

# OHIO VETERINARY MEDICAL LICENSING BOARD

## MINUTES

August 8, 2007

### Veterinary Medical Licensing Board Meeting Minutes

Dr. Janet Small, President of the Ohio Veterinary Medical Licensing Board, called the August 8th, meeting to order at 8: 40 a.m. in the Board Room at 77 S. High Street, 31st Floor, Columbus, Ohio.

Call to Order

Dr. Small directed the Executive Director to call roll:

Roll Call

Dr. Janet Small	present
Dr. Darrell Gitz	present
Dr. James Burt	present
Dr. David Koncal	present
Dr. Roger Redman	present
Renee Jessen, RVT	present
Geoffrey Smith	present

Dr. Small acknowledged the attendance of Theresa Stir, Executive Director, Donna Fickel, Executive Secretary, Barry McKew, AAG, Janet Buck, RVT, Linda Heidenreich, RVT, OAVT and Currie Crookston of PetDx.

Attendance Staff,  
AAG, and Guests

Dr. Burt moved to accept the minutes as presented. Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye; Mr. Smith-aye; Dr. Burt-aye; Dr. Gitz- aye; Dr. Koncal- aye; Ms. Jessen- aye.

July 2007  
Minutes approved

There was no president's report.

Pres. Rep.

There was no secretary's report.

Sec. Rep.

There was no report from the OVMA liaison.

OVMA liaison

Theresa Stir, Executive Director, reported that the directives from the last board meeting had been completed.

Exec. Dir. Report

Mr. Crookston was permitted to address the Board regarding the issue of the veterinary business facility license and the requirement for the supervising veterinarian to be an Ohio resident. This issue was recently before the Board when PetDx submitted its application for a veterinary business facility license. Mr. Crookston provided a brief overview of the business they provide and the fact that they were left suddenly stranded when their veterinarian resigned. Mr. Crookston was seeking a temporary solution to having an Ohio resident fulfill the obligation. The Board explained that they had no authority to modify the law. Dr. Gitz explained the legislative process and that Mr. Crookston's solution remained with a change in the law. He encouraged Mr. Crookston to get in touch with the professional association, OVMA.

PetDx

Ms. Stir had received a call from a physician of the OPEP (Board authorized program for impaired practitioners) with two issues: Impaired Practitioners

1) What is the Board's position regarding veterinarians working while on methadone while in the program? After some discussion, the Board determined that the OPEP physician's were the experts in that field who could determine whether the veterinarian was a competent practitioner while on methadone.

2) Is the OPEP practitioner required to report to the Board a veterinarian who lapses while in the program, even if the veterinarian entered the program voluntarily without the Board's knowledge? The answer is yes. Section 4741.31(H) of the Revised Code requires the reporting to the board of any veterinarian who suffers a relapse at any time during or following aftercare. It states that any veterinarian who enters into treatment by an approved treatment provider shall be deemed to have waived any confidentiality requirements..... The law does not distinguish between those who enter voluntarily or those who enter via agreement with the board.

Ms. Stir also informed the Board that the OPEP physician has agreed to provide an article for contact information, etc. for the Fall Newsletter. Ms. Stir will follow up with the OPEP physician.

Ms. Stir provided the Board members with information gathered from the State Medical Board of Ohio regarding their oversight and disciplinary actions regarding medical records as well as their regulations on delegation of medical tasks. Additionally, Ms. Stir had been asked to provide information on which states regulated blood draws by animal aides. Ms. Stir reported that Arkansas was the only state that she had found so far that addressed animal aides' ability to draw blood which was permitted under the supervision of a veterinarian. No other state addresses in their state law or rules. Ms. Stir contacted the AAVSB who did not have an available response, but would try to garner information at the national conference in September. Medical Board

Board members received a copy for the review of the AAVSB Newsletter. FYI

Dr. Burt moved to acknowledge receipt of the following new complaints and the file numbers issued: New Complaints

