

Maryland State Board of Veterinary Medical Examiners
Public Minutes - July 26, 2018
Maryland Department of Agriculture – 50 Harry S. Truman Parkway – Annapolis, Md

Meeting of Team B

Team Members Present: Dr. Heather Hendler and Dr. Elizabeth Callahan. **Team Member Absent:** Ms. Victoria Wright-Conner. **Staff Present:** Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, Administrative Specialist Britney Branch, and Assistant Attorney General Cynthia Spirt.

Dr. Hendler called the meeting to order at 9 a.m.

Approval of the Minutes: In a motion by Dr. Hendler, seconded by Dr. Callahan, the minutes from the June 28, 2018 meeting of Team B were approved.

In a motion by Dr. Hendler, seconded by Dr. Callahan, the team voted unanimously to adjourned into closed session to perform administrative functions, pursuant to § 3-103 of the General Provisions Article.

Closed Session

During the administrative closed session, administrative functions were performed, including discussions regarding the status of complaints, investigations, and disciplinary matters before the Board assigned to Team B.

Dr. Hendler adjourned the closed meeting at 9:56 a.m.

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Joint Open Meeting

Board Members Present: Dr. David Handel, President; Dr. Heather Hendler, Vice President; Dr. Elizabeth Callahan, Ms. Lynne Chaput, Dr. Karena Joung, and Dr. Peter Radue. Board Member absent: Ms. Victoria Wright-Conner. **Staff Present:** Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, Administrative Specialist Britney Branch, and Assistant Attorney General Cynthia Spirt.

Dr. Handel called the meeting to order at 10:37 a.m.

Introduction of Dr. Karena Joung. Dr. Joung, who was recently appointed to the Board by Governor Hogan, introduced herself. She has been in an emergency practice for 15 years in Rockville.

Approval of the Minutes. In a motion by Ms. Chaput, seconded by Dr. Radue, the minutes of the June 28, 2018 Joint Board Meetings were approved

Approval of Veterinary License Applications. In a motion by Dr. Handel, seconded by Dr. Callahan, the applications for veterinary license were approved for Drs. Abouraya, Bergman, Currier, Kelleher, Kubala, and Whitfield. The application for Dr. Wimer was returned with a request for more information, and Dr. Pfouts will be invited for an interview in August.

Sanitation Reports

Inspectors Morgan and James reported on the inspections they have completed since the June meeting. It was noted that inspectors are finding that secondary containers at many Banfield Hospitals do not contain labels or expiration dates. The staff will draft a letter to Banfield headquarters, informing them of the regulations. In a motion by Dr. Callahan, seconded by Ms. Chaput, the sanitation reports were accepted.

Time Allowed For Responding to Board

Ms. Orlando brought it to the attention of the Board that some licensees take a long time to return Consent Agreements that they have already agreed to sign and asked how long is too long. Two agreements have been out for signature for more than a month. Dr. Handel asked for legal advice regarding whether the Board may add additional charges if agreements are not returned in a timely manner. That advice will be provided at a later date.

AAVSB Conference Registrations

The AAVSB National Conference will be in September in Washington, D.C. this year. Ms. Orlando stated that Board members can register to attend all or part of the conference and she will be happy to register them at any time. Ms. Orlando and Ms. Wright-Conner are registered, and Ms. Chaput is attending as a volunteer on the AAVSB Finance Committee. Dr. Handel and Ms. Spirt stated they will attend at least part of the conference as well.

Report on RVT Committee Meeting.

The RVT Committee was recently relaunched and held its first meeting in about two years in Columbia. Dr. Handel, Ms. Orlando and Licensing Administrator Tonya Kendrick also attended. The Committee discussed several issues and decided that it would review the requirements for getting licensed through the alternative route and the ER requirements. Board members who have any other issues related to RVT licensing that they would like the committee to address are encouraged to let staff know.

Report on Meeting with DLS on Pre-Evaluation.

Dr. Handel and Ms. Orlando met with the Department of Legislative Services for over two hours in early July, discussing Board history and operations as part of the DLS pre-evaluation of the Sunset Review. A draft report is expected to be shared with the Board in August before final submission.

HB 1223- CDS Registration – Authorized Providers – CE and Approved Courses.

