



VETERINARY EXAMINING BOARD

MEETING MINUTES

Wednesday, October 25, 2017

PRESENT: Philip Johnson, D.V.M., Robert Forbes, D.V.M., Lisa Weisensel Nesson, D.V.M., Bruce Berth, Sheldon Schall, Diane Dommer Martin, D.V.M., Dana Reimer C.V.T., Kevin Kreier, D.V.M.,

STAFF: Department of Agriculture, Trade, and Consumer Protection (DATCP): Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Matt Tompach, Administrative Policy Advisory; Sally Ballweg, License/Permit Program Associate; Robert Van Lanen, Regulatory Specialist – Senior; Kelly Markor, Executive Staff Assistant.

CALL TO ORDER

Philip Johnson, Chair, called the meeting to order at 9:01 am. A quorum of eight (8) members was confirmed.

APPROVAL OF THE AGENDA

MOTION: Sheldon Schall moved, seconded by Kevin Kreier, to approve the Agenda. Motion carried unanimously.

APPROVAL OF THE BOARD MEETING MINUTES OF THE JULY 27, 2017 MEETING

MOTION: Dana Reimer moved, seconded by, Robert Forbes, to approve the minutes from the Wednesday, July 27, 2017 VEB meeting. Motion carried unanimously.

PUBLIC COMMENTS

Chrystal Seeley-Schreck, Wisconsin Technical College System (WTCS)

Chrystal Seeley-Schreck, Education Director, Agriculture, Natural Resources, & STEM, Wisconsin Technical College System (WTCS) introduced herself to the Board and gave a brief overview of the WTCS vet tech programs. WTCS is interested in current trends in vet tech credentialing and how the system may best respond to those trends.

VE 1 and VE 7 – Final Draft

The following individuals submitted written comments to the Board in opposition to the proposed VE 1 and VE 7 – Final Draft to amend Wis. Admin. Code VE 1.02 (9), relating to the definition of veterinary medical surgery and VE 7.02 (4), relating to delegation of veterinary medical acts:

Dan Gander, D.V.M.

Scott Armbrust, D.V.M.

Brent Beck, D.V.M.

Ashley Swenson, D.V.M.

Board, American Embryo Transfer Association

Mitch Bruenig, Mystic Valley Dairy

David Duxbury, D.V.M.
Gary Janssen, Golden Oaks Farm
Michael Kieler, D.V.M.
Tom Kestell, Ever-Green-View Farms
Chester Rawson, D.V.M.
John Schneller, D.V.M.
Dagmara Schroeder, D.V.M.
Greg Schueller, D.V.M.
Bob Steiner, D.V.M.
Byron Williams, D.V.M.

Jordan Lamb, representing the Wisconsin Veterinary Medical Association (WVMA) appeared before the Board requesting changes to narrow the rule language and limit CVTs to performing certain assisted reproductive technologies (ART) on livestock while keeping other procedures within the practice of veterinary medicine.

Greg Schueller, D.V.M., representing Sunshine Genetics and the American Embryo Transfer Association, also appeared before the Board in opposition to the rule as currently drafted and answered questions from members about ART.

Harry Momont, D.V.M., representing the School of Veterinary Medicine at the University of Wisconsin at Madison, appeared before the Board to express concerns the rule changes would discourage people from entering the practice of veterinary medicine.

Craig Carncross, a dairy producer, appeared before the Board in opposition to the rule as currently drafted.

Other Comments

Jordan Lamb, representing WVMA, also appeared before the Board to inquire about state law relating to the release of rabies vaccination records to a municipality. The Board directed VEB staff to review the issue and place it on a future meeting agenda.

Howard Ketover, D.V.M., appeared before the Board to discuss rules and statues governing access to veterinary medical records for new owners when an animal transfers ownership.

ADMINISTRATIVE ITEMS

2017 Renewal Cycle

Matt Tompach updated members on the progress of 2017 veterinary credential renewals, the first renewal cycle under DATCP. So far, 1,303 individuals have renewed their credentials. The renewal deadline is December 31, 2017.

