

**Maryland State Board of Veterinary Medical Examiners**  
**Agenda for September 19th, 2024**

**Meet by Google Meets at 10:30 AM**

**Joint Meeting Agenda**

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

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

**Guests:** Dr. Tom Kozek, AAVEC; Dr. Benjamin Donati, Apex Vets; Dr. Beth Venit, AAVSB; Aaron Lopez, Political Capital.

**Open Meeting Agenda**

**Dr. Calvert called the meeting to order at 10:33a.m.**

**Approval of the Minutes:**

In a motion by Dr. Reed, and seconded by Dr. Radue, the Board voted unanimously to approve the minutes of the August 22nd, 2024 meeting.

**Veterinary License Applications Approvals:**

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

Veterinarians Approved by Designated Authority:

- J. Jordan
- E. Swan
- A. Sawyer
- S. Osum
- M. Jones
- J. Thompson
- K. Dougherty
- J. Newman
- K. McKenna
- B. Lee
- J. Tully

Veterinary Technicians Approved by designated authority:

- J. Larsen
- J. Grimes
- C. Broseker
- S. Hudson
- N. Alvarez
- T. Watson

**Sanitation Reports:**

Inspector's Ellen James and Pegeen Morgan, presented the hospital inspection reports.

In a motion by Dr. Reed, and seconded by Ms. Quimby, the Board voted unanimously to approve the sanitation reports.

**CE Approval Requests:**

In a motion by Ms. Quimby, and seconded by Dr. Reed, the Team approved the following CEs for use:

Organization	Title/Topic	Vet/ Techs	Date of CE	Credits	Type	Recurring	CDS
National Primate Research Centers Consortium Program	Environmental Enrichment Exchange Webinar - "Providing Enriching Opportunities for a Colony of Lemurs at the Duke Lemur Center" and "The Value of Evaluation: Examples of Enrichment Assessment with Dogs, Swine, and Primates"	Both	8/21/2024	1	Clinical / Scientific	No	No
Allentown	Making the 3Rs More Than a Checkbox	Both	8/22/2024	1	Clinical / Scientific	No	No
Iowa State University	2024 James D. McKean Swine Disease Conference	Both	7/24/2024	14	Clinical / Scientific	No	No
American Association of Laboratory Animal Science (AALAS)	Guide for the Care and Use of Laboratory Animals (8th Edition)	Both	Online	1	Non Clinical / Practice Management	No	No
National Capital Area Branch (NCAB) of the American Association of Laboratory Animal Science (AALAS)	47th NCAB Seminar 2024: Making Connections	Both	Recurring	6	Clinical Scientific	No	No

### **Final Orders since August 22nd, 2024 meeting.**

- Docket No. 24-41A: Nichole Whisner / Dr. Troy Foland, North Branch Animal Hospital (Atty: Joseph Damiano)
  - 15.14.01.07A - Professional Judgment and Practice (\$1000 Civil Penalty)
- Docket No. 24-41B: SBVME / Dr. Jeremy Shumaker, North Branch Animal Hospital (Atty: Joseph Damiano)
  - 15.14.01.10A - Record Keeping (\$300 Civil Penalty)
- Docket No. 24-67: Donald Adams / Dr. Margaret Hoeffcker, Shawsville Veterinary Hospital & Pet Care Center
  - 15.14.01.07A - Professional Judgment and Practice (\$6,000)
  - 15.14.01.10A - Record Keeping (\$3000)
  - 15.14.01.10-1 - Client Consent (\$1000)
- Docket No. 25-005: SBVME / Dr. William Riddle, Cecil Veterinary Clinic
  - 15.14.01.12-3 - Expired Medications (\$300 Civil Penalty)

