

**Maryland State Board of Veterinary Medical Examiners**

***Minutes of December 15, 2016 Meeting of Team A***

**Call to Order:** The meeting of Team A was called to order by Dr. David Handel at 9:00 a.m. The other Board member in attendance was: Ms. Lynne Chaput. Board member absent was: Dr. Elizabeth Callahan. Staff in attendance: Executive Director Karen Kirksey, Deputy Director Vanessa Orlando, Investigator Susan Husk, Inspector Pegeen Morgan, Inspector Ellen James, and Assistant Attorney General Judy Plymyer.

**Approval of minutes:** In a motion by Ms. Chaput, seconded by Dr. Handel, the minutes of the November 17, 2016 meeting were approved, as presented.

In a motion by Ms. Chaput, seconded by Dr. Handel, the meeting was closed to the public.

**Closed Session**

**Status reports on cases before Team A:**

Docket No. 16-25  
Docket No. 16-68  
Docket No. 16-17  
Docket No. 16-08  
Docket No. 16-60  
Docket No. 16-70  
Docket No. 16-32  
Docket No. 16-63

**Maryland State Board of Veterinary Medical Examiners**

**Minutes of December 15, 2016**

**JOINT OPEN MEETING**

**Board member in attendance:** Ms. Lynne Chaput, Dr. Perry S. Crowl, Dr. David Handel, Dr. Heather Hendler, 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, Inspector Ellen James, Inspector Pegeen Morgan, and Assistant Attorney General Judith Plymyer.

**Call to Order:** Dr. Handel called the meeting to order at 10:15 a.m.

**Approval of Minutes:** In a motion by Dr. Stott and seconded by Ms. Chaput, the minutes of the November 17, 2016 meeting were approved as presented.

**General Discussion of Electronic Format – issues, suggestions, changes, etc.**

This meeting is the first time Board members received materials on state-issued Ipads, with paper backups. Most Board members expressed general approval of the use of Ipads over paper for receiving these materials. Dr. Hendler expressed frustration about having to scroll through a large document rather than jumping to a specific page number or being able to bookmark a page. Staff will look into making that possible. The January meeting will be largely paperless.

Dr. Stott asked why it took more than a year for some cases to come to the Board. A discussion ensued about staff resources, both in the past and going forward. Some long-time vacancies put many tasks and cases behind; however, staff said they would discuss how to reassign some tasks to free up investigation time and, perhaps, consider reclassifying current positions so that some staff members could take on additional responsibilities. The inspectors will also help develop possible strategies for minimizing re-inspections and follow ups.

Dr. Handel noted that cases being investigated now are being done much more thoroughly than in the past and providing the Board with necessary information. The Board's goal is to be as thorough and as efficient as possible, in that order.

### **Sanitation Reports**

Susan Husk, Ellen James and Pegeen Morgan all reported on the inspections of veterinary hospitals that they conducted since the November meeting.

In a motion by Dr. Stott and seconded by Ms. Wright-Conner, all Sanitation Reports were accepted as presented.

### **Presentation: Conflict Resolution Service, Kay Megan Washington, Program Administrator**

Ms. Washington explained that the Conflict Resolution Service is a free, voluntary, mediation program that could help resolve disputes between veterinarians and clients. The program has traditionally worked with producers and agricultural-based conflicts, however, the agency wants to reach out and include more than just those having issues with USDA. The goal is to keep disputes out of the courts and find an equitable solution for all parties involved. The program has 20 trained mediators on the roster – some are attorneys, some are not. The service gives the people who are involved with the dispute a chance to develop solutions that work for them, which may not happen when a dispute is litigated. As a grant funded program, its services are free unless a dispute takes more than two 2-hour sessions. Ms. Washington said the program might be able to help veterinarians with disputes over an invoice or otherwise challenging clients. The Board could also refer veterinarians and their clients to the program if the Board's final decision in a case leaves one or both unhappy. Board members agreed that it was a good resource and will consider referring both veterinarians and complainants to the program.

### **Veterinary License Approval**

In a motion by Dr. Stott, seconded by Dr. Crowl, veterinary licensees were approved for Drs. Michael Knoeckel, Monica Louise Martin and Lindsey McKelvie.

### **Reinstatement of Veterinary License**

The Board considered an application for license reinstatement by Dr. Lori Prantil. In a motion from Dr. Crowl, and seconded by Dr. Stott, the Board voted to request that Dr. Prantil's supervisor at her residency program write a letter to the Board, confirming that Dr. Prantil has completed a total of 54 hours of lectures and courses to meet the requirements of the reinstatement.

