

**OHIO VETERINARY MEDICAL LICENSING BOARD  
MINUTES**

**January 9, 2008**

**Veterinary Medical Licensing Board Meeting Minutes**

Dr. David Koncal, President of the Ohio Veterinary Medical Licensing Board called the January 9, 2008 meeting to order at 08:30 a.m. in the Board Room at 77 S. High Street, 31st Floor, Columbus, Ohio. Call to Order

Dr. Koncal directed the Executive Director to call roll: Roll Call

Dr. David Koncal	present
Dr. James Burt	present
Dr. Darrell Gitz	present
Dr. Roger Redman	present
Dr. Janet Small	present
Renee Jessen, RVT	present
Geoffrey Smith	not present for roll call. Arrived 8:40 a.m.

Dr. Koncal acknowledged the attendance of Theresa Stir, Executive Director, Barry McKew, AAG, and Donna Fickel, Executive Secretary. Acknowledge Staff,  
AAG

Dr. Burt moved to accept the minutes as presented. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Small-aye, Dr. Burt-aye, Dr. Gitz- aye, Ms. Jessen- aye. December 2007  
Minutes approved

There was no president's report. Pres. Rep.

There was no secretary's report. Sec. Rep.

There was no report from the OVMA liaison. OVMA liaison  
Exec. Dir. Report

Theresa Stir, Executive Director, reported that the directives from the last board meeting had been completed. Directives  
HB 104

Ms. Stir provided the Board members with an update on HB 104, the Criminal Background Check bill. The bill was signed by the Governor and will become law 90 days after signature. The Board must now amend the rules to reflect the legislative changes. The Board was presented with proposed rule changes for Rule 4741-1-01 and 4741-1-04. Dr. Gitz moved to approve and file proposed rules 4741-1-01 and 4741-1-04 OAC as presented. Dr. Burt seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye, Dr. Burt-aye.

Ms. Stir informed the Board that the Governor's office has not yet named a successor for Dr. Burt's seat on the Board. Board appt

Ms. Stir provided the Board with an update on the current budget. Budget

Copies of the State of Ohio Medical Board Disciplinary Guidelines were provided. The Board directed Ms. Stir to prepare a document of previous disciplinary actions taken by the Ohio Veterinary Medical Licensing Board as a starting point for developing our own Guidelines. Disciplinary  
Guidelines

A discussion was held regarding Ohio accepting RACE approved continuing education. Concern was expressed regarding differentiating between scientific and non-scientific continuing education. The Board directed Ms. Stir to contact the AAVSB office for guidelines.

Ms. Stir sought guidance from the Board regarding a question related to rabies vaccine clinic and was an examination required prior to administering the rabies vaccine. After much discussion, the Board determined that there is no requirement in law or rules for an examination prior to the rabies vaccine, however according to Rule 4741-1-22 OAC, the veterinarian must maintain the record for three years. The Board directed Ms. Stir to provide the feedback to the questioning veterinarian and refer to the applicable rule.

Members received a copy of the *National Board Report*. FYI

Ms. Jessen moved to acknowledge receipt of the following new complaints and the file numbers issued: New Complaints

- A. 07-08-185 OVMLB – Issue 119
- B. 07-08-186 Terri Davis
- C. 07-08-187 Nancy Backensto
- D. 07-08-188 Marilyn Gazdic
- E. 07-08-189 Anonymous
- F. 07-08-190 Megan Bedrava
- G. 07-08-191 James Grant
- H. 07-08-192 Mary DiBlasi

Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.

Dr. Gitz moved to close case #07-08-187, complainant Nancy Backensto due to there was no specific issue or concern provided to investigate under Chapter 4741 ORC. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.

Dr. Gitz moved to inform complainant, Marilyn Gazdic in case #07-08-188, that her concerns were being addressed in a similar case and to thank her for submitting her complaint. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

Dr. Redman moved to send to investigation the case of 07-08-189, complainant Anonymous. Dr. Burt seconded the motion. The motion passed by a unanimous roll call vote.

