

Minutes of the Meeting of the
Maryland State Board of Veterinary Medical Examiners
April 27, 2017

Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, MD 21401

Minutes of Team A Meeting

Team A Board members in attendance: Board President Dr. David Handel, Dr. Elizabeth Callahan, and Ms. Lynne Chaput. Staff in attendance: Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorney General Cynthia Spirt.

Call to Order: Dr. Handel called the meeting to order at 9:03 a.m.

Approval of the Minutes: In a motion by Dr. Callahan, seconded by Ms. Chaput, the minutes of the March 23, 2017 meeting were approved as presented. The motion passed unanimously.

Dr. Callahan made a motion to adjourn the meeting to move into an administrative closed session pursuant to the applicable provisions of the General Provisions Article. The motion was seconded by Ms. Chaput. The motion passed unanimously.

Status Report on Cases Before Team A

Docket No. 16-27
Docket No. 17-07
Docket No. 16-25
Docket No. 16-63
Docket No. 16-28
Docket No. 16-59
Docket No. 17-11
Docket No. 16-71

Dr. Handel made a motion, seconded by Dr. Callahan, to adjourn the meeting of Team A at 10:29 a.m. The motion was unanimously approved.

Minutes of the Meeting of the
Maryland State Board of Veterinary Medical Examiners
April 27, 2017

Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, MD 21401

Joint Open Meeting

Board members in attendance: Board President David Handel, Vice President Dr. Heather Hendler, Dr. Elizabeth Callahan, Ms. Lynne Chaput, Dr. Perry Crowl, Dr. John Stott, and Ms. Victoria Wright-Conner. Staff in attendance: Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorney General Cynthia Spirt.

Dr. Handel called the meeting to order at 10:36 a.m.

Presentation – Christine Farrelly, Executive Director, Maryland Board of Physicians, gave a presentation about how the Board of Physicians is organized, how it operates, how it handles complaints and how it compares to the SBVME. A copy of the powerpoint was provided to Board members after the

presentation. Ms. Farrelly's last slide included several recommendations for the Board's consideration. Those recommendations are:

1. Gather more information about CDS related issues and CDS dispensing through questions on renewals
2. Add Character and Fitness questions to Initial, Renewal and Reinstatement Applications
3. Direct licensees, with allegations of drugs/substance abuse, for examination under the Board's statutory authority Md. Agriculture Code Ann. § 2-307.1. *Mental or physical examination*
4. Refer licensees/applicants to the Rehabilitation Program
5. Develop Sanctioning Guidelines for disciplinary grounds
6. Develop terms and conditions for sanctions that address the findings – (vocational monitor, auditing, workplace approval – solo)
7. Consider requiring Veterinarians to have a Dispensing Permit
8. Conduct Random Audits of CDS Dispensing
9. Refer complaints to OCSA when involving CDS
10. Make website easier for the public to use and to convey more information to the public on the Board's website (including the posting of Disciplinary Orders)

Discussion of Veterinary License

Dr. Jeffery Marsh, who has applied for a Maryland veterinary license, met with the Board and answered questions about his history and experience.

Approval of the Minutes

In a motion by Dr. Stott, seconded by Dr. Crowl, the minutes of the March 23, 2017 meeting were approved as presented. The motion passed unanimously.

Discussion of Veterinary License and License Reinstatement Applications

On a motion by Dr. Crowl, seconded by Dr. Stott, the veterinary license application from Dr. Jeffery Marsh was unanimously approved.

On a motion by Dr. Callahan, seconded by Dr. Stott, the veterinary license application from Dr. Holly Powers was unanimously approved.

On a motion by Dr. Hendler, seconded by Dr. Stott, the veterinary license applications for reinstatement from Dr. Astrith Rubiano Puentes and Dr. Lori Prantil were unanimously approved.

On a motion by Dr. Callahan, seconded by Dr. Crowl, the veterinary license application from Dr. Alison Marsh was unanimously approved.

The veterinary license application for Dr. Nathan Schmidt had been approved by email earlier in the month.

Sanitation Reports

Ms. Morgan and Ms. James reported on the inspections of veterinary hospitals that they have conducted since the March 2017 meeting.

Expert Reviews

Criteria: Ms. Orlando noted that the Board has voted to send out four cases for expert review in the last few months. These reviews typically cost about \$2,000 each as well as considerable staff time. She asked

the Board to review the criteria that it uses for determining which cases to send out for expert review. She suggested that if Board members were truly unsure whether care was adequate, a case should be sent out to a specialist; however, if Board members were confident of their opinion, perhaps it did not need further review. Ms. Spirt noted that while she, as the Board's attorney, will always want an expert review if a case goes to a hearing, she noted that if the Board makes a decision to bring charges based on what a reasonable veterinarian would do in a given circumstance, the review might be able to wait. Board members agreed to consider that criteria going forward.

Redacting: Ms. Orlando asked if the Board would consider sending out cases for review with a confidentiality agreement rather than a redacted case file. Board members said that the veterinary community is too small to ensure objectivity, and cases will continue to be redacted when they are sent out for review.

