

THE OHIO VETERINARY MEDICAL LICENSING BOARD
MEETING MINUTES
April 8, 2009

• **Call to Order:**

Dr. James Hearst, Vice President of the Ohio Veterinary Medical Licensing Board called the April 8, 2009 meeting to order at 8:34 a.m. in the Board room located at 77 South High Street, 31st Floor, Columbus, Ohio.

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

Dr. Hearst welcomed new Board member Dr. Lisa A. Mach, DVM, Esq.

Dr. Hearst acknowledged the attendance of Theresa Stir, Executive Director, Barry McKew, AAG and Angela Mann, Licensure Coordinator taking minutes for the Board. He also acknowledged the attendance of Jack Advent, Director of OVMA, Brad Garrison, DVM, OVMA Food Animal Committee and Michelle Holdgreve, OVMA Liaison.

• **Roll Call:**

Geoffrey Smith, Public Member	present
Dr. Lisa Mach, DVM	present
Dr. Janet Small, DVM	present
Dr. Darrell Gitz, DVM	present
Renee Jessen, RVT	present
Dr. James Hearst, DVM	present
Dr. Roger Redman, DVM	absent

• **February 2009 Minutes Approved:**

Mr. Smith moved to accept the meeting minutes as written. Dr. Small seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-abstain, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

• **President's Report:**

There was no report from the President.

• **Secretary's Report:**

There was no report from the Secretary.

- **OVMA Liaison:**

There was no report from the OVMA liaison.

- **OAVT Liaison:**

There was no report from the OAVT liaison.

- **Executive Director Report:**

- A. Rules –

4741-1-13 OAC (Farm Management Practices) – As requested by the Board at last month’s meeting, Ms. Stir provided the Board with the definitions of “livestock” in Ohio statute. She also provided a table of review of all U.S. states’ law and regulations as they relate to livestock/farm management in the veterinary medical practice act.

The Board asked Dr. Garrison, from the OVMA Food Animal Committee, to address his committee’s response to the draft rule and deferred to Dr. Garrison’s knowledge about livestock/farm management practices. After much discussion, the Board directed Ms. Stir to draft a rule separating out the specific duties discussed and any exemptions covered by the rule.

4741-1-10 OAC (Minimum Standards) – Ms. Jessen moved to final file Rule 4741-1-10 OAC as accepted by JCARR. Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

- B. Fiscal – Ms. Stir provided the Board with the 3rd quarter fiscal summary ending March 31, 2009 for FY 09. Ms. Stir informed the Board that the Board of Regents is proposing to amend the Budget Bill (HB 1) so that the OVMLB will administer and distribute the funds for the Veterinary Student Loan Fund. Ms. Stir indicated that there should be no problems administering the fund by the Board staff.

Legislation – Testimony before the Senate Finance Committee on the budget bill is scheduled for April 22nd. Other bills of interest that have been recently introduced are:

-HB 55 revises penalties and sentencing provisions regarding violations of cruelty to animals statutes and includes protection of companion animals in temporary protection orders.

-HB 62 requires relevant military experience to be considered by state licensing boards and agencies and by private state contractors and to provide a waiver of a licensure or certification fee if a veteran is within six months of separation from active military duty.

-HB 70 increases the penalty for violation of the prohibition against cruel treatment of a companion animal by the animal’s custodian or caretaker to a felony of the fifth degree.

-HB 79 removes pit bulls from the definition of “vicious dog” in the state law.

-SB 75 requires state agencies to set aside a certain amount of purchases for which only small business enterprises may compete.

All bills are accessible at http://www.legislature.state.oh.us/search.cfm#bill_keyword after going to the top of the page and entering the bill number for the 128th General Assembly.

- C. Policies – Ms. Stir provided the Board with the policy book of reviewed and revised policies. Dr. Gitz moved to accept the Policy Book as written. Dr. Small seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- D. NBVME – Ms. Stir provided the Board with the NAVLE Letter of Agreement for review. She asked the Board to review Section 3 E which states that “in the event state law permits an applicant to take the NAVLE more than five times...”. She explained that Ohio law is silent on this issue (see Section 4741.09 ORC). She further explained that the Board may be able to amend Rule 4741-1-04 OAC to include the necessary language since Section 4741.09(A) ORC has the language “in accordance with the rules adopted by the board”. Ms. Stir reminded the Board that the signed Letter of Agreement is due to the NBVME by May 1, 2009. Dr. Gitz moved to sign the Letter of Agreement as written and directed Ms. Stir to begin drafting a Rule about the time limit. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- E. AAVSB - As FYI, Ms. Stir provided the Board with an email from the AAVSB requiring AAVSB permission to a candidate who wishes to take the VTNE after five attempts.

