

The Ohio Veterinary Medical Licensing Board

Annual Report FY 2016

The Ohio Veterinary Medical Licensing Board's mission is to insure that the citizens of Ohio are served by professional, trustworthy and competent veterinarians and veterinary technicians.

Overview

The Ohio Veterinary Medical Licensing Board (Board) met the second Wednesday of the month and held 11 meetings in FY16.

Board Members:

Dr. Cynthia Kidd, DVM, President
Dr. Kim Riker Brown, Vice-President
Diane "Annie" Jones, RVT, Secretary
Roger Redman, DVM
Tim Kolb, DVM
Nancy O'Connor, DVM
Richard Heston, public member

Jackson – term ends 12/31/2017
Toledo – term ends 12/31/2016
Ostrander – term ends 12/31/18
Wooster-term ends 12/31/2016
Delaware - term ends 12/31/2018
Akron – term ends 12/31/2018
Westerville – term ends 12/31/2018

Board Staff:

Theresa Stir, Esq.
Joseph McClain
Darcy Griffin-Kamerer

Executive Director
Licensure Coordinator
Clerk

Fiscal

The Board is self-sustained fiscally through licensure fees, late fees, and fines. The Board was allotted \$ 384,923 for FY 2016. To date, the Board has paid \$ 109,914 in operating expenses and \$234,149 in payroll expenses for FY16. The Board generated \$780,855.00 in Revenue for FY16 for a biennial total of: \$1,045,303.00. Of the total revenue in FY16, \$ 40,260.00 has been transferred to the Veterinary Student Loan Repayment Program in accordance with ORC 4741.17(A)(7). The Board received acknowledgement from the Governor's office for meeting the statutory requirements for expenditures with MBE and EDGE vendors in FY15 and again, have surpassed the requirements for FY16.

Policies, Law & Rules

Through the Budget Bill (HB64), the Board requested to remove an extra hurdle of initial licensure that the new graduate must go through in order to take the national veterinary examination required for licensure in the State of Ohio. Before enactment of HB 64, the Board members approved the applicant for examination through an application and \$50 fee process. The applicant would then also apply with the National Board of Veterinary Medical Examiners (NBVME). Once the individual took the examination, the scores were then tabulated and sent to the Ohio Board for distribution. This step was eliminated and currently the applicant can receive

their scores directly from the NBVME. However, the legislation as passed eliminated the requirement to take the national examination for a veterinary license in the State of Ohio which required a "fix" in enacted HB 390.

The Board amended Rule 4741-1-16 OAC to address questions received regarding medical records documentation and maintaining the records. The Board is currently in the process of revising the recordkeeping rule (4741-1-21 OAC) to address what should actually be documented in the veterinary medical record. Additionally, the Board will begin their five year rule review of the applicable rules in the Ohio Administrative Code.

The Board members reviewed and approved revisions to the Board policies in October, 2015. In June, 2016 the Board adopted and implemented a DAS policy which was personalized for the Board's processes regarding the Payment Card.

Veterinary Student Loan Repayment Program

HB 458 of the 126th General Assembly created a veterinary loan program to address current and future shortages of veterinarians in large animal and regulatory public health situations in Ohio. Loan repayment grants can be up to \$20,000 for a two year commitment of service. Pursuant to Section 4741.17(A)(7) ORC, the Board transferred \$40,260 to the Veterinary Student Loan Repayment fund (ALI 888-602) in FY 16 to reflect \$10.00 from each veterinary license renewal from July 1, 2015 to June 30, 2016.

In accordance with Section 4741.47 ORC, an annual progress report regarding the implementation and progress of the Veterinary Student Loan Repayment Program was provided to the Governor, Speaker of the House, and Senate President prior to March 1, 2016.

Two eligible candidates submitted applications for consideration by the Board at their May 2016 meeting for the Veterinary Student Loan. The Board considered the applications based on their willingness to provide large animal veterinary services in a resource shortage area and/or public health setting. The Board awarded \$10,000 grants for a service commitment of one year to Dr. Sabrina Featheringill, DVM of Tiffin, Ohio and Dr. Luke Morrow, DVM of Sugarcreek, Ohio. The recipients will submit progress reports biannually.

