

Maryland State Board of Veterinary Medical Examiners

August 22, 2019

Maryland Department of Agriculture – 50 Harry S Truman Parkway, Annapolis

Joint Meeting

Board Members: Dr. Elizabeth Callahan, President; Dr. Heather Hendler, Vice President; Dr. Christine Calvert, Ms. Lynne Chaput, Dr. Karena Joung, Dr. Peter Radue, and Ms. Victoria Wright-Conner. Staff present: Executive Director Vanessa Orlando, Assistant Director Susan Husk, Inspectors Pegeen Morgan and Ellen James, Administrative Specialist Britney Branch, and Assistant Attorneys General Cynthia Spirt, Tom Filbert and Justin Hays. Guests: Cristen Flynn and Patrick Tracy, Department of Legislative Services

Dr. Callahan called the meeting to order at 10:15 a.m.

Introduction of Dr. Christine Calvert. Dr. Calvert, the medical director of VCA Calvert Veterinary Center in Pasadena, was newly appointed to the Board by Governor Hogan. This was her first meeting.

Sunset Review Update. Cristen Flynn and Patrick Tracy with the Department of Legislative Services are conducting the Board's Sunset Review. Both sat in on the open and closed Board meeting as part of their full evaluation of the Board. Ms. Flynn reported that the Board could expect an exposure draft in November, with the full evaluation to be presented to General Assembly committees in January.

Approval of the Minutes. In a motion by Ms. Chaput, seconded by Dr. Joung, the Board unanimously approved the minutes of the June 27, 2019 Joint Board Meetings as presented.

Veterinary License Applications Approval

In a motion by Dr. Joung, seconded by Ms. Wright-Conner, the Board voted to approve veterinary license applications for Drs. Aybar, Berliner, Butler, Dobbin, Ehr, Flanagan, French, Gutman, Jarrett, Malik, Pawlusio, Pike, Reese and Tarbell. In a motion by Ms. Chaput, seconded by Dr. Calvert, the Board voted unanimous to ratify the veterinary license application approvals for Drs. Archibald, Lamparter, Payne and Rexo.

Sanitation Reports. Inspectors Peggy Morgan and Ellen James reported on the hospital inspections they have completed since the last meeting. In a motion by Dr. Joung, seconded by Dr. Hendler, the Board voted unanimously to accept the reports as presented.

The Board broke for lunch at 11:48 a.m. and reconvened at 12:11 p.m. During the lunch break, Ms. Wright-Conner announced that she was resigning from the Board and this would be her last meeting. She has a new job that will not allow her to take off for meetings. The Board wished her well.

PAWS Request – Chemical Immobilization Training Approval. The Professional Animal Workers of Maryland (PAWS) asked the Board to approve a Chemical Immobilization Training Course as required by regulation. After reviewing the materials, the Board asked the staff to obtain answers to the following:

- What drugs are they using in the dart gun?
- Will the darts be used for large animals or small animals?
- Is the instructor mentioned in the materials the only instructor?

Staff will report back at the next meeting

Recommendation – Expert Reviews

Ms. Orlando provided the Board with a memo, recommending that cases being sent out for expert review no longer be redacted but instead be covered by a confidentiality agreement with the expert hired. The Board agreed to try it going forward.

Regulation Draft for Stakeholder Review

Ms. Orlando provided some preliminary edits to Chapter 1 of COMAR 15.14.01 and asked for approval to share those with stakeholder to gage their reaction and generate their feedback before preparing final drafts. In a motion by Dr. Callahan, seconded by Dr. Joung, the Board voted unanimously to share the draft regulation changes with stakeholders for their input.

Cease and Desist Legislation. Ms. Orlando reported that she met with the Secretary, Deputy Secretary and other senior staffers the day before to discuss possible Cease and Desist legislation.

USP 800 Revisited.

Ms. Orlando reported that she has been asked several times whether the Board would be enforcing USP 800. Unclear whether this is a state or federal regulation and whether the Board had any responsibility in the matter, she asked Ms. Spirt to determine whether the Board had any legal responsibility or obligation to enforce it. When she concludes her research, Ms. Spirt will develop standard language the Board could use when addressing the question.

Attorney General's Office - Task Force on CBD Products

Ms. Spirt and Mr. Filbert reported that the Attorney General's Office has established a task force made up of Assistant Attorneys General from various agencies and programs to review current law and develop consistent legal advice on the sale, use and prescribing of CBD oil and other hemp- and cannabis-based products. There has been no consensus as of yet.

Board members generally agreed, however, that, legality aside, veterinarians should be aware that FDA has not approved any hemp or CBD products for animal use and due to very limited studies and a lack of regulation, the products carry health risks for animals due to the often unknown or unproven amount of THC and other ingredients which may be toxic to animals.

Consent/Estimate Regulation – Question

Ms. Spirt asked for the Board to clarify how veterinarians can comply with COMAR 15.14.01.10-1 – *Client Consent for Companion Animals and Hospitalized Animals* when the treatment changes during a procedure and after a written consent/estimate has been provided and signed. Board members agreed that if something unexpected and unplanned happened, it should be treated as an emergency situation in which the veterinarian should receive verbal approval from the client, preferably with other staff members present, and to document it in the record.

AAVSB Resolutions

The American Association of Veterinary State Boards have provided a resolution to member Board that will be voted on during the September meeting. The resolution, if approved, would ask State Boards to “strive” to provide specific disciplinary information to AAVSB’s national database. Ms. Orlando noted that she currently reports all public disciplinary actions to AAVSB but other Boards do not report. The resolution is aimed at them. In a motion by Dr. Calvert, seconded by Dr. Joung, the Board voted to vote in favor of the resolution at the 2019 AAVSB Conference.

Board Visits by Veterinarians

Ms. Spirt reported that a few veterinarians who have been charged recently have asked to appear before the Board, not to challenge the charges but to explain what happened and to show what they are doing to address the deficiencies noted. Ms. Orlando asked if the Board wanted her to schedule those appearances. Dr. Callahan noted that the Board exists for veterinarians and if they want to seek advice from the Board, they may do so but they will be limited to 10 minutes.

Meeting Schedule for Remainder of 2019

The Board is scheduled to meet on the fourth Thursday of every month but with various scheduling conflicts and upcoming holidays the Board decided to reschedule the next three meetings as follows: The September meeting is cancelled. The next meetings will be on October 3, November 7 and December 12.

In a motion by Dr. Callahan, seconded by Ms. Chaput, the Board voted unanimously to adjourn the meeting to move into an administrative closed session to perform administrative functions, pursuant to § 3-103 of the General Provisions Article.

Closed Meeting

During the closed session, administrative functions were performed, including discussions of complaints and disciplinary matters before the Board.

Dr. Callahan adjourned the meeting at 2:17 p.m.