

Maryland State Board of Veterinary Medical Examiners

Minutes of the January 26, 2017 Meeting of Team B

Call to Order: The meeting of Team B was called to order at 9 a.m. by Board Vice President Dr. Heather Hendler. Other Board members in attendance were Dr. Perry Crowl, Dr. John Stott and Ms. Victoria Wright-Conner. Staff in attendance: Executive Director Karen Kirksey, Deputy Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorneys General Mr. Craig Nielsen, Mr. Thomas Filbert, and Ms. Cynthia Spirt.

Mr. Nielsen introduced Ms. Spirt who is currently working with the Maryland Department of Labor, Licensing and Regulation but will join the Veterinary Board permanently on February 15, 2017. She will replace Judith Plymyer who retired December 30, 2016.

Approval of Minutes: In a motion by Dr. Crowl and seconded by Dr. Stott, the updated minutes of the December 15, 2016 meeting were unanimously approved, as presented.

In a motion by Dr. Crowl and seconded by Dr. Stott, the meeting was closed to the public in order to consider complaint investigations underway with the Board.

Status reports on cases pending before Team B

Docket No. 16-33
Docket No. 16-29
Docket No. 16-43
Docket No. 17-13
Docket No. 13-73
Docket No. 16-58
Docket No. 16-62

In a motion by Dr. Crowl, seconded by Ms. Wright-Conner, the team meeting was adjourned at 9:45 a.m.

Maryland State Board of Veterinary Medical Examiners

Minutes of the January 26, 2017 Full Board Meeting

Board members in attendance: Board President Dr. David Handel, Board Vice President Dr. Heather Hendler, Ms. Lynne Chaput, Dr. Perry Crowl, Dr. John Stott, and Ms. Victoria Wright-Conner. **Board member absent:** Dr. Elizabeth Callahan. **Staff in attendance:** Executive Director Karen Kirksey, Deputy Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorneys General Mr. Craig Nielsen, Mr. Thomas Filbert, and Ms. Cynthia Spirt. **Guests in attendance:** Ms. Kate Jackson, Manager of the Prescription Drug Monitoring Program at the Maryland Department of Health and Mental Hygiene.

Call to Order: Dr. Handel called the meeting to order at 10:22 a.m.

Introduction of Attorneys

Mr. Nielsen introduced Ms. Spirt who is currently working with the Department of Labor, Licensing and Regulation but will join the Veterinary Board permanently on February 15, 2017. She will replace Judith Plymyer who retired

December 20, 2016. Ms. Spirt has extensive legal experience, including ten years in private practice and ten years with the Attorney General's Office. Her resume was made available to all Board members.

Approval of Minutes: In a motion by Dr. Stott and seconded by Ms. Wright-Conner, the minutes of the December 15, 2016 Board meeting were approved as presented.

Presentation – Kate Jackson, Program Manager of the Prescription Drug Monitoring Program (PDMP) at the Maryland Department of Health and Mental Hygiene

Ms. Jackson provided an overview of the Prescription Drug Monitoring Program which is about five years old and created, by statute, to help battle the opioid crisis. A bill last year made sweeping changes to the program that includes mandated reporting by prescribers of controlled substances. Veterinarians who can prescribe controlled substances are required to register with the program by July 1, 2017 but veterinarians and veterinary hospitals are exempt from the bill's reporting requirements if they are dispensing medications from their hospital. Ms. Jackson said she was pleased to make this presentation so she could get a better understanding of what's going on in veterinary practices and how the program can better accommodate them.

Dr. Handel asked who a veterinarian should notify if they suspect a human client of "vet hopping" to obtain a controlled substance. Ms. Jackson said she honestly didn't know and DHMH was still struggling with how to bring veterinary prescribers into the program effectively. Board members agreed that there would likely be significant push back if a separate database was created to record all veterinary prescriptions because the paperwork required would be immense. Ms. Jackson said she believed she had a good sense of the issues among veterinarians that the program could now start to address.

Also, because the registration deadline for the Prescription Drug Monitoring Program coincides with licensing deadlines, the Board will work with DHMH to get the word out to veterinarians to make sure they register. Ms. Jackson's PowerPoint presentation was provided to Board members and staff for future reference.

Sanitation Reports

Susan Husk, Ellen James and Pegeen Morgan all reported on the inspections of veterinary hospitals that they conducted since the December meeting. In a motion by Ms. Chaput, seconded by Dr. Hendler, all sanitation reports were accepted as presented.

Discussion of additional COMAR language

Dr. Handel suggested that the regulations might need to be clarified to require veterinarians to provide an assessment of any tests they perform for a client. For instance, if a radiograph or blood tests is done, there should be something in the record that indicates the results. After some discussion, the general consensus was that the need for a record of the assessment would likely fall under "progress and disposition" and did not need to be specifically spelled out. The Board may revisit the topic at a future date.