07-07-102	Maggie Prince
07-07-103	Memory Moore
07-08-104	Mary Kuzman
07-08-105	Deirdre McCormick
07-08-106	Thomas Skelton
07-08-107	Heather Rauch
07-08-108	Richele Gutknecht
07-08-109	Kyle Johnson
07-08-110	Nancy Zawadzki
07-08-111	Deborah Patterson
07-08-112	Lisa Schaefer
07-08-113	John Boone
07-08-114	Linda Aigler
07-08-115	Peggy Rauch
07-08-116	Kathi Williams

07-08-117 M. J. Raichyk  
 07-08-118 Vicki Knapp  
 07-08-119 Kristen Traxler  
 07-08-120 Jeff Trimble, Sr.  
 07-08-121 Mike Downid  
 07-08-122 Anonymous

Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.

New Comp w/o  
 Resp

Ms Jessen moved to issue a Cease & Desist letter in the case of 07-08-104, complainant Mary Kuzman. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.

07-08-104  
 Cease & Desist

Dr. Gitz moved to request statements and any records from all five veterinarians involved in case 07-08-106, complainant Thomas Skelton. Dr. Koncal seconded the motion. Due to requiring further discussion, Dr. Gitz withdrew his motion and Dr. Koncal withdrew his second of the motion. Dr. Koncal moved to request records and responses from each of the veterinarians named in the documents presented with the complaint. Dr. Burt seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Mr. Smith-aye, Dr. Burt-aye, Dr. Gitz-no, Dr. Koncal-aye, Ms. Jessen-no.

07-08-106  
 Req records

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-110, complainant Nancy Zawadzki. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.

07-08-110  
 No Vio

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-114, complainant Linda Aigler. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

07-08-114  
 No Vio

Ms. Jessen moved to find no jurisdiction under Chapter 4741 ORC in the case of 07-08-116, complainant Kathi Williams. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.

07-08-116  
 No Jurisdiction

Ms. Jessen moved to request records and a response from the veterinarian in the case of 07-08-119, complainant Kristen Traxler. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote.

07-08-119  
 Req records

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-121, complainant Mike Downid. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

07-08-121  
 No Vio

Dr. Gitz moved to send case 07-08-122, complainant anonymous, for further investigation. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

07-08-122  
 Invest

Dr. Gitz moved to accept the following Notices of Opportunity for Hearings Consideration Of:

issued in case 07-07-039, Jerry Harris, DVM, 07-07-056, David Lippert, DVM and 06-07-158, Frank Pellegrini, DVM. Dr. Burt seconded the motion. The motion passed by a unanimous roll call vote. 119s

Ms. Jessen moved to accept the anesthesia protocol submitted as part of a settlement agreement with Beatrice Turk, DVM in case #06-06-012. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote. Accept protocol

The Board members acknowledged the Hearing schedule set for Jeffrey Baranack, DVM in case #06-07-096 & 06-06-074. Hearing acknowmt

At 10:05 a.m., Jonathon Rudinger, IAAMB President provided a brief presentation on animal massage therapy and the issues facing them. He also described the type of training the therapist must undergo before treating other's animals. Mr. Rudinger indicated that they may be seeking licensure or certification in the near future and have already met with legislators. Dr. Gitz encouraged Mr. Rudinger and the association to pursue that avenue and to contact the OVMA. Mr. Rudinger was provided with contact information for the OVMA. Ms. Stir will place a brief summary on the board web site of the letter she has provided to other animal massage therapists who have contacted the Board regarding the issue of delineation of duties of an animal massage therapist and the practice of veterinary medicine. Animal Massage Therapy

The Board took a break at 10:35 after Mr. Rudinger's presentation until 10:55 a.m. Break

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

Butler Animal Health – Basic Ultrasound – 8/23/07 – 3 hrs

Veterinary Referral Center – Monthly Case Rev – 8/23; 9/27; 10/25; 11/15; 12/13/07 – 1hr ea

