

# THE OHIO VETERINARY MEDICAL LICENSING BOARD

## MEETING MINUTES

### December 9, 2009

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- **Call to Order:**

Dr. Roger Redman, President of the Ohio Veterinary Medical Licensing Board called the December 9, 2009 meeting to order at 8:32 a.m. in the Board room located at 77 South High Street, 31<sup>st</sup> Floor, Columbus, Ohio.

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

Dr. Redman welcomed Linda Heidenreich, Vice President of the OAVT. Dr. Redman acknowledged the attendance of Theresa Stir, Executive Director, Barry McKew, AAG and Angela Mann, Licensure Coordinator taking minutes for the Board.

- **Roll Call:**

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

- **November 2009 Minutes Approved:**

Mr. Smith moved to accept the November board meeting minutes as submitted. Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-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:**

Ms. Stir provided the Board members with a recent court decision from the 10<sup>th</sup> District that found that when the Board itself is the appointing authority, the executive director has no implied authority to accept employee resignations. Dr. Gitz moved to permit the Executive Director to perform personnel duties on behalf of the Board including, but not limited to, hiring of personnel, termination, acceptance of resignations, performance evaluations, approval of leave requests and payroll. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

Brad Garrison, DVM, Jack Advent and Michelle Holdgrove representing the OVMA, arrived at the meeting at 8:45 a.m. In deference to their time, Dr. Redman asked the Board's permission to go out of order of the agenda to discuss the Farm Management Rule. The Board agreed by general consensus.

Farm Management Rule:

The Board received the OVMA draft of the Farm Management Rule to review before the meeting. The Board agreed that they like how the Rule is written however asked Dr. Garrison to remove the language "animal owner" which conflicts with Section 4741.20 (A) ORC. Jack Advent offered to revise the proposed rule as discussed by the Board and OVMA representatives and send a copy to Ms. Stir prior to the January 2010 Board meeting.

Dr. Garrison, Mr. Advent and Ms. Holdgrove thanked the Board for their time and departed the meeting.

- **Executive Director's Report (continued):**

Fiscal – Ms. Stir explained to the Board that OBM released the results of the FY 2009 v FY 2010 Q1 Operational Spending. The document, listed by Agency account name was provided to the Board.

Rules – Ms. Stir asked the Board to make a motion to final file the amended, no change and rescinded rules as accepted by JCARR. [Amended Rules: 4741-3-01, 4741-3-04 and 4741-3-05 OAC, No Change Rules: 4741-1-03, 4741-2-01, 4741-2-02, 4741-2-03, 4741-2-04, 4741-3-02, 4741-3-03 OAC and rescind Rule 4741-1-24 OAC.]

Ms. Jessen moved to final file the rules as accepted by JCARR. Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-absent, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

4741-1-14 OAC - Linda Heidenreich, RVT and the Vice President of the Ohio Association of Veterinary Technicians (OAVT) addressed the Board as a representative for the OAVT executive board regarding Rule 4741-1-14. She explained that the OAVT feels that the language that states “after appropriate training” should be replaced with specific guidelines of what the training should consist of and who is to teach animal aides. She explained that the OAVT is trying to ensure that all animal aides receive unified training of venipuncture, to include how to perform this task, why there are risks and what those risks are. She stated that educating animal aides with set guidelines in venipuncture will ensure a state-wide standard of care. Further, the OAVT Board is willing to assist the OVMLB and the OVMA in defining these guidelines. The Board explained to Ms. Heidenreich that the Rule as is, states that the supervising veterinarian is responsible to oversee the duties performed by animal aides. After some discussion, the Board thanked Ms. Heidenreich for bringing OAVT’s concerns to the Board. They suggested that perhaps the OAVT might want to develop an training program for purchase by veterinary facilities. It could be developed as a continuing education for veterinarians to assist in training of the animal aide.

The Board reviewed Rules 4741-1-08 and 4741-1-14 OAC for their two-year rule review.

Dr. Mach moved to submit both Rules 4741-1-08 and 4741-1-14 OAC as no change rules. Mr. Smith seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-no.

Legislative Update – Ms. Stir provided the Board with a table documenting all legislative updates.

Investigations – Ms. Stir informed the Board that Gary Hill, Director of Enforcement at ODA will be out on leave from mid-December to mid-March. John Eagon will be the interim director. Ms. Stir further explained that she had a discussion with Mr. Hill regarding the quality of investigations and the expectations from the Board.

Governor’s Appointments – Ms. Stir confirmed with the Boards and Commissions director that there are four board member’s positions whose terms end December 31, 2009. She explained that those four positions may continue to represent the Board and attend the Board meetings through February 2010. She explained to the director that appointments need to be made in a timely manner, as the Board needs four board members, of which three must be veterinarians, in order to have a quorum. Ms. Stir will continue to update the Board.

Online Renewals – Ms. Stir explained to the Board that Ms. Mann has printed all of the renewal applications and the online renewal process is on task. Veterinarians will be able to renew their license online beginning January 2, 2010 through May 1, 2010.

Student Loan Program – Ms. Stir provided the Board with the final report from Dr. Middleton who was a 2008 recipient of a veterinary student loan. She explained to the Board that Dr. Middleton’s term of service was several months later than the other recipients and therefore, his due date for reporting was later. Additionally, the 2009 recipient reports are due in January 2010.

- **FYI:**

The Board acknowledged the following without comment:

- A. Correspondence from the American Veterinary Medical Association (AVMA) stating that Brown Mackie College-Cincinnati has been granted provisional accreditation effective June 19, 2009.

- **Requests for Licensure:**

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

Megan M. Silver, DVM; William J. Prokop, DVM; Grace Fout, DVM; Tess M. Clark, DVM; Byron J. Ho, DVM.

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

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

Audra L. Hanthorn, RVT; Shannon H. Hoch, RVT; Bonnie E. Farago, RVT; Amber C. Taylor, RVT; Deborah A. Cope, RVT; Sean E. Hayley, RVT; Virginia S. Jarvis, RVT; Piper L. Grosh, RVT; Rebecca A. Husteck, RVT; Sarah L. Stull, RVT; Kerry A. Chapman, RVT; Kara A. Gotham, RVT; Kathryn M. Wolfe, RVT; Jehnifer Mikalacki, RVT; Diane M. Archacki, RVT; Kelly A. Kearney, RVT.

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

- C. Limited Licenses (addendum 3) – Ms. Jessen moved to approve the following requests for limited licenses:

Jacob J. Rohleder, DVM; Chelly G. Pinto, DVM; Hock Gan Heng, DVM.

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

- **Consideration of:**

- A. 09-09-035, Jamie Lindstrom, DVM – Hearing Scheduled
- B. 09-09-009, Merlin Funderburg, DVM – Notice of Opportunity for a Hearing
- C. 08-09-094, Herbert Topp, DVM – Medical Records

Dr. Gitz moved to acknowledge the Hearing Scheduled, the Notice of Opportunity for a Hearing and the Medical Records received as acceptable in the above mentioned cases. Dr. Hearst seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

Dr. Gitz moved to go into Executive Session at 9:44 a.m. to discuss with the Assistant Attorney General reports and pending litigation. Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

Dr. Redman announced the Board meeting back in public session at 10:08 a.m.

- **Assistant Attorney General Report:**

A. 09-09-025, Abbott Smith, DVM – Dr. Small moved to accept the Settlement Agreement. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

Ms. Jessen moved to go into Executive Session at 10:09 a.m. to discuss the Investigative Reports. Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

Dr. Redman announced the Board meeting back in public session at 11:03 a.m.