- **FYI:**

The Board reviewed the following with no comment:

- A. Quarterly Newsletter of the National Board of Veterinary Medical Examiners, Feb. 2009
- B. Ohio Physicians Health Program Newsletter, Winter 2008/2009

- **Requests for Licensure:**

- A. Veterinarians (addendum 1) – Ms. Jessen moved to approve the following requests for veterinarian licenses.

Heather M. Freudenberger, DVM; Rebecca B. Garabed, DVM; Marcia J. Margolis, DVM; Rebecca K. Goodsell, DVM; Philip J. Putter, DVM.

Dr. Small seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

- B. Registered Veterinary Technicians (addendum 2) – Ms. Jessen moved to approve the following requests for registered veterinary technician licenses.

Leann E. Schott, RVT; Samantha M. Herrmann, RVT; Natalie M. Burns, RVT; Elizabeth A. Cook, RVT; Robert D. Argent, RVT; Marissa L. Margraf, RVT; Natisha H. Eshler, RVT; Christina E. Gilles, RVT; Elizabeth A. Gracely, RVT; Amanda K. Butts, RVT; Jill M.

Golgosky, RVT; Kristina A. Brewer, RVT; Bretton A. Fobes, RVT; Rochelle A. Troup, RVT; Alyssa R. Allison, RVT; Michele L. Giffen, RVT; Stacie E. Wolfe, RVT; Jessica N. Beaver, RVT; Nicole M. Ewald, RVT; Jennifer N. Cannon, RVT; LaSha A. Johnson, RVT; Tanya J. Warner, RVT; Alicia J. Herklotz, RVT; Krystal R. Seeley, RVT; Kingsly T. Wanosik, RVT; Ronna S. Wood, RVT; Kayla M. Toothman, RVT; Nicole M. Carr, RVT; Brittany R. Gray, RVT; Jennifer L. Irwin, RVT; Patty A. Bonitati, RVT; Tammy C. Snyder, RVT; Ashley J. Houseworth, RVT; Laura A. Keaton, RVT; Marcina L. Armstrong, RVT; Brandi J. Beasley, RVT; Jennifer T. Speare, RVT.

Dr. Small seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

- **Consideration of:**

Notice of Opportunity for Hearing

A. 08-09-094, Dr. Herbert Topp, DVM – Acknowledged by the Board.

- **Executive Session:**

Ms. Jessen moved to go into Executive Session at 9:40 a.m. to discuss Investigative Reports. Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

Dr. Hearst announced the Board meeting back in public session at 11:16 a.m.

- **Investigative Reports:**

A. 08-09-110, complainant Dave & Valerie Huffman – Dr. Gitz moved to issue a Notice of Opportunity for a Hearing to Dr. A & Dr. B for violation of Section 4741.19 ORC. He directed Ms. Stir to send a strong Advisory Letter to the Board of Directors of the facility employing the unlicensed veterinarians and to schedule a future compliance inspection. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

B. 08-09-119, complainant Dr. Holland, DVM & Dr. O’Quin, DVM – Dr. Gitz moved to issue a Notice of Opportunity for a Hearing for violation of Section 4741.22(A) ORC. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

C. 08-09-141, complainant Dave & Molly Chatham – Dr. Gitz moved to close the case and directed Ms. Stir to send an Advisory Letter regarding insufficient medical records. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

- **Public Participation:**

Dale Briggs addressed the Board regarding his concern for the use of Telazol. He explained to the Board that he is the owner of an English Bulldog which he had artificially inseminated. His bulldog was scheduled to have her puppies and became dehydrated. The veterinarian stated that he/she was unable to do an IV because the dog was dehydrated and chose to use Telazol. Mr. Briggs explained that all the puppies passed away and after further review he feels it is because of the drug Telazol. Mr. Briggs does not want to file a complaint against the veterinarian but doesn't want this to happen to anyone else. The Board had made previous recommendations to contact a board certified anesthesiologist or the OVMA which Mr. Briggs had already done.

[Break: 11:30 a.m. – 11:51 a.m.]

- **New Complaints (no responses yet requested):**

- A. 09-09-015, complainant Jennifer Gates, DVM – Dr. Gitz moved to send a Cease and Desist letter. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- B. 09-09-018, complainant Patti Held – Ms. Jessen moved to find no violation of Chapter 4741 ORC. Dr. Mach seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- C. 09-09-020, complainant Kimberly Wall – Dr. Gitz moved to find no violation of Chapter 4741 ORC. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- D. 09-09-023, complainant Amy J. Conn – Ms. Jessen moved to find no violation of Chapter 4741 ORC. Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- E. 09-09-024, complainant Jean Skidmore – Dr. Gitz moved to send the case to investigation. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- F. 09-09-028 – complainant Holly L. Ray, DVM – Dr. Gitz moved to find no violation of Chapter 4741 ORC. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

- **Complaint Responses Received:**

- A. 09-09-009, complainant Tessa Blanton – Dr. Gitz moved to table the case and directed Ms. Stir to send a subpoena for the medical records. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

- B. 09-09-013, complainant Katie Markferding – Ms. Jessen moved to find no violation of Chapter 4741 ORC. Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- C. 09-09-014, complainant Melvin & Teresa Gebhart – [Dr. Hearst left the room prior to discussing this case] After review of the X-rays, Dr. Gitz moved to find no violation of Chapter 4741 ORC. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- D. 09-09-016, complainant Anonymous – Dr. Gitz moved to find no violation of Chapter 4741 ORC. Dr. Small seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- E. 09-09-019, complainant Debra Canterbury – Dr. Gitz moved to find no violation of Chapter 4741 ORC. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- F. 09-09-021, complainant Jessica Treymayne-Farkas – Dr. Gitz moved to find no violation of Chapter 4741 ORC but directed Ms. Stir to send an Advisory Letter regarding records. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.
- G. 09-09-022, complainant James & Marguerite Hudson – [Dr. Gitz left the room prior to discussing this case] After review of the X-rays, Dr. Small moved to find no violation of Chapter 4741 ORC but directed Ms. Stir to send a letter regarding the quality of the films. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-abstain, Ms. Jessen-aye, Dr. Hearst-aye.

- **Assistant Attorney General Report:**

- A. 08-09-153, Dr. Susan Burgin, DVM – Dr. Gitz moved to accept the Settlement Agreement. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

- **Continuing Education Requests - Veterinarians**

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

- A. MedVet Associates, Ltd. –
 - 1.) Osteoarthritis and Stem Cell Technology: 3/3/09 = 2 hours
 - 2.) Surgery for Oral Cancer: 2/26/09 = 1 hour
 - 3.) Review of Blood Gas Analysis: 3/4/09 = 1 hour
 - 4.) Discussion from diagnosis to therapy, involving medical, radiation and surgical oncologists: 2/19/09 & 3/5/09 = 1 hour
- B. LS Benefits Group – Financial Planning 101: 1/6/09 = Non-scientific

- C. Butler & Warren Counties Veterinary Medical Association – New Treatments for Corneal Ulcers in Dogs & Cats: 3/10/09 = 2 hours
- D. Pfizer Animal Health – Dermatology Update: 3/18/09 = 1.5 hours

Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

• **Continuing Education Requests – RVT’s**

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

- A. MedVet Associates, Ltd. –
 - 1.) Medical Oncology/General Chemotherapy Side Effects: 1/21/09 = 1 hour
 - 2.) Discussion on the importance of explaining medications, home care & expectations for recovery, proper anesthesia machine set up & maintenance schedule: 1/21/09 = 1 hour
 - 3.) Side Effects of Chemotherapy: 2/16/09 = 1 hour
 - 4.) Discussion on the proper procedure for instrument cleaning and care: 2/18/09 = ½ hour
 - 5.) Sexual Harassment: 3/11/09 = Non-scientific
- B. Cincinnati Animal Referral & Emergency Center – Diabetic Cat / Clinic to Home; Transfusions: 3/25/09 = 2 hours

Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

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

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

- A. MedVet Associations, Ltd. –
 - 1.) Emergency Treatment for Anterior Lens Luxation/Xalatan Abuse and Advances in Cataract Surgery & Lens Replacement: 2/26/09 & 3/5/09 = 2 hours
 - 2.) Pulmonary Hypertension: 3/11/09 = 1 hour
 - 3.) Transfusion Medicine: 2/25/09 = 1 hour
- B. Cleveland Academy of Veterinary Medicine –
 - 1.) How to diagnose, treat and manage your diabetic patients: 3/18/09 = 2 hours
 - 2.) Protect Against Infectious Diseases: 3/18/09 = 2 hours
 - 3.) A Dental Day: 4/15/09 = 4 hours

