

**THE OHIO VETERINARY MEDICAL LICENSING BOARD**  
**MEETING MINUTES**  
**April 9, 2008**

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• **Call to Order:**

Dr. David Koncal, President of the Ohio Veterinary Medical Licensing Board called the April 9, 2008 meeting to order at 8:35 a.m. in the Board room located at 77 South High Street, 31<sup>st</sup> Floor, Columbus, Ohio.

• **Roll Call:**

Dr. David Koncal	present
Dr. Darrell Gitz	present
Dr. James Hearst	present
Dr. Roger Redman	present
Dr. Janet Small	present
Renee Jessen, RVT	present
Geoffrey Smith	arrived at 8:50 a.m.

• **Acknowledge Staff, AAG & Guests:**

Dr. Koncal welcomed new staff member, Angela Mann, and asked that the Board members introduce themselves. Dr. Koncal acknowledged the attendance of Theresa Stir, Executive Director, Barry McKew, AAG and Linda Heidenrieck, RVT, Vice President of the OAVT.

• **March 2008 Minutes Approved:**

Dr. Gitz moved to accept the minutes as presented. Dr. Redman seconded the motion. The motion passed aye-5, no-0, abstain-0. Mr. Smith was absent for the vote.

• **President's Report:**

Dr. Koncal reported that he and Dr. Gitz provided a presentation at OSU for third year veterinary medical students. He stated that it went well and was worthwhile. Dr. Gitz informed the Board that during his presentation, a student indicated that the Board of Pharmacy prohibited charging for the writing of a prescription. Dr. Gitz asked Ms. Stir to contact Mr. Winsley, the Director of the Ohio Board of Pharmacy and seek clarification.

• **Secretary's Report:**

There was no secretary's report.

- **OVMA Liaison:**

There was no report from the OVMA liaison.

- **Executive Director Report:**

Theresa Stir, Executive Director, asked the Board to approve Rules 4741-1-01 and 4741-1-04 for final filing with JCARR. Dr. Small moved to accept the motion. Dr. Redman seconded the motion. The motion passed aye-5, no-0, abstain-0. Mr. Smith was absent for the vote.

Ms. Stir indicated that next month's agenda format may be revised to allow the meetings to run more efficiently. She also informed the Board that there might be changes in DAS regarding Shared Services. Currently the Board contracts with Central Services Agency for fiscal and HR services. These two areas may be rolled into DAS. Ms. Stir has been informed that the Boards and Commissions will not have an option for exclusion from the shared service format being proposed. Additionally, it appears that purchases of office supplies will be required from a central state purchasing catalog as they once were years ago, eliminating the individual board's discount ability. Ms. Stir reported that HR will be changing their time-reporting procedure in the future which involves training outside of the office for staff. She will continue to update the Board.

Ms. Stir presented Policy I-N for the Board's approval. Dr. Koncal signed the Public Records Policy on behalf of the Board. Ms. Stir reported to the Board that the office has received two recent public records request from the media. The Board will post the Records Request Policy on the website. Dr. Small asked if there is anything in our policy book that speaks of the media. Ms. Stir stated that she will check. She informed the Board that the updating of the policy book is on the project list which Ms. Stir hopes to get to this summer as the policies are outdated. Dr. Small asked that the policy book be brought to the May meeting.

Ms. Stir provided members with the NAVLE State Letter of Agreement from NBVME. Since there was no discussion, Dr. Koncal signed the Letter of Agreement on behalf of the Board.

- **FYI:**

Dr. Koncal advised that the AAVSB will hold a meeting in September 2008 and asked if any of the members would be interested in attending. Dr. Redman stated that he is interested and will check his schedule. Members were reminded of the Executive Order prohibiting compensation for travel, etc.

