

Minutes of the Meeting of the
Maryland State Board of Veterinary Medical Examiners
August 24, 2017

Maryland Department of Agriculture, 50 Harry S Truman Parkway, Room 114, Annapolis, MD 21401

Minutes of Team A Meeting

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

Dr. Handel called meeting to order at 9:02 a.m.

Approval of the Minutes: In a motion by Dr. Callahan, seconded by Ms. Chaput, the minutes of the July 27, 2017 meeting were unanimously approved, with a correction on page 8 to the mislabeled Team A minutes.

In a motion by Dr. Handel, seconded by Ms. Chaput, the team voted unanimously to adjourn the meeting to move into an administrative closed session pursuant to the applicable provisions of the General Provisions Article.

Closed Session

There was an administrative discussion of complaints, investigations and pending matters before the Board.

In a motion by Dr. Handel, seconded by Ms. Chaput, the meeting of Team A was adjourned at 9:45 a.m.

Minutes of the Meeting of the
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Maryland Department of Agriculture, 50 Harry S Truman Parkway, Room 114, Annapolis, MD 21401

Joint Open Meeting

Board Members Present: Board President David Handel, Dr. Elizabeth Callahan, Ms. Lynne Chaput, Dr. Perry Crowl, Dr. John Stott, and Ms. Victoria Wright-Conner. **Staff in attendance:** Executive Director Vanessa Orlando, Assistant Attorney General Cynthia Spirt, Investigator Susan Husk, and Inspectors Pegeen Morgan and Ellen James. Board Vice President Dr. Heather Hendler arrived at 10:06 a.m., just after the meeting was called to order.

Dr. Handel called the meeting to order at 10:05 a.m.

Approval of the Minutes: In a motion by Dr. Callahan, seconded by Ms. Chaput, the minutes of the July 27, 2017 meeting were unanimously approved, with a correction on page 8 to the mislabeled Team A minutes.

In a motion by Dr. Callahan, seconded by Ms. Wright-Conner, the meeting was closed to the public pursuant to General Provisions Article, §§ 3-305(b)(7) &(13), Maryland Annotated Code, and to obtain advice of legal counsel and to comply with a specific statutory requirement that prevents disclosure. The Board voted unanimously to close the meeting. The closed meeting began at 10:07 a.m.

Under the General Provisions Article, § 4-329, any part of a public record that contains medical or psychological information about a person may not be disclosed. The closed session discussion involved a request for advice of counsel and discussion of confidential medical or psychological information related to one or more applicants for licensure.

Summary of Closed Session: The Board received legal advice and voted unanimously to grant licensure to one or more applicants subject to confidential terms and conditions authorized by law.

The closed session ended at 10:49 a.m.

Joint Open Meeting (continued)

The joint open meeting resumed at 10:49 a.m. The same Board members and staff were in attendance.

License Applications

Prior to the meeting, the license applications of the veterinarians identified in the agenda had been made available to the Board.

In a motion by Dr. Hendler, seconded by Dr. Stott, the Board voted to approve licensing applications for Dr. Abramowicz, Dr. DeAnna, Dr. LaDouceur, Dr. Gorham, Dr. Graves, Dr. Midla, Dr. Pollard, Dr. Russau, Dr. Scott, Dr. Stern, and the reinstatement application for Dr. Hsieh

Sanitation Reports

Inspectors Morgan, James and Husk reported on the inspections of veterinary hospitals that they have conducted since the July meeting. In a motion by Dr. Callahan, seconded by Dr. Stott, the Board voted unanimously to accept the reports.

Update on Legislation and Regulations

Ms. Orlando reported that two regulations the Board approved earlier in the year will be part of the Governor's Regulatory Reform Package. Finally, regulations for two bills passed during the 2017 Legislative Session are being drafted now and a semi-final version of both will be provided at the September meeting.

Continuing Education Audit

Staff had hoped to have the Continuing Education Audit underway but there were I.T. Department issues that delayed running the letters. Letters are expected to go out in the next week or so. Most Board members also brought their audit paperwork in during this meeting.

Discussion on Parameters for Board-Initiated Investigations

The Board discussed circumstances under which a social media post might lead to a Board investigation. The Board discussed whether it should ever initiate an investigation without a formal complaint. The Board agreed that its general policy would be to investigate only matters in which a formal complaint has been lodged. Under exceptional circumstances, the Board will consider all others on a case-by-case basis, and may initiate an investigation if the allegation is particularly egregious.

