

OHIO VETERINARY MEDICAL LICENSING BOARD

MINUTES

September 12, 2007

Veterinary Medical Licensing Board Meeting Minutes

Dr. Janet Small, President of the Ohio Veterinary Medical Licensing Board called the September 12th, meeting to order at 09:15 a.m. after the Public Rules Hearing in the Board Room at 77 S. High Street, 31st Floor, Columbus, Ohio. Call to Order

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

Dr. Janet Small	present
Dr. Darrell Gitz	present
Dr. James Burt	present
Dr. David Koncal	present
Dr. Roger Redman	present
Renee Jessen, RVT	present
Geoffrey Smith	present

Dr. Small acknowledged the attendance of Theresa Stir, Executive Director, Donna Fickel, Executive Secretary, Barry McKew, AAG, and Nicole Eaton, OVMA Liaison. Guests were asked to sign the attendance sheet. Attendance Staff,
AAG, and Guests

Dr. Burt 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. Burt-aye, Dr. Gitz- aye. Dr. Koncal- aye, Ms. Jessen- aye. August 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

Dr. Small announced an addition to the Agenda to permit Megan Pandey, Nicole Cornwell & Dr. Michelle Gonzalez of Rascal Mobile Units a few minutes to discuss their mobile clinic. Dr. Gonzalez indicated that they have no problems with the new rules and that their mobile clinics are in compliance. Ms. Stir encouraged the speakers to bring any suggested revisions to the Board staff once the rules have been put into practice. Rascal Mobile
Clinic

Theresa Stir, Executive Director, reported that the directives from the last board meeting had been completed. Exec. Dir. Report

The Board accepted the following dates for the 2008 Board meetings: January 9, February 13, March 12, April 9, May 14, June 11, July 9, August 13, September 10, October 8, November 12, and December 10. The dates will be posted on the web site. 2008 Board meeting
dates

Ms. Stir provided a preliminary synopsis of the Board budget and expenditures. With the implementation of OAKS, reports are inconsistent and there are a few bugs that Budget

still need worked out. Ms. Stir will provide a budget report for the first quarter of the fiscal year at the October meeting.

Dr. Gitz will not be able to attend the AAVSB conference being held in Charleston, South Carolina. Dr. Koncal will represent the Board.

Rules

Dr. Gitz moved to withdraw Rule 4741-1-14 OAC from the original rule filing. Dr. Burt seconded the motion. The motion passed by a unanimous roll call vote. Ms. Stir reminded members that the Rule will be on the Agenda in October for proposed changes. Ms. Stir asked Dr. Eaton if OVMA could have their recommendations to the Board members by the October 10th meeting.

4741-1-14 OAC

Dr. Gitz moved to withdraw Rule 4741-1-06 OAC from the original rule filing and refile as a “No Change” rule. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

4741-1-06 OAC

OVMA raised concerns in their public hearing testimony regarding Rule 4741-1-21 OAC in which a veterinarian who leaves a practice may not have access to the treatment records the way the rule is written currently. The Board took their recommendations under advisement. Dr. Gitz moved to revise the rule filing for Rule 4741-1-21 OAC by striking the term “subsequent” to proposed Rule 4741-1-21(D) OAC. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.

4741-1-21 OAC

OVMA also raised issues with Rule 4741-2-03 OAC regarding limited licensure. The Board reviewed the Section 4741.13 of the Revised Code which states that the Board “may issue” a limited license. The Board also reviewed Section 4741.01 ORC which defines the practice of veterinary medicine. The Board believes at this time that proposed Rule 4741-2-03 sufficiently addresses the concerns raised regarding researchers. The Board recognized that since the rule is new, it will need to be reviewed along with other new rules within the first year of implementation to determine effectiveness and the need for further revisions.