Late Processing of Renewals/Expired Licenses

Robert Forbes moved, seconded by Sheldon Schall, that in case of potential delays in processing veterinary credential renewals during this first renewal cycle under DATCP, the Board will exercise its discretion under VE 7.07 Wisconsin Administrative Code to take no disciplinary action *for failure to renew* against those veterinarians and veterinary technicians whose credentials expire on Dec. 31, 2017 and complete the renewal process with reasonable expediency. Motion carried unanimously.

Request Expungement of Order – Mark Hein, D.V.M.,

Sheldon Schall moved, seconded by Kevin Kreier, to expunge the Board order approved at the April 26, 2017, meeting against Dr. Mark A. Hein (16 VET 036) for falsely certifying completion of 30 CE hours over the 14-15

licensing period. An administrative warning will be given to keep records accessible by the Board in a timely manner. Motion carried unanimously.

Request Waiver of 2016 – 2017 CE Requirement - Dr. Dean Peterson

Robert Forbes moved, seconded by Kevin Kreier that the Board exercise its authority under VE 10.02 (4) and waive the continuing education requirement of Dr. Dean Peterson, D.V.M. for the 2016-17 licensing period due to a long term illness. Motion carried unanimously.

SCOPE OF PRACTICE INQUIRIES

For-Fee Class Presentations by CVT

The Board discussed an inquiry from a CVT interested in putting on classes for the public at the veterinary clinic. Dr. Johnson had initially reviewed the request and questioned whether the course may constitute the practice of veterinary medicine due to the \$25 cost, and whether a licensed veterinarian should be present at the course.

The Board requested additional information on: the level of certification the CVT instructor had for the topics in the course; the level of supervision by a veterinarian; and, whether the \$25 fee would go to the CVT or the clinic.

CVT Submitting Lab Work Requests

The Board discussed an inquiry to staff relating to lab work orders going out under the name of a CVT. The practice's system submits lab work requests under the name of the CVT who physically inputs the order. Therefore, it may appear that the CVT - rather than the D.V.M. - is ordering diagnostics and practicing veterinary medicine in violation of state law.

Board members agreed with Dr. Johnson (who initially reviewed the inquiry) that, as long as the practice keeps its written medical records up to date and indicate the D.V.M. who requested the tests, the clinic would be in compliance. However, members also agreed that the practice may wish to consider changing its system so that it clearly indicates the D.V.M. requesting the tests.

LEGISLATIVE/ ADMINISTRATIVE RULE MATTERS

Discussion of Wis. Stat. s. 89.075, Access to Health Care Records

At the July 26, 2017 VEB meeting, Lisa Weisensel Nesson requested that a discussion of Wis. Stat. s. 89.075, Access to Health Care Records, be included on the October meeting agenda. Board members discussed issues relating to animal identification requirements and the burden of proof of ownership. The Board also discussed educating the public on the health records and that they are transferable. The Board discussed initiating a rule-making process for 89.075 to clarify the law.

MOTION: Lisa Weisensel Nesson moved, seconded by Diane Dommer Martin, to affirm the Board's long-standing interpretation that the language in 89.075 means that "the owner of any animal patient of a veterinarian" is the owner that has the current VCPR with the veterinarian. Motion carried unanimously.

Cheryl Daniels requested the Board revisit the health care records topic after Dr. Yvonne Bellay, DATCP Human Officer, provided documentation of a DSPS interpretation that contravenes the Board's motion.

MOTION: Lisa Weisensel Nesson moved, seconded by Diane Dommer, to table the affirmation vote until the next VEB meeting. Motion carried unanimously.

VE 1 and VE 7 – Final Draft to amend Wis. Admin. Code VE 1.02 (9), relating to the definition of veterinary medical surgery and VE 7.02 (4), relating to delegation of veterinary medical acts

MOTION: Bruce Berth moved, seconded by Dana Reimer, to strike number 1.02 (9) (b) (7) in its entirety. In addition the Board will amend 7.02(4) (h) to say “Performing embryo implantation on livestock.” Motion carried unanimously.

