

**OHIO VETERINARY MEDICAL LICENSING BOARD
MINUTES**

December 12, 2007

Veterinary Medical Licensing Board Meeting Minutes

Dr. Janet Small, President of the Ohio Veterinary Medical Licensing Board called the December 12, 2007 meeting to order at 08:40 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	absent for roll call; arrived at 09:00 a.m.

Dr. Small acknowledged the attendance of Theresa Stir, Executive Director, Barry McKew, AAG, Donna Fickel, Executive Secretary, and Nicole Eaton, OVMA Liaison. Acknowledge Staff,
Liaison, AAG

Dr. Gitz moved to accept the minutes as presented. 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. November 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 except for one item. Ms. Stir asked the Board for reconsideration of a decision the Board had made at the November Board meeting which she asked to hold discussion until executive session. Exec. Dir. Report
Directives

Ms. Stir provided the Board members with an update on HB 104, the Criminal Background Check bill. The bill was amended on the Senate floor to remove the Barber Board from the bill and it passed the Senate. The bill now goes back to the House for a vote. Ms. Stir will provide an update on the impact of the bill at the January meeting. HB 104

Ms. Stir informed the Board that the Governor's office has not yet named a successor for Dr. Burt's seat on the Board. Board appt

Rule 4741-1-14 was approved by JCARR as submitted at the December 3, 2007 meeting. Dr. Gitz moved to final file Rule 4741-1-14 as accepted by JCARR. 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. 4741-1-14
Intracardiac

The Board office has had recent inquiries related to intracardiac euthanasia and what the stance is on the use of this type of euthanasia in Ohio. After some discussion Euthanasia

and review of the AVMA guidelines, the Board determined by general consensus that “As a general rule, the practice of intracardiac euthanasia is not the preferred method of euthanasia, but realize there are circumstances where it may be necessary. Intracardiac euthanasia should only be utilized in situations where it is absolutely necessary.” The Board directed Ms. Stir to provide notice to OVMA, on the web, etc.

Copier

Ms. Stir informed the Board that the office copier is beyond repair and the staff is pursuing the lease of a new one. [Mr. Smith arrived].

Prov License

After some discussion about the purpose of a provisional license, Dr. Burt moved to permit only those provisional license applicants who have not failed the national licensing exam to be considered for a provisional license. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote.

Vet St. Loan prgm

Ms. Stir provided the Board with a draft of the veterinary student loan program guidelines and application. Ms. Stir sought clarification from the Board on how they would like to determine compliance of the veterinarian in the program. The Board indicated that quarterly reports (checklist) from the employer and a notarized statement from the veterinarian in the program documenting compliance with the terms of the participation agreement should be required.

Equine Dentistry

A question was raised to Board staff regarding a Board decision at the June, 2007 meeting related to equine dentistry. The statement “It was the general consensus of the board members that an individual certified in equine dentistry may perform teeth floating with or without sedation under direct supervision of a veterinarian.” After some discussion, the Board amended the statement to read: “An individual properly trained in equine dentistry may perform teeth floating under direct supervision of a veterinarian.” It is up to the veterinarian to determine if the individual is adequately educated to perform the procedure under his or her direct supervision.

Ethics Trng

Per a request of the Governor’s office, Ms. Stir asked how many Board members had not yet taken the ethics course. Four members had yet to take the training, but indicated that they were attending the Akron and/or Columbus sessions to be held at a later date.

FYI

Members were provided the State’s Travel Reimbursement Policy.

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

- A. 07-08-166 Lorie Meiser
- B. 07-08-167 Chris Herron
- C. 07-08-168 Denise Dziak
- D. 07-08-169 Robert Wells
- E. 07-08-170 Valerie McCoy
- F. 07-08-171 Sherry Franks
- G. 07-08-172 Amy Dunnett
- H. 07-08-173 OVMLB Issue 119 – Renewal denied
- I. 07-08-174 OVMLB Cease & Desist issued - Close
- J. 07-08-175 Kristen Puhlman
- K. 07-08-176 Colleen Keszer
- L. 07-08-177 Lori Merriman
- M. 07-08-178 Harriet weiss
- N. 07-08-179 Shirley Mohler

O. 07-08-180 Carole Prokop
 P. 07-08-181 Connie Diller
 Q. 07-08-182 Margaret Barsan
 R. 07-08-183 Randy Sanders
 S. 07-08-184 Jo Medina

Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. New Comp w/o Resp

Dr. Gitz moved to request records in the case of 07-08-166, complainant Lorie Meiser. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. 07-08-166 Req records

Dr. Gitz moved to send case 07-08-172, complainant Amy Dunnett to investigation. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote. 07-08-172 Invest

There was discussion held as to when members wanted information related to past violation. It was determined that past infractions would not be made known until after the investigation was completed. Past violations

Bill Winsley, Executive Director of the Ohio Board of Pharmacy addressed issues that the Board members had raised at previous board meetings, specifically related to Drug Samples. Mr. Winsley distributed sections of the law applicable to samples (Section 2925.01, 3719.81 of the Revised Code and 21 U.S.C. 353, Section 503. Basically, if the veterinarian receives the drug free of charge, he or she must prescribe the drug free of charge and the drug must be distributed in the original container. Mr. Winsley clarified that if the veterinarian wishes to change the prescribed dosage on the sample's label, he or she should provide written instructions to accompany the sample (it does not have to be directly on the sample) and document in the record what was provided and the instructions. Mr. Winsley also indicated that veterinarians should maintain a record of samples accepted and distributed. Upon a question from the OVMA liaison, Mr. Winsley indicated that if a veterinarian opens a sample for distribution to a patient, the remainder of the sample must be used for THAT patient or discarded. Bd of Pharmacy Samples

Another issue needing addressed was a veterinarian supplying drugs to another veterinarian—which is NOT permitted. Section 4729.29(A) ORC authorizes a prescriber (veterinarian) to personally furnish to the prescriber's patient. Mr. Winsley did state that the Board would take into consideration a truly emergent situation and the veterinarian must use good judgment in considering the health and welfare of a patient. Supplying meds

In a question regarding compounding, Mr. Winsley indicated that the FDA is primarily concerned with food animals and compounding products. Compounding

Relating to a veterinary-client-patient relationship and prescription refills, Mr. Winsley referred the issue back to the Veterinary Medical Licensing Board to determine a valid VCPR. He did indicate that for physicians and controlled substances, for Schedule II drugs, there were no refills allowed; for Schedule III and IV, can refill 5 times in a six month period; and for Schedule V or non-controllables, could prescribe up to one year. Refills and VCPR

The Board directed Ms. Stir to disseminate the information provided by the State Pharmacy Board to educate the veterinarians utilizing the Board web site and OVMA.

The Board took a 15 minute break and resumed at 10:50 a.m.

Break

Dr. Small read an email that she had received related to a dog being treated for UTI and leptospirosis. One of the other dogs had been seen recently, was it okay to send a prescription home with the owner. The Board determined that as long as the veterinarian was familiar with the animal, it would be okay. However, a third dog that had not been seen yet, must be seen before prescribing. The Board directed Ms. Stir to respond to the email regarding the Board's interpretation based on the facts as presented.

Dr. Gitz moved to request records in the case of 07-08-175, complainant Kristen Puhlman. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote. 07-08-175
Req records

Dr. Redman moved to send to investigation the case of 07-08-181, complainant Connie Diller. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote. 07-08-181
Invest

Dr. Burt moved to accept the Notices of Opportunity for Hearings issued in the case of 07-08-173, Shannon Cawthorn, RVT and 07-08-145, Valerie Anderson, DVM. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote. Consideration Of:
Hearing Notices

Dr. Koncal moved to accept the medical records as submitted in the case of 06-06-051, Robert Mueller, DVM. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote. Med Records

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

- A. Meriel Ltd.
 - 1. Osteoarthritis – 9/26/07 – 2 hrs.
 - 2. Identifying & Managing Canine Osteoarthritis – 10/10/07 – 2 hrs
- B. Veterinary Referral Clinic – Morning Rounds with Specialists - 1/22/08/2/26/08; 3/26/08; 4/23/08; 5/21/08; 6/25/08 – 1 hr each date
- C. Nutramax – Physical Rehab in Vet Patient – 1/16/08 – 2.5 hrs
- D. Schering Plough Animal Health – Update of Synch & Re-Synch Programs- 11/28/07 – hr for hr
- E. MedVet
 - 1. Prostatic Diseases – 11/14/07 – 1 hr
 - 2. Advancements in Diag Testing for Pancreatitis – 11/15/07 – 1 hrs

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

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

- A. Dayton Emergency Vet Clinic – Bandaging – 11/14/07 – 45 minutes
- B. Cinn Vet Tech Assoc –
 - 1. Veterinary Acupuncture – 3/18/07 – 2 hrs
 - 2. General Laparoscopy, Endoscopy & EKG – 5/20/08 – 1.5 hrs
- C. VIN – Common Domestic Animal Handling – 1/9-2/15/08 – 6 hrs

D. MedVet – Allergic Disease in Dermatology Patients – 11/15/07 – 1 hr
Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote.

