is operating it now though he is not yet the official owner. The other will likely be transferred to a spouse but will be tied up in the estate for about a year. The Board noted that the hospital estate should provide a letter to the Board, stating who the contact person of the estate is so they can be reached if necessary.

Credit Card Only Payment Issue

A veterinarian has expressed great concern about having no other option to pay her licensing fee than with a credit card online. The veterinarian, who spoke at length with both Ms. Orlando and Ms. Spirt, has been a victim of identity theft and is extremely opposed to having no other option to renew her license registration. Ms. Orlando noted that state auditors do not allow the staff to handle licensing fees in the office and overriding the system to accept payment would require staff time from the bank lockbox, the finance staff, and the I.T. offices. In addition, the information provided by the veterinarian would be far less secure since that work-around would not have any security built into it. Ms. Spirt noted that she did some research on the issue and it is not illegal to require online renewal only, but all other licensing boards she is familiar with offer a paper option. All agreed that the system should have paper options in the future.

Requests for Approval of Continuing Education Credits

After reviewing information submitted during the past month, Dr. Crowl, on behalf of the Board, approved the following:

- A request from Dr. Scott Piper on behalf of the Emerald Coast Veterinary Conference for 20 CE credits per attendee for their conference June 29 to July 2, 2017
- Dr. Dmitry Volokhov (#7031) requested approval for 23.5 clinical CE hours for attending the ASM MICROBE Conference in New Orleans, June 1-5, 2017.
- A request from Dana Robert of Zoetis to award 2 CE hours for a dinner presentation, "Approach to the Itchy Dog: Best medicine in Real World Practice," to be held July 11, 2017 at Boordy Vineyard in Hydes, Maryland.
- Dr. Tammy Colson-Dorsch requested approval for 24 CEs to attend the Keystone Veterinary Conference Aug 10, 2017 through August 13, 2017 at Hershey Lodge, PA. The conference offers 6 hours a day for each of the four days.

In a motion by Dr. Handel, seconded by Dr. Crowl, the Board voted unanimously to adjourn the meeting to move into an administrative closed session pursuant to the applicable provisions of the General Provisions Article at 12:46 p.m.

Closed Session

Board Members Present: Board President David Handel, Vice President Dr. Heather Hendler, Dr. Elizabeth Callahan, Ms. Lynne Chaput, Dr. Perry Crowl, Dr. John Stott, and Ms. Victoria Wright-Conner. Staff in attendance: Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorneys General Cynthia Spirt and Craig Nielson.

Status of Cases Before the Full Board

Docket No. 17-35
Docket No. 17-23
Docket No. 17-36
Docket No. 16-30
Docket No. 17-44
Docket No. 17-14
Docket No. 17-49
Docket No. 17-50
Docket No. 17-52

Corporate Purchases. Investigator Husk reviewed the history of a corporation that purchased veterinary hospitals in Maryland without properly notifying the Board but has since complied with all regulations.

Dr. Callahan made a motion, seconded by Dr. Crowl to adjourn the closed meeting at 1:24 p.m. and re-open the public meeting, which was approved unanimously.

Open Meeting

Ms. Orlando reported that the staff was able to contact Dr. Starke who reported that she worked for VCA Antech in Virginia but the corporate office was in California and she never worked or held a license in California. In a motion by Dr. Hendler, seconded by Dr. Handel, the Board voted to approve the veterinary license application for Dr. Starke.

In a motion by Dr. Hendler, seconded by Dr. Handel, the open meeting was adjourned at 1:25 p.m.

Maryland State Board of Veterinary Medical Examiners

Team B Meeting

June 22, 2017

Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, MD

Team Members Present: Dr. Heather Hendler, Dr. Perry Crowl, Dr. John Stott, and Ms. Victoria Wright-Conner. Staff in attendance: Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorney General Cynthia Spirt.

Call to order: Dr. Hendler called the meeting to order at 1:27 p.m.

Approval of Minutes: In a motion by Dr. Stott, seconded by Dr. Cowl, the team voted unanimously to approve the minutes of the May 25, 2017 meeting, as presented.

In a motion by Dr. Hendler, seconded by Dr. Stott, the team voted to adjourn the meeting to move into an administrative closed session pursuant to the applicable provisions of the General Provisions Article.

Status of Cases before Team B

Docket No. 17-02

Docket No. 17-10

Docket No. 16-61

Docket No. 17-05

Docket No. 16-62

Docket No. 16-67

Docket No. 17-12

In a motion by Ms. Wright-Conner and seconded by Dr. Cowl, the team voted unanimously to adjourn at 1:41 p.m.