

THE OHIO VETERINARY MEDICAL LICENSING BOARD
MEETING MINUTES
May 13, 2009

• **Call to Order:**

Dr. Roger Redman, President of the Ohio Veterinary Medical Licensing Board called the May 13, 2009 meeting to order at 8:32 a.m. in the Board room located at 77 South High Street, 31st Floor, Columbus, Ohio.

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

Dr. Redman acknowledged the attendance of Theresa Stir, Executive Director and Angela Mann, Licensure Coordinator taking minutes for the Board. He also recognized the attendance of Linda Heidenreich, OAVT liaison.

• **Roll Call:**

Geoffrey Smith, Public Member	present
Dr. Lisa Mach, DVM	absent (arrived at 8:38 a.m.)
Dr. Janet Small, DVM	present
Dr. Darrell Gitz, DVM	present
Renee Jessen, RVT	present
Dr. James Hearst, DVM	present
Dr. Roger Redman, DVM	present

• **April 2009 Minutes Approved:**

Dr. Hearst moved to accept the meeting minutes with one minor change. Mr. Smith seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

Dr. Lisa Mach, DVM and Barry McKew, AAG, arrived at 8:38 a.m.

• **President's Report:**

A. Dr. Redman stated that he and Dr. Gitz presented to the Ohio State University on April 1, 2009. He felt it was a well received presentation.

B. Dr. Ron Fuller invited Dr. Redman to speak in Port Clinton on May 15 & 16, 2009.

- **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. Fiscal - Ms. Stir provided the Board with the Executive Order 2009-07S regarding Spending Controls. Ms. Stir explained that mileage reimbursement is being decreased to .45 cents per mile and will become effective for this board meeting. She further explained that she has to submit to OBM by May 31st the budget indicating a 30% decrease. She provided the Board with several suggestions to show such decrease. Ms. Stir stated that the staff has already made changes in their daily office routines as a cost savings measure. For instance; approved continuing education and case dispositions are no longer mailed, they are posted on our website to save on copying and postage expenses.
- B. Office Remodel – The Building Management has proposed a plan to move some offices on the 16th floor which will result in some modifications of the Board office (at their expense). It is anticipated that the work on the 16th floor may begin this summer, if funded.
- C. Legislation – Testimony was provided before the Senate Finance Committee on the Budget bill on April 22nd. Ms. Stir provided the Board with a copy of the line item for Board's FY 10&11 budget from the revised Budget bill as well as the student loan language. Additionally, Ms. Stir provided the Board with the proposed language for the CSA "back office" operations. HB 1 still needs to go through the Senate process.

Other bills of interest that have been recently introduced are:

HB 127 which would change Section 4741.22(I) ORC to read "Is convicted of or pleads guilty to a criminal offense that is substantially related to the practice of veterinary medicine or practice as a registered veterinary technician, or fails to report to the board within sixty days of the individual's conviction of or plea of guilty to, or treatment in lieu of conviction involving a criminal offense that is substantially related to the practice of veterinary medicine or practice as a registered veterinary technician; Section 4743.06 defines "criminal offense that is substantially related" to means that the nature of the felony or misdemeanor offense for which the person was convicted or to which the person pleaded guilty has a direct bearing on the fitness or ability of the person to perform one or more of the duties or responsibilities necessarily related to a particular occupation, profession, or trade regulated by Title XLVII of the Revised Code. The Board would have to adopt rules that identify each criminal offense that is substantially related to veterinary medicine.

SB 95 establishes a license requirement and standards of care for certain dog breeding kennels, dog intermediaries, and animal rescues for dogs. Veterinarians are exempted from the requirements set out in this legislation.

There has not been any action on the previously reported bills.

(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.

- D. Rules – 4741-1-13 OAC (Livestock Management Practices) Ms. Stir provided the Board with a revised draft of the rule based on her interpretation of the April board meeting discussion and the parameters of Ohio law. After much discussion, Dr. Redman agreed to meet with Dr. Garrison, who represented the OVMA’s Food Animal committee at the April meeting to draft a rule that might be palatable to OVMLB and OVMA.

