



**VETERINARY EXAMINING BOARD**

**MEETING MINUTES**

**Wednesday, January 22, 2020**

**MEMBERS PRESENT:** Bruce Berth; Diane Dommer Martin, DVM; Robert Forbes, DVM; Kevin Kreier, DVM; Hunter Lang, DVM; Lyn Schuh (attended via conference call), CVT; Arden Sherpe,; Lisa Weisensel Nesson, DVM.

**STAFF PRESENT,** Department of Agriculture, Trade and Consumer Protection (DATCP): Melissa Mace, VEB Executive Director; Cheryl Daniels and Liz Kennebeck, DATCP Attorneys; Robert Van Lanen, Regulatory Specialist; Angela Fisher, Program and Policy Analyst; Carrie Saynisch, License/Permit Program Associate; Karen Torvell, Program Assistant Supervisor; Dustin Boyd, Compliance Supervisor; Introductions and Discussion.

Robert Forbes, Chair, called the meeting to order at 9:00AM. A quorum of eight (8) members was confirmed.

**AGENDA**

**I. 9:00 A.M. OPEN SESSION – CALL TO ORDER – ROLL CALL**

**II. Introductions**

A. Arden Sherpe – Public Member

**III. Approval of the Agenda**

**MOTION:** Lisa Weisensel Nesson moved, seconded by Hunter Lang, to approve the agenda. Motion carried unanimously.

**IV. Approval of Board Meeting Minutes**

A. Full Board October 23, 2019

**MOTION:** Kevin Kreier moved, seconded by Bruce Berth, to approve the minutes from the October 23, 2019 meeting. Motion carried unanimously.

B. Credentialing Committee November 14, 2019

**MOTION:** Kevin Kreier moved, seconded by Diane Dommer Martin, to approve the minutes from the November 14, 2019 Credentialing Committee meeting. Motion carried unanimously.

## **V. Comment from the Chair**

Reminder for the beginning of a new year that the purpose of the VEB is to protect public safety.

Reminder for members to recuse themselves when needed.

## **VI. Public Comments**

*Each speaker is limited to five minutes or less, depending on the number of speakers. Each speaker must fill out and submit an appearance card to the Board clerk.*

Dr. Susan Krebsbach, DVM, spoke about the veterinary-client-patient-relationship (VCPR) and telemedicine:

- She is a veterinarian working on pet behavior problems. An estimated 3-4 million cats and dogs are put down every year in shelters in the US. Behavior issues are a major cause for relinquishment to shelters and animals being put down. Conducting home consultations is not always possible because of driving distance and availability of veterinarians working on behavioral issues.
- With videoconferencing, one can observe the pet in their natural setting, see the home, meet the entire family, and witness how each family member interacts with the pet. Behavioral consultations over videoconference are better than what can be achieved in a veterinary clinic for behavioral consultation. The only thing missing is physical touch. Behavioral services are an extension of the veterinary clinic. She asked that the State consider revising the definition of VCPR to include telemedicine to improve access to veterinary care.
- She explained that she always recommends doing blood tests through the referring veterinarian prior to any pharmaceutical intervention and asks for medical records for the past year or two. About 80% of her clients are referrals. Veterinarians currently cannot make recommendations unless they have physically examined the dog but a dog training could make recommendations without examining the dog. Telemedicine could expand access to veterinary care, especially to those in poverty. She explained that she is licensed in Wisconsin so she only practices on animals in Wisconsin.

Jordan Lamb, legal counsel for the Wisconsin Veterinary Medical Association (WVMA), thanked the Board for providing guidance regarding cannabis and spoke about telemedicine:

- WVMA formed a taskforce to look at AAVSB guidance and practices in other states, which formed the basis for the letter provided to the Board. She asked that the VEB begin guidance or rulemaking to address telemedicine.

## **VII. Board Guidance**

### **A. Wisconsin Veterinary Medical Association (WVMA) Request for Guidance Regarding Telemedicine**

Cheryl Daniels discussed legal aspects: The VCPR definition in statute requires a recent examination. Rules could be written to include how telemedicine would fit into the definition of examination. Guidance documents alone may not be enough for this topic because it covers bigger parameters. The current VE 1-11 scope statement would not cover this topic, so telemedicine would need a separate scope statement or the VE 1-11 scope would need to be revised.

The Board would like to evaluate this topic further to determine if any pieces could be clarified in a guidance document and determine the next steps for potential rulemaking.

**MOTION:** Diane Dommer Martin moved, seconded by Bruce Berth, to create an administrative rules committee to work on guidance documents regarding telehealth and other guidance documents in the future. Motion carried unanimously.

- B. Cannabis Guidance Document – Final Draft for Approval  
No changes to final draft based on comments submitted.

**MOTION:** Hunter Lang moved, seconded by Kevin Kreier, to approve the cannabis guidance document (VEB-GD-002). Motion carried unanimously.

Discussed concerns about cannabis sellers making false statements about the VEB position regarding cannabis. Department staff sent a cease and desist letter. Department staff will send a notice to licensees regarding the approved VEB guidance document.

- C. Process for Finalizing Guidance Documents  
The Administrative Rules Committee could meet in between board meetings.
- D. Wisconsin Veterinary Medical Association (WVMA) Request for Guidance Regarding Dispensing of Veterinary Prescription Drugs  
The Board received a question about whether a veterinarian can dispense a drug based on another veterinarian's prescription and VCPR, