

Maryland State Board of Veterinary Medical Examiners

*Minutes of the February 23, 2017 Meeting of Team A
Maryland Department of Agriculture, Annapolis, Maryland*

Call to Order: The meeting of Team A was called to order at 9:06 a.m. by Board President Dr. David Handel. Board members in attendance: Dr. Elizabeth Callahan and Lynne Chaput. Staff in attendance: Executive Director Vanessa Orlando, Investigator Susan Husk, Inspectors Pegeen Morgan and Ellen James, and Assistant Attorney General Cynthia Spirt.

Approval of Minutes: In a motion by Ms. Chaput, seconded by Dr. Handel, the minutes of the January 26, 2017, meeting were approved, with a correction to the spelling of Dr. Handel's name on page 7. The motion passed unanimously.

Dr. Handel asked for 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 made by Dr. Callahan and seconded by Ms. Chaput. The motion passed unanimously.

CLOSED MEETING

Status Reports on Cases Pending Before Team A:

Docket No. 16-65

Docket No. 17-23

Docket No. 16-25

Docket No. 16-28

Docket No. 16-63

Docket No. 16-27

Docket No. 17-07

In a motion by Dr. Handel, seconded by Ms. Chaput, the Team A meeting was adjourned at 10:08 a.m.

Maryland State Board of Veterinary Medical Examiners

*Minutes of the February 23, 2017 Full Board Meeting
Maryland Department of Agriculture, Annapolis, Maryland*

Board members in attendance: Board President Dr. David Handel, Board 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. **Guests in attendance:** State Veterinarian Dr. Michael Radebaugh and Assistant State Veterinarian Dr. Nancy Jo Chapman.

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

Presentation by the State Veterinarian on Animal Health Diagnostic Laboratories and Necropsies

Drs. Radebaugh and Chapman were invited to talk to the Board about creating a necropsy lab or some other avenue for having small animal necropsies performed. Dr. Radebaugh distributed information with the history of Maryland's animal health labs and their statutory authority for dealing with poultry and livestock. The labs, he noted, do not have authority for handling companion pets and the statute would have to be changed to allow the labs to do necropsies and to charge for them. This would be a difficult task to accomplish. Dr. Radebaugh said he began looking at alternatives. Dr. Radebaugh reported that he has had conversations with the University of Maryland at College Park about creating a comparative pathology lab where students studying Animal Sciences would rotate in to perform necropsies. The college used to have a lab and has that space available. He suggested that working with

the university would be the best way to “get the ball rolling” and would be much easier than going through a statutory process that would take much longer and require funding for a full-time pathologist. He also pointed out that the department’s Animal Health Program used to have 90 employees but now has only 30. New funding was unlikely. Dr. Radebaugh also updated that Board about a full service lab being built in Salisbury, which is scheduled to open in 2019. It will service livestock and poultry, but not small animals.

Dr. Chapman asked if a new necropsy lab is needed to gather evidence for legal cases or for general information. Board members stated that they believed a necropsy lab would be most valuable to pet owners and would most likely be used by people whose pets die unexpectedly. Owners have a great need to find out what happened when a pet dies for unknown reasons. Dr. Chapman said there is a real interest and willingness at the university to do necropsies as part of a pathology program for students. Dr. Stott noted that horse owners, especially owners of expensive horses, are required to have a necropsy performed by a third person for insurance reasons. Currently, in order to have a necropsy performed, horse owners have to transport dead horses to the laboratory in Frederick, often over the Bay Bridge, or out of state to New Bolton Center or Virginia Tech. The time and distance it takes to ship horses for necropsies make it prohibitive for most horse owners.

Drs. Radebaugh and Chapman suggested the Board write a letter of interest to the university. They agreed to provide information to the Board staff to draft a letter for Board review and to share with the Maryland Veterinary Medical Association (MVMA). Dr. Crowl also agreed to contact MVMA to propose that MVMA write a letter in support of a necropsy lab, with a Board Certified Pathologist, being created at University of Maryland College Park Campus.

