

OHIO VETERINARY MEDICAL LICENSING BOARD

MINUTES

May 9, 2001

Dr. Deborah Foster, President of the Ohio Veterinary Medical Licensing Board, called the May 9, 2001, meeting to order at 8:30 a.m. in Room 1920 at 77 S. High Street, 19th Floor, Columbus, Ohio. Call to Order

Dr. Foster directed the Executive Secretary to call roll: Roll Call

Dr. Jerry Lahmers	present
Dr. Janet Small	present
Dr. Deborah Foster	present
Dr. Raymond Fournier	present
Mrs. Janet Buck, RVT	present
Mrs. Karen Morrison	absent

Dr. Foster acknowledged the attendance of Mrs. Donna Fickel, Secretary, Dr. Mindy Holland, Compliance Agent, Heather Hissom, Executive Secretary, John Izzo, AAG and Dr. James Burt, who will be the new board member. Attendance
Staff, & AAG

Dr. Fournier moved to approve the April 11, 2001 Minutes as submitted. Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Small- aye; Mrs. Buck-aye; Dr. Fournier- aye; Dr. Lahmers- aye. April 11, 2001
Minutes approved

Mrs. Morrison arrived at 8:40 a.m. Mrs. Morrison
Arrived

Dr. Foster did not have a President's report. Pres. Rep.

Mrs. Buck reported that all Board members had received a letter from the AVMA regarding the Model Practice Act of the AAVSB. The AVMA wants the Board's delegate to vote against the Model Practice Act. The Board will advise Ms. Hissom of any points of disagreement with the Practice Act. Sec. Rep.

Dr. Knapp reported that the OVMA would have suggestions to present

to the Board regarding rule rewrites by the Board deadline.

OVMA liaison

Dr. Fournier and Mrs. Buck have met and reviewed the Practice Act. Ms. Hissom will make changes and forward the revisions to all Board members for comment.

Practice Act
Revisions

Becky Gentry and Vicki Reiter arrived at meeting.

Becky Gentry and
Vicki Reiter
Arrived

Heather Hissom, Executive Secretary, reported that a directive list had been distributed to the Board members with the material for the meeting. The budget bill passed the House without the requested fee increase. Ms. Hissom testified before the Senate Finance Committee on May 1, 2001. If the final budget bill does not include the fee increase, Ms. Hissom will be meeting with OBM to discuss ways to cut back on expenses. Ms. Hissom reported that there was still no contract for L2000. The Board has contributed approximately \$12,000 in costs thus far toward the project. Ms. Hissom reported that the Engineers Board will be updating the website. Ms. Hissom stated that there is already a link on the website for a newsletter if the Board is interested in having an electronic newsletter. Because of the Governor's directive for only necessary spending for the remainder of the fiscal year, Ms. Hissom stated that new computer equipment is not in the budget. Ms. Hissom reported that she had received correspondence from Dr. Kathleen Smith from ODH regarding veterinary participation in rabies clinics. The Board directed Ms. Hissom to respond that the Board is willing to review a plan that would include veterinarians while not violating the Practice Act. The Board may approve the plan. Ms. Hissom reported that there is a new board member training sponsored by the Governor's Office scheduled for May 18, 2001. Ms. Hissom reported that included with the Board's mailings is a breakdown in expenses for the ODA contract. Ms. Hissom also pointed out that the Board had received a copy of the Maryland Veterinary Licensing Board's newsletter and a letter from the Colorado Board. Ms. Hissom reported that the JCARR hearing on OAC 4741-1-04 was held on May 7, 2001 and the rule was approved. It will be filed in final format by May 20, 2001. Additional rules were filed on May 7, 2001 that were reviewed at the April board meeting. The public hearing for these rules will be June 13, 2001. The Rules Committee will be meeting on May 23, 2001 to review the remaining rules and comply with JCARR requirements.

Exec. Sec. Report

Bd. Direction re:
ODH rabies clinics

Dr. Fournier moved to acknowledge receipt of the following new complaints and the file numbers issued:

New Complaints
Acknowledged

01-01-033 James Nicholson
 01-01-034 James Jones
 01-01-035 OVMLB
 01-01-036 GERALYN Stancin
 01-01-037 Christine Gearhart
 01-01-038 Karen Tracey
 01-01-039 Wayne Gilreath

Dr. Lahmers seconded the motion. The motion passed by the following roll call vote: Dr. Small-aye; Mrs. Buck- aye; Dr. Fournier- aye; Dr. Lahmers – aye; Mrs. Morrison- aye.