Howard County Invitation to Bid – Concerns

Ms. Spirt informed the Board of a concern brought by a veterinarian about Howard County's Invitation to Bid for Veterinary Services at its animal control facility. The bid included the following provision:

11.13 Animal Control may utilize the contracted veterinarian's license to purchase pharmaceuticals for shelter use only. All purchased pharmaceuticals are approved by the contracted veterinarian for use within the shelter.

After some discussion, Board members concluded that this section seemingly allows the shelter to use the veterinarian's DEA permit to order controlled dangerous substances and other drugs. Board members agreed

that under the Veterinary Practice Act, the veterinarian is responsible for purchases made on his/her permit; therefore, it is not a good idea to let a facility use it, especially if the veterinarian is not there full time. The Board asked Ms. Spirt to contact Howard County and ask them informally to strike this from the contract.

Docket 18-13 – Writing & Charging for Prescriptions

Ms. Husk discussed a complaint about a veterinarian who, at first, refused to provide a written prescription to a client who wanted to fill it elsewhere. Ms. Husk notified the veterinarian that she had to provide the prescription but could charge the client a reasonable fee. The veterinarian wanted to know if \$15 to \$20 was a reasonable fee. After some discussion, the Board agreed there was no definition of “reasonable fee” and that the veterinarian could charge whatever price she believed to be reasonable. If the price was too high, she would likely lose the client or, at least, a lot of good will.

Miscellaneous

AAVSB Conference. Ms. Orlando noted that the annual meeting of the American Association of Veterinary State Boards would be held in September in San Antonio. Ms. Chaput and Ms. Spirt will be attending this year to represent Maryland.

Case Logs. Ms. Orlando noted that she will now be providing the Board with case logs every month that show the final disposition of all cases during the last three years, the current status of cases pending before the Board, and the current status of veterinarians on probation or with current disciplinary requirements.

In a motion by Dr. Scott, seconded by Ms. Chaput, the Board voted at 11:53 a.m. to break for lunch. The motion was unanimously approved.

Lunch break was from 11:53 a.m. to 12:30 p.m.

At approximately 12:30 p.m., the meeting resumed in open session. Dr. Handel made a motion, seconded by Dr. Callahan, to adjourn the meeting to move into an administrative closed session pursuant to the applicable provisions of the General Provisions Article. The motion passed unanimously.

Joint Meeting – Closed Session Minutes

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

Reports and Discussions on Cases

There was an administrative discussion of complaints, investigations and pending matters before the Board.

Other License Renewals

Ms. Orlando reported that staff has contacted or attempted to contact all veterinarians who were licensed and practicing in Maryland during FY 2017 but did not renew in FY 2018. Most of them either renewed, notified the Board that they were leaving the state, or were no longer practicing in Maryland. Some 12 veterinarians could not be reached. There is no indication that these 12 are (or were) practicing in Maryland after July 1, 2017. The Board agreed to conclude these remaining veterinarians were not practicing in the state and to proceed no further.

Probation Update

Ms. Orlando reported on the status of veterinarians enrolled in the Maryland Healthcare Professionals Program.

In a motion by Dr. Handel, seconded by Dr. Callahan, the Board voted to adjourn the closed meeting at 12:49 p.m.

Maryland State Board of Veterinary Medical Examiners
August 24, 2017

Minutes of Team B Meeting

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

Dr. Hendler called the meeting to order 12:50 p.m.

Approval of the Minutes: In a motion by Dr. Callahan, seconded by Ms. Chaput, the minutes of the July 27, 2017 meeting were unanimously approved, with a correction on page 8 to the mislabeled Team A minutes.

Following a motion by Dr. Stott, seconded by Dr. Crowl, Team B voted unanimously to adjourn the meeting to move into an administrative closed session pursuant to the applicable provisions of the General Provisions Article.

Closed Session

Reports and Discussions on Cases Before Team B

There was an administrative discussion of complaints, investigations and pending matters before the Board.

Dr. Hendler said she would not be able to attend the September meeting. Dr. Crowl agreed to run the meeting in her absence.

In a motion by Dr. Stott, seconded by Ms. Wright-Conner, the team unanimously voted to adjourn the meeting. The meeting was adjourned at 2:29 p.m.