Proposed Rule
4741-2-03

The Board was provided the following information:

FYI

1. NBVME Report
2. OAVT Newsletter
3. NVME Letter re: NAVLE
4. OVMA Newsline

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

New Complaints

- | | | |
|----|-----------|-----------------------------------|
| A. | 07-08-123 | OVMLB |
| B. | 07-08-124 | OVMLB |
| C. | 07-08-125 | Dr. Anita Poling (complainant) |
| D. | 07-08-126 | Janice Mayfield |
| E. | 07-08-127 | Pamela Wilson |
| F. | 07-08-128 | Lee Bolton |
| G. | 07-08-129 | Edward Wine |
| H. | 07-08-130 | Patricia Colmar |
| I. | 07-08-131 | Nicole Puccini |
| J. | 07-08-132 | Dr. Michael Andrews (complainant) |
| K. | 07-08-133 | Chloe Milburn |
| L. | 07-08-134 | Kimberly Samanen |

M. 07-08-135 Don Witt
 N. 07-08-136 Ernest Nicaastro
 O. 07-08-137 Ronald Mazelis
 P. 07-08-138 Pat Kempton

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

	New Comp w/o Resp
Dr. Redman moved to send to investigation the case of 07-08-124, complainant OVMLB. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote.	07-08-124 Investigation

Dr. Gitz moved to issue a Cease & Desist letter in the case of 07-08-125, complainant Dr. Anita Poling. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote. Dr. Gitz further requested that Dr. Poling also receive a copy of the letter that is sent out.	07-08-125 Cease & Desist
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Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-126, complainant Janice Mayfield. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.	07-08-126 No Vio
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Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-08-128, complainant Lee Bolton. Dr. Burt seconded the motion. The motion passed by a unanimous roll call vote.	07-08-128 No Vio
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Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-132, complainant Dr. Michael Andrews. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote.	07-08-132 No Vio
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Ms. Jessen moved to find no jurisdiction under Chapter 4741 ORC in the case of 07-08-133, complainant Chloe Milburn. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote.	07-08-133 No Juris.
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Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08-134, complainant Kimberley Samanen. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.	07-08-134 No Vio
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Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-08-136, complainant Ernest Nicaastro. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.	07-08-136 No Vio
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Dr. Gitz moved to close the case of 07-08-137, complainant Ronald Mazelis. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. Dr. Gitz asked that a letter be sent to the complainant with an explanation that the veterinarian in question was already addressing the issues mentioned in the case of 07-08-137 as a result of a similar complaint.	07-08-137 Close
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Ms. Jessen moved to acknowledge the Notices of Opportunity for Hearing and Consideration Of:

the Hearing Schedules as submitted. Dr. Gitz seconded the motion. The motion passed by a unanimous roll call vote. The 119's issued were for:

119s & Hearing
Schedule

1. 07-07-025 Eric Schertel, DVM
2. 06-06-078 Jessica Woernley, RVT
3. 06-06-006 & 06-06-078 Wayne Turner, DVM
4. 06-06-006 & 06-06-078 Karen Ganofsky, DVM
5. 06-06-078 Jenifer Hren-Gaffney, DVM
6. 06-06-078 Michael Slawienski, DVM
7. 06-06-078 Rodney Ferguson, DVM
8. 06-06-078 Lawrence Anson, DVM
9. 06-06-078 James Vogt, DVM

The Board members acknowledged the Hearing schedules set for the following:

1. 07-07-039 Jerry Harris, DVM
2. 07-07-006 & 06-06-078 Wayne Turner, DVM
3. 06-06-078 Lawrence Anson, DVM
4. 06-06-078 Michael J. Slawienski, DVM
5. 06-06-078 James C. Vogt, DVM
6. 06-06-078 Rodney Ferguson, DVM
7. 06-06-078 Jenifer Hren-Gaffney, DVM
8. 06-07-158 Frank Pellegrini, DVM

Dr. Koncal moved to accept the medical records submitted by Robert Mueller, DVM as submitted in compliance with the terms of settlement in case #06-06-051 as satisfactory. Ms. Jessen seconded the motion. The motion passed by unanimous roll call vote.

Consideration of Pt.
Records Submitted

The Board took a break at 10:30 until 10:40 a.m.

Break

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

CE Vets

- A. Vet Oncology & Referral Clinic – Clinical Pathologic Conf – 8/8/07 – 1 hr
- B. MedVet
 1. Case Presentation – 7/25/07 – 1 hr
 2. Status Epilepticus – 8/8/07 – 1 hr
 3. Veterinary Dentistry – 8/22/07 – 3 hr
- C. Pfizer – Physiology of Emesis – 8/2 & 8/8/07 – 1 hr
- D. Elance Animal Health – Turkey Technical Seminar – 8/21-23/07 – 5 hrs
- E. Banfield the Pet Hospital – Education Symposium – 9/23-27/07; 1/6-9/08; 3/2-5/08 – 20 hrs
- F. Un of MN – Critical Care Conference – 4/12/07 – 6 hrs
- G. Charles River Labs – Annual Short Course – 6/12-15/06 – 20 hrs
- H. Cleveland Academy of Vet Med – Feline Medicine – 9/5/07 – 4 hrs

Dr. Koncal seconded the motion. The motion passed with the following roll call vote: Dr. Redman-aye; Dr. Burt-aye; Dr. Gitz-aye; Dr. Koncal-aye; Ms. Jessen-aye. Mr. Smith was absent for the vote.

Ms. Jessen moved to approve the following continuing education requests for

CE RVTs

registered veterinarian technicians:

A. VIN

1. Previously approved programs – Dental Technique Modules
2. Dermatology for VT – 8/29-10/5/07 – 6 hrs

B. Cincinnati RVT Association

1. Hospice & Palliative Care – 9/18/07 – 2 hrs.
2. Vet Tech Specialties – 11/27/07 – 2 hrs
3. Hypobaric Oxygen Therapy – 1/15/08 – 2 hrs

C. OH Veterinary Dental Service – Thorough Teeth Cleaning – 9/14/07 – hr/hr with a maximum of 5 hours

Dr. Koncal seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye; Dr. Burt-aye; Dr. Gitz-aye; Dr. Koncal-aye; Ms. Jessen-aye. Mr. Smith was absent for the vote.

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

A. CARE CENTER

1. Take Home Toxicology – 9/13/07 – 1 hr
2. Pharmacology – 9/20/07 – 1 hr
3. Slips, Tics & More Neurology – 9/18/07 – 2 hrs

B. Canine for Compassion – Integrative Medicine in Pets – 10/21/07 – 2 hrs

C. Cincinnati Children's Hospital

1. Pulmonary Biology Research – 8/16/07 – 1 hr
2. Nonhuman Primate Research – 8/23/07 – 1 hr

D. Tufts Cummings Vet School – Canine & Feline Conference – 9/13&14/07 – hr/hr

E. American Kennel Club – Canine Health Genetic Research – 10/19-21/07 – hr/hr

F. Pfizer – Canine Emesis – 9/6/07 & 8/21/07 – 1 hr

G. American Holistic Conference – 10/6-9/07 – hr/hr

H. Grady Vet Hospital – Dental Upgrade - _____ 5 hrs

I. OSU

1. Canine Theriogenology – 1/26-27/08 – 14 hrs.
2. Feline Behavior Wellness – 9/29-30/07 – 16 hrs.
3. Canine Behavior Wellness – 9/29-30/07 – 16 hrs
4. Antimicrobial Conference – 10/27/07 – 8 hrs
5. Diagnostic & Therapeutic Approaches – 10/28/07 – 6.5 hrs

J. Beaver Animal Clinic – Complimentary & Alternative Vet Med – 4/13/08 – 6 hrs.

L. AAHA – Intravenous Induction Agents – 6/13/07 – 1 hr.

M. Equine Athletic Conference – 10/26/07 – 8 hrs

Dr. Koncal seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

Dr. Gitz moved to approve the following requests for licensure: Gwyneth H. Evans and Jennifer Lynn Nielsen. Ms. Jessen seconded the motion. The motion passed by unanimous roll call vote. Requests for Licensure

There were no veterinarian or RVT renewals.

Renewals

Dr. Koncal moved to go into executive session at 10:50 a.m. for the Assistant Attorney General report. Dr. Redman seconded the motion. The motion passed by unanimous roll call vote. All guests left the room. Dr. Koncal left the meeting during a discussion of a specific case that might have potential conflict.

Executive Session
AAG Report

At 11:15 a.m. Dr. Small announced the Board back in public session.

Settlements

Dr. Gitz moved to approve and accept the Settlements for Case(s) 07-07-056 David Lippert, DVM, 06-06-024 Robert Dahlhausen, DVM, and 07-08-123 Louis LeVan, DVM. Ms. Jessen seconded the motion. The motion passed by a unanimous roll call vote.

After consideration of a letter submitted to the Board introducing new evidence in case # 06-06-078, Dr. Burt moved to withdraw the Notice of Opportunity for Hearing issued to Jessica Woernley, RVT. Ms. Jessen seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Mr. Smith-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-abstain, Ms. Jessen-aye.

Withdraw 119

Dr. Burt moved to find no violation of Chapter 4741 ORC in the case of 07-07-093, complainant April Batdorf. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote.

Comp Responses
07-07-093
No Violation

Dr. Burt moved to find no violation of Chapter 4741 ORC in the case of 07-07-095, complainant Evelyn Friend. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote.

07-07-095
No Vio

Case 07-07-097, complainant Harriet Michaels was withdrawn from consideration at this meeting due to additional records are expected.

07-07-097
Withdrawn/Agenda

Dr. Gitz moved to find no jurisdiction under Chapter 4741 ORC in the case of 07-08-105, complainant Deirdre McCormick. Dr. Redman seconded the motion. The motion passed with the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote. The Board members indicated that a letter needed to be sent to the Pathologist in the case regarding the requirements for licensure, especially now that the limited license is in effect.

07-08-105
No Juris

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-08-111, complainant Deborah Patterson. Dr. Koncal seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

07-08-111
No Vio

Dr. Gitz moved to find no violation of Chapter 4741. ORC in the case of 07-08-112, complainant Lisa Schaefer. Dr. Redman seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

07-08-112
No Vio

Dr. Redman moved to find no violation of Chapter 4741 ORC in the case of 07-

07-08-113

08-113, complainant John Boone. Dr. Koncal seconded the motion. The motion passed No Vio
by the following roll call vote: Dr. Redman-aye, Mr. Smith-abstain, Dr. Burt-aye, Dr.
Gitz-aye, Dr. Koncal-aye, Ms. Jessen-aye..

Dr. Gitz moved to find no violation of Chapter 4741 ORC in the case of 07-08- 07-08-115
115, complainant Peggy Rauch. Dr. Koncal seconded the motion. The motion passed No Vio
by a unanimous roll call vote.

The Board took into consideration additional correspondence submitted by the 07-08-117
complainant regarding case #07-08-117. Dr. Gitz moved to find no violation of Chapter No Vio
4741 ORC in the case of 07-08-117, complainant M.J. Raichyk. Dr. Koncal seconded
the motion. The motion passed by a unanimous roll call vote.

Ms. Jessen moved to find no violation of Chapter 4741 ORC in the case of 07-08- 07-08-120
120, complainant Jeff Trimble, Jr. Dr. Gitz seconded the motion. The motion passed by No Vio
a unanimous roll call vote.

At 11:55 a.m., Dr. Koncal moved to go into executive session to discuss the Executive Session
Investigative Reports. Dr. Redman seconded the motion. The motion passed by a Investigative Rpts
unanimous roll call vote.

At 12:45 p.m., Dr. Small announced the Board out of executive session.

Dr. Redman moved to issue a Notice of Opportunity for Hearing in the case of 06-07-155 06-07-155
06-07-155, complainant Matthew McCarron. Dr. Gitz seconded the motion. The motion Issue 119
passed with the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye,
Dr. Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

Ms. Jessen moved to find no violation of Chapter 4741 ORC in the case of 07-07- 07-07-038
038, complainant Bertie Moore. Dr. Redman seconded the motion. The motion passed No Vio
with the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr.
Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

Dr. Burt moved to close for lack of sufficient evidence in the case of 07-07-060, 07-07-060
complainant Carol Mitchell. Dr. Gitz seconded the motion. The motion passed with the No Vio
following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-aye,
Ms. Jessen-aye. Mr. Smith was absent for the vote.

Dr. Koncal moved to find no violation of Chapter 4741 ORC in the case of 07-07- 07-07-065
065, complainant Robert Cantey. Dr. Burt seconded the motion. The motion passed No Vio
with the following roll call vote: Dr. Redman-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr.
Koncal-aye, Ms. Jessen-aye. Mr. Smith was absent for the vote.

Dr. Koncal moved to find no violation of Chapter 4741 ORC in the case of 07- 07-07-080
07-080, complainant Barb Kimmet. Dr. Gitz seconded the motion. The motion passed No Vio
by unanimous roll call vote.

Regarding case 06-07-147, Alexia Wilde McClay, members received a memo 06-07-147
from the ODA investigator stating that the Prosecutor declined to take the case. The Prosecutor report

memo referenced an email from the Prosecutor with rationale which was not provided to the OVMLB. The Board directed the Executive Director to obtain the email for future consideration of similar cases.

Dr. Burt moved to accept the results of the Compliance Inspection performed of Snow Ridge Animal Hospital. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. Compliance Insp

The Board reviewed a letter from Ronald Otto regarding case #07-07-008. There was no new evidence or information from Mr. Otto's previous correspondence. Correspondence
Ronald Otto

The Board reviewed correspondence received from Mohamed Hanify, DVM who is currently stationed in IRAQ. Dr. Hanify was concerned about potential late fees being assessed for renewal of his license as well as his inability to obtain the mandated hours of continuing education. Dr. Gitz moved to grant a waiver to Mohamed Hanify, DVM until he returns from his service to the military. And if Dr. Hanify does not have enough continuing education hours, to allow him to make up the hours in the subsequent year. Dr. Koncal seconded the motion. The motion passed by a unanimous roll call vote. Dr. Hanify

The Board reviewed a letter from M.J. Raichyk regarding case #07-07-099. The Board directed the Executive Director to send a letter thanking Ms. Raichyk for her correspondence but the intentions of the Board regarding case #07-07-099 remain the same. M.J. Raichyk

Dr. Redman moved to find the patient medical records submitted by Daniel Stearns, case #05-06-108 inadequate. Therefore Dr. Stearns will be required to resubmit an additional ten (10) patient medical records and extend the settlement agreement another quarter as a result. Dr. Burt seconded the motion. The motion passed by the following roll call vote: Dr. Redman-aye; Mr. Smith-aye; Dr. Burt-aye; Dr. Gitz-aye; Dr. Koncal-abstain, Ms. Jessen-aye. Tabled Matters
05-06-108 Pt Rec
Dr. Stearns

Dr. Redman moved to issue a letter to the veterinarian regarding his practice of utilizing the same needle when administering medications/vaccines to littermates. Dr. Burt seconded the motion. The motion passed with the following roll call vote: Dr. Redman-aye, Mr. Smith-aye, Dr. Burt-aye, Dr. Gitz-aye, Dr. Koncal-abstain, Ms. Jessen-aye. 07-07-049
Advisory Letter

Dr. Koncal moved to find no violation of Chapter 4741 ORC in the case of 07-08-119, complainant Christine Traxler. Dr. Redman seconded the motion. The motion passed by a unanimous roll call vote. 07-08-119
No Vio

The CE approval for Constance Goldman, RVT will remain tabled until she submits the requested information elaborating on the continuing education hours. RVT hrs tabled

The board signed certificates of licensure. Bd Signatures

The reading of the meeting directives was deferred.

Directives

Dr. Small acknowledged that the next meeting will be held October 10, 2007, Next meeting 8:30 a.m. on the 31st floor of the Riffe Center.

Dr. Burt moved to adjourn the meeting at 1:00 p.m. Dr. Small adjourned the Adjournment meeting.

Dr. Janet Small, President

Date

Attested to by:

Theresa Stir
Executive Director