[9:25 a.m. – 9:55 a.m. Break for Dr. Mach to get her ID badge]

- **NBVME** – Dr. Redman welcomed NBVME representatives, Dr. Rick Tubb and Dr. Jim Dalley

Dr. Tubb and Dr. Dalley spoke to the Board regarding the NAVLE process and overview. Dr. Gitz questioned why the Board is unable to receive school passage rates. He explained that it is essential for the Board to receive the passage rates from universities to better be able to make decisions in the future as to what schools the Board will accept. Dr. Tubb and Dr. Dalley explained that the scores are confidential but will take the Board’s concerns back to their committee for discussion.

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

E. Rules – NAVLE rule. Ms. Stir provided the Board with a copy of Rule 4741-1-04 OAC with a modification to permit an applicant to take the NAVLE multiple times. Dr. Gitz moved to file Rule 4741-1-04 OAC. 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, Dr. Hearst-aye, Ms. Jessen-aye.

F. ODA – Ms. Stir provided the Board with a Memorandum of Understanding between the Board and the Ohio Department of Agriculture for FY10-11. The only modification is the rate of pay which was increased to \$27.97 from \$25.39. Ms. Stir has been informed by CSA that since the MOU is a “fixed cost”, it was not subject to the 15% reduction as required by the Executive Order 2009-07S.

G. ODH – There has been no follow up or contact from anyone at the Department of Health clarifying the rabies issue related to obtaining a waiver from the owner versus sending the head of the animal after a known bite.

- **FYI:**

The Board reviewed the following with no comment:

- A. AVMA News: Rule requires veterinarians to have identity theft prevention programs
- B. AAVSB Memo: Association Activities and Updates for 2009

- **Requests for Licensure:**

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

Timothy J. Curtis, DVM; Michael L. Marciniak, DVM; Cristiane C. Otoni, DVM; Erica L. Scheier, DVM; Christopher J. Brouwer, DVM; Michael A. Wilson, DVM; Michael J. McGonigal, DVM; Dawn E. Bachman, DVM; Christopher G. Korte, DVM; Hannah C. Wellman, DVM

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, 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.

Stephen A. Townsend, RVT; Amy L. Klotz, RVT; Cami E. Marlatt, RVT; Jessica C. Dawson, RVT; Danielle L. Fultz, RVT; Chelsea L. Sebring, RVT; Lisa K. Guinther, RVT; Kerri E. Imwalle, RVT; Crystal R. Eardly, RVT; Jessica A. Lancaster, RVT; Jesse N. Doup, RVT; Nikki C. McCleery, RVT; Robert S. Magyar, RVT; Hope E. VanAtta, RVT; Tiffany L. Oszust, RVT; Tamra M. Mathie, RVT; Kelsey D. Sims, RVT; Tara A. Perry, RVT; Jennifer D. Saylor, RVT; Kelli M. Leuck, RVT; Theresa A. Bannister, RVT; Mallory N. Cordle, RVT; Amy L. Knapp, RVT; Jaime M. deJolsvay-Brooks, RVT; Karen R. Bauer, RVT.

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, Dr. Hearst-aye, Ms. Jessen-aye.

- **Consideration of:**

Hearing Scheduled -

- A. 08-09-119, Dr. Ms. Nancy Ziol, RVT – Acknowledged by the Board.

- **Executive Session:**

Ms. Jessen moved to go into Executive Session at 11:13 a.m. to discuss the Assistant Attorney General Reports. Mr. Smith seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-aye, Ms. Jessen-aye.

Dr. Redman announced the Board meeting back in public session at 11:40 a.m.

- **Assistant Attorney General Report:**

- A. 08-09-110, complainant Dave & Valerie Huffman – Dr. Gitz moved to withdraw the previous motion for the Notice of Opportunity for a Hearing and refer the case to the county Prosecutor. 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, Dr. Hearst-aye, Ms. Jessen-aye.
- B. 08-09-119, Nancy Ziol, RVT – Dr. Gitz moved to withdraw the Notice of Opportunity for Hearing and close the case due to new information received. 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, Dr. Hearst-aye, Ms. Jessen-aye.
- C. 08-09-094, Herbert Topp, DVM – The Board ratified the Settlement Agreement between Dr. Topp and the Board.

[Break: 11:43 a.m. – 11:55 a.m.]

- **Executive Session:**

Ms. Jessen moved to go into Executive Session at 11:56 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, Dr. Hearst-aye, Ms. Jessen-aye.

Dr. Gitz and Dr. Hearst left the room prior to discussing the Investigative Report.

Dr. Redman announced the Board meeting back in public session at 12:00 p.m.