Ms. Jessen moved to accept the Notices of Opportunity for Hearings issued in the case of 07-08-185, David Fox, DVM and 07-08-135, Susan Prescott, DVM. Dr. Burt seconded the motion. The motion passed by a unanimous roll call vote.

Dr. Redman moved to accept the medical records as submitted in the case of 07-07-056, David Lippert, DVM. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.

Dr. Redman moved to accept the medical records as submitted in the case of 06-

06-046, Jack Niggemyer, DVM. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.

The Board acknowledged the Hearings Scheduled for cases: 07-08-135, Susan Prescott, DVM; 07-08-173, Shannon Cawthorn, RVT; 07-08-145, Valerie Anderson, DVM; and 06-07-155, Cynthia Young, DVM. Hearing Schedule

Members took a 20 minute break. Break

Ms. Jessen moved to approve the following continuing education requests for veterinarians: CE Vets

- A. VIN – Immunotherapy and Chemotherapy – 2/11-25/08 – 4 hrs
  - B. MedVet – Understanding the Drugs we Use Tramadol – 11/28/07 – 1 hr
  - C. Focus & Flourish – Surgical Repair of Luxating Patella – 11/10/07 – hr/hr
  - D. Merial Ltd – Vaccines & Vaccination – 10/16/07 – 2 hrs
  - E. Ross University – West Indies Vet Conference – 12/1-8/07 – hr/hr
  - F. Clinical Pathological Conference – Mgt of Septicemic Patient - 2/12/07 – 1 hr
  - G. NE OH Equine –
    - 1. Controlled Substances – 6/12/07 – 2 hrs
    - 2. Foal Topics & EHV-1 Update – 3/20/07 – 2 hrs
  - H. Lighthouse Relief Service – Specialists Conference – 3/6-10/07 – 16 hrs
  - I. Beth McElravy – Residency Program – hr/hr
- Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

Ms. Jessen moved to approve the following continuing education requests for registered veterinarian technicians: CE RVTs

- 1. Equine Anatomy & Physiology – 2/12-4/23/08 - 12
- Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

Ms. Jessen moved to approve the following continuing education requests for veterinarians and registered veterinarian technicians: CE Vets & RVTs

- A. VIN – Rabbit Physiology Husbandry & Behavior – 1/22-2/12/08 - 6
- B. Merial Ltd.--Update on Internal Medicine – 12/9/07 – 6 hrs
- C. MI State University – MI Veterinary Conf – 1/25-27/08 – 15 hrs
- D. NE OH Equine
  - 1. Strangles – 11/6/07 – 2 hrs
  - 2. Equine Nutrition – 10/18/07 – 2 hrs
  - 3. Equine Nutrition – 9/13/07 – 2 hrs
- E. OSU – Int'l Camelid Health Conference – 3/18-22/08 – 36.5 hrs
- F. Lima Area Academy –
  - 1. Ophthalmic Exam in Dogs & Cats – 11/13/07 - 1.25 hrs
  - 2. Good, Bad, Tasty – 10/9/07 – 1.5 hrs
  - 3. Slentrol & Cerenia – 9/11/07 – 1.5 hrs
- G. Toledo VMA – Fall Seminar – Lyme Disease & the Small An Heart – 11/11/07 – 6 hrs
- H. IDEXX – Canine Pancreatitis – 11/13/07 – 1 hr
- I. East OH VMA – Spinal Manipulation for Animals – 1/9/08 – 1.5 hrs
- J. Pfizer

