

Maryland State Board of Veterinary Medical Examiners
Minutes for August 22nd, 2024

Meet by Google Meets at 10:30 AM

Joint Meeting Minutes

Board Members: Dr. Christine Calvert, President; Patricia Quimby, Vice President; Dr. Heidi Schmechel; Ms. Lynne Chaput; Dr. Justin Sobota; Dr. Peter Radue and Dr. James Reed.

Staff: Nathaniel Boan, Executive Director; Susan Husk, Assistant Director; Cindy Spirt, Assistant Attorney General; Tonya Kendrick-Green, Licensing Administrator; Britney Branch, Office Administrator; Ellen James & Pegeen Morgan, Inspectors; Sarah Hultz, Investigator.

Guest: Justin Scally, Eastern Animal Hospital; Vice President of the Maryland Animal Cruelty Task Force

Open Meeting Minutes

Call to Order:

Dr Calvert Called the meeting to order at 10:34am.

Approval of the Minutes of the July 25th, 2024 Board Meeting.

In a motion by Ms. Quimby, and seconded by Dr. Sobota, the Board voted unanimously to approve the minutes of the July 25th, 2024 Board Meeting.

Veterinary License Applications Approvals:

In a motion by Dr. Sobota, and seconded by Dr. Reed, the Team voted unanimously to approve the following licensing applications:

- Veterinarians Approved by Designated Authority:

- | | |
|---------------|---------------|
| • C. Chen | • S. Pham |
| • A. Rigano | • A. Caplan |
| • L. Dorn | • G. Dunnam |
| • S. Strong | • C. Westall |
| • J. Sherwood | • T. Lavinder |
| • B. Cannon | • S. Urban |
| • J. Schrier | • F. Benimana |
| • D. McFillin | • H. Goggin |
| • E. Majette | • S. Fraysier |
| • T. Schairer | • S. Craven |
| • K. Park | • M. Mason |
| • | |

- Veterinary Technicians Approved by Designated Authority:

- | | |
|---------------|--------------|
| • J. Sager | • N. Evans |
| • G. Cirko | • V. Combs |
| • A. Kidder | • P. Schade |
| • L. Hill | • R. Healy |
| • P. Crabtree | • G. Kreider |

- E. Porter
- M. Duran

- W. Wood

Sanitation Reports:

Inspectors Peggy Morgan and Ellen James presented their inspection reports. In a motion by Dr. Radue, and seconded by Dr. Calvert, the Board voted unanimously to approve the inspection reports.

CE Approval Requests:

In a motion by Dr. Reed, and seconded by Dr. Schmechel, the Board voted unanimously to approve the following CE requests with the NIH CE capped at 24 CEs.

Organization	Title/Topic	Vet/ Techs	Date of CE	Credits	Type	Recurring	CDS
National Institutes of Health	Workshop on Macaque Pair Housing	Both	July 26th, 2024	28 (Approved for 24 credits)	Clinical	No	No
BSAVA - Post Graduate Certificate Program	Musculoskeletal 1 - Orthopaedic Radiography	Vet	November 1st, 2023	8	Clinical	No	No
BSAVA - Post Graduate Certificate Program	Musculoskeletal 2 - Joint Radiography, CT and Musculoskeletal Ultrasonography	Vet	December 1st, 2023	8	Clinical	No	No
BSAVA - Post Graduate Certificate Program	Head and Neck 1 - Radiography and CT	Vet	January 1st, 2024	8	Clinical	No	No
BSAVA - Post Graduate Certificate Program	Head and Neck 2 - Ultrasonography and MRI	Vet	February 9th, 2024	8	Clinical	No	No
BSAVA - Post Graduate Certificate Program	Echocardiography 1	Vet	April 23rd, 2024	8	Clinical	No	No
BSAVA - Post Graduate Certificate Program	Echocardiography 2	Vet	May 14th, 2024	8	Clinical	No	No

BSAVA - Post Graduate Certificate Program	Neurodiagnostic Imaging	Vet	June 1st, 2024	8	Clinical	No	No
Virginia-Maryland College of Veterinary Medicine	Virginia-Maryland College of Veterinary Medicine's Connect CE	Vet	October 5th, 2024	6	Clinical	No	No

Miscellaneous:

- **Dr. Bailey - Request to retake the NAVLE (ICVA Requirement):**
 - Dr. Bailey has requested an additional attempt to take the NAVLE above the 5 allowed by ICVA.
 - In a motion by Dr. Schmechel, and seconded by Dr. Reed, the Board voted unanimously to approve the request to retake the NAVLE.