Veterinary Application

Attorneys for the Maryland Department of Agriculture suggested the following question be added to the license and registration application for veterinarians: *"Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol, or a physical, mental, emotional or nervous disorder or condition) that in any way effects your ability to practice your profession in a safe, competent, ethical and professional manner?"*

The question is on the applications developed by the Maryland Board of Physicians. Board members wondered what they were supposed to do if someone answered "yes." There was also discussion about a Physicians Board

regulation which requires a health care professional who terminates another health care professional for substance abuse to report it to the Physicians' Board. Board members asked the staff to invite the Executive Director of the Board of Physicians to a Veterinary Board meeting to discuss their processes and procedures for dealing with professionals who are suspected of having or are known to have substance abuse issues.

Dr. Hendler also asked that the application for veterinary licenses be edited to ensure that the name of the college or university that the applicant attended is included along with the date of the degree earned.

In-State Veterinarian Non-renewals

Staff has not yet been able to focus on those veterinarians who have not registered this year to determine if they registered late or have moved on to other states.

CE Audit Update

Five cease and desist letters were sent to veterinarians who did not respond to the audit. One was sent in error, two were sent to newly licensed veterinarians who did not need to have proof of CE credits for the previous year, and one did not respond. The fifth responded by providing documentation that used credits from the current fiscal year for last year.

General Updates

- Sample Letters have been uploaded to Google Docs to help members write Letters of Dismissal, Letters of Advice, and Letters of Admonishment. They can be downloaded and modified any time.
- Three web enhancements have been completed. (1) A "Veterinary News" page has been created on the website to help distribute information in cooperation with the department's Animal Health Section. The staff is not yet promoting it but it does exist. (2) Disciplinary actions taken by the Board have not been easy for consumers to access. All of the actions have been compiled into a searchable Excel spreadsheet which has been posted on the website. (3) To comply with the new Open Meetings Law, which took effect Oct. 1, 2016, the agenda, minutes and notices have been posted on the Board's website.
- Staff will be meeting with the associate director of the Maryland HealthCare Professionals Program on February 21 from 1:00 p.m. to 2:30 p.m. at the Department of Agriculture. All Board members are welcome to attend.
- The MPT television program *Maryland Farm & Harvest* is looking for story ideas for next season. Any Board members with ideas should let the staff know.
- Some information about the topics that the staff was asked to research was included in Google Docs for reference and further guidance.
- SB HB 216/SB 269 Emergency Veterinary Care – Immunity from Liability has been introduced. The Board was asked to prepare a fiscal note. No fiscal impact is expected.

Veterinary License Approvals

The following veterinary licenses were approved by email since the December 2016 meeting: Drs. Wesley Borgman, Stephanie Davis, Robyn Engel, and Bradley Stock. An application for veterinary license reinstatement of Bridget Zepp was also approved.

Request for Approval of Continuing Education Credits

After reviewing information submitted during the past month, Dr. Crowl, on behalf of the Board, approved the following continuing education courses and credits.

- A request was submitted by Emily Kennedy, DVM on behalf of the Anne Arundel County Veterinary Medical Association for approval of 1 CE credit for the AACVMA meeting presentation, “Diskospondylitis: A Real Pain in the Back,” presented by Dr. Laura Harvey on January 11, 2017 at Yellowfin Steak and Fish House in Edgewater.
- A request was made by Dana Robert of Zoetis for 2 CE credits for each of the following:
 - Current Concepts in Parasite Treatment and Control, presented by Dr. Nick Mathias, at Au Poitin Stil in Timonium on January 31, 2017.
 - Current Concepts in Parasite Treatment and Control, presented by Dr. Karen Stasiak at Liberatore’s in Bel Air on Feb. 8, 2017

Motion to Close: In a motion by Dr. Stott and seconded by Dr. Crawl, the Board voted unanimously to close the meeting at 11:58 a.m.

CLOSED MEETING

Discussion of Cases Before the Full Board

- Docket No. 17-20
- Docket No. 17-14
- Docket No. 17-26
- Docket No. 17-29

**Fasig Tipton Midlantic 2016 Fall Yearling Sale.
Probation Cases and Action Items**

In a motion by Dr. Stott and seconded by Dr. Crawl, the meeting was adjourned at 12:30 p.m.

Maryland State Board of Veterinary Medical Examiners

Minutes of the January 26, 2017 Meeting of Team A

Call to Order: Dr. Handel called the meeting of Team A to order at 12:51 p.m. Board member in attendance: Lynne Chaput. Board member absent: Elizabeth Callahan. Staff in attendance: Executive Director Karen Kirksey, Deputy Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorney General Ms. Cynthia Spirt.

Status reports on cases pending before Team A:

- Docket No. 16-25
- Docket No. 16-32
- Docket No. 16-63
- Docket No. 16-60
- Docket No. 16-28
- Docket No. 16-65

The meeting was adjourned at 1:20 p.m.