

**OHIO VETERINARY MEDICAL LICENSING BOARD
MINUTES**

March 12, 2008

Veterinary Medical Licensing Board Meeting Minutes

Dr. David Koncal, President of the Ohio Veterinary Medical Licensing Board called the March 12, 2008 meeting to order immediately following the public rule hearing (8:37 a.m.) in the Board Room at 77 S. High Street, 31st Floor, Columbus, Ohio.

Call to Order

Members present:

Roll Call

Dr. David Koncal	present
Dr. Darrell Gitz	present
Dr. James Hearst	present
Dr. Roger Redman	present
Dr. Janet Small	present
Renee Jessen, RVT	present
Geoffrey Smith	arrived at 9:00 a.m.

Dr. Koncal acknowledged the attendance of Theresa Stir, Executive Director, Barry McKew, AAG, Gary Hill, Director of Enforcement for the Ohio Department of Agriculture, Bill Winsley, Executive Director of the Ohio Board of Pharmacy and Linda Heidenriech, RVT of the OAVT.

Acknowledge Staff,
AAG & Guests

In deference to Mr. Winsley's time, Dr. Koncal asked to go out of order of the Agenda and allow Mr. Winsley to bring forth an issue that involves the Pharmacy Board and the OVMLB. The following items were discussed with the Board:

Bd. of Pharmacy

1) Therapeutic Diet Pet Food

Issue: Is therapeutic food for pets considered a prescription medication?

Answer: Therapeutic pet food is not a "dangerous drug" and anyone can sell a drug as long as it is not a dangerous drug. For instance, Mr. Winsley utilized the example of Tylenol. Tylenol is a drug, but it is not a dangerous drug as defined in Ohio law and you do not need a prescription to obtain Tylenol. Therefore, it stands to reason that anyone can sell the Tylenol and not require a prescription. Mr. Winsley could not find any federal regulations that would restrict the selling of therapeutic pet foods without a prescription or that only a veterinarian can supply it.

It would stand to reason that an animal should receive therapeutic diets at the recommendation of the veterinarian, but a valid veterinarian-client-patient relationship is not required in order to obtain the therapeutic pet food. Mr. Winsley provided a historical perspective as to why Veterinarians only have to pay a \$40.00 fee for the distributors' license while other professionals have a considerably higher fee. The Board may need to consider raising all their fees in the near future.

2) Distributor License

Issue: Are veterinarians now required to obtain an Ohio Terminal Dangerous Drug Distributor License?

Answer: The answer depends on if the veterinary business is incorporated or not. If the veterinary practice is incorporated, then yes, the corporation needs to be licensed as a terminal dangerous drug distributor. Section 4729.51 of the Ohio Revised Code excludes a licensed health professional authorized to prescribe drugs from requiring a distributor license. A corporation is not a licensed health professional. This is not a new requirement and has been in law for approximately ten years.

3) Flushing Small Amounts of Meds

Issue: In light of the recent headlines regarding drug amounts in water supplies, should we be encouraging individuals to flush the remainder of a prescription down the toilet?

Answer: Mr. Winsley responded that if it is just a few pills, it should not cause any harm. The actual pharmaceutical elements in the water supply is not from the drugs being flushed down the toilet, but the amounts excreted from the body as drugs are not completely metabolized by the body.

4) Recycled Drugs

Issue: Is it okay to donate leftover or expired drugs?

Answer: No. It is illegal to recycle drugs. There are exceptions in the law but they are very stringent and do not allow for the drugs to have been in the patient's control. There is a requirement for guaranteeing the stability of the drug, etc. If a drug is outdated, it is considered adulterated.

Dr. Koncal indicated that the Board would need to go into executive session with the AAG to discuss a pressing legal matter. At 9:10 a.m., Dr. Small moved to go into executive session. Dr. Redman seconded the motion. The motion passed aye-6, no-0. All Guests left the room. At 9:30 a.m., Dr. Koncal announced the Board back in public session. It was noted that the Board members would like to be notified of any violations of the terms of the Settlement Agreements.

Executive Session-
Legal Matters

Dr. Small moved to accept the minutes as presented. Dr. Gitz seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Mr. Smith-aye, Dr. Small-aye, Dr. Gitz- aye, Dr. Hearst- aye. Ms. Jessen-abstain

February 2008
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

Theresa Stir, Executive Director, provided members with a written report of Board activities and legislative and fiscal updates. Ms. Stir reported that the directives from the last board meeting had been completed except for the media training.