The Board directed Ms. Hissom to find out more information in the case of 01-01-037, Christine Gearhart.

01-01-037
 More info. needed

Dr. Fournier moved to find no jurisdiction in the case of 01-01-039, Wayne Gilreath. Mrs. Buck seconded the motion. The motion passed by the following roll call vote: Dr. Small-aye; Mrs. Buck- aye; Dr. Fournier- aye; Dr. Lahmers – aye; Mrs. Morrison- aye.

01-01-039
 No juris.

The Board acknowledged correspondence that was sent to the Governor's Office regarding the appointment of a new Board member.

Correspondence
 Acknowl.

Dr. Fournier moved to acknowledge the requests for hearing from Dr. Paul Gardner, File # 00-00-01 & 01-01-022, Dr. Lisa Kurtz, File # 00-01-120, and Dr. Beatrice Turk, File # 00-00-037; the Amended Finding & Order for Dr. Paul Gardner, File # 99-99-004; and the Amended Notice of Opportunity of Hearing for Dr. Cletus Vonderwell. Dr. Lahmers seconded the motion. The motion passed by the following roll call vote: Dr. Small-aye; Mrs. Buck- aye; Dr. Fournier- aye; Dr. Lahmers – aye; Mrs. Morrison- aye.

Ackn. Requests for
 Hearing,
 119's Issued, and
 Amended Finding &
 Order Issued

Dr. Lahmers moved to find no violation of R.C. 4741 in the case of 01-01-016, Terri Polen, that was before the Board for reconsideration. Mrs. Buck seconded the motion. The motion passed by the following roll call vote: Dr. Small-aye; Mrs. Buck- aye; Dr. Fournier- aye; Dr. Lahmers – aye; Mrs. Morrison- aye.

01-01-016
 No Vio.

Vicki Reiter addressed the Board on behalf of Becky Gentry, File # 00-00-052. After discussion, Dr. Fournier moved to find no violation of R.C. 4741.

00-00-052
 No Vio.

Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Small-aye; Mrs. Buck- aye; Dr. Fournier- aye; Dr. Lahmers – aye; Mrs. Morrison- aye.

Mrs. Buck moved to approve the following continuing education requests for veterinarians with the exception of the Cincinnati VMA: Continuing Ed.
Veterinarians

VIN Online -5/31-11/8/01-42 hours;
Central OH VMA - 2/08/00; 4/11/00; 9/12/00 - 1 hr. each
Pharmacia Animal Health - 5/14-16/01 - hr/hr
Summit Search & Rescue Dogs, Inc- 4/21/01 - hr/hr
MedVet - 5/24/01; 4/25/01 - hr/hr
James Hollis, DVM - Texas A&M Training
Lake Erie Seminars - 5/18 & 19/01 - 10 hrs.
AOHC- 5/14-16/01- hr/hr

Dr. Fournier seconded the motion. The motion passed by the following roll call vote: Dr. Fournier- aye; Mrs. Buck- aye; Dr. Small- aye; Dr. Lahmers- aye; Mrs. Morrison.

Mrs. Buck moved to approve the following continuing education requests for registered veterinary technicians: Continuing Ed.
RVT

VIN Online - 5/22-6/6/01- 4 hrs
Veterinary Learning Systems - EXPO 2001 - various dates- hr/hr
Ethicon- 3/22/01- 4 hrs.; 4/9/01- 3 hrs.

Dr. Fournier seconded the motion. The motion passed by the following roll call vote: Dr. Fournier- aye; Mrs. Buck- aye; Dr. Small-aye; Dr. Lahmers-aye; Mrs. Morrison- aye.

Mrs. Buck moved to approve the following continuing education requests for registered veterinary technicians and veterinarians: CE Req. RVT & Vet

VIN Online - 6/4 -6/25/01-6 hours; 6/10-6/20/01-1.5
Pfizer - 4/4/01 - 1.5 hrs.

Dr. Fournier seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison.