- **Investigative Reports:**

- A. 09-09-011, complainant Russ & Kim Pennekamp – Dr. Small moved to dismiss the case. 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-abstain, Dr. Hearst-abstain, Ms. Jessen-aye, Dr. Redman-aye.

- **Tabled Cases:**

- A. 09-09-009, complainant Tessa Blanton – The Board tabled the case and directed Ms. Stir to request the original records from the veterinarian.

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

- A. 09-09-029, complainant Susan Postal – Dr. Gitz moved to refer the case to the Pharmacy Board. 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, Dr. Hearst-aye, Ms. Jessen-aye.

- B. 09-09-030, complainant Eric Barn – Dr. Gitz directed Ms. Stir to request a response from the veterinarian. 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, Dr. Hearst-aye, Ms. Jessen-aye.
- C. 09-09-032, complainant Daniel E. Kammer – 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, Dr. Hearst-aye, Ms. Jessen-aye.
- D. 09-09-033, complainant Neal Sivula, DVM – Dr. Gitz directed Ms. Stir to send a Cease and Desist letter and a letter to Dr. Sivula stating that he should contact his local Prosecutor. 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, Dr. Hearst-aye, Ms. Jessen-aye.
- E. 09-09-036, complainant Cheri Davidson – Dr. Gitz directed Ms. Stir to request 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, Dr. Hearst-aye, Ms. Jessen-aye.

- **Complaint Responses Received:**

- A. 09-09-017, complainant Tari Horbury – Dr. Hearst 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, Dr. Hearst-aye, Ms. Jessen-aye.
- B. 09-09-025, complainant Animal Care Hospital of Reynoldsburg – After review of the X-rays, Dr. Small moved to send the case to investigation. 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-abstain, Dr. Hearst-aye, Ms. Jessen-aye.
- C. 09-09-026, complainant Alicia Johnson – After review of the X-rays, 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, Dr. Hearst-aye, Ms. Jessen-aye.
- D. 09-09-027, complainant Brian Ihle – 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, Dr. Hearst-aye, Ms. Jessen-aye.
- E. 09-09-031, complainant Terri L. Kirkpatrick – Ms. Jessen 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, Dr. Hearst-aye, Ms. Jessen-aye.

[Break: 12:44 p.m. – 12:55 p.m.]

- **Continuing Education Requests - Veterinarians**

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

- A. MedVet Associates, Ltd. –
 - 1.) Tumor Rounds: 3/19/09 & 4/2/09 = 1 hour
 - 2.) Intern Lectures: 4/1/09 = 1 hour
 - 3.) Grand Rounds: 4/8/09 = 1 hour
- B. Merial Ltd. / Miami Valley VMA – Vaccination 2009: 5/5/09 = 1.5 hours
- C. Ohio Department of Agriculture – Ohio CWD Program Training: 5/7/09 = 4 hours
- D. USDA / Texas A&M University – Microbiology of meat products, the HACCP System: 10/6/08-10/31/08 = 30 hours
- E. Ohio Public Health Partnership – Leading the Way in a Dynamic Environment: 5/11/09-5/13/09 = hour for hour

Dr. Hearst seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-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.) Surgery Rounds, Bandaging Training: 3/18/09 = ½ hour
 - 2.) Cushing’s Disease: 3/31/09 = 1 hour
 - 3.) Vet Tech Lecture Series: 3/19/09 = 1 hour

Dr. Hearst seconded the motion. The motion passed by the following roll call vote: Mr. Smith-aye, Dr. Mach-aye, Dr. Small-aye, Dr. Gitz-aye, Dr. Hearst-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. Proctor & Gamble Pet Care –
 - 1.) Energy Transformation in Mammals: 2/25/09 = 1 hour
 - 2.) The Digestive System: 3/11/09 = 1 hour
 - 3.) Pet First Aid: 3/17/09 = 1 hour
 - 4.) What is in Food? Nutrition Formulation: 3/18/09 = 1 hour