- **Investigative Reports:**

A. 09-09-055, complainant Teresa Sliney & 09-10-088 complainant Tina Thomas – Dr. Gitz directed Ms. Stir to send a letter to the veterinarian regarding sterilization requirements and to follow up with a compliance inspection. Mr. Smith seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

B. 09-10-077, complainant Tracey Gossman – Dr. Hearst moved to issue a Notice of Opportunity for a Hearing. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

{Break: 11:05 a.m. – 11:18 a.m.}

- **Tabled Cases:**

A. 09-10-092, complainant Sharon Reisinger – Dr. Gitz moved to send an advisory letter. Dr. Hearst seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

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

- A. 09-10-112, complainant Jessica Karpen – Dr. Mach moved to send a Cease and Desist letter. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.
- B. 09-10-114, complainant Tammy Reed – Ms. Jessen moved to find no violation of Chapter 4741 ORC. Dr. Hearst seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.
- C. 09-10-116, complainant Anonymous – Dr. Hearst moved to send a Cease and Desist letter to the pet supply company and a letter inquiring the veterinarian’s involvement to the Veterinary facility. Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.
- D. 09-10-118, complainant Lee & Liz Hyder – Dr. Mach moved to find no violation of Chapter 4741 ORC. Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

- **Complaint Responses Received:**

- A. 09-10-101, complainant Tiffany Lopez – Dr. Hearst moved to send the case to investigation. Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.
- B. 09-10-110, complainant Serena Chu-Smith – Dr. Gitz moved to send the case to investigation. Dr. Hearst seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.
- C. 09-10-113, complainant Rebecca Ratliff – Dr. Gitz moved to send the case to investigation. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

{Break: 12:01 p.m. – 12:10 p.m.}

- **Continuing Education Requests - Veterinarians**

Dr. Hearst moved to approve the following continuing education requests for veterinarians as follows:

- A. MedVet Associates, Ltd. –
  - 1.) Corneal Ulcers, Latest Treatment Options: 10/26/09 = 2 hours
  - 2.) Feline Pancreatitis: 10/28/09 = 1 hour
  - 3.) MVVMA November Conference: 11/15/09 = 6 hours
- B. Butler & Warren Counties Veterinary Medical Association – Myths of Food: 11/10/09 = 1.5 hours

- C. Pfizer Animal Health – Orthopedic Surgery Topics & Soft-Tissue Surgery Topics: 11/3/09 = 2 hours
- D. Columbus Academy of Veterinary Medicine – Improving Profitability through Inventory Management Solutions: 9/3/09 = Non-scientific
- E. Toledo Veterinary Medical Association – Canine Influenza: 10/20/09 = 1 hour

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

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

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

- A. MedVet Associates, Ltd. –
  - 1.) Blocked Cats: 10/27/09 = 1 hour
  - 2.) MVVMA November Conference: 11/15/09 = 3 hours
- B. American Animal Hospital Association (AAHA) – Canine Influenza Update: 10/22/09 = 1 hour

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

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

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

- A. MedVet Associates, Ltd. – Advances in Small Animal Surgery: 11/1/09 = 4 hours
- B. MedVet Medical & Cancer Center for Pets – Midwest Regional Veterinary Ski Week: 1/24/10 – 1/29/10 = 10 hours
- C. Cleveland Academy of Veterinary Medicine –
  - 1.) 11/18/09 = Table: need to receive topic/description of course
  - 2.) Discuss Case Studies of Small Mammal Medicine & Surgery: 5/12/10 = 4 hours
- D. Columbus Academy of Veterinary Medicine –
  - 1.) Basic Principles of Decision Making – How do They Effect Compliance?: 1/8/09 = Non-scientific
  - 2.) Dermatology Update: Convenia Papilloma Virus Treatment & Updated Immunotherapy: 2/5/09 = 1 hour
  - 3.) Practice Management in Turbulent Times: 3/5/09 = Non-scientific
  - 4.) Behavior & Separation Anxiety: 4/2/09 = 1 hour

- 5.) What Every Veterinarian Needs to Know About Canine Vaccines & Vaccination Programs: 5/7/09 = 1 hour
  - 6.) Pitfalls To Avoid in Veterinary Dermatology: 10/1/09 = 1 hour
  - 7.) Diagnosis & Treatment of Feline Diabetes: 11/5/09 = 1 hour
- E. Pfizer Animal Health –
- 1.) Periodontal Disease & Advanced Periodontal Management: 9/15/09 & 9/16/09 = 2 hours
  - 2.) Basic Oral Surgery & Guided Veterinary Dentistry: 9/15/09 = 4 hours
  - 3.) Intraoral Radiology & Guided Veterinary Dentistry: 9/16/09 = 4 hours
  - 4.) The Basics of Dentistry & Periodontal Disease: 9/17/09 = 2 hours
  - 5.) Guided Veterinary Dentistry: 9/17/09 = 3 hours
  - 6.) Orthopedic Surgery Topics & Soft-Tissue Surgery Topics: 11/3/09, 11/4/09 & 11/5/09 = 3 hours
  - 7.) Small Animal Surgery Laboratory: 11/4/09 = 6 hours
  - 8.) Sedation in Today's Practice: 11/19/09 = 8 hours
  - 9.) First Annual Northeast Ohio Hoof Conference: 1/9/10 = 6 hours
- F. Milburn Equine – Examination & Radiographic Methods: 11/11/09 = 2 hours
- G. Proctor & Gamble Pet Care – 2009 Biofusion Symposia: 10/29/09 & 10/30/09 = Hour for hour
- H. Ohio Wildlife Rehabilitators Association – OWRA Conference 2009: 11/14/09 & 11/15/09 = Hour for hour
- I. Lima Area Academy of Small Animal Medicine – Endocrine Emergencies: 11/10/09 = 1.5 hours
- J. Toledo Veterinary Medical Association – Soft Tissue Surgery & Oncology: 11/8/09 = 6 hours
- K. Central Ohio Veterinary Medical Association – Virtual Tour of Vet. Diagnostic Service: 10/22/09 = 1.5 hours

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

• **Correspondence Received:**

- A. The Board reviewed correspondence from Matthew Klingman, DVM asking if it is illegal to dispense uncontrolled drugs, mainly equine sedatives, to clients with which they've established a vet-patient-client relationship? The Board directed Ms. Stir to send Dr. Klingman a written response stating that it is not prohibited under the practice act.
- B. The Board reviewed correspondence from Matthew Wilson, DVM asking if an animal aide is permitted to prepare an oral cavity for periodontal therapy? The Board directed Ms. Stir to send Dr. Wilson a written response stating that an animal aide is not permitted to do so.

- D. The Board reviewed correspondence from Vicky Liff asking for reconsideration of case # 09-10-063. By general consensus, the Board determined that the original motion stands.
- E. The Board reviewed correspondence from Laurie Schulze, DVM asking a few questions regarding the Veterinary Practice Act: 1.) *If you open a public low cost spay neuter clinic and do not have a licensed technician staff could that be a violation?* The Board answered, *No.* 2.) *If the veterinarian induces a patient for surgery, and during the procedure needs the gas anesthesia adjusted can an animal aide do it, if under the direct supervision?* The Board answered, *Yes.* 3.) *Under the direct supervision of a veterinarian, can an animal aide log and record controlled substances?* The Board answered, *Yes.*
- F. The Board reviewed correspondence from Linda Heidenreich, RVT asking if technicians in the state of Ohio who achieve specialty status can use the initials after their name indicating that they are a specialist? The Board addressed Ms. Heidenreich's question and stated that our law does not recognize specialty status for technicians. The Board directed Ms. Heidenreich to work with the OVMA to change the law.

- **Old Business:** NONE
- **New Business:**

A. Election of Officers –

Dr. Small moved to approve Dr. Hearst as the Board President effective January 1, 2010. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-absent, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

Ms. Jessen moved to approve Dr. Mach as the Vice President effective January 1, 2010. Dr. Hearst seconded the motion. The motion passed by the following roll call vote: Dr. Mach-aye, Mr. Smith-absent, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

- **Next Board Meeting:**

Dr. Redman acknowledged that the next Board meeting will be held January 13, 2010, 8:30 a.m. in the Board room located at 77 South High Street, 31<sup>st</sup> Floor, Columbus, Ohio.

- **Adjournment:** 12:38 p.m.

\_\_\_\_\_  
Dr. Roger Redman, President

\_\_\_\_\_  
Date

Attested to by: \_\_\_\_\_  
Theresa Stir, Esq.  
Executive Director