Dr. Lahmers moved to approve the license applications for the following veterinarians: Daniel J. Montag, Julia Murray, Laura Ann Surovi, Pirthipal Singh Sekhon; Melissa Shank Dolan, Carrie Lynn Ellis; Elizabeth A. Loter; Stephanie A. May; Jennifer A. Morman; Ryan D. Rothenbuhler; Aman S. Sukhija; Meegar License App'd

P. Panzarella; Kirstin N. Boddy; Paula E.M. Chrisant; Andrew J. Dunn; Holly Paulette Troche; Cerissa A. Griffith; Abby L. Gano; Karin L. Hays; Luis A. Lugo; Molly M. McOwen; Christina M. Schilling; Victoria A. Stewart and Erin L. Whitty. The license will be effective as of the date of graduation. Dr. Fournier seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison.

Dr. Fournier moved to find no violation of R.C. 4741 in the case of 01-01-019, Azar Kardan. Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison- aye.

01-01-019
No Vio.

Dr. Small moved to find no violation of R.C. 4741 in the case of 01-01-027, Lisa Chow. Dr. Lahmers seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison- aye.

01-01-127
No Vio.

Dr. Fournier moved to find a no jurisdiction of R.C. 4741 in the case of 01-01-028, Lynn Bostrom. Mrs. Buck seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison.

01-01-028
No Juris.

Dr. Fournier moved to open a new case and assign a new file number against Dr. Christy Mendiola and refer to the prosecutor for practicing without a license. Dr. Lahmers seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers-aye; Mrs. Morrison.

Assign new case
Number and refer to
Prosecutor

Dr. Fournier moved to open a new case and issue a Notice of Opportunity of Hearing to the veterinarian who employed Dr. Christy Mendiola for a violation of R.C. 4741.22(Q). Dr. Lahmers seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison.

Assign new case
Number and Issue
119

Mrs. Buck moved to find a no violation of R.C. 4741 in the case of 01-01-029, Jim Phillips, and to assign it for compliance inspection. Mrs. Morrison seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison.

01-01-029
No Vio.
Assign for C/I

Dr. Small moved to find no violation of R.C. 4741 in the case of 01-01-

01-01-030

030, Brian Mast. Mrs. Morrison seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison.	No Vio.
Mrs. Buck moved to find no violation of R.C. 4741 in the case of 01-01-031, Sherry Jay. Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Foster-aye; Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison- aye.	01-01-031 No Vio.
Dr. Fournier moved to investigate the case of 01-01-033, James Nicholson, for alleged violations of R.C. 4741. Dr. Lahmers seconded the motion. The motion passed by the following roll call vote: Dr. Foster-aye; Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison- aye.	01-01-033 Investigate
Dr. Fournier moved that the Board go into executive session for the purpose of reviewing the investigative reports. Dr. Lahmers seconded. The motion passed by the following roll call vote: Dr. Foster-aye; Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye.	Executive Session Invest. Reports
Dr. Foster declared the Board out of executive session at 11:00.	
Mrs. Buck moved to file charges in the case of 00-01-100 and 00-01-103, Anna Marie Eichel, for violations of R.C. 4741.22(A) and 4741-1-03(A). Dr. Small seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison- aye.	00-01-100, 00-01-103 Issue 119
Dr. Lahmers moved to close cases 00-01-101 and 00-01-102, Anna Marie Eichel, for no violation of R.C. 4741. Mrs. Morrison seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison- aye.	00-01-101 00-01-102 Close
Dr. Fournier moved to close case 01-01-102, Jennifer Diers, for no violation of R.C. 4741. Mrs. Buck seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small - aye; Dr. Lahmers- aye; Mrs. Morrison- aye.	01-01-102 Close
Dr. Lahmers moved to file charges in the case 01-01-013, ODA, for violations of R.C. 4741.22(A), (B), (M) and (AA) and O.A.C. 4741-1-21(B). Dr. Fournier seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small – aye; Dr. Lahmers- aye; Mrs. Morrison- aye.	01-01-013 Issue 119

Dr. Fournier moved to accept the compliance inspections and 30-day letters to the following: Fifth & Kenny Animal Hospital; Cherry Valley Animal Clinic; Cold Spring Animal Clinic; North Arlington Animal Clinic; and North Worthington Pet Clinic. Mrs. Buck seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small – aye, Dr. Lahmers- aye; Mrs. Morrison- aye.

