

State Board of Veterinary Medical Examiners

Minutes of November 17, 2016

Minutes of Meeting for Team B

The meeting of Team B was called to order by Dr. Heather Hendler at 9:11 a.m. Other Board members in attendance were: Dr. Perry S. Crowl, Dr. John Stott, Ms. Victoria Wright-Conner. Staff in attendance were: Deputy Director Vanessa Orlando; Assistant Attorney General Judy Plymyer, Investigator Susan Husk; Inspectors Pegeen Morgan and Ellen James; and Ron Buckhalt of the Maryland Department of Agriculture.

Approval of Minutes: In a motion by Dr. Stott, seconded by Dr. Crowl, the minutes of the October meeting were unanimously approved.

A motion by Dr. Stott, seconded by Dr. Crowl, to close the meeting was unanimously approved.

Closed Meeting

Status Reports on Team B Cases

- Docket No. 16-15
- Docket No. 16-39
- Docket No. 13-73
- Docket No. 16-33
- Docket No. 16-41
- Docket No. 16-42
- Docket No. 16-37

In a motion by Dr. Crowl, seconded by Dr. Stott, the closed meeting was adjourned at 9:53 a.m.

Minutes of Joint (Full Board) Meeting

Joining the full meeting were Team A Board Members: Dr. David Handel, Dr. Elizabeth Callahan and Ms. Lynne Chaput. Dr. Handel called the joint meeting to order at 10:10 a.m. Andrew Griffin of the Maryland Department of Agriculture's Government Affairs Office was also present. In addition, Dr. Katie Lipresti, Chloe Waterman, Emily Hovermale, and Patty Crankshaw-Quimby attended the Open Session.

Katie Lipresti – Request for Veterinary Licensure Approval

Dr. Lipresti was asked to provide the Board a history of her career, to date, and her reasons for applying for a license in Maryland. Dr. Lipresti provided a detailed history of her education, career, and experiences, to date. She estimated that she has completed approximately 150 hours in a practice setting since 2015.

Animal Shelter Legislation Presentation

Representatives of three animal welfare agencies presented to the board. They were

- Chloe Waterman, Senior Manager of State Legislative Strategy, ASPCA
- Emily Hovermale, Maryland State Director, The Humane Society of the United States
- Patty Crankshaw-Quimby, Executive Director, Talbot Humane

Ms. Waterman acted as the primary spokesperson for the group and thanked the Board for their time. She said the group was there to discuss three topics.

- 1. Professional Support:** The presenters expressed difficulty in finding veterinarians willing to testify in court proceedings and/or conduct necropsies for cruelty cases and asked the Board for assistance in developing a list of veterinarians willing to participate in cruelty investigations. Dr. Handel noted that there was a need among veterinarians for a necropsy lab in Maryland but did not have any information indicating the extent of the need. Ms. Waterman said her organization would be happy to conduct a survey of states attorneys and animal control facilities to determine how much a necropsy lab would be used by shelters and to help determine the level of demand. Dr. Stott cautioned that necropsies must be done by Board certified pathologists and willing veterinarians aren't always qualified. Ms. Waterman noted that her organization has Board pathologists on staff who are willing to train and provide guidance to veterinarians working on cruelty cases. Dr. Handel noted that most veterinarians would want some kind of training before even considering going before a court. Ms. Waterman indicated she would make that training available in cooperation with the Maryland Veterinary Medical Association.
- 2. Regulatory Changes.** The presenters stated that they would like to change the State's regulation that "strongly encourage" veterinarians to report abuse to "shall report." The change would include stipulations that allow veterinarians to protect their relationships with clients and to give them appropriate immunity from liability in civil cases. Education would also be provided to veterinarians on how to report abuse. Ms. Waterman said they are not set on any particular regulatory language at this point or where it goes in the law or how issues of confidentiality might be handled; however, the group generally wants changes that will mirror child abuse laws, which makes everyone, especially professionals who interact with them, required to report suspected cases of abuse and to make not doing so a cause for disciplinary action. Discretion would still rest with the Board. The discussion reiterated that protection for veterinarians who are reporting is a major concern including possibilities of being targeted on social media. Dr. Handel said educational components are important and encourages the group to work with MVMA to conduct an educational day (or part of a day) about how to recognize abuse so more vets are part of the conversation. Ms. Waterman said her organization was very willing to provide training and include the entire vet community in the discussion of regulatory changes.
- 3. Animal Shelter Oversight.** The group stated that animal shelters are largely unregulated by the state (although some counties do inspect facilities in their jurisdictions) and they would like to see them licensed and inspected in the way the Maryland Horse Industry Board licenses and inspects horse stables. That is, they would like all shelters to have a preliminary inspection before being licensed. After that, licensing would be done every year and inspections would be done at the discretion of the inspector/Board. The Board would set minimum standards of care. The idea is to connect those shelters that are not meeting the minimum with resources that can help them improve. The presenters would also like Board Inspectors to be able to inspect rescue hoarders that collect money from the public and hold themselves up to be a rescue when they are just hoarders. Because the Veterinary Board Inspectors now go into animal shelter facilities to inspect upon complaint or when it is connected to a veterinary clinic, the group would like them to also inspect those facilities for signs of abuse and to enforce minimum sanitation standards. Board Inspectors at the meeting expressed concern that follow up visits to shelters would likely require a lot of extra time, given that those are likely to be in more remote areas of the state. Inspectors also expressed concern about investigating hoarding situations, which is currently a function already performed by county animal control and law enforcement officers and is outside the Veterinary Board's Inspectors' current scope of work and expertise, and may put their personal safety at risk. These new tasks would require additional Board resources. Dr. Handel asked the presenters to put as much of their ideas on paper with as much details as possible so that the Board and staff could review, critique and discuss. All agreed that these were important issues, and the more everyone thinks and talks about them, the more fruitful the conversation will be.

Approval of Minutes

Dr. Handel called for a review of the minutes. In a motion by Dr. Stott, seconded by Dr. Handel, the minutes of the October meeting were unanimously approved as presented.

Sanitation Reports

Susan Husk, Ellen James and Peggy Morgan all reported on the inspections of veterinary hospitals that they conducted since the October meeting. (See attached reports). Ms. Husk reported that there was some confusion over whether VIP Pet Care has moved to Capitol Heights. The Board asked Ms. Husk to gather medical records to prove whether the practice has actually moved and if they have made necessary notifications, and to report back to the Board at its December meeting.

Dr. Handel noted that the follow ups being done by inspectors appear to be clearing up many issues of concern.

Dr. Stott moved, and Dr. Callahan seconded, a motion to accept the Sanitation Reports. The motion passed unanimously.

Review Applications for New Licenses

Dr. Stott moved, and Dr. Callahan seconded, a motion to approve a new veterinary license for Dr. Katie Lipresti, who presented earlier. The motion was approved unanimously.

Dr. Callahan moved, and Dr. Stott seconded, a motion to approve new licenses for Todd Matthew Skeen, Alexandra Elizabeth Fischer, Deann Elizabeth Ashby-Mitchell, Mark Anthony Dekich, and Kristen Marie Robertson.

Discussion:

Ms. Orlando shared the following information.

- The Animal Shelters Standards Act becomes effective Jan. 1, 2017. Agriculture Secretary Joe Bartenfelder has sent a letter to the directors of all facilities impacted by the law that requires them to have written standards of care available for public inspection by January 1. This information, with appropriate links, is on the [Board's website](#).
- A free seminar is being offered to veterinarians interested in working with beekeepers, who will need a prescription for antimicrobials after the Veterinary Feed Directive takes effect January 1. A news release about the seminar was distributed for their information.
- An updated Board Roster was distributed.
- A copy of the new Veterinary laws and regulations has just been printed in mint green and a copy was provided in each folder.
- The state is making a push to have as much information available to the public as possible, including all veterinary information. Interested Board members may want to take a look at www.data.maryland.gov and search on veterinary topics.
- A veterinarian called in this week with a question about providing heartworm preventatives to clients who decline the annual heartworm test. After a brief discussion, Dr. Handel said he would respond directly.

Vet Hopping: Dr. Handel told the group he was informed about a person who went vet hopping to obtain Tramadol for their chronically in-pain dog. He asked if there was a mechanism for letting other county vets know so they don't prescribe Tramadol to this person. Other Board members suggested he contact the CRISP Program and the state Opioid program. Ms. Husk also said she would provide Dr. Handel with contact information for Kate Jackson at the Maryland Department of Health and Mental Hygiene.

Board Materials on iPad: Ms. Plymyer asked for an update on using iPads for future meetings. Ms. Orlando said she and Ms. Kirksey have had brief discussions about using the iPads to provide Board members with materials rather than binders of paper. Board members said they would like to receive documents that way, though some were more enthusiastic than others. There is still some question about the wireless capacity in the building and whether there are data plans on the iPads, but staff said every attempt will be made to provide materials in both paper and electronically at the December meeting as a trial run.

NC Dental Work Group: The workgroup requested by two state legislators is studying anti-trust concerns raised when state licensing boards prohibit those outside their profession from providing services they would otherwise be competent to provide if allowed. Ms. Plymyer reported that the workgroup was divided among those who wanted departmental review of antitrust cases and those that did not. Two bills are being drafted – one that requires review of anti-competitive decisions by departmental secretaries, one that would provide review by the Office of the Attorney General. The next meeting is November 30th and it will be open to the public. Ms. Plymyer stated that she expects legislation will be considered by the General Assembly and some kind of regulations will be adopted.

Website Complaint Form: Ms. Plymyer suggested that a line be added to the complaint form: “Once a complaint is submitted to the Board, it may not be withdrawn unless the Board has no authority over the subject matter.” The addition may encourage people to work with their veterinarian to resolve disputes while letting them know that they cannot withdraw a complaint, for any reason, once submitted. A motion to approve was made by Dr. Stott and seconded by Dr. Crowl. The motion passed unanimously. The staff will make the change.