CE Vets & RVTs

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

- A. VIN – Turning on the Lytes: Fluid Therapy – 1/3-2/9/08 – 6 hrs
 - B. OSERA – Laboratory Animal Forum-2007 – 11/8/07 – 2.5 hrs
 - C. Cinn Children’s Hospital – Taconic Barrier Facility & Mouse Strains – 11/8/07 – 1 hr
 - D. Metropolitan Vet Referral – Getting the Most out of a CBC – 11/15/07 – 1hr
 - E. Pfizer –
 - 1. Guided Dentistry – 11/27/07; 11/28/07; 3 hrs ea
 - 2. Guided Dentistry – 11/29/07 – 6 hrs
 - 3. Advanced Periodontal Mgt – 11/27/07 – 1 hr.
 - 4. Periodontal Disease – 11/27/07; 11/28/07 – 1 hr
 - 5. Intraoral Radiology – 11/27/07 – 1 hr
 - 6. Dental Team – 11/28/07 – 1 hr
 - 7. Dentistry in Your Practice – 11/28/07 – 1.5 hrs
 - 8. Relevant Trends in Canine Infectious Resp Dis – 12/11 & 12/07 – 1 hr
 - 9. Feline Heartworm Disease – 11/8/07 – 1 hr
 - F. Butler/Warren Co. VMA – Top 10 Ophthal. Mistakes – 11/13/07 – 2 hrs
 - G. Vet Dental Concepts – Periodontal Disease – 5/11/07; 11/12/07 – 2 hrs ea.
 - H. AAHA – The New Pain Mgt Guidelines for Dogs & Cats – 11/7/07 – 1 hr
 - I. OSU – Basic & Advance Ultrasound – 1/5&6/08 – 13 hrs
 - J. Central OH VMA –
 - 1. Parasite Control – 11/7/07 – 1.5 hrs
 - 2. Previcox - 4/26/07 – 1 hr
 - K. OH Dairy Veterinarians Mtg – 1/11&12/08 – 8.5 hrs
- Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote.

Ms. Jessen moved to approve the following requests for licensure: Bradley Hill, Brenda Motsco, Matthew Blanchong, Phoebe Smith, and Nora Zabik. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote.

Dr. Gitz moved to go into executive session at 11:00 a.m. for the Attorney General report on Settlement Agreements, two additional cases and a previously tabled item from the Agenda. Dr. Koncal seconded the motion. The motion passed by unanimous roll call vote. All guests left the room. Drs. Gitz and Burt left the room for a portion of the discussion related to pending litigation.

At 11:25 a.m. Dr. Small announced the Board back in public session.

Dr. Gitz moved to accept the Settlement Agreement in the case of 05-06-114, Alvin Burger, DVM. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.

Ms. Jessen moved to dismiss the case of 03-03-047, Joseph Crock due to missing transcripts and exhibits that were not returned by the previous hearing officer. Dr. Ms. Jessen moved to dismiss the case of 03-03-047, Joseph Crock due to missing transcripts and exhibits that were not returned by the previous hearing officer. Dr. Dismiss

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

Ms. Jessen moved to issue a Notice of Opportunity for a Hearing in the case of 07-08-135, Susan Prescott, DVM for violation of Section 4741.22(X) ORC. Dr. Redman 07-08-135
119
seconded the motion. The motion passed by a unanimous roll call vote.

Ms. Jessen moved to issue a Notice of Opportunity for Hearing in the case of 07- 07-08-185
08-185, complainant OVMLB for violation of Section 4741.22(B) ORC. Dr. Redman 119
seconded the motion. The motion passed by a unanimous roll call vote.