1. GI Disease – 12/11/07; 12/12/07; 12/13/07 – 1 hr ea.
2. Managing the Patient w/Chronic Liver Failure – 12/11/07; 12/13/07 – 1 hr ea
3. Managing the Patient w/Chronic Renal Failure – 12/11/07 – 1 hr
4. Oncology Update – 12/11/07 – 1 hr
5. Chemotherapy in Companion Animals – 12/11/07 – 1 hr
6. Diabetic Dilemma - 12/12/07 – 1 hr
7. Leptospirosis – 12/12/07 – 1 hr
8. What’s Your Diagnosis – 12/13/07 – 1 hr
9. Orthopedic Surgery – 12/18/07 – 2 hrs
10. Soft Tissue Surgery – 12/18/07 – 1 hr
11. Orthopedic Surgery – 12/18/07; 12/19/07 – 1 hr
12. Small Animal Surgery – 12/18/07; 12/19/07 – 3 hrs
13. Soft Tissue Surgery – 12/19/07 – 2 hrs
14. Heartworm Disease – 10/17/07 – 1.5 hrs
15. Guided Vet Dermatology – 12/20/07 – 3 hrs (MedTrak)
16. Most Common Dermatologic Diseases – 12/20/07 – 1 hr (MedTrak)
17. Periodontal Disease—hr/hr- scientific only

Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

Dr. Burt moved to approve the following requests for licensure: Katrina M. Hissam, Gregory Boivin, Ronald Kling, and Richard Kesler. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote. Requests for Licensure

Dr. Small moved to go into executive session at 09:40 a.m. for the Assistant Attorney General report on Settlement Agreements and current litigation. Dr. Gitz seconded the motion. The motion passed by unanimous roll call vote. All guests left the room. Executive Session AAG Report

At 09:50 a.m. Dr. Koncal announced the Board back in public session.

Dr. Gitz moved to accept the Settlement Agreement in the case of 06-06-078 & 07-07-006, Karen Ganofsky, DVM. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote. Settlement 05-06-144

Ms. Jessen moved to dismiss the Notice of Opportunity issued to Susan Prescott, DVM in the case of 07-08-135 for violation of Section 4741.22(X) ORC. Dr. Burt seconded the motion. The motion passed by the following roll call vote: Dr. Redman-no; Mr. Smith-yes, Dr. Small-no, Dr. Gitz-no, Ms. Jessen-yes, Dr. Burt-yes, Dr. Koncal-yes. Dismiss 119

In the case of 07-08-135, Dr. Redman moved to send a letter to the veterinarian advising her to cease any inference of a specialty in dentistry unless/until she becomes board certified. Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye, Dr. Burt-aye. Mr. Smith absent for the vote. Complaint Resp 07-08-135 Close Issue letter

Dr. Gitz moved to find no violation of Chapter 4741. ORC in the case of 07-08-135, complainant Don Witt. Ms. Jessen seconded the motion. The motion passed by the

following roll call voter: Dr. Redman-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-aye, Dr. Burt-aye. Mr. Smith absent for the vote.

07-08-163

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-08-163, complainant Brenda Greene. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote except for Mr. Smith who was absent for the vote.

No Vio

07-08-167

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-167, complainant Chris Herron. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

No Vio

07-08-168

Dr. Burt moved to table and request radiographs in the case of 07-08-168, complainant Denise Dziak. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.

Req radiographs

07-08-169

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-08-169, complainant Robert Wells. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.

No Vio

07-08-177

Ms. Jessen moved to find no violation of Chapter 4741 ORC in the case of 07-08-177, complainant Lori Merriman. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.

No Vio

07-08-179

Dr. Redman left the room prior to discussing case 07-08-179. Dr. Burt moved to find no violation of Chapter 4741 ORC in the case of 07-08-179, complainant Shirley Mohler. Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Redman-abstain, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-no, Dr. Burt-aye.

No Vio

07-08-180

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-180, complainant Carole Prokop and to send a letter to the complainant and veterinarian regarding the recent Board position on intracardiac euthanasia. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

No Vio

07-08-182

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-182, complainant Margaret Barsan. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

No Vio

07-08-183

Ms. Jessen moved to find no violation of Chapter 4741 ORC in the case of 07-08-183, complainant Randy Sanders. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.