Accept compliance inspection reports and 30 day letters

Dr. Holland gave the Board an update on the condition of Dr. Paul Gardner’s clinic. She inspected the facility that appears to be in compliance. The temporary restraining order of the Board will be lifted.

Dr. Gardner’s Clinic

The Board directed that compliance inspections pending responses over 30 days to be put on agenda.

Dr. Holland reported on her meeting with Melinda Capers of the OVMA regarding additional articles for the OVMA newsletter. Dr. Holland stated that she submitted a letter regarding pharmacy licenses. The Board directed Dr. Holland to continue to provide information for the OVMA newsletter.

Meeting with Melinda Capers Of OVMA

Dr. Small moved that the Board go into executive session for the purpose of hearing the AAG report. Dr. Fournier seconded the motion. The motion passed by the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small– aye; Dr. Lahmers- aye; Mrs. Morrison- aye.

Executive Session AAG Report

Dr. Foster declared the Board out of executive session at 11:30 a.m.

Dr. Fournier moved to approve the settlement agreements of Dr. Michael Cable, 00-00-065, and Dr. Ali Rizkana, 01-01-029. Mrs. Morrison seconded the motion. The motion passed with the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small– aye; Dr. Lahmers- aye; Mrs. Morrison- aye.

00-00-065
01-01-029
Settlement Agr.
Approved

The Board reviewed correspondence from Dr. Keith Burgett.

Corres.

The Board signed all licenses that were before it.

Bd. Signature

Dr. Foster noted that lunch has arrived.	
Mrs. Morrison left the meeting.	Mrs. Morrison Left Meeting
Rick Jones, AAG, arrived at meeting at 12:30 p.m.	Rick Jones, AAG arrived
<p>The Board discussed the issue of RVT registrations granted. Median School is the only school at issue. There are four graduates who have registrations. Dr. Fournier moved to issue case numbers and charges to those RVT's. A letter evidencing the Board's intent to settle will accompany the 119 requesting a letter from the veterinarian for whom they work evidencing that they meet expected performance standards. The letter will be reviewed by the Board prior to being sent. Mrs. Buck seconded the motion. The motion passed with the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small- aye; Dr. Lahmers- aye; Mrs. Morrison- aye.</p>	Issue 119 to RVT's From Median School
<p>Rick Jones, AAG, updated the Board regarding the civil case involving Dr. Paul Gardner. The temporary restraining order will be voluntarily dismissed.</p>	Dr. Paul Gardner Civil Case Update
<p>The Board noted that revised rules will be reviewed at the June 13, 2001 meeting.</p>	Rules Reviewed At June Mtg.
Dr. Fournier noted that he cannot attend the June 13, 2001 meeting.	
Rick Jones, AAG, left the meeting.	Rick Jones, AAG Left Mtg.
<p>Dr. Fournier moved to go into executive session at 12:50 to discuss personnel. Dr. Lahmers seconded the motion. The motion passed with the following roll call vote: Dr. Fournier-aye; Mrs. Buck-aye; Dr. Small- aye; Dr. Lahmers- aye. Dr. Melinda Holland, Compliance Agent, Donna Fickel, Secretary, Heather Hissom, Executive Secretary and John Izzo, AAG left the meeting.</p>	Exec. Session Personnel
Mrs. Morrison returned to the meeting at 1:15 p.m.	
Dr. Foster declared the Board out of executive session at 3:00 p.m.	
<p>The Board directed that Dr. Holland provide the Board with a list of all veterinary facilities in the state, arranged by geographic region (ideally to be</p>	Board Directive

depicted also on a map) and indicating the compliance status of each facility. The Board would also like to see a plan of long it will take to complete inspections of all facilities and how many will need to be done each month. Regarding C/I

Dr. Foster noted that the next scheduled meeting of the Board would be held on June 13, 2001 at 8:30 a.m. in Room 1920 at 77 S. High Street, 19th Floor, Columbus, Ohio. June 13 mtg.

Dr. Fournier moved to adjourn at 3:30 p.m. Mrs. Buck seconded the motion. Dr. Foster adjourned the meeting. Adjournment

Dr. Deborah Foster, President

Date

Attested to by: _____
Heather Hissom, Executive Secretary