MOTION: Kevin Kreier moved, seconded by Dana Reimer, to approve the Final Draft as amended for VE 1 and VE 7. Motion carried unanimously.

LRB – 4123 and LRB-4291: Proposals updating veterinary statutes – informational

For informational purposes, members reviewed and discussed legislative proposals to update Wisconsin statutes specific to veterinarians and artificial insemination. Under current law, non-veterinarians are allowed to perform artificial insemination procedures. These bills would add the updated nomenclature of “Assisted Reproductive Technologies” to that, but specify that these procedures be performed by a certified veterinary technician under the direct supervision of a veterinarian.

The Board adjourned for lunch at 12:05 p.m.

The Board reconvened at 12:30 pm.

VE 1 and 7 – Approval of Draft for Hearing, via Complementary, Alternative and Integrative Therapies Rules Advisory Committee Meeting of July 12, 2017

MOTION: Robert Forbes moved, seconded by Sheldon Schall, to send the draft of VE 1 and VE 7 to public hearing. Motion carried unanimously.

VE 11 – Emergency and Permanent Scope Statements to create Wis. Admin Code VE 11, relating to a Professional Assistance Procedure – Informational

Cheryl Daniels briefed members on language for emergency and permanent scope statements creating ch. VE 11 (Professional Assistance Procedure), as well as the rule-making processes associated with them.

The Board requested a meeting by conference call at 9:30am on November 2, 2017 to approve the emergency and permanent scope statements.

AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB) ANNUAL MEETING, SEPTEMBER 14 -16, 2017, SAN ANTONIO, TX

Philip Johnson and Robert Forbes, who served as VEB delegates, reviewed for members issues discussed at the 2017 AAVSB Meeting September 14-16 in San Antonio, TX.

BOARD MEMBER REPORTS

No reports

FUTURE MEETING DATES

Board Meetings for 2017

November 2, 2017

Screening Committee Meeting Dates for 2017

Wednesday, November 29, 2017 at 9:00 am

Board Meeting Dates for 2018

January 24, 2018

April 18, 2018

July 25, 2018

November 7, 2018

FUTURE AGENDA ITEMS

The Board directed staff to place the following issues on a future meeting agenda:

State law relating to the release of rabies vaccination records to a municipality.

Animal ownership and access to veterinary records.

Bull soundness exams and the practice of veterinary medicine.

CLOSED SESSION MOTION

MOTION: Lisa Weisensel Nesson moved seconded by Robert Forbes, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Philip Johnson read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Forbes -yes; Diane Dommer -yes; Kevin Kreier -yes; Lisa Weisensel Nesson -yes; Sheldon Schall -yes; Bruce Berth -yes; Dana Reimer -yes; Philip Johnson -yes; Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Sheldon Schall moved seconded by Dana Reimer, to reconvene to open session. Motion carried unanimously. The Board reconvened at 2:08.

MOTION: Lisa Weisensel Nesson moved seconded by Kevin Kreier, to accept the finding of fact, conclusions of law and orders in the matter of disciplinary proceedings against John Thomsen, 16 VET 042, Paul Lindstrom, 17 VET 021, Deena Grimm, D.V.M., 16 VET 013 and Randall Peabody, D.V.M., 16 VET 018. Motion carried unanimously (Absent - Robert Forbes).

MOTION: Diane Dommer moved, seconded by Dana Reimer, to delegate ratification of examination results to DATCP staff and to ratify all licenses and certificates as issued. Motion carried unanimously (Absent - Robert Forbes).

ADJOURNMENT

MOTION: Dana Reimer moved, seconded by Bruce Berth, to adjourn. Motion carried unanimously (Absent - Robert Forbes).

The meeting adjourned at 2:10 pm.

DRAFT