Veterinary Oncology & Ref Clinic – Clinical Pathologic Conf – 7/11/07 – 1 hr  
VIN

1. What Makes Cats Tick -8/15-9/19/07 – 10 hrs

2. Current Issues in Sm Animal Nutrition – 8/26-9/2/07 – 1.5 hrs

MedVet

1. Vacuum Assisted Closure – 7/11/07 – 1 hr

2. Cardiology Case Presentation – 6/20/07 – 1 hr

Dr. Koncal seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

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

VIN

1. Basic Hematology – 9/13-10/19/07 – 6 hrs

2. Large Breed Special Canine Nutrition – 9/17-10/7/07 – 3 hrs

3. Avian Bandaging & Wound Care – 9/26-10/19/07 – 3 hrs

4. Equine Surgical Assistance – 9/4-10/10/07 – 6 hrs

MedVet

1. Personal Anesthesia Safety, Personal Chemotherapy – 6/27/07 – 1 hr
2. Cardio/Respiratory Arrest – 6/19/07 – 1 hr

Dr. Burt seconded the motion. The motion passed by unanimous roll call vote.

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

Novartis

1. Flea Biology & Control – 12 mos. – 1.5 hrs
2. Zoonotic Parasites – 12 mos. – 1.5 hrs
3. Monthly Parasite Control – 12 mos – 1.5 hrs
4. Canine Mobility & Lameness – 12 mos – 1 hr
5. NSAID Drug Safety – 12 mos – 1 hr
6. Multi-modal In-Clinic Seminar – 12 mos – 2 hrs
7. Integrated Flea Control – 12 mos – 1.5 hrs
8. NSAIDs, DMOADs & Efficacy for the mgt of Osteoarthritis – 12 mos – 1 hr
9. Painful Decisions – 12 mos. – 2 hrs
10. Flea Adulticides – 12 mos – 1.5 hrs
11. Canine Arthritis Mgt – 12 mos – 1 hr
12. Safely Using NSAIDs – 12 mos – 1 hr

MEDtrak Pfizer

1. Feline Heartworm Disease – 7/10, 7/12 & 07/11/07 – 1 hr
2. Cardiology Update – 7/11/07 – 1 hr
3. What's Your Diagnosis – 7/11, 7/12/07 – 1 hr
4. Guided Veterinary Internal Medicine – 7/11/07 & 7/12/07 – 3 hrs
5. Delving into Diagnostics – 7/12/07 – 1 hr
6. GI Disease Update – 7/10/07 – 1 hr
7. Guided Veterinary Internal Medicine – 7/10/07 – 6 hrs
8. Intraoral Radiography Interpretation – 8/14; 9/25; 10/9/07 – 1 hr
9. The Importance of Compliance in Antibiotic Therapy – 7/31 & 8/1/07 – 1 hr
10. Managing Recurrent or Persistent Pyoderma – teleconferencing – 2 yrs – 1 hr
11. Summer Vet Mtg in Nashville – 7/20&21/07 – hr/hr
12. Tri State Vet Symposium – 8/28-30/07 – hr/hr

Eastern OH VMA – MRI in Small Animals – 9/12/07 – 1.5 hrs

OSU

1. Alumni Weekend – 9/6/07 – 4 hrs
2. 33<sup>rd</sup> Fall Food Animal Conference – 12/1&2/07 – 14 hrs

Dr. Doug Knueven – Integrative Medicine in Pets – 10/21/07 – 2 hrs

American Humane Assoc – Annual Meeting – 9/27,28,29/07 – hr/hr scientific topics

Dr. Koncal seconded the motion. The motion passed by unanimous roll call vote.

Requests for  
Licensure

Dr. Redman moved to approve the following requests for licensure: Matthew Annear, Nancy Axlund, Aimee Krieger, Mary Kathryn Flood, Kathleen Frantz, Mandi Maimone, Paul Kretow, Marjolaine Rousseau, Joel Harrington, Sarah Rentz, David Brennan, Kelly Ford, Kenneth Litwak, Stephanie Sue-Gfeller Samples, Sean Surman, Venkatarmanana Reddy Yeruva. Ms. Jessen seconded the motion. The motion passed

by unanimous roll call vote.