- **New Complaints:**

Ms. Jessen moved to acknowledge receipt of the following new complaints and the file numbers issued:

- |    |           |                 |
|----|-----------|-----------------|
| A. | 08-08-015 | Sharon Goodburn |
| B. | 08-08-016 | Eric Nutter     |
| C. | 08-08-017 | Jennifer Osment |
| D. | 08-08-018 | Anthony S       |

E.	08-08-019	Anonymous
F.	08-08-020	Paula Geidner
G.	08-08-021	Ginny Blumensaadt
H.	08-08-022	Cindy Welce
I.	08-08-023	Geraldine Ahrens
J.	08-08-024	Ginny Davis
K.	08-08-025	Samia Harper
L.	08-08-026	Amanda Casarez
M.	08-08-027	Barbara Enneking
N.	08-08-028	Mark Bordenbircher
O.	08-08-029	Diana Black
P.	08-08-030	Bobbie McElwain
Q.	08-08-031	Aaron Dobrak
R.	08-08-032	Janie Williams

Dr. Redman seconded the motion. The motion passed aye-5, no-0, abstain-0. Mr. Smith was absent for the vote.

• **New Complaints – Board Consideration – No Responses Requested:**

A. **08-08-016**, complainant Mr. Eric Nutter - Ms. Jessen moved to close the case stating the Board does not have jurisdiction over fees. Dr. Redman seconded the motion. Dr. Redman and Dr. Gitz requested that a letter be issued to the vet with a copy of the complaint. The motion passed aye-6, no-0, abstain-0.

B. **08-08-017**, complainant Jennifer Osment – Dr. Small moved to close the case stating the Board does not have jurisdiction. Ms. Jessen seconded the motion. The motion passed aye-6, no-0, abstain-0.

C. **08-08-018**, complainant Anthony Sanders – Dr. Redman moved to close the case stating the Board does not have jurisdiction. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

D. **08-08-019**, complainant Anonymous – Dr. Small moved to send the case to investigation. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0. Dr. Gitz raised the issue regarding anonymous complaints and would like to know if the Board has to accept them. He asked if the Board could require a signature on all complaints filed. Ms. Stir will research the administrative law.

E. **08-08-020**, complainant Paula Geidner – Ms. Jessen moved to close the case stating the Board does not have jurisdiction over fees. Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0.

F. **08-08-022**, complainant Cindy Welce – Dr. Gitz moved to request the records from Hospital A and Hospital B. Ms. Jessen seconded the motion. The motion passed aye-6, no-0, abstain-0.

G. **08-08-026**, complainant Amanda Casarez – Dr. Small moved to send the case to investigation. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

H. **08-08-028**, complainant Mark Bordenkircher – Dr. Gitz moved to close the case stating no violation of Chapter 4741 ORC. Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0.

- **Consideration of:**

- A. **Patient Records:**

- 1. **07-07-056, Dr. Lippert** – Dr. Redman moved to find the medical records marginally acceptable. Additionally, a letter describing the deficiencies found in the medical records submitted shall be sent to Dr. Lippert with a copy of Rule 4741-1-21 OAC. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

- 2. **06-06-046, Dr. Niggemyer** – Dr. Redman moved to find the records were very adequate. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

- B. **Hearing Requests:** The Board acknowledged the Hearing Schedule for case # 07-08-172, Rudy Schneidhorst, DVM.

- **Request for Licensure:**

Ms. Jessen moved to approve the following requests for licensure:

Timothy D. Myshrall, DVM, Konnie M. Wendt, DVM, Allison A. Murray-Bowman, DVM, Rebecca L. Murray, DVM, Sarah A. Crosby, DVM, Joseph O. Matu, DVM, Charles C. Kleinpeter, DVM, Michelle H. Quigley, DVM, Amber R. Hickson, DVM, Laurie M. Millward, DVM, Jennifer S. Mathews, RVT, Jacklyn D. Phillips, RVT, Sara B. Gierhart, RVT, Kari Jo Markins, RVT, Katherine A. Pipenger, RVT, Luke S. Adkins, RVT, Erica M. Zielinski, RVT, Karen L. Fisher, RVT, Amy L. Prosser, Dorothy E. Sloan, RVT, Abbie A. Bohler, RVT, Daniel F. Nichols, RVT, Laura M. Witherup, RVT, Megan J. Ott, RVT, Ericka N. McCalla, RVT, Melinda R. Clark, RVT, Chelsea L. Hauck, RVT, Sarah M. Doup, RVT, Ashley R. Rhonemus, RVT, Amy M. McDevitt, RVT, Wendy K. Lowe, RVT;

Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0.