### **Update on In-State Veterinarian Non-Renewals for FY 2017**

Ms. Husk reported that there are about 30 in-state veterinarians who have not registered their license for FY 2017. Some have moved out of the state. Staff will also go through the list of those who renewed after August 30, 2016 and determined what days they actually renewed and if they were or are actually practicing.

### **Review of Edits to Veterinary License Application**

The Board reviewed and made further edits to the Veterinary License application. Additional edits will be done and provided to the Board for further review at the next meeting.

### **NC Dental Work Group Update**

Ms. Plymyer reported the NC Dental Workgroup has completed its charge from the General Assembly. She reported that the human health boards do not want the decisions reviewed by their Secretary so they opted to send their cases to the Office of Administrative Hearings. The Maryland Department of Agriculture, the Maryland Department of the Environment, and the Maryland Department of Labor, Licensing and Regulation will have their own Secretaries review any anti-competitive actions for relevant complaints.

### **Follow up from Animal Advocate Presentation**

Ms. Orlando shared an email from the animal welfare organizations that attended the last Board meeting to discuss how the Board wants to handle its involvement in possible training or cruelty investigations. She also noted the Department of Agriculture's legislative staff is monitoring draft legislation that may be introduced this Legislative Session. The board agreed that staff should keep in touch with the organizations and keep them informed of plans and training sessions being developed as they relate to identifying cruelty cases.

### **State Veterinarian**

Dr. Michael Radebaugh stopped in the meeting to introduce himself to the Board. Dr. Handel invited him to come to the next meeting to talk about the State's Animal Health Laboratory System and what plans are on the horizon. Dr. Radebaugh said he would be happy to do so.

### **Request to Waive Online CE Credit Limit**

The Board reviewed a request from Dr. Sharon Thomas who asked that she be able to meet her CE requirements with online credits. Board members noted that the regulations allow only six to be used for CE requirements and rejected her request. Dr. Handel agreed to write her a letter.

### **Online CE Requirements**

Currently, only 6 of the required 18 CE requirements that veterinarians must have every year can be done online. The Board discussed whether the regulations should be changed to allow more CE hours to be done online. The Board discussed several permutations on how the hours could be divided up.

In a motion by Dr. Handel, seconded by Dr. Stott, the Board voted to begin drafting regulation changes that would allow veterinarians to complete 9 hours of their annual continuing education requirements with online courses while the other 9 would be required to be completed at on-site meetings.

Board members also clarified that on-site courses include those in which the presenters are at a remote location but the viewing location is done in a classroom setting with other professionals in attendance.

### **Discussion of Meeting Dates**

After a brief discussion the Board decided not to change its January meeting as one Board member requested. For 2017, all monthly meetings will stay on the calendar for the 4<sup>th</sup> Thursday of the month, though the August meeting and others around the holidays may be cancelled or moved up, as the situation warrants. If any meeting is cancelled, however, Board members will continue to review licensure applications for approval that month.

### **Discussion Questions:**

Three questions were submitted by email from a veterinarian to Ms. Kirksey for discussion.

**Question #1:** If a veterinarian prescribes a medication for a patient who has entered into a veterinarian-client-patient relationship that is intended for **chronic intermittent or continual use**, is there a **time limit** for which the patient **must** be physically re-examined in order to continue to prescribe the medication?

After discussion, the Board agreed that the regulations need to be more specific.

In a motion by Dr. Handel, seconded by Dr. Stott, the Board voted to begin drafting regulatory changes to require veterinarians to see a patient at a minimum of once a year in order to continue prescribing medications for a chronic condition.

**Question #2:** If a veterinarian from a different hospital prescribes a medication for a patient who has previously entered into a veterinarian-client-patient relationship at the first hospital, is the first hospital's veterinarian legally

allowed to fill or refill that prescription, if approved by that veterinarian, and is the second different hospital required by law to send a written prescription as they would to a pharmacy?

In a discussion, the board stated that a veterinarian cannot provide a prescription to a patient he/she has not examined unless another veterinarian at the same practice has recently examined the patient. See COMAR 15.14.01.12-1 Prescriptions.