- **Inquiry about Complying with Medical Record Requests from Animal Control:**
 - The Board reviewed an inquiry from Blue River Pet Care regarding a hospital's requirements to comply with medical record requests from animal control:
 - In general, it is best practice to cooperate and work with animal control on investigations.
 - The Board does not have specific regulations. It would be at the discretion of the hospital to request a subpoena before providing the records.
 - Justin Scally pointed out the immunity information in statute.
 - *§2-313.1(c) Immunity. – A Veterinary Practitioner who reports in good faith suspected animal cruelty or animal fighting or participates in an investigation of suspected animal cruelty or animal fighting is immune from:*
 - (1) Civil liability that results from the report or participation in the investigation; or
 - (2) Criminal prosecution for the report or participation in the investigation.
 - Staff to provide a draft of a response for the Board to review.

- **CH0487(HB1097):**
 - The Board reviewed draft guidance and charts for certain tasks.
 - Justin Scally joined and provided additional feedback regarding how their hospital(s) are currently using Veterinary Assistants.
 - Chart shows examples of acceptable tasks and levels of supervision, however, the Board will rely on the professional judgment of supervising veterinarians to effectively manage their staff and their skill levels.
 - Statute only provides “shall nots” for anyone other than a veterinarian providing diagnosis, prognosis, or performing surgery.

- **Documenting discharge against medical advice:**
 - Susie had received a question from a hospital staff member about the Board's legal requirements for documenting situations when a patient is discharged against medical advice (AMA). A lawyer had told the hospital that having a client sign a discharge paper saying they are leaving against medical advice is **not** the same as having a specific AMA.
 - Cindy informed the Board that she recommended a response beginning with a reminder that the Board cannot provide legal advice. However, we can confirm that the SBVME does not have a specific statute or regulation addressing a discharge against medical advice ("AMA") or requiring a separate form.
 - Ultimately, this is an issue of informed consent. COMAR 15.15.01.10-1A requires that for a non-emergency presentation, a veterinarian shall inform the client, in a manner that is understandable by a reasonable person, of the diagnostic and treatment plan. The Board consistently requires veterinarians to document client communications in the record, including treatment and diagnostic recommendations, client discussions about these recommendations, and all treatment and diagnostics recommendations the client declined. In a discharge AMA situation, a veterinarian should make sure that the client has been informed of the reasons why further hospitalization is advised, the benefits of further treatment, the risks associated with discharge without further treatment, and any other alternatives available (such as referrals or follow-up with a primary veterinarian) or other relevant issues. These discussions may include the costs associated with recommended treatment, which will likely play a significant role in a client's decision to decline recommended hospitalization.
 - The Board generally agreed with this advice. Dr. Shmechel noted that what is required depends on the facts of each case, and in some situations, characterizing a discharge as AMA can strain the relationship with the client. She also noted that written discharge instructions should be given to the client containing specific instructions for at-home or follow-up care.

- **CBD and Hemp Products for Animals:**
 - The Board received an inquiry from a constituent through the governor's office regarding a Veterinarian who was hesitant to discuss hemp products.
 - The Board reviewed and approved a draft response that explains differences between hemp and CBD/THC products, the history of legal changes for these products, and the current FDA approved uses (that do not include any animal uses for CBD and THC products), and the Board's informal guidance provided in 2019.
 - The Board considered if updated guidance was necessary and determined that at this time the FDA approved uses had not changed and that if a Veterinarian is asked about these products they may discuss them but should be cautious and should inform of potential risks and the untested nature of CBD and THC products for pets.

In a motion by Ms. Quimby, and seconded by Dr. Schmechel, the Board voted unanimously to adjourn the meeting to move into an administrative closed session to perform administrative functions outside the scope of the Open Meetings Act, in accordance with § 3-103(a)(1)(i) of the General Provisions Article. The administrative functions to be performed include discussion of the specific matters identified on the Board Minutes. In the alternative, I move to close the meeting pursuant to the following Section 3-305(b):

(7) To obtain advice of counsel;

(8) To consult with staff, consultants, or other individuals about pending or potential litigation;

*(12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;" and
(13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.*