Ms. Stir provided the members with the application from Dr. Camme Miles. Dr. Miles disclosed on her application that she has had prior discipline in Kentucky. The Board discussed the prior discipline and requested that Ms. Stir send her a consent agreement stating that Ms. Miles must comply with Kentucky's terms, if she violates the terms she will be subject for automatic suspension of her Ohio license. Ms. Miles must report to random drug testing for five years and agree to enter in the OPEP program. Dr. Gitz moved to issue a consent agreement. Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

- **Executive Session, AAG Reports:**

Ms. Jessen moved to go into executive session at 9:48 a.m. for the Assistant Attorney General Report on Settlement Agreements and current litigation. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0. All guests left the room. Dr. Gitz left the room for a portion of the executive session during current litigation discussion.

Dr. Koncal announced the Board meeting back in public session at 10:35 a.m.

Dr. Gitz moved to accept the Settlement Agreement in the matter of Jeffrey Baranack, DVM. Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

Dr. Gitz moved to accept the Settlement Agreement in the matter of Harminder Sandhu, DVM. Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

By general consensus, Board members acknowledged that Dr. Small would be the person of contact for Mr. McKew regarding potential negotiations in the Scott D. Shell, DVM v. Ohio Veterinary Medical Licensing Board.

- **Break:**

10:40 - the Board took a 10 minute break.

- **Continuing Education Requests - Veterinarians**

Ms. Jessen moved to approve the following continuing education requests for veterinarians:

- A. ProMedica Health System – Diagnostic Ultrasound Symposium: 03/08/08 – 6 hrs.
- B. Novartis Animal Health – Osteoarthritis Management: various dates – 1 hr.
- C. Veterinary Information Network (VIN) –
  - 1. Equine Palmar Foot Pain: 04/06/08 - 05/11/08 – 8 hrs.
  - 2. Vet Clinical Pathology, Part 1: 06/08/08 - 09/14/08 – 10.5 hrs.
  - 3. Vet Clinical Pathology, Part 2: 10/26/08 - 01/11/09 – 9 hrs.
- D. Fort Dodge Animal Health – Dairy Leaders: 05/14/08 – 7 hrs.
- E. Merial Limited – Pain and its Management: 03/25/08 - 03/26/08 – 1.5 hrs.
- F. Miami Valley Veterinary Association –Heart Worm Disease: 04/01/08 – 2 hrs.
- G. Schering Plough Animal Health – Improving Cattle Reproduction: 04/16/08 – 3 hrs.

Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

- **Continuing Education Requests – RVT's**

Ms. Jessen moved to approve the following continuing education requests for registered veterinarian technicians:

- A. MedVet – Allergic Disease in Dermatology Patients: 11/15/07 – 1 hr.
- B. Extra Paws - Pleural Space Diseases & Thoracocentesis: ongoing dates – 1 hr.

- C. OAVT – Discovery 2007 (Diagnostic Ophthalmic Exam: 10/14/07 – 2 hrs.
- D. VIN – Equine Laboratory Diagnostics: 05/07/08 - 06/13/08 – 6 hrs.

Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

• **Continuing Education Requests – Veterinarians and RVT's:**

Ms. Jessen moved to approve the following continuing education requests for veterinarians and registered veterinarian technicians:

- A. IDEXX Labs –
  - 1. Evaluation of Blood Film: 06/14/07 – 1 hr.
  - 2. Advantage & Practical Use of Digital Radiography: 03/11/08 – 2 hrs.
  - 3. Bleeding Disorders: 03/19/08 – 1 hr.
- B. OSU –
  - 1. Hip Replacement Workshop: 04/18/08 – 04/19/08 – 15.5 hrs.
  - 2. Equine ER: 04/29/08 – 2 hrs.
  - 3. Tri-State Dairy Nutrition: 04/22/08 – 04/23/08 – hour for hour
- C. Fort Dodge Animal Health –
  - 1. Feline Vaccination: 03/25/08 – 1.5 hrs.
  - 2. New Flea & Tick Compound: 03/13/08 – 1.5 hrs. & 03/26/08 – 2 hrs.
- D. Pfizer Animal Health –
  - 1. Pfizer AH Modeling & Simulation Summit: 03/04/08 – 3.5 hrs.
  - 2. Canine Leptospirosis: 04/29/08, 04/30/08, 06/24/08, 06/25/08 – 1 hr.
  - 3. Canine & Feline Skin Disease: 03/17/08, 03/18/08, 03/19/08 – 2 hrs.
  - 4. Veterinary Dermatology: 03/18/08 – 3 hrs.
  - 5. Skin Scrapings, Cytology, Fungal Culture, Skin Biopsy: 03/19/08 – 2 hrs.
  - 6. Dairy Wellness Summit: 03/28/08, 03/29/08, 04/18/08, 04/19/08 – 8 hrs.
- E. Merial Limited –
  - 1. Vaccines & Vaccination 2008 (Facts vs. Fiction): 06/18/08 – 1.5 hrs.
  - 2. Cancer & Vaccines (from Cause to Treatment): 05/15/08 – 05/16/08 – 1.5 hrs.
  - 3. Canine Osteoarthritis: 03/27/08 – 2 hrs.
  - 4. Pain and its Management: 03/26/08 – 1.5 hrs.
- F. Charles River Laboratories – Charles River Lab Short Course: 06/16/08 – 06/19/08 – hr. for hr.
- G. Metropolitan Veterinary Hospital – Infection Control & MRSA: 03/20/08 – 1 hr.
- H. Novartis Animal Health – Flea Biology Refresher: 01/17/08 – 1 hr.
- I. VIN – Basic Fish Medicine: 05/20/08 – 06/17/08 – 8 hrs.
- J. Kenneth A. Scott Charitable Trust – Infectious Disease Mgmt. for Animal Shelters & Rescues: 04/09/08 – 5.5 hrs.
- K. Veterinary Dental Concepts – Periodontal Disease: 02/07/08 – 2 hrs.
- L. Oregon Veterinary Conference – Radiology: 03/07/08 – 03/09/08 – 12.5 hrs.
- M. Cuyahoga Community College/Novartis Animal Health – Animal Behavior: 04/13/08 – 5 hrs.
- N. NEOEPA – Equine Cushing's Disease & Insulin Resistance: 05/20/08 – 2 hrs.
- O. Eastern Ohio Veterinary Medical Association – Yucky Ears: 05/14/08 – 1.5 hrs.

- P. Cincinnati Children's Hospital –
  1. Sanitization Products, Procedures, Services: 04/03/08 – 1 hr.
  2. Endangered Species Management: 03/20/08 – 1 hr.
  3. Penguins of Chile: 04/17/08 – 1 hr.
- Q. MedVet –
  1. Advanced Calculations: 02/21/08 – 1 hr.
  2. ISO/SEVO: 03/26/08 – 1 hr.
  3. Blood Products & Blood Transfusions: 03/21/08 – 1 hr.

Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

- **Complaint Responses Complete:**

Dr. Gitz requested that the Board go back to having a roll call vote opposed to a general vote when voting on important issues. Dr. Small agreed. Dr. Gitz asked that this revision begin at the May Board meeting.