Landlord/Key Security Question: Inspector James reported that a veterinarian who just opened a new clinic keeps her drugs in a small fireproof safe and her landlord wants a key to her office. Because the drugs are controlled substances and the safe is small enough to be stolen, she wasn’t sure if she could give him a key. Dr. Handel said she is likely going to be required to give the landlord the key and the vet should consider permanently fixing the safe to the wall or locking it in a closet or cabinet.

Explosion Proof Outlets: Inspector James said she recently inspected a veterinary hospital and talked with them about installing explosion-proof outlets because the regulations say they “should” be installed. The hospital’s electrician took issue with it, saying their chemicals were an accelerant but not explosive. The Board decided that if the facility meets all local building and fire inspections and ordinances, its electrical systems should pass Board inspection as well.

Non-Medical Notes: Investigator Husk reported that an irate caller called the office, reporting that their veterinarian was refusing to provide medical records for their Golden Retriever. After talking with both the practice manager and the client, Ms. Husk said there was a history of conflict between the two parties, and the practice was withholding records for 2 weeks while their attorneys reviewed it. After discussing the issue, the Board concluded that:

- The practice had 2 business days to provide the medical records in a non-emergency situation, and legal review was no reason to withhold the records.
- Only medical records up to the point where the client stopped bringing the dog in for treatment had to be released and notes on that record that were related to the ongoing dispute did not have to be released.

Closed Practice: Investigator Husk informed the Board that she received a complaint about a veterinary practice that closed its doors after more than 11 years and may have been sold. Previous clients have not been able to reach anyone to obtain their medical records. There is a phone number on the voice mail but no one is answering or returning calls or emails. There is no information on the practice’s website. The phone message says the practice is being sold. Ms. Husk will continue to try to reach the veterinarian.

Request for Approval of Continuing Education Credits

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

A request was submitted by Autumn Fruchtmann on behalf of Chi Institute of Chinese Medicine in Reddick, Florida for approval of CE credits for the following Veterinary Herbal Medicine Program online courses, January 1 – December 31, 2017. The courses were approved for the hours shown.

- Introduction to Chinese Herbal Medicine – 15 CE hours
- Respiratory/Cardiovascular – 28 CE hours
- Gastrointestinal – 28 CE hours
- Liver/Endocrinology – 28 hours
- Kidney/Geriatric/Urinary/Reproductive – 28 CE hours
- Dermatology/Oncology/Immune-mediate Diseases – 28 hours

A request was submitted by Autumn Fruchtmann on behalf of Chi Institute of Chinese Medicine in Reddick, Florida for approval of CE credits for the following Veterinary Herbal Medicine Program onsite courses. The courses were approved for the hours shown.

- Liver/Endocrinology: December 14-17, 2017 – 28 CE hours
- Dermatology/Oncology/Immune-mediate Diseases: March 2-5, 2017 – 28 CE hours

A request was submitted by Lynne Swanson, DVM for veterinarians and veterinary technicians attending **one of four identical** 2017 Learning “DOG” conferences sponsored by Safe Harbor Farm K9 Rescue and Rehabilitation Center and tentatively scheduled as follows:

- Winter: Raleigh, N.C in January 20, 21, 22, 2017
- Spring: Raleigh, N.C. or Swansboro, N.C. in March 2017
- Summer: Pennsylvania or Swansboro, N.C. Dates TBA
- Fall: Columbia, S.C. Dates TBA

The request was approved for 20 CE hours for veterinarians and veterinary technicians.

A request was submitted by Dana Robert for hosting a dinner conference, “Tis the Season for Itchy Dogs” on September 7, 2016 in Timonium, Md. The request was approved for 1.5 CE hours.

A request was submitted by Melissa Hersh on behalf of Zoetis for Animals for 2 CEs for sponsoring a dermatology talk on January 26, 2017 at the Blue Hill Tavern in Baltimore. The presentation was approved for 2 CE hours.

A request was submitted by Ms. Mary Yonemura on behalf of VCA Associates for CE credit for the November 13, 2016 Continuing Education Seminar, which included presentations in (1) Canine Cataract Management; (2) Dealing with Common Emergencies in Veterinary Medicine; and (3) Novel Therapies in Veterinary Oncology. The seminar was approved for 3 hours of clinical Continuing Education Credit.

Edits to Licensing Application: Dr. Callahan and Dr. Hendler provided proposed edits to the new license application. Staff will make those edits and provide a copy for review at the next meeting.

Next Board Meeting: Because all but one Board member, Dr. Callahan, is available to meet on December 15, the Board will meet in December. The meeting was adjourned and Team B members departed at 1:21 p.m.

Minutes of Team A Meeting

Ms. Chaput made a motion, seconded by Dr. Callahan, to open Team A meeting at 1:22 p.m. The motion passed. Dr. Callahan made a motion, seconded by Ms. Chaput, to close the meeting at 1:22 p.m. The motion passed.

Closed Meeting

Status Reports on Team A Cases

- Docket No. 16-70
- Docket No. 16-08
- Docket No. 16-60
- Docket No. 16-35
- Docket No. 16-30
- Docket No. 16-68
- Docket No. 16-17
- Docket No. 16-25

Dr. Handel made a motion, seconded by Ms. Chaput that the meeting be adjourned. The motion passed. The meeting was adjourned at 2:10 p.m.