Open Meetings Act Compliance Board Complaint

Ms. Orlando reported that the Compliance Board has received a formal complaint against the State Board of Veterinary Medical Examiners, alleging noncompliance with the Open Meetings Act. A response is due back to the Compliance Board by March 18. She and Ms. Spirt are working on a response. Ms. Spirt said she would send a link to an online training course about the Open Meeting Act to all Board members and recommended they take it if they have not already or are interested in refreshing their understanding.

Approval of the Minutes:

In a motion by Dr. Stott, seconded by Dr. Hendler, the minutes of the January 26, 2017 meeting were approved, with a correction to the spelling of Dr. Handel’s name on page 7. The motion passed unanimously.

Sanitation Reports

Mses. Morgan, James and Husk all reported on the inspections of veterinary hospitals that they have conducted since the January 2017 meeting.

Update on Meeting with MedChi

Dr. Handel and several staff members met with MedChi officials last week to discuss how we can best work with the Maryland Health Care Professionals Program and to help those veterinarians who have substance abuse issues. During the discussion, it was agreed that Board inspectors should be looking more closely at drug logs and that the inspection sheets should be updated. Investigator Husk reported that the Department of Health and Mental Hygiene is supposed to inspect veterinary hospitals but only does so when a complaint is received. Staff will meet before the next Board meeting to develop recommendations on how those inspections can be updated. Dr. Handel stated that there have been cases that came to our attention that we may have been able to catch earlier if the Board inspectors had reviewed the CDS logs more closely. Dr. Handel also stated that he would try to have MedChi do a presentation at a MVMA meeting to publicize the self-referral program available to veterinarians with substance abuse, mental health and behavioral issues so they know they can get help without notifying the Board.

Staff Updates

Ms. Orlando reported that the Board has received 34 complaints so far this year, compared to 44 received this time last year. There are 31 cases still being investigated from this and past years. In an attempt to get better caught up, the 80 inspections usually assigned to Investigator Husk have been reassigned to Inspector Morgan, who is well

caught up with her inspections. A temporary administrator will be brought in starting the week of February 27, 2017 through the rest of the fiscal year to help Ms. Husk with needed administrative support and to help the office staff with annual license renewals. In addition, Inspector James is interested in taking on some investigations and will work with Ms. Husk to investigate a case or two. Also, Office Secretary Tonya Kendrick is taking over all the licensing paperwork in the office. In addition, Ms. Orlando will be meeting with the Deputy CIO for the state before the next Board meeting to determine how long and how much money it would take to get more services put online, which would reduce administrative needs significantly.

Legislative Updates

Ms. Orlando summarized some of the bills that have been introduced during the current Legislative Session that may impact the Board.

HB 626 – Agriculture - Animal Shelters – Protocol Implementation and Enforcement. This bill is a follow up from last year in which local animal control facilities and those that receive funding from the state’s Spay and Neuter Program (some 29 facilities) were required to develop minimal standards of care and veterinary protocols. That bill had no enforcement mechanism. HB 626, as introduced, would have required the Department of Agriculture (i.e., the State Veterinary Board) to enforce 29 different plans. Staff worked with the sponsors to amend the bill to allow the Board to promulgate regulations that would set minimum standards that apply to all facilities and inspect as needed. Testimony supporting the amended bill was submitted.

HB 1463 – Veterinary Practitioners – Animal Cruelty and Animal Fighting – Reporting. After discussing the issue, Board members concluded that: (1) the Board believes it already has the authority to sanction veterinarians who do not report cases of abuse that they know about; (2) animal cruelty is a crime and the board could not sanction a veterinarian unless a criminal complaint proved wrongdoing; and (3) veterinarians are not well trained in identifying abuse and cruelty and cannot be expected to know the cause of every injury or condition.

HB 216 Emergency Veterinary Care – Immunity From Liability. The bill allows first responders and other emergency personnel to treat animals during an emergency without running afoul of the Veterinary Practice Act. Testimony supporting the bill, as clarified to include only emergency and trained medical personnel acting in an emergency situation, was submitted.

Definition of “nonfarm animal.” The Board has never defined “nonfarm animal” in its regulations as referenced in Section 2-313(b)- Prohibited Acts of the Veterinary Practice Act, which pertains to the use of compounded preparations. Ms. Spirt will research various definitions and how they would impact this section of the Act and report back to the Board at a subsequent meeting.