A. **07-08-176**, complainant Colleen Keszer – Dr. Koncal left the room prior to discussing this case. Dr. Gitz moved to find no violation of Chapter 4741 ORC. Dr. Hearst seconded the motion. The motion passed aye-6, no-0, abstain-0.

B. **08-08-008**, complainant Cheryl Rakick & **08-08-015**, complainant Sharon Goodburn (companion cases) – Dr. Redman moved to issue a Notice of Opportunity for a Hearing for violation of Section 4741.22(A) ORC. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

C. **08-08-009**, complainant Christine Deitrick – Dr. Gitz moved to table the results pending the necropsy report. Ms. Jessen seconded the motion. The motion passed aye-6, no-0, abstain-0.

D. **08-08-010**, complainant Marsha Deitrick – Ms. Jessen moved to find no violation of Chapter 4741 ORC. After discussion among Board members, Ms. Jessen withdrew her motion. Dr. Redman moved to send the case to investigation. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

E. **08-08-012**, complainant Anna Zwingler – Dr. Redman moved to find no violation of Chapter 4741 ORC but to add the veterinarian on the list of compliance inspections. Ms. Jessen seconded the motion. The motion passed aye-6, no-0, abstain-0.

F. **08-08-014**, complainant Joe & Lorinda Falasca – Dr. Redman moved to find no violation of Chapter 4741 ORC. Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0.

- **Executive Session, Investigative Reports:**

Dr. Gitz moved to go into executive session at 12:00 p.m. to discuss investigative reports. Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0.

Dr. Koncal announced the Board meeting back in public session at 12:45 p.m.

A. **06-07-146**, Dr. Wirt – Ms. Jessen moved to refer the case to the County Prosecutor. Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0. The Board directed Ms. Stir to send a letter of appreciation to the owner of the horse and to the investigator commending his outstanding investigation.

B. **07-07-079**, complainant Anonymous – Dr. Redman moved to close the case with no action. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

C. **07-08-130**, complainant Patricia Colmar – Ms. Jessen moved to issue a Notice of Opportunity for a Hearing for violation of 4741.22(A) & (O) ORC. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

D. **08-08-001**, complainant Anonymous – Ms. Jessen moved to find no violation of Chapter 4741 ORC. Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

E. **08-08-003**, complainant Anonymous – Ms. Jessen moved to find no violation of Chapter 4741 ORC. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

F. **07-07-016**, complainant Ashley Wolfe – Ms. Jessen moved to issue a Notice of Opportunity for a Hearing to Dr. A for violations of Chapter 4741.22(A), (O) and (Y), to Dr. B for violation of Chapter 4741.22(O) OAC and to the Business Facility for violation of Chapter 4741.22(O) and (Y) ORC. Mr. Smith seconded the motion. The motion passed aye-6, no-0, abstain-0.

- **Correspondence Received:**

**Case 07-08-141**-The Board reviewed correspondence from Mandy Hoover regarding case # 07-08-141. Ms. Hoover requested the Board to reconsider their decision made at the March 2008 Board meeting ruling this case to be no violation. Ms. Jessen moved that since there was no new evidence presented in the correspondence, the Board's decision stands. Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0. No further response required.

**Unlicensed individuals –**

1) The Board reviewed correspondence from Heather Yacoub of EyeCare for Animals, seeking guidance as to whether unlicensed individuals can handle controlled substances. The Board directed Ms. Stir to address a written response in accordance with the law that unlicensed individuals may not have access to controlled substances.

2) The Board reviewed correspondence from Michael Sanwald regarding unlicensed assistant or "Pet Nurse" duties. The Board directed Ms. Stir to reply to Dr. Sanwald's inquiry that Under Ohio law, an animal aide cannot initiate an IV catheter. Additionally an unlicensed individual cannot perform teeth cleaning. Section 4741.19 ORC specifically states that an RVT performs dental prophylaxis and periodontal care. A separate issue was also raised, by way of a call from the Ohio Board of Nursing, in that the Ohio law does not recognize the term Pet Nurse which was the term used in Dr. Sanwald's document from Banfield Pet Hospital. Ohio law only recognizes the terms Registered Veterinary Technician and Animal Aide. The Board of Nursing discourages the use of the term "nurse" unless the individual is licensed as an RN or LPN. The Ohio Veterinary Medical

Licensing Board has taken the same position. Ms. Stir is going to include in the next newsletter that registered veterinarian technicians should be referring to themselves as a Vet Tech. RVT's should not use the term Pet Nurse.

