



Ohio Veterinary Medical Licensing Board News

Winter 2010

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Term: 2/5/05-12/31/09

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Term: 4/1/09-12/31/11

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Term: 1/05/07-12/31/09

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Board Issues

Medical Records: It was recently discovered that a number of veterinary practices are withholding medical records if the owner of the animal has an outstanding balance for previous medical care received. Rule 4741-1-21 OAC does not allow a veterinarian to withhold the medical records as long as the owner pays the costs for the copying of the medical records. The purpose of the rule was to provide for continuity of care for the animal. Therefore, the Board has taken the position that medical records must be provided to the subsequent veterinarian (free of charge) or to the owner who pays the copying costs of the records, regardless of whether the owner has an outstanding balance owed to the veterinary practice.

Additionally, the "Red Flag Rule" (identity theft prevention) cannot be used as a deterrent to providing medical records to a subsequent veterinarian.

Pharmacy Issues

1) Return of Drugs: The OVMLB met on January 14, 2009 and discussed the issue of returning drugs such as "Frontline®". In accordance with Rule 4729-9-04 OAC regulating returned drugs under the

Ohio Pharmacy regulations: No drug that has been dispensed pursuant to a prescription and has left the physical premises of the distributor shall be dispensed again.

According to the Pharmacy Board, if the medication package says "by or on order of a veterinarian", the drug is a prescription drug and **cannot**, by Rule, be returned to the veterinarian's office. However, if the medication package says "veterinary-use only" this is an over-the-counter drug and **may** be returned. The OVMLB has taken the position that it is at the veterinarians' discretion as to whether they will take back certain unopened medications for redistribution. It is highly recommended that the veterinary practice communicate their drug return policy to their clientele.

2) Filling & Dispensing Prescriptions: In October, the issue presented to Director Winsley was who can handle the drugs in the veterinary office? Additionally, can a receptionist hand a prescription to a client that the veterinarian has filled previously, but is out to lunch when the client arrives?

Mr. Winsley pointed out that his answer applies to all prescription drugs. It does not apply to over-the-counter medications. After reviewing pertinent sections of the law, the basic answer is:
* The Veterinarian can assign

someone (not necessarily an RVT) to pull out the drug, count it and label it. However, the veterinarian must do a final check of the finished product for verification purposes. There must be a mechanism in place to show that the veterinarian has "approved" the finished product.

*Section 4729.29 ORC permits the veterinarian to "personally furnish" a prescription drug. Therefore, the veterinarian **MUST** be on the premises when the prescription drug is furnished to a client.

3) Writing of Prescriptions:

There has been an increase in correspondence from consumers of veterinary services regarding prescriptions. The typical nature of the call is that the client cannot comprehend why the veterinarian is permitted to not provide a prescription so that they can go to a "discounted internet site" to purchase the prescribed drug. The standard message being relayed is that there is nothing in law that requires a veterinarian to provide a prescription to a client. It is the veterinarian's prerogative to provide a prescription to the client and the veterinary service has the right to charge a minimal fee.

Additional Issues

Farm Management Rule: The Board is currently meeting with OVMA to draft a Farm Management Rule to comply with exemptions permitted by Section 4741.20 ORC. Notice of when the rule is filed and opportunity for response will be on the Board's web site at www.ovmlb.ohio.gov.

Euthanasia Technicians: There is nothing in the law to allow an euthanasia technician or dog warden to have access to or administer any drug other than the lethal solution to perform euthanasia. Additionally, the Board recently revised rules to permit euthanasia technicians to take board approved certification courses and exams in other states.

Displaying licenses: Rule 4741-1-03 OAC requires that the licenses and renewals for veterinarians and registered veterinary technicians be displayed in public view. The purpose is not only for the clients to know the individuals are licensed, but it expects that the veterinarian/owner of the veterinary facility will know that their employees have active, valid licenses to practice veterinary medicine.

by Roger Redman, DVM and Board President

In 2006 I was appointed to serve on the OVMLB by then Governor Bob Taft. It only took me four hours into that first meeting to realize that a majority of the complaints that come before the board are the results of poor communication between the veterinarian or his/her staff, and the client. I leaned to one of my colleagues at the next break and asked if my perceptions were accurate. His smile, almost one of celebration, confirmed my suspicions.

As practitioners, effective communication should involve not only the ability to send our message to the client, but equally important are our listening skills. The client knows the pet (or livestock) better than anyone. We need to listen to what they are telling us. Did we hear all the potential toxins, did we hear there was vomitus, did we hear there's a chew toy missing, etc? One recent complaint submitted to the OVMLB involved three different veterinarians that failed to "hear" the dog may have eaten mushrooms from the yard. The dog died several days later.

Most complaints to the OVMLB, however, involve our delivery of a message to a client. What a veterinarian (or staff) says to the client is not always what is heard. Effective communication occurs when the receiver comprehends the information. Expressions in the sender's eyes, body language, hand gestures and state of emotion all affect the success of the communication. It is also well documented that people don't see things clearly when under physiological stress, and we're all acutely aware of the stress a client is under when their horse has colic, their dog was run over, or their cat has been diagnosed with cancer.

As a fellow veterinarian that owns a private practice, I understand the challenges that you face daily in trying to accurately and effectively get your message to be understood. As one that serves on the OVMLB, I also witness how easy it is to be misunderstood and have a complaint filed with the board.

Look at your own communication style and that of your staff. Many of the complaints received by the OVMLB mention a lack of compassion, and in some cases anger towards the client. Are you and your staff empathetic to the needs of the client? Experts recommend pictures or models when describing a disease process or a surgical correction. A picture may truly be worth a thousand words. Look at your tone of voice, your body language, and your hand gestures. Arms crossed across your chest sends the message that you're confrontational or protecting yourself. And lastly, we all want to be understood, yet often fail to check with the client to see if our communication was successful. When done communicating a message, ask the client if they understand and if they have any questions.

While the OVMLB does not have jurisdiction to act upon veterinarians that communicate poorly, it is my hope that informing you of the common complaints received by the OVMLB will allow you to consider ways to improve upon your communication style. This may go a long way towards keeping your name from coming before the board for disciplinary reviewand keep us all happy.

Veterinary Student Loan Program

The student loan program was developed to provide large animal veterinary services in veterinary resource shortage areas. \$10.00 of each veterinary license renewal fee is deposited in the loan repayment fund. The Board is pleased to announce that they received 10 applications this year and were able to offer four candidates the ability to participate in the program. Those candidates and their awards are as follows:

- Dr. Stephanie Bown, DVM of Barnesville was awarded \$7,500 for a 1 year service agreement.
- Dr. Mary Mowrer, DVM of St. Clairsville was awarded \$5,000 for a 1 year service agreement. (Dr. Mowrer was a \$10,000 recipient in 2008).
- Dr. Ellen Hartz, DVM of Ashland was awarded \$7,500 for a 1 year service agreement.
- Dr. Andrew Mack, DVM of New Knoxville was awarded \$7,500 for a 1 year service agreement.
- Dr. David T. Brennan, DVM of Greenwich was awarded \$15,000 for a 2 year service agreement in 2008 with one year remaining of service.

The deadline for the 2010 applications is May 1, 2010. The application for those interested in applying, as well as the criteria for selection, is available on the Board web site.

Licensees are encouraged to review the Board minutes (found on the web site) regarding board responses to questions asked of or issues raised regarding veterinary medicine.

PLEASE POST THIS NEWSLETTER IN YOUR VETERINARY FACILITY FOR REVIEW BY STAFF.