Drug Monitoring Legislation. Dr. Handel and Ms. Orlando were invited to meet with Sen. Katherine Klausmeier (Baltimore County), Delegate Erik L. Barron (Prince George’s County), MVMA representatives and several others to discuss whether veterinarians should be included in prescription drug monitoring reporting. Currently, veterinarians have to register but not report. The elected officials indicated they wanted to propose some kind of legislation that would require veterinarians to report but did not have a clear idea how to proceed. After a general discussion of how veterinary practices handle, prescribe and dispense controlled substances, the Senator indicated a smaller group would study other state programs and present ideas to the larger group. To date, that larger group has not been contacted. The issue will likely go to Summer Study. Dr. Handel reiterated that it was important for the Board to be at the table and part of the discussion. Dr. Callahan noted that she has had a very difficult time registering on the website. Staff will follow up.

General Discussion

Board Communications: Dr. Handel asked Board members to check their email regularly to make sure they have an opportunity to weigh in on issues that have to be addressed quickly, especially during the Legislative Session when the Board often has to respond within days. The staff has also been sending out veterinary license applications which Board members can vote on by email; however, if someone has an issue with any applicant, it would be held for discussion. Therefore, it is important everyone vote or comment promptly.

Dental Extractions by Veterinary Technicians: Dr. Crowl asked for clarification on behalf of a colleague who wondered whether veterinary technicians are allowed to use an elevator to extract loose teeth. The Board decided it was up to the supervising veterinarian to decide if a particular veterinary technician is skilled enough to wield a dental elevator since the veterinarian is ultimately responsible for the outcome. Dr. Handel explained that a dental elevator is an instrument, when used in gentle rocking motions, stretches the ligaments which anchor the teeth until the teeth are loose enough to come out. However, if someone uses a dental elevator too aggressively, they can break a patient's tooth or jaw or rip the gum.

Veterinary License Application

- In a motion by Dr. Hendler, seconded by Dr. Stott, the veterinary license applications for Dr. Jennifer Lane and Dr. Eric Willingham were approved.
- In a motion by Dr. Hendler, seconded by Dr. Crowl, the veterinary license application for Dr. Daniel Caferelli was approved.
- Veterinary license applications were approved during the last month by email for Dr. Emily Lantzsch, Dr. Elizabeth Venit, Dr. Jennifer Smith, Dr. Cynthia Robertson and Dr. Deborah L'heureux.
- A veterinary license reinstatement application was approved during the last month by email for Dr. Brenda Austin.

In State Non-Renewals: Ms. Husk is still tracking down the last few veterinarians and veterinary hospitals to determine why they did not renew and whether they have been practicing in FY 2017 without a valid registration.

Complaint Against Vendor Selling Prescription Dog/Cat Food: The Board staff received a phone call from a veterinary office, complaining about a pet food company filling orders for "prescription" food without a prescription. Board members agreed that, while some food is not appropriate for certain pets as a maintenance diet, there is no legal requirement for an owner to obtain a prescription to purchase "prescription" pet food. While some businesses may require their customers to have "veterinary approval" before purchasing a particular pet food, that is not the same as a legal requirement for a veterinary prescription.

Online License Application and Renewal Process for FY 2018: Ms. Orlando asked the Board if the online renewal application could remain unchanged from FY 2017 given the personnel changes that have made timely, cost effective changes difficult. Board member expressed no objection. Ms. Orlando also reported that the staff would develop an electronic newsletter to compliment website information and help push information out to licensees.

Standard of Care – Blood Work: Ms. Husk reported that she received a phone call from a veterinarian asking whether requiring blood work before surgery was considered a standard of care by the Board and whether veterinarians could be charged with not meeting minimal standards of care if they performed surgery without prior blood work. A discussion ensued about whether requiring blood work was a minimal or ideal standard. While veterinarians are certainly allowed to require blood work and refuse to do surgery without it, the Board agreed it was not currently considered a standard of care for all patients to have blood work done prior to surgery. The Board stated that pet owners should be offered the option and the veterinarian should discuss the benefits of doing so as well as the risk of not doing it; however, if the owner declines blood work, the veterinarian or hospital staff should note this in the patient's medical record. Dr. Handel suggested the Board write an article for the MVMA, strongly encouraging veterinarians to require blood work because the Board has seen several complaints that may have been avoided had blood work been done prior to surgery.