**06-07-096 & 06-06-074** - The Board reviewed correspondence from Holly Gardner regarding cases 06-07-096 & 06-06-074, Dr. Jeffrey Baranack, DVM. No response was deemed necessary.

**Nitrofurazone** - The Board reviewed correspondence from Glenda Leary from CDC inquiring about the use of nitrofurazone as a lubricant for taking rectal temperatures. The Board directed Ms. Stir to provide the following written response: It is okay to use nitrofuazone as a lubricant. Dr. Gitz indicated that many medications are used "extra label" and it is not a violation of our law. It is up to the individual veterinarian in determining whether to use off-label.

**Internet Pharmacies** - The Board reviewed correspondence from Dr. Seimer regarding internet pharmacies. The Board decided to table this discussion and directed Ms. Stir to send the correspondence to Mr. Winsley of the Ohio Board of Pharmacy along with the question regarding charging for a prescription.

**Non-Profit Inquiry** - The Board reviewed correspondence from Dr. Wilcox regarding nonprofits and the care of animals presented to them. The Board concluded, given the circumstances as presented, that like a humane society, the facility could treat the animals owned by the facility.

- **Old Business:**

**Laboratory Animal Veterinarian** - In September 2007, the Board had received an inquiry from Dr. Kathleen Corcoran, DVM, however were unsure how to respond. The Board tabled the issue and directed the AAG to do some research on the subject of LAVs and whether they needed licensure. The Board reviewed the inquiry again and after some discussion with the AAG, determined the following:

Issue 1) Does the Laboratory animal veterinarian require a license? Based on the issue as presented, a definite answer could not be provided. However, in reviewing Section 4741.01 and 4741.20(G) ORC, it appears that someone has to be a licensed veterinarian in order to direct the work of others who are NOT licensed. Therefore, the Board recommends the limited license for the laboratory animal veterinarian.

Issue 2) In the case of the animals and the fact that the institution receives public funds, it appears that the animal still remains under the ownership of the institution and therefore if institution owned, the individual is treating their own animal.

**RACE** - Ms. Stir provided the Board with rules regulating continuing education from border licensing states for the RACE approval determination. Dr. Gitz questioned why was it needed. Ms. Stir explained the tedious process it takes during renewal for approving mandatory CE hours. The Board directed Ms. Stir to develop draft rules for RACE approval of continuing education hours as a starting point.

**E.D. Evaluation** - Ms. Stir reminded the Board that her performance evaluation is due. Dr. Small requested that Ms. Stir send the Board examples of past evaluations and the job posting for her position. The Board asked Ms. Stir to see what other Boards utilized and obtain copies of other formats if available.

- **New Business:**

Dr. Gitz suggested that the Board invite Dr. Saville of OSU to attend the May Board meeting for reviewing scholarship applications for the Veterinary Student Loan Repayment Program.

- **Directives:**

The reading of the meeting directives was deferred.

- **Next Board Meeting:**

Dr. Koncal acknowledged that the next Board meeting will be held May 14, 2008, 8:30 a.m. in the Board room located at 77 South High Street, 31<sup>st</sup> Floor, Columbus, Ohio.

- **Adjournment:**

Dr. Redman moved to adjourn the meeting at 1:55 p.m. Dr. Koncal adjourned the meeting.

\_\_\_\_\_  
Dr. David Koncal, President

\_\_\_\_\_  
Date

Attested to by:

\_\_\_\_\_  
Theresa Stir, Esq.  
Executive Director