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08- 07-08-160
160, complainants Donna Sparks and Bruce Speakman. Dr. Redman seconded the No Vio
motion. The motion passed by a unanimous roll call vote.

Comp Responses

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08- 07-08-161
161, complainant Holly Reiheld. Dr. Koncal seconded the motion. The motion passed No Vio
by the following roll call vote: Dr. Redman-aye, Dr. Burt-aye; Dr. Gitz-aye, Dr. Koncal-
aye, Ms. Jessen-aye. Mr. Smith was not present for the vote.

Dr. Burt moved to send to investigation the case of 07-08-162, complainant 07-08-162
Darlene Schiavoni. Ms. Jessen seconded the motion. The motion passed by a unanimous Invest
roll call vote.

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08- 07-08-164
164, complainant Belinda Newrones. Dr. Redman seconded the motion. The motion No Vio
passed by a unanimous roll call vote.

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08- 07-08-170
170, complainant Valerie McCoy. Dr. Redman seconded the motion. The motion No Vio
passed by a unanimous roll call vote.

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07- 07-08-171
08-171, complainant Sherry Franks. Dr. Gitz seconded the motion. The motion passed No Vio
by the following roll call vote: Dr. Redman-aye; Mr. Smith-aye; Dr. Burt-aye; Dr. Gitz-
aye; Dr. Koncal-aye; Ms. Jessen-no.

The Board reviewed correspondence received as a result of a Cleveland television Correspondence
station news report regarding a board disciplined veterinarian. No response necessary.
Ms. Stir read to the Board the appreciative correspondence from Dr. Terrie Sizemore
regarding the Board's dismissal of her case.

The Board reviewed correspondence from complainant Carol Mitchell regarding 07-07-060
case 07-07-060. After discussing the letter material, the Board determined that there was No reopen
no new evidence to warrant reopening the case. The Board directed Ms. Stir to send a
letter explaining their decision.

The board signed certificates of licensure.

Bd Signatures

Dr. Koncal moved to accept the patient records submitted by Mark Parker, DVM Tabled Matters
in the case of 03-03-068. Dr. Gitz seconded the motion. The motion passed by a 03-03-068

unanimous roll call vote.

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-07-050, complainant Deborah Hudak. 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-abstained; Dr. Koncal-no; Ms. Jessen-aye. 07-07-050 No Vio

Dr. Gitz moved to close the case of 07-08-155, complainant FDA, but to send a letter citing the law regarding sample drug distribution. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. The Board further directed the Executive Director to provide the OVMA executive director a copy of the handouts provided by Mr. Winsley. 07-08-155 Close with letter

Dr. Koncal moved to find no violation of Chapter 4741 ORC in the case of 07-08-156, complainant Rosalie Smith. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. 07-08-156 No Vio

Prior to the election of officers, Dr. Gitz raised an issue regarding Dr. Koncal's position on the OVMA board. After being assured that there were no conflicts of interest, Dr. Redman moved to elect Dr. Koncal for the position of President of the Board. Dr. Gitz 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. New Business Election of Off

Dr. Koncal moved to elect Dr. Redman for the position of Vice President of the Board. Dr. Gitz seconded the motion. The motion passed with the following roll call vote: Dr. Redman-abstain; Mr. Smith-aye; Dr. Burt-aye; Dr. Gitz-aye; Dr. Koncal-aye; Ms. Jessen-aye.

Dr. Koncal moved to elect Ms. Jessen for the position of Secretary of the Board. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.

The Committees for 2008 are: Committees
Continuing Education—Dr. Redman and Ms. Jessen
Record Review—Dr. Redman and Dr. Gitz
Regulatory Prstn—Dr. Koncal would like to be involved as well as involving Dr. Gitz and the OVMLB executive director. Dr. Koncal will try to find out more information regarding the OSU regulatory presentation to the graduating veterinary students in April.

Dr. Small read a resolution from the Board for Dr. Burt for his years of service to the Ohio Veterinary Medical Licensing Board. Resolution

The reading of the meeting directives was deferred. Directives

Dr. Small acknowledged that the next meeting will be held January 9, 2008, 8:30 a.m. on the 31st floor of the Riffe Center. Next meeting

Dr. Burt moved to adjourn the meeting at 12:35 p.m. Dr. Koncal adjourned the meeting. Adjournment

Dr. David Koncal, President

Date

Attested to by:

Theresa Stir
Executive Director