**Question #3:** A veterinarian may supply a veterinarian at a different hospital with a prescription drug to alleviate a shortage or supply a need, even if not entered into a veterinarian-client-patient relationship. That is found in the paragraph F, section .12-1 under Prescriptions. Is the veterinarian allowed or more importantly required to provide REFILLS of that prescription drug if that is the order or intention of the veterinarian at the different hospital? Is the veterinarian from the different hospital required to send a written prescription as they would to a pharmacy?

After a lengthy discussion the board stated that a veterinarian is never *required* to fill a prescription. Additionally, if a veterinarian is supplying a veterinarian at another hospital with medication to alleviate a shortage, they should supply the medication directly to the other hospital and not directly to the other hospital's client as they do not have a valid veterinarian-client-patient relationship with the other hospital's client.

There was some question and confusion about whether a veterinarian can call a prescription in to an out-of-state pharmacy if their client is out of state and forgets or runs out of medication. Ms. Husk agreed to research this.

### **Request for Approval of Continuing Education Credits**

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

A request was submitted by Ashleigh Whyte on behalf of the Chi Institute of Chinese Medicine in Reddick, Florida for approval of CE credits for courses in TCVM Diagnostics, Classical Acupoints and Advanced Acupuncture Techniques. The courses were approved as shown below.

#### **Small Animal**

Spring Online: January 1 – March 30, 2017 – 10 CE hours

Spring Onsite: January 26-28, 2017 – 20 hours

Fall Online: August 1 – October 31, 2017 – 10 hours

Fall On-Site: September 14-16, 2017 – 20 hours

#### **Equine**

Online: January 1 – March 30, 2017 – 10 CE hours

Onsite: January 19-21, 2017 – 20 CE hours

A request was submitted by Karin Betz, Territory Business Manager for Zoetis in Florham Park, NJ for continuing education credits for presentations on Atopic Dermatitis by Nick Mathias. The following courses were approved for 1.5 clinical CE hours:

- January 5, 2017 in Frederick
- January 17, 2017 in Gaithersburg
- February 8, 2017 in Gaithersburg
- February 21, 2017 in Frederick

A request was submitted by Jan Ginsky on behalf of Merial for a December 2, 2016 program, titled: "Canine Osteoarthritis: A Practical Approach to Assessment and Management." The request was approved for 2 CE hours.

A request was submitted by Mary Yonemura on behalf of VCA in Gaithersburg for 3 CE hours for the 2017 Winter Continuing Education Seminar, to be held January 29, 2017.

A request was made by Melissa Hersh on behalf of Zoetis for 2 CE hours for a parasiticides talk on Tuesday, March 28, at Roy's Hawaiian Grill in Baltimore.

A request was made by Dr. Philip Palmer on behalf of the Western Maryland Veterinary Medical Association for 1 CE hour for the WMVMA Winter Meeting on Wednesday, January 18, 2017 at Dutch's Daughter Restaurant in Frederick.

A request was made by Dana Robert on behalf of Zoetis for 2 CE hours for a session titled, "Current Concepts in Parasite Treatment and Control," to be held February 2, 2017 at Boordy Vineyards.

A request was made by Dana Robert on behalf of Zoetis for 2 CE hours for an Immunology Dinner to be held February 28, 2017 at Food Market in Baltimore.

In a motion by Dr. Crowl, seconded by Dr. Stott, the Board voted to close the meeting.

### **Joint Closed Session**

Docket Updates and the Maryland Physician Health Program

Discussion of Fasig Tipton Midlantic 2016 Fall Yearling Sale

Update on Non-Veterinarian Chiropractors

Sanitation Inspections of Concern

## **Maryland State Board of Veterinary Medical Examiners**

### ***Minutes of December 15, 2016 Meeting of Team B***

**The meeting of Team A was called to order by** Dr. Heather Hendler. Other Board members in attendance were: Dr. John Stott and Dr. Perry Crowl. Staff in attendance: Karen Kirksey, Vanessa Orlando, Susan Husk, Pegeen Morgan, Ellen James, Judy Plymyer.

### **Approval of Minutes:**

In a motion by Dr. Stott, seconded by Dr. Crowl, the minutes of the November 17, 2016 meeting were approved, as presented.

### **Closed Meeting**

#### **Status reports on cases before Team B:**

Docket No. 16-15

Docket No. 16-33

Docket No. 16-39

Docket No. 16-41

Docket No. 16-42

Docket No. 16-37

Docket No. 13-73

Docket No. 16-29

Docket No. 16-43  
Docket No. 17-13

The meeting adjourned at 3 p.m.