- C. Fort Dodge Animal Health –
 - 1.) Understanding Metabolic Disease & Biosecurity Protocols: 3/5/09 – 2 hours
 - 2.) Discussion on Laminitis and Heal Pain: 3/17/09 = 2 hours
 - 3.) Current Feline Issues in Veterinary Medicine: 3/24/09 = 2 hours
 - 4.) Fort Dodge Animal Health – Immunology Basics: 3/19/09 = 2 hours
- D. University of Cincinnati, Laboratory Animal Medical Services –
 - 1.) Medical Record Keeping: 2/19/09 = Non-scientific
 - 2.) Good Laboratory Procedure Record Keeping: 3/18/09 = Non-scientific
- E. Pfizer Animal Health –
 - 1.) Heartworm Disease in Cats; Chronic Degenerative Valve Disease: 2/11/09 = 1.5 hours
 - 2.) Dermatology Update: 3/18/09 = 2 hours
- F. Cincinnati Animal Referral & Emergency Center – Diabetes-Diagnosis through Management: 4/21/09 = 2 hours
- G. IDEXX Laboratories – Lyme Disease, Anaplasmosis & Ehrlichiosis; Canine Infections: 1/29/09 = 2 hours
- H. Central Ohio Veterinary Medical Association – Multi-model Management of Canine Arthritis: 3/19/09 = 2 hours
- I. Stericycle – Zoonotic Diseases: 2/16/09 = 2 hours
- J. Ethicon Endo-Surgery, Inc. – Cardiology and Understanding the ECG: 3/6/09 = 2 hours

Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye.

- **Request for Reconsideration:**

- A. 08-09-079, complainant Mona Curtis – The Board reviewed Ms. Curtis’ request for reconsideration. The decision made at the October 2008 Board meeting, finding no violation of Chapter 4741 ORC, remains.

- **Correspondence Received:**

- A. The Board reviewed correspondence from Dr. Leyla Guenther, DVM, seeking clarification regarding a valid veterinarian-client-patient relationship. She asked if the relationship is specific to a particular veterinarian or to the clinic where the veterinarian practices. Dr. Guenther is asking if one veterinarian of the practice sees a patient and prescribes medication, can another veterinarian legally refill that prescription at a later date. The Board stated that the reordering of the same medication for a patient that was treated previously by another colleague in the same practice is acceptable. The individual practitioner does not

have to see the patient. The medical record will suffice to establish a valid veterinarian-client-patient relationship.

- B. The Board reviewed correspondence from J.C. Remsberg seeking guidance regarding bovine reproduction. The Board directed Ms. Stir to provide Mr. Remsberg with a response letter stating A.) a person other than a licensed veterinarian or registered veterinary technician is not permitted to use an ultrasound machine to determine pregnancy in cattle in the State of Ohio; B.) a person is not permitted to fetal sex another person's cattle for a fee in the State of Ohio; and C.) a person is not permitted to palpate another person's cattle for pregnancy diagnosis in the State of Ohio. An unlicensed individual may not diagnose a veterinary medical condition. However, there are exemptions in the law related to livestock management: <http://codes.ohio.gov/orc/4741.20> for which the Board is currently in the process of developing rules to define what encompasses livestock management and who would be able to perform those services (other than the owner).

- **Old Business:**

- A. Dr. Small asked to revisit the discussion regarding livestock/farm management practice. The Board asked Ms. Stir to bring a draft Rule to the May Board meeting and then provide it to the OVMA for their input.
- B. Ross University; NAVLE Score Report – The Board decided to table this discussion for the May Board meeting. The Board directed Ms. Stir to contact Ross University and obtain written permission from Ross University for the Board to discuss their NAVLE scores, etc. with the NBVME representatives who will be attending the May 13, 2009 Board meeting.

- **Directives:**

The reading of the meeting directives was deferred.

- **Next Board Meeting:**

Dr. Hearst acknowledged that the next Board meeting will be held May 13, 2009, 8:30 a.m. in the Board room located at 77 South High Street, 31st Floor, Columbus, Ohio.

- **Adjournment:** 1:22 p.m.

Dr. James Hearst, Vice President

Date

Attested to by:

Theresa Stir, Esq.
Executive Director