Ms. Jessen moved to approve the continuing education hours submitted by Constance Goldman for renewal purposes. Dr. Koncal seconded the motion. After some question as to the nature of the continuing education description, Ms. Jessen withdrew her motion. Dr. Koncal withdrew his second to the motion. Ms. Jessen moved to request a description of the continuing education hours submitted, including any brochures or publications related to the CE taken. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote.

RVT Renewal

There were no veterinarian renewals.

Vet Renewals

Dr. Burt moved to go into executive session at 11:00 a.m. for the Assistant Attorney General report. Dr. Redman seconded the motion. The motion passed by unanimous roll call vote. All guests left the room. Dr. Burt and Dr. Koncal each left the meeting during particular discussions that might have potential conflicts.

Executive Session  
AAG Report

At 12:15 p.m Dr. Small announced the Board back in public session and the Board would take an approximate twenty minute break to obtain lunch and bring it back for a working lunch.

Break

Ms. Jessen moved to find no violation of Chapter 4741 ORC in the case of 07-07-089, complainant Gerard Zam. Dr. Redman seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

Comp Responses  
07-07-089  
No Violation

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-07-092, complainant Cliff Hoffman. Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

07-07-092  
No Vio

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-07-094, complainant Kenneth Wolf. Dr. Koncal seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

07-07-094  
No Vio

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-07-096, complainant Charles Fritz. Dr. Koncal seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

07-07-096  
No Vio

Dr. Gitz moved to request from the owner the name and contact information of the subsequent veterinarian in the case of 07-07-097, complainant Harriet Michaels. Additionally to see if the original veterinarian examined the cat in April or had other records besides the May 21, 2007 medical records submitted to the board. Dr. Redman seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

07-07-097  
Req additional info

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-07-098, complainant Delores Miller, and requested a letter to be sent to the veterinarian regarding the need to improve medical records in compliance with Rule 4741-1-21 OAC. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. 07-07-098 No Vio

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-07-099, complainant M.J. Raichyk. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote. 07-07-099 No Vio

Dr Redman moved to find no violation of Chapter 4741 ORC in the case of 07-07-100, complainant Gary Fox, and requested a letter to be sent to the subsequent veterinarian regarding the need to improve medical records in compliance with Rule 4741-1-21 OAC. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote. 07-07-100 No Vio

Dr. Gitz moved to send to investigation the case of 07-07-101, complainant Tim O'Brien. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote. 07-07-101 Investigation

Ms. Jessen moved to find no jurisdiction under Chapter 4741 ORC in the case of 07-07-102, complainant Maggie Prince. However the Board will perform a compliance inspection of the animal hospital named in the complaint. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote. 07-07-102 No Juris Compliance Insp

Dr. Gitz moved to find no jurisdiction under Chapter 4741 ORC in the case of 07-07-103, complainant Memory Moore. Dr. Redman seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Mr. Smith-aye, Dr. Burt-no, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. 07-07-103 No Juris

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-07-107, complainant Heather Rauch. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote. 07-07-107 No Vio

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-07-108, complainant Richele Gutknecht. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. 07-07-108 No Vio

Dr. Koncal moved to request a narrative of events and any other records or diagnostics from the veterinarian named in the case of 07-07-109, complainant Kyle Johnson. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. 07-07-109 Req records

At 2:00 p.m., Ms. Jessen moved to go into executive session to discuss the Investigative Reports. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote. Dr. Burt and Dr. Koncal each left a portion of the meeting in which there was a potential conflict with the discussion surrounding a case. At 2:25 p.m., Dr. Small announced the Board out of executive session. Executive Session Investigative Rpts

Dr. Gitz moved to issue a Notice of Opportunity for Hearing in the case of 07-07-025, complainant Anonymous. Ms. Jessen seconded the motion. The motion passed with the following roll call vote: Dr. Redman-aye, Mr. Smith-aye, Dr. Burt-abstain, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. 07-07-025 Issue 119

Dr. Gitz moved to table the determination of the case 07-07-049, complainant Mark Keeley, until the next meeting when another case involving the same veterinarian can be brought forward for deliberation. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Mr. Smith-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-abstain, Ms. Jessen-aye. 07-07-049 Table

Ms. Jessen moved to find no violation of Chapter 4741 ORC in the case of 07-07-073, complainant Regina Bray. Dr. Gitz seconded the motion. The motion passed by unanimous roll call vote. 07-07-073 No Vio

Ms. Jessen moved to further investigate by interviewing the staff in the case of 07-07-081, complainant Cheryl Bricker. Dr. Koncal seconded the motion. The motion passed by unanimous roll call vote. 07-07-081 Further invest

Ms. Jessen moved to accept the results of the Compliance Inspection performed of Pisgah-West Chester Vet Hospital. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote. Compliance Insp

Dr. Gitz took the opportunity to commend Ms. Stir on her performance so far as executive director and the contents of the board packet. Acknowledgement

The Board reviewed a letter from Christina Buchfeltner regarding case #06-06-037. The Board directed Ms. Stir to respond with an update of Dr. Turks' compliance with the terms of the settlement agreement and to stress the Board's sense of responsibility in these matters pertaining to protecting the public. Correspondence 06-06-037

Dr. Gitz moved to go into executive session at 2:35 p.m. to discuss a Notice of Opportunity for Hearing for cases 06-06-078 & 07-07-006. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote. Dr. Koncal left the room during the discussion. Tabled Matters Executive Session

At 3:00 p.m., Dr. Small called the meeting out of executive session

Dr. Gitz moved to approve the Notice of Opportunity for Hearings to be issued in the case of 06-06-078 & 07-07-006. Dr. Redman seconded the motion. The motion passed with the following roll call vote: Dr. Redman-aye, Mr. Smith-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-abstain, Ms. Jessen-aye. 06-06-078 & 07-07-006 Issue 119

The records submitted by Dr. Daniel Stern for case 05-06-108 will remain tabled. Table 05-06-108

Dr. Koncal moved to find no violation of Chapter 4741 ORC in the case of 07-07-051, complainant Tina Valli. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote. 07-07-051 No Vio



Ms. Jessen moved to request a response and records from the subsequent treating veterinarian in the case of 07-07-076, complainant David Critchley. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. 07-07-076 Req response

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-07-077, complainant Myrna Pangalangan. Dr. Gitz seconded the motion. The motion passed by unanimous roll call vote. 07-07-077 No Vio

After reviewing two sets of submitted radiographs, Dr. Gitz moved to find no additional information that would cause the Board to reopen case 07-07-075, complainant Judy Clark. Dr. Redman seconded the motion. The motion passed by unanimous roll call vote. The Board further directed Ms. Stir to respond to Ms. Clark explaining the determination process utilized for not reopening the case. 07-07-075 Remain closed

Dr. Gitz moved to find no violation of Chapter 4741 ORC of case 07-07-086, complainant Joseph Panico. Dr. Redman seconded the motion. The motion passed by unanimous roll call vote. 07-07-086 No Vio

The board signed certificates of licensure.

Bd Signatures

In the interest of time, the reading of the meeting directives was deferred.

Directives

Dr. Small acknowledged that the next meeting will be held September 12, 2007, 8:30 a.m. on the 31<sup>st</sup> floor of the Riffe Center.

Next meeting

Adjournment

Dr. Burt moved to adjourn the meeting at 3:40 p.m. Dr. Koncal seconded the motion. Dr. Small adjourned the meeting.

\_\_\_\_\_  
Dr. Janet Small, President

\_\_\_\_\_  
Date

Attested to by:

\_\_\_\_\_  
Theresa Stir  
Executive Director