Exec. Dir. Report
Directives

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

New Complaints

- A. 08-08-011 Anonymous
- B. 08-08-012 Anna Zwingler
- C. 08-08-013 Debra Benson
- D. 08-08-014 Joe & Lorinda Falasca

Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

New Comp w/o
Resp
08-08-011
Close

Dr. Gitz moved to close case #08-08-011, complainant Anonymous due to no allegations of a violation of Chapter 4741. ORC were in the complaint. However, a letter will be sent to the shelter regarding the treatment of their own animals within the confines of the law. Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

Dr. Gitz moved to rescind the policy adopted at the June 13, 2007 Board meeting regarding equine dentistry which stated that an individual certified in equine dentistry may perform teeth floating with or without sedation under direct supervision of a veterinarian. Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0.

Equine Dentist

Gary Hill raised an issue regarding a complaint against a dog warden euthanizing animals. The Board recommended referring the case to the Pharmacy Board.

ODA issue

Dr. Gitz moved to accept the Notices of Opportunity for Hearing issued in the cases of 07-08-172, Rudy Schneidhorst, DVM and 07-07-060, Jack Timmons, DVM. Ms. Jessen seconded the motion. The motion passed aye-6, no-0, abstain-0.

Consideration Of:
Hearing Notice

Dr. Redman moved to accept the medical records submitted in the case of 06-06-051, Robert Mueller, DVM as satisfactory. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

Med Records

The Board acknowledged the Hearing Scheduled for case 07-07-060, Jack Timmons, DVM.

Acknow. Hearing

At 10:40, Dr. Small moved to go into Executive Session to discuss the Hearing Report and Recommendation for case 05-05-024, James Harrison, DVM. Ms. Jessen seconded the motion. All guests and Dr. Gitz left the room.

Exec Session

Dr. Koncal announced the Board out of executive session at 11:40 p.m.

Dr. Small moved in the case of 05-05-024, James Harrison, DVM to accept the Findings of Fact and Conclusions of Law, but to modify the recommendation of the Hearing officer. The Board finds Dr. James Harrison in violation of Section 4741.22(A) ORC and Rule 4741-1-03(A) OAC by failing to conform with the minimal standards of care by failing to x-ray the dog on the date of her THP surgery or the first follow-up visit. Therefore, the Board issues a \$500.00 fine to Dr. Harrison. Dr. Redman seconded the motion. The motion passed aye-5, no-0, abstain-Dr. Gitz.

05-05-024
Adjudication Ord.

Dr. Redman moved in the case of 05-05-062, James Harrison, DVM to dismiss the Notice of Opportunity for Hearing issued by the Board due to new evidence that was made available to the Board. Ms. Jessen seconded the motion. The motion passed aye-5, no-0, abstain-Dr. Gitz.

05-05-062
NOH dismissed

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

- A. Academy of Vet Imaging – Small Animal Unltrasound – 04/21-25/08- hr/hr
- B. Novartis – Osteoarthritis Spkr Trng – 01/28-31/08 – 4.75 hrs
- C. Cincinnati VMA – Urinary Disease – 03/25/08 – 2 hrs.
- D. Dr. Harris – Clinical Pathological Conf.- 10/10/07 – 1 hr.
- E. VIN
 - 1. Organ System & ABVP Review (A) – 03/27-5/29/08- 16 hrs.
 - 2. Organ System & ABVP Review (B) – 06/12 – 08/14/08-16 hrs
- F. Ohio Aquaculture Assoc. Conference – 12/08/08 – 4.5 hrs.
- G. Merial Ltd. – Pain and Its Management – 03/25/08 -1.5 hrs.

Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

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

- A. Merial, Ltd.
 - 1. Emergency Situations Assoc. with Anesthesia – 12/02/07- 1 hr.
 - 2. Medical Mngmt of the Colic Patient – 12/02/07 – 1 hr.
 - 3. From Films to Filmless – 12/02/07 – 1 hr.
 - 4. Equine Reproduction Tech – 12/2/07 – 1 hr.
 - 5. Identifying and Managing Canine Osteoarthritis – 03/27/08 – 2 hrs
- B. MedVet
 - 1. Upper Gastrointestinal Scopes – 10/25/06 – 1 hr.
 - 2. Chemotherapy Safety – 10/18/06 – 1 hr.
- C. Ethicone Endo-Surgery, Inc.
 - 1. Pain and Distress – 01/08/08 – 1 hr.
 - 2. Esophogotomy Training for Porcine Model Prep – 02/08/08 – 2 hrs
- D. VIN
 - 1. Computers in Vet Medicine – 04/09-05/16/08 –NON SCIENTIFIC
 - 2. Fundamentals of Toxicology – 03/17 – 04/06/08 – 3 hrs
- E. Nestle Purina – Nutrition Basics- Module 1 – 01/26/08 – NOT APPROVED
- F. Cincinnati Children’s Hospital
 - 1. Red Leg in Frogs & Ferrets in Research -02/21/08- 1 hr
 - 2. Animal Health Observation, Reporting & Documentation – 02/07/08 - 1 hr.
- G. Lilly – Reconcile PET Program – NON-SCIENTIFIC ONLY
- H. OSU Veterinary Teaching Hospital– Coagulation Cascade, Testing & Therapy – 03/04/08-2hrs

Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

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

- A. Cincinnati Children’s Hospital –
 - 1. Wild Canine Recovery Programs: The Mexican Wolf – 03/20/08-1 hr.
 - 2. Aardvarks to Zinc: Nutritional Success in Animals – 03/06/08 – 1 hr
- B. Hill’s – Urinary Care Prgm – 05/12/07- Not Real Time/NOT APPRVD.
- C. Idexx – Heartworm Infection in Cats- 11/10/07-NOT APPRVD (not real time)

- D. The OSU College of Veterinary Medicine – Sound Horse Conf – 04/11-12/08-9.75 hrs
- E. Pfizer
 - 1. Canine Periodontal Disease: Case Mngmt –seeking approval thru 03/31/2010-1 hr
 - 2. Fleas and Heartworms – 02/11/08 & 02/12/08 – 2 hrs.
 - 3. Relevant Trends in Canine Infectious Resp. Disease-12/11/07 – 1 hr
 - 4. Beef Calf Care- seeking approval thru 03/30/2010 – 1 hr
 - 5. Canine Periodontal Disease – seeking approval until 03/31/2010 – 1 hr
 - 6. Sub-Clinical Mastitis – seeking approval until 03/30/2010 – 1 hr.
- F. MedVet
 - 1. Head Trauma – 01/23/08 – 1 hr.
 - 2. Clinical Presentation: Hypoglycemia – 02/13/08 – 1 hr
- G. Action COACH of Akron/Canton—NOT SCIENTIFIC
 - 1. Business Growth Ad Workshop – 02/29/08-NOT APPRVD.
 - 2. Business RICH – 2/21-22/08 & 3/27-28/08 – NOT APPRVD.
 - 3. Profit CLUB –Ongoing – NOT APPRVD
- H. Precise Biomedical Inc.- Principles of Radiography and Film Proc.- 05/21-22/08- hr/hr
- I. Butler/Warren Vet Assoc-Hepatobiliary Disease – 01/08/08 – 1 hr
- J. Cryan Veterinary Hospital –Intro Veterinary Dentistry – 12/06/07- 2 hrs
- K. Novartis--Req. 12 month approval for each
 - 1. NSAID Safety Program – 2 hrs
 - 2. Fundamental Pain Mngmt Concepts & Nonmedical Mngmt of Canine OA – 1 hr
 - 3. Fundamental Pain Mngmt Concepts and Client Communications-1.5 hr
 - 4. Fundamental Pain Mngmt Concepts and Physical Rehabilitation – 1 hr
- L. 2008 CALF Meeting – 02/12-13/08 – 4 hrs
- M. VIN – Pharmaceutical Regulatory Review – 04/02-16/08 – 3 hrs
- N. Cincinnati Animal Referral and Emergency Center – Critical Care Nutrition – 3/25/08 – 1 hr
- O. Vet Med Team – Canine Heartworm Disease – 2/15 to 2/25/08 & 3/1to 3/11/08 hr/hr
- P. Land O’Lakes – Heat Abatement Workshop 2008 – 03/11/08 -4 hrs
- Q. Miami Valley VMA – Slips, Tics, & More- 02/05/08 – 2 hrs
- R. Daniel Covey, DVM – Importance of Being Bartonella and Insulinomas – 01/15/08 – 2 hrs
- S. Nutrition Seminars – Integrated Veterinary Nutrition – 04/26/08 – 8 hrs
- T. OVMA – Infectious Disease Mngmt for Animal Shelters – 04/04/08 – 5 hrs
- U. Lake Humane Society – Animal Cruelty Investigations – 03/19/08 – 3 hrs
- V. Ethicon Endo-Surgery, Inc. – What Every IACUC Should Know – 02/07/08 – 1.5 hrs
- W. Fort Dodge Animal Health
 - 1. Flea & Tick Control Measures – 2/21/08 – 2 hrs
 - 2. Update on Feline Calicivirus – 12/12/07 – 2 hrs

Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

Ms. Jessen moved to approve the following requests for licensure: Paul Eugene Cameau, DVM, Jaclyn M. Andrews, DVM, Wendy S. Tsai-Nguyenba, DVM, Esizabeth Anne Sandfoss, DVM and Jennifer Jean Gerometta, DVM Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0.

Requests for
Licensure

Dr. Gitz moved to accept the renewal application for VET.8461. Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0.

Renewal of
Licensure

Dr. Gitz moved to accept the Settlement Agreement in the case of 07-08-145, Valerie Anderson, DVM. Dr. Small seconded the motion. The motion passed aye-6, no-0, abstain-0.

Settlement
07-08-145

Ms. Jessen moved to send to investigation the case of 07-08-193, complainant Tammy Adelhardt. Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

Complaint Resp
07-08-193
Investigate

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 08-08-007, complainant Michael Haley. Dr. Redman seconded the motion. The motion passed aye-6, no-0, abstain-0.

08-08-007
No Vio

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 08-08-013, complainant Debra Benson. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

08-08-013
No Vio

Dr. Small moved to go into Executive Session at 12:05 p.m. to discuss Investigative Reports. All guests left the room.

Executive Session

Dr. Koncal called the board back in public session at 12:15 p.m.

Dr. Redman moved to find no violation of Chapter 4741 ORC the case of 07-08-122, complainant Anonymous. Ms. Jessen seconded the motion. The motion passed aye-6, no-0, abstain-0.

Investigative Rpts
07-08-122
No Vio

Dr. Small moved to issue a Notice of Opportunity for a Hearing in the case of 07-08-172, complainant Amy Dunnett for violation of Section 4741.22(W) ORC. Dr. Gitz seconded the motion. The motion passed aye-5, no-0, abstain-0.

07-08-172
119

Dr. Redman moved to close the case 07-08-189, complainant Anonymous. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0.

07-08-189
Close

The Board reviewed correspondence from Beth Sheehan regarding case #07-08-196. The Board directed Ms. Stir to provide the requested public records documents. No further correspondence is required.

Correspondence
Beth Sheehan

The Board reviewed correspondence from Mr. Bill Yaeger complimenting the veterinary care his dog received from Dr. Don Mann, DVM and Dr. Carrie St. Clair, DVM. The Board directed Ms. Stir to forward the letter to the veterinarians.

Complimentary
letter

The Board reviewed correspondence from Marilyn Gazdic regarding case #07-08-188. The Board took her comments under advisement. No further correspondence required. Marilyn Gazdic

At 12:25 p.m., Dr. Small moved to go into executive session to discuss tabled matters. Ms. Jessen seconded the motion. The motion passed aye-6, no-0, abstain-0. Exec. Session
At 12:50 p.m., Dr. Koncal declared the board out of executive session.

Dr. Small moved to close case 07-08-106 complainant Tom Skelton for lack of evidence. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0. Tabled Matters
07-08-106
Invest.

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-08-162, complainant Darlene Schiavoni. Dr. Gitz seconded the motion. The motion passed aye-6, no-0, abstain-0. 07-08-162
No Vio

The Board decided to table the discussion of RACE approval status and directed Ms. Stir to investigate further the surrounding states' CE process and rules. Old Business
RACE

Board members were presented with the Governor's Executive Order 2008-04S. New Business
Exec. Order

The reading of the meeting directives was deferred. Directives

Dr. Koncal acknowledged that the next meeting will be held April 9, 2008, 8:30 a.m. on the 31st floor of the Riffe Center. Next meeting

Dr. Redman moved to adjourn the meeting at 1:00 p.m. Dr. Koncal adjourned the meeting. Adjournment

Dr. David Koncal, President

Date

Attested to by:

Theresa Stir
Executive Director