Dr. Stott recommended providing brief write ups of case studies in the electronic newsletter to help better educate and inform veterinarians of the Board's decisions.

Identification of Reviewer: Ms. Orlando requested that, when a team does decide to send out a case for review, one of the team members take the lead in identifying and contacting an expert. Board members agreed to do so.

Legislative Update:

Ms. Orlando provided Board members with a list of regulations that the Board has voted to adopt, regulations the Board is required to promulgate, and regulatory changes that have been discussed but not voted upon. She requested that Board members review the list, add their own items to it, and that the May meeting be dedicated to going through each one to make decisions on whether/how to proceed.

Among the regulations to be adopted are minimal standards for animal control facilities. Ms. Orlando recommended that the animal welfare organizations that proposed the bill be invited to the May meeting to tell the Board what standards they consider most important. Board members agreed that such an invitation should be extended.

Microchipping Inquiry

Investigator Husk received an inquiry from a veterinarian, asking if – according to standards of care - microchipping has to be done by a veterinarian or if someone else could do it; and, if a veterinarian does microchip animals, do they have to examine the animal first and are they liable for any complications? After some discussion, the Board determined that microchipping is considered veterinary practice because it is implanting a device. As a best practice, a veterinarian or a registered veterinary technician working under the direct supervision of veterinarian, can do microchipping. No exam is required; however, if a problem develops, such as microchipping a dog with a bleeding disorder, the veterinarian would be liable. Ms. Spirt will consult with the department's principal counsel about the compliance of this standard with the requirements of the N.C. Dental ruling before providing that response to the inquiring veterinarian.

Continuing Education

Dr. Handel noted that he has asked Dr. Jim Wilson to add a module to his online veterinary course about substance abuse. Dr. Wilson is in the process of doing that. Dr. Handel noted that one member of the Board can take the online course with multiple modules for free. The price is \$250 for all others. Dr. Handel encouraged board members and staff to consider taking at least some of the modules.

Requests for Approval of Continuing Education Credits. After reviewing information submitted during the past month, Dr. Crowl, on behalf of the Board, approved the following:

- A request from Melissa Hersh on behalf of Zoetis for 2 clinical hours of CE for a Parasitology Talk to be held May 24, 2017.
- A request from Adriane Watson on behalf of Pet + ER for 6 clinical hours of CEs for Registered Veterinary Technicians attending a seminar on *Emergency Veterinary Techniques for RVTs*, to be held May 17, 2017.
- A request from Emily Kennedy on behalf of Anne Arundel County Veterinary Medical Association (AACVMA) for 1 clinical hour of CE for a presentation, *Gross, Cytologic and Histologic Correlates*, held March 8, 2017.

In a motion by Dr. Stott, seconded by Dr. Crowl, the Board unanimously voted to adjourn the meeting to move into an administrative closed session pursuant to the applicable provisions of the General Provisions Article. The motion was approved unanimously.

Closed Meeting

Status Report on Cases Before the Board

Docket No. 17-29

Docket No. 17-35

Docket No. 17-36

Docket No. 16-30

Docket No. 17-44

Docket No. 17-14

Docket No. 17-40

Review of Spay & Neuter Grant Applicants Discussion of Hydro Therapy Providers

In a motion by Dr. Callahan, seconded by Dr. Stott, the Board unanimously voted to open the closed session to discuss a veterinary license application from Dr. Stacey Buzzell. In a motion by Dr. Stott, seconded by Ms. Wright-Conner, the Board unanimously voted to grant Dr. Buzzell a veterinary license.

In a motion by Dr. Handel, seconded by Dr. Crowl, the meeting was adjourned at 2:15pm

Minutes of the Meeting of the Maryland State Board of Veterinary Medical Examiners April 27, 2017

Maryland Department of Agriculture, 50 Harry S Truman Parkway, Annapolis, MD 21401

Minutes of Team B Meeting

Team B Board members in attendance: Board Vice President Dr. Heather Hendler, Dr. John Stott, Dr. Perry Crowl and Ms. Victoria Wright-Conner. **Staff in attendance:** Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorney General Cynthia Spirt.

Call to Order: Dr. Hendler called the meeting to order at 2:19 p.m.

Approval of the Minutes: In a motion by Dr. Stott, seconded by Dr. Crowl, the minutes of the March 23, 2017, meeting were approved as presented. The motion passed unanimously.

Dr. Stott made a motion to adjourn the meeting to move into an administrative closed session pursuant to the applicable provisions of the General Provisions Article. The motion was seconded by Ms. Wright-Conner. The motion passed unanimously.

Status Report on Cases Before Team B

Docket No. 16-62

Docket No. 16-61

Docket No. 17-01

Docket No. 16-67

Docket No. 17-02

Docket No. 17-10

In a motion by Dr. Crowl, seconded by Dr. Stott, the meeting was adjourned.