Requests for Approval of Continuing Education Credits

After reviewing the information submitted during the past month, Dr. Crowl, on behalf of the Board, approved the following:

- A request was received by Paul McLendon of Zoetis for 2 clinical CEs for each seminar entitled, "Diagnosing and Treating Atopic Dermatitis Using the 4 Step Method," to be held 3/16/2017 in California, Maryland and 4/13/2017 in Waldorf Maryland.
- A request was submitted by Dana Robert of Zoetis for 2 clinical CEs for a seminar entitled, "Approach to the Itchy Dog," to be held 3/22/2017 in Baltimore.

- A request was received by John McDonnell of the Chesapeake Veterinary Referral Centers for 6 CEs for veterinary technicians who attend the Annual CVRC Conference for Veterinary Technicians on 3/19/17 in Easton, Maryland.
- A request was received by John McDonnell of the Chesapeake Veterinary Referral Centers for 6 CEs for veterinarians who attend the Annual CVRC Conference for Veterinarians on 3/19/17 in Easton, Maryland.
- A request was made by Atlantic Veterinary Internal Medicine and Oncology for 4 non-clinical CE hours for a seminar entitled, "Compassion Fatigue," to be held 3/26/2017 in Pikesville, Maryland.
- A request was made by Haywood Perry on behalf of Continuing Education for Pet Professionals (CEPP) for 6 clinical hours for veterinary technicians attending the "Veterinary Technician and Receptionist Seminar," to be held 3/12/2017 in Wheaton, Maryland.
- A request was made by Dogs & Cats Referral and ER for 1 clinical CE for each of the following seminars, which will be held 4/30/2017 during the Southern Maryland Veterinary Symposium on Treatment and Management of Disease of the Renal and Urinary Systems:
 - Acute Kidney Injury
 - Ultrasound of the Renal and Urinary System,
 - Transitional Cell Carcinoma: Options Beyond NSAIDS
 - Surgical Conditions of the Urinary Tract
- Dr. Jan Ginsky on behalf of Merial Ltd requested 2 clinical CEs for a seminar entitled, "Feline Vaccine-Associated Sarcomas: Myth or Reality," to be held 3/1/2017 in Odenton, Maryland.
- Dr. Jan Ginsky on behalf of Merial Ltd requested 3 non-clinical CE hours for, "How to Maximize the Value of Your Practice," to be held 3/18/2017 at National Harbor, Maryland.

In a motion by Ms. Wright-Conner, seconded by Dr. Stott, the Board voted unanimously to adjourn at 1:40 p.m.

CLOSED MEETING

Dr. Handel asked for a motion to adjourn the meeting to move into an administrative closed session pursuant to the applicable provisions of the General Provisions Article. Dr. Crowl made the motion, seconded by Dr. Stott. The motion was approved unanimously at 12:18 p.m.

Status Report on Cases Before the Board

Docket No. 17-20:

Docket No. 17-26

Docket No. 17-29

Docket No. 17-14

Docket 16-37

Non-Veterinary Practitioners

Inspections of Concern

*State Board of Veterinary Medical Examiners
Minutes of the Meeting of Team B on February 23, 2017
Maryland Department of Agriculture, Annapolis, Maryland*

Board members in attendance: Board Vice President Dr. Heather Hendler, 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.

Call to Order: Dr. Hendler called the meeting to order at 1:42 p.m.

Approval of the Minutes: In a motion by Dr. Stott, seconded by Dr. Hendler, the minutes of the January 26, 2017 meeting were approved, with a correction to the spelling of Dr. Handel's name on page 7. The motion passed unanimously.

CLOSED MEETING

Dr. Hendler asked for 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 made by Dr. Stott, seconded by Dr. Crowl and unanimously approved at 1:43 p.m

Status Reports on Cases Pending before Team B

Docket No. 16-43

Docket No. 17-13

Docket No. 16-58

Docket No. 16-62

Docket No. 16-29

Docket No. 16-67

Docket No. 16-66

In a motion by Ms. Wright-Conner, seconded by Dr. Stott, the team unanimously voted to adjourn the meeting.