No Vio

07-08-184

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-184, complainant Jo Medina. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

No Vio

Executive Session

Dr. Burt moved to go into Executive Session at 10:35 a.m. to discuss Investigative Reports. All guests left the room.

Dr. Koncal called the board back in public session at 11:43 a.m.

Investigative Rpts

05-06-114

The Board reviewed the Prosecutor report submitted by the Ohio Department of Agriculture in the case of 05-06-114, Alvin Burger. No action required.

07-07-044

Dr. Burt moved to close with no violation of Chapter 4741 ORC the case of 07-07-044, complainant Jennifer Talley and to send a letter to the veterinarian advising him to maintain his IDEXX machines according to manufacturer's recommendations. Dr. Small seconded the motion. The motion passed by a unanimous roll call vote.

No Vio w/ letter

07-07-076

Dr. Gitz moved to issue a Notice of Opportunity for a Hearing in the case of 07-07-076, complainant David Critchley. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.

119

07-07-091

Dr. Gitz moved to close case 07-07-091, complainant Tammy Newman and to send a letter to complainant explaining that the issues raised are being addressed in a previous complaint. Licensure restrictions have been placed on the veterinarian's license. Dr. Redman seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz-aye, Ms. Jessen-no, Dr. Burt-aye.

Close w/letter

07-08-122

Dr. Small moved to send an investigator back to the facility in case 07-08-122, complainant Anonymous, and ask specific questions. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. Dr. Koncal directed Ms. Stir to send a letter of appreciation to the Humane Society for their participation.

Invest

07-08-124

Dr. Gitz moved in the case of 07-08-124, complainant anonymous, to send a letter to "Luv My Pet" corporation advising them that they are required to have a veterinary business facility license in accordance with Chapter 4741.28 ORC. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. The board signed certificates of licensure.

Mandate

07-08-130

Dr. Gitz moved to table and to seek further investigation in the case of 07-08-130, complainant Patricia Colmar. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

Table

07-08-138

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-138, complainant Pat Kempton. Dr. Small seconded the motion. The motion passed by a unanimous roll call vote.

No Vio

Correspondence  
Dr. Sober

The Board reviewed correspondence from Dr. Anne Sober regarding dental procedures by animal aides. The Board directed Ms. Stir to send a letter informing Dr. Sober that aides are not permitted to perform prophylaxis and to send a copy of the pertinent law and rules.

Carol Mitchell

In reviewing the correspondence submitted by Carol Mitchell regarding case 07-07-060, Dr. Gitz moved to table the discussion until they can review once again the case materials. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.

Peggy Poston

The Board reviewed correspondence from Peggy Poston regarding case 07-08-140. Dr. Gitz moved to thank Ms. Poston for submitting her concerns, but the Board was not going to reopen the case as there was no new evidence submitted. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.

Signatures were obtained.

Board signature

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-07-062, complainant Carol Burns. Dr. Koncal refrained from any discussion of this case. Dr. Small seconded the motion. The motion passed by a unanimous vote.

Tabled Matters  
07-07-062  
No Vio

. Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-166, complainant Lorie Meiser. Dr. Burt seconded the motion. The motion passed by a unanimous vote.

07-08-166  
No Vio

The reading of the meeting directives was deferred.

Directives

Dr. Koncal acknowledged that the next meeting will be held February 13, 2008, 8:30 a.m. on the 31<sup>st</sup> floor of the Riffe Center.

Next meeting

Dr. Burt moved to adjourn the meeting at 12:15 p.m. Dr. Koncal adjourned the meeting.

Adjournment

\_\_\_\_\_  
Dr. David Koncal, President

\_\_\_\_\_  
Date

Attested to by:

\_\_\_\_\_  
Theresa Stir  
Executive Director