Ms. Orlando reported that HB 1223, which passed during the 2018 Legislative Session, will require veterinarians to take 2 CEs in prescribing and administering CDS prior to obtaining a CDS permit. Veterinarians who already have a CDS permit will have to take 2 CEs before they can renew their permits. The bill takes effect October 1, 2018. The CEs must be recognized by the State Board. Dr. Handel will contact Dr. Jim Wilson about creating an online module. Ms. Orlando is tentatively scheduled to meet with MVMA in early August to discuss what courses currently exists and what MVMA might do to help identify or create courses the Board could recognize to meet this requirement.

Animal Cruelty Regulations (Draft #2)

The initial draft of the regulations were sent to various stakeholders for review, including MVMA, PAWS and HSUS of Maryland. A second draft was submitted with all relevant updates. The Board approved the draft which will move forward for action.

VIP Limited Use Modifications Revisited

During the last meeting, the Board discussed the mobile set up VIP requested to use for limited use hospitals and agreed that the gaps in the enclosure at the bottom and the top had to be shored up to prevent a stressed cat from escaping. Ms. Orlando discussed the arrangement with VIP's representative, who sent the Board an email asking for reconsideration due to the low number of cats served and the lack of any bad experiences with cats. The Board noted that its definition of

“room” in the regulations means, “an enclosure with no means of escape.” Ms. Orlando was instructed to talk with VIP’s representative again, stressing that the enclosures are an important safety feature and ask them to conform.

Discussion: Providing vs. Authorizing Prescriptions (& other veterinary questions)

A veterinarian submitted a question through staff, stating he knew he had to provide a prescription to a client but asked the Board if he had to authorize a prescription if an online company or pharmacy called to verify it. After some discussion, the Board agreed that veterinarians should verify prescriptions but recommended that they only do so in writing and that warnings to clients about the risk of online pharmacies should also be documented in the record in the event the drug purchased is bad.

Another veterinarian who specializes in dermatology and animals with allergies asked for clarification of the new regulations requiring an examination every 12 months. Board members agreed that prescription foods were not included in the regulation but an animal who is receiving any kind of prescription medication or biologic has to be seen annually. If the medication can be prescribed by a primary veterinarian who has seen the animal in the last 12 months, then that dermatologist can fill that prescription; however, if the drug is being compounded especially for that animal, then the dermatologist who is compounding the drug has to examine the animal at least every 12 months before refilling it.

Another veterinarian asked if there were any restrictions on a private individual assisting a pet owner in caring for their pet because he has several assistants that would like to start a hospice care business. Board members said that they cannot answer such a question without having a business plan and other details of the proposed arrangement. Generally speaking, if the tech or the assistant is acting in place of the owner, that is, they are undertaking tasks that an owner routinely and lawfully performs, with no alteration in what the veterinarian prescribed, then it is likely permissible. Ms Orlando will request a business plan.

The Board adjourned for lunch at 12:04 p.m. and reconvened at 12:29 p.m.

In a motion by Dr. Callahan, seconded by Ms. Chaput, the Board unanimously voted to adjourn the meeting to move into an administrative closed session pursuant to perform administrative functions, pursuant to § 3-103 of the General Provisions Article. The meeting was closed at 12:29 p.m.

The same Board members and staff were present for the closed session.

Joint Meeting – Closed Session

During the closed session, the full Board, staff, and counsel performed administrative functions, including discussing complaints, investigations, inspections, and disciplinary matters before the Board.

The closed portion of the joint meeting was adjourned at 1:29 p.m.

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Team A Meeting

Team Members Present: Dr. David Handel, Ms. Lynne Chaput, Dr. Karena Joung, and Dr. Peter Radue

Staff Present: Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, Administrative Specialist Britney Branch, and Assistant Attorney General Cynthia Spirt. Dr. Handel called the meeting to order at 1:35 p.m.

Approval of the Minutes: Ms. Orlando noted a minor correction to the team minutes for June, changing an “or” to an “and” on page 1. In a motion by Ms. Chaput and seconded by Dr. Handle, the minutes of the Team A meeting for June 28, 2018 were approved as corrected.

In a motion by Dr. Handel, seconded by Ms. Chaput, the Board voted unanimously to adjourn the meeting to move into an administrative closed session to perform administrative functions, pursuant to § 3-103 of the General Provisions Article. The meeting was closed at 1:37 p.m.

Closed Session

During the closed session, the full Board, staff, and counsel performed administrative functions, including discussing complaints, investigations, and disciplinary matters before the Board assigned to Team A.

The meeting was adjourned at 2:25 p.m.