Licensure

The Board continued on-line renewal through the state E-licensing system for the veterinarian in 2016. This was the first year that the Board implemented an all on-line renewal with a few exceptions who requested a paper renewal submission. Unfortunately, the system was out of commission for a few days which resulted in multiple calls to the office and confusion as to when the system would be functioning appropriately. The Board staff immediately placed the renewal form on the board web site and directed callers trying to renew to submit their renewal by paper if they didn't want to wait for the online renewal to be functional. There continues to be complaints about the lack of adequate space and compatibility while entering their continuing education in the current system. The Board continues to wait for the implementation of the new DAS E-Licensing System which should resolve the submission of continuing education issue. In

May, 2016, the Board staff participated in an eLicensing LEAN Ohio event to evaluate processes prior to the implementation of the new licensing system.

The Board is currently responsible for the licensure requirements of 4135 veterinarians, 3782 registered veterinary technicians, 152 limited licensed veterinarians (whose practice is limited to an academic institution, governmental laboratory, or performing a residency in veterinary medicine), 120 Specialty licenses and 72 business facility licenses. The number of licensees varies slightly from year to year as indicated here:

RVTs:

FY12 New:	245	Total:	2876
FY13 New:	399	Total:	3036
FY14 New:	331	Total:	3420
FY15 New:	316	Total:	3384
FY16 New:	358	Total:	3782

Veterinarians:

FY12 New:	127	Total:	4041
FY13 New:	236	Total:	4255
FY14 New:	237	Total:	4035
FY15 New:	245	Total:	4494
FY16 New:	233	Total:	4135

The Board has modified their initial application process by requiring all necessary documents to be submitted with the application excluding the criminal background check which must be submitted to the Board directly from BCI. Once an application is complete, the Board staff issues the license within 24-48 hours.

Complaint & Disciplinary Process

During FY 16, the Board received 114 complaints. The Board collected \$6,000.00 in Fines as a result of discipline.

Summary of Board Disciplinary Actions FY 2016

Retired license in lieu of discipline	3
Adjudication Orders issued	1
Settlement Agreements Entered	14
Notices issued	18
Referrals to Prosecutor and/or other state agencies	6
Advisory Letters	31
On site investigations	12
Compliance Inspections	257
30 day follow up letters to compliance inspections	23
No Jurisdiction of the subject matter	13

The Board contracts with the Ohio Department of Agriculture for investigations of complaints. Once the Board reviews a complaint and medical records, they will determine if the complaint warrants an actual on-site investigation. The Board members will direct the investigator what information they need that is germane to the complaint filed. The Board has found this arrangement very satisfactory.

Upon receipt of a complaint, the complainant is notified in writing of the Board complaint process and the file number issued to the complaint so they can follow the disciplinary process in the Board minutes which are posted on the web site. Once a discipline is issued by the Board, it

is entered into a national databank for other state regulatory agencies of veterinary medicine, flagged in the state e-licensing system, and entered onto the Board's web site. The majority of complaints were for allegations of substandard medical/surgical veterinary care, which requires an investigation. The costs for sending responses, investigative costs and disciplinary/hearing costs have remained steady. There appears to be an increased expectation by pet owners that veterinary medicine operate in the same fashion as human medicine, especially regarding medical records and prescriptions. Additionally, the Board receives a significant number of complaints for which the Board does not have statutory authority such as veterinary fees charged to the consumer, boarding issues or grooming issues.

In settling the complaints, the Board saved approximately \$54,000 in Adjudication hearing costs. This is an area that is variable in the Board budget and therefore, the Board tends to be more conservative with expenditures in the event that an Adjudication is warranted.

Investigations are performed as a result of a written complaint to the Board and the need by Board members for more information not gleaned from the medical records, radiographs or narratives submitted. An investigation will focus on the complaint. For instance, if the complaint is that the veterinarian is allowing unlicensed individuals to administer intravenous medications, the investigator will check medical records, the controlled substance logs and interview the staff. Compliance inspections are performed as a physical inspection of a veterinary hospital/clinic after a letter has been sent to the owner of the veterinary facility giving them five-day' notice as required by Section 4741.26 ORC. The investigator will also look at the drug stock to determine if there are expired drugs comingled with the current drugs and the review of the controlled substance logs.