### **Miscellaneous:**

- **Inquiry from Political Capital:**
  - The Board reviewed an inquiry and information submitted by Political Capital regarding unapproved FDA compounded drug GS-441524 for use in treating FIP.
    - Political Capital represents select compounding pharmacies.
    - FDA guidance states that in the absence of an FDA approved drug, the FDA is not taking action against those who prescribe, despite it still not being an FDA approved drug.
    - Multiple sources have submitted GS-441524 for review and consideration to be added as an approved substance.
    - No formal decision was made, however, the Board acknowledged the need and demand for such compounded substances.
- **Medical Records Requests (Cindy):**
  - The Board reviewed a request from Cindy regarding medical record requests from clients/other hospitals.
    - If the owner requests records, unless otherwise specified the full medical records should be provided and not just vaccine records.
    - If another hospital requests records, the hospital should make attempts to get confirmation from the client.
    - If a client requests records and they are illegible a veterinarian should transcribe the records before sending. If they are sent in their original form, and the client returns and requests transcription due to legibility, they should be transcribed.
    - Veterinarians are able to charge a reasonable fee for the cost of providing medical records. (As stated in regulation).
- **Inquiry about Complying with Medical Record Requests from Animal Control:**
  - The Board reviewed and approved the draft response that included the following information:

- The Veterinary Board does not have specific regulations regarding this topic.
  - It is recommended to obtain client consent when possible.
  - The Board encourages veterinary practitioners and facilities to cooperate with animal control officers by providing veterinary medical records upon request. If obtaining client consent for the disclosure of these records would hinder the investigation, records may be disclosed without consent. If, however, the investigation would not be undermined by informing the client of the request and obtaining consent to provide the records, that option is available to avoid the possibility of client complaints.
  - Agric § 2-313.1(c) provides some protection to veterinarians reporting or participating in an animal control investigation.
  - Depending on the circumstances, it may be reasonable to request information and/or a subpoena before providing records.
  
- **Laser Therapy (Staff Inquiry) -**
  - Is this appropriate without a Veterinarian?
    - No the veterinarian needs to prescribe it as a treatment and reevaluate the patient following the recommended treatment's completion. Trained veterinary assistants/technicians may perform this under the supervision of a veterinarian. The level of appropriate supervision may depend on the class of the laser being used, the purpose of the treatment, and the credentialing of the individual providing the services.
  
- **Chapt. 487 (HB 1097)**
  - The Board reviewed some inquiries and discussed with Dr. Donati and Dr. Kozek further information regarding the Board's implementation of HB1097.
  - The Board discussed the interpretation of the bill to improve the access to care and not prevent effective hospital operations. The Board also discussed the path forward for hospitals and veterinarians too should encourage Veterinary Assistants to progress in their professional development by seeking education and licensure. The Veterinary Technician profession is advancing and they should prepare themselves for a future when tasks will likely be even more strictly delegated and forbidden from Veterinary Assistants.
  - Some specific clarifications:
    - Veterinary Assistants should not be given access to Schedule II drugs. They may be allowed, with appropriate training to access lesser schedule drugs as long as all DEA guidelines are followed.
    - A Veterinary Assistant could administer a Schedule II drug under immediate supervision if it was dosed and drawn up by a Veterinary Technician or Veterinary Practitioner.
    - A Veterinary Assistant could monitor and perform the adjustment if the Veterinarian providing immediate supervision prescribed the adjustment.
    - In an emergency presentation, a Veterinarian may be required to utilize all of the resources available, including a Veterinary Assistant to initiate CPR to improve the outcome of a patient.
    - In all cases a Veterinarian must utilize their professional judgment to determine the best course of action for a patient. If a complaint is received the Board will consider

the Veterinarian's justification for delegated tasks when determining the appropriate outcome of an investigation.

- **Health Department - PDMP Bill**

- The Board reviewed the PDMP bill planning to be pre-filed by the Maryland Department of Health.
  - The Board will take a similar stance to the bill as it did in the past years with a fiscal note that acknowledges possible financial difficulties for Veterinary Hospitals.

*In a motion by Dr. Radue, 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 Agenda. 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.*