- 5.) Why do we Process our Food and What does Processing do to Nutrients?: 3/25/09 = 1 hour
- 6.) Nutrition 101: 4/2/09 = 8 hours
- 7.) Pet Emergency Response: 4/16/09 = 1 hour
- 8.) Is Automation Appropriate for my Facility?: 4/21/09 = 1 hour
- B. Proctor & Gamble Pet Care / AAHA Web Conference – Advanced Medical Care, Improving Veterinary Anesthesia: 4/23/09 = 1 hour
- C. MedVet Associates, Ltd. – Grand Rounds: 3/25/09 = 1 hour
- D. National Wildlife Rehab Association – Symposium 2009: 3/10/09-3/14/09 = 16.5 hours
- E. Eastern Ohio Veterinary Medical Association – Medical & Surgical Treatment of Gallbladder Disease: 5/13/09 = 1.5 hours
- F. North Coast Veterinary Specialist Clinic – Cancer Treatment 2009: 5/16/09 = 4 hours
- G. Vetoquinol USA – Renal Disease: 2009 year – 1 hour
- H. Veterinary Dental Concepts, LLC – Periodontal Disease: 4/2/09 = 2 hours
- I. Cleveland Academy of Veterinary Medicine –
- 1.) Oncology Review & Updates: 5/13/09 = 3 hours
 - 2.) Oncology Review & Updates: 5/13/09 = 1 hour
- J. Cincinnati Animal Referral & Emergency Center –
- 1.) Routine ER CARE for the DVM: 11/10/09 = 2 hours
 - 2.) Practice Management for the DVM: 10/7/09 = Non-scientific
- K. Midmark Corporation – Anesthesia Monitoring: 4/28/09 = 2 hours
- L. Ethicon Endo-Surgery, Inc.- Heart & Lung Sounds in Animals: 4/24/09 = 2 hours

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

• **Request for Reconsideration:**

- A. 08-08-036, complainant Anonymous – The Board reviewed the request for reconsideration. The decision made at the July 2008 Board meeting, finding no violation of Chapter 4741 ORC, remains.
- B. 09-09-006, complainant Kathleen C. Loomis – The Board directed Ms. Stir to supply Ms. Loomis with information regarding the OVMA Grievance Committee.

- **Correspondence Received:**

- A. The Board reviewed correspondence from Dr. Suzanne Wilcox, DVM – The Board directed Ms. Stir to provide Dr. Wilcox with a copy of the Veterinary Medical Practice Act Law & Rules book.
- B. The Board reviewed correspondence from Dr. Joshua Daniels, DVM asking if the following constitutes as valid continuing education to uphold his limited licensure in Ohio: 1.) Hospital infectious disease committee; 2.) Direction of research; 3.) Co-investigator of research; 4.) Presentation of research; 5.) Publication of research. The Board concluded that all are valid continuing education credit hours except for sitting on a committee.
- C. The Board reviewed correspondence from James & Marguerite Hudson regarding File # 09-09-022. No response required.
- D. The Board reviewed correspondence from Jason Lyons expressing his concerns regarding the requirements to become a registered veterinary technician in the State of Ohio. The Board directed Ms. Stir to refer Mr. Lyons to the OAVT.
- E. The Board reviewed correspondence from Nancy Ziol, RVT asking if a registered veterinary technician working at the Franklin County Dog Shelter or any Ohio Shelter is able to give rabies vaccines to a stray dog or a dog that is being claimed by its owner. The Board stated that a RVT is able to give rabies vaccines under the general supervision of a veterinarian and with the owner's permission.
- F. The Board reviewed correspondence from Amanda Eich-Miller, RVT regarding volunteer duties at a humane society. The Board determined that, only in true emergency situations can a volunteer perform emergency veterinary medicine which would normally require a license or registration. Humane Society and Pharmacy laws may also come into play. The Board also directed Ms. Stir to inform the particular humane society in question that they are required to have a Business Facility License since they are performing services on animals that they do not own.
- G. The Board reviewed correspondence from Ray Miskelley regarding obtaining a rabies certification timely so that a family member did not have to receive rabies injections after being attacked by a dog. The Board directed Ms. Stir to refer any suspected unlicensed practice of veterinary medicine to the Prosecutor.

- **New Business:**

Resolution for Dr. Koncal, DVM

- **Directives:**

The reading of the meeting directives was deferred.

- **Next Board Meeting:**

Dr. Redman acknowledged that the next Board meeting will be held June 10, 2009, 8:30 a.m. in the Board room located at 77 South High Street, 31st Floor, Columbus, Ohio.

- **Adjournment:** 1:50 p.m.

Dr. Roger Redman, President

Date

Attested to by:

Theresa Stir, Esq.
Executive Director