The Board determined that they would like to increase the number of compliance inspections performed as permitted within the allotted budget. There are approximately 800 veterinary facilities in Ohio. It is unknown the exact number because the Board does not license veterinary facilities owned by veterinarians. However, the Board's goal for FY16 was to perform at a minimum 100 to 125 additional random compliance inspections in addition to the inspections requested as a result of a written complaint. In FY15, there were 50 compliance inspections performed. In FY16, there were 257 random compliance inspection performed in FY16. There were 20 correction letters issued and 5 re-inspections performed as a result of deficiencies discovered during the inspection. There was 1 Notice of Opportunity for a Hearing issued as a result of deficiencies noted in the second compliance inspection.

At the March 11, 2015 Board meeting, the Board passed a motion to deem AAHA accredited veterinary facilities as appropriately inspected and therefore will not have to undergo another compliance inspection by the Board unless there is a written complaint submitted. There are approximately 112 veterinary facilities that are AAHA accredited in the State of Ohio.

Communication

The Board staff consists of two full time members and one part time clerk. The Board works diligently to return calls and address all correspondence within one business day. In an effort to keep veterinarians and RVTs current on regulatory issues impacting their practice, the Board issued an informative newsletter to its listserve in December and posted the newsletter on the website. Additionally, the Board has updated the website to include recent Board decisions

regarding veterinary issues, approved continuing education, and Board disciplines of licensees. Board Agendas and Minutes are also posted on the website. The Board has approved and posted the Public Records Policy in the Board office and on the website.

The Executive Director and the Licensure Coordinator successfully completed the Ohio Auditor's "Public Records Training" in May, 2016.

Dr. Roger Redman, DVM Board Member, presented on current Board issues and compliance processes to attendees at the Ohio Association of Veterinary Technicians conference in October, 2015. Dr. Tim Kolb, DVM, past Board President and Dr. Kim Riker Brown, DVM presented on current board issues and on the disciplinary and compliance process of the Board at the Ohio Veterinary Medical Association's 2016 Midwest Veterinary Conference. Dr. Tim Kolb, DVM, Board Member, and Theresa Stir, Executive Director, presented on Board licensing and disciplinary issues to the third year veterinary students at The OSU College of Veterinary Medicine in April, 2016. Additionally in April, 2016, Theresa Stir participated as a presenter at the Ohio Board of Pharmacy Investigator Summit.

IT

The Board contracts with DAS OIT for computer services. The Board approved the migration to 365 software as suggested by DAS OIT in an assessment performed in November, 2015 and was implemented in March, 2016.

Continuing Education

The veterinarian must have 30 hours of approved continuing education (CE) to renew. The registered veterinary technician must have 10 hours of approved CE to renew. The Board approves those CE courses that do not fall within guidelines as set forth in Rule 4741-1-11 of the Ohio Administrative Code. The Board does not have a limit on the number of hours that CE can be acquired on-line.

The Board Members and staff participated in an Ethics Training as prepared by the Ohio Ethics Commission in compliance with Executive Order 2011-03K which requires annual ethics training.

National Membership

The Board maintains membership with the American Association of State Veterinary Boards (AAVSB). The membership is not only necessary for staying current on regulatory issues nationwide, it permits access to the national system to report disciplinary actions against veterinarians and RVTs licensed in the State of Ohio. The AAVSB then notifies other states where the disciplined licensee may hold a veterinary license. In an effort to become knowledgeable regarding national issues of concern in the practice of veterinary medicine, the Board invited the Executive Director of AAVSB to their May board meeting. Mr. Penrod, along with Dr. Roger Redman, DVM, who is also board member for the AAVSB Board of Directors, provided an interesting presentation and dialog. In addition to Dr. Redman's service as an AAVSB board member, Dr. Cindy Kidd, DVM serves on the AAVSB RACE Committee, Dr. Tim Kolb, DVM serves on the AAVSB Leadership Development Task Force and the Executive

Director serves on the AAVSB Regulation Policy Task Force. Dr. Nancy O'Connor participated in the AAVSB New Board Member Orientation in May, 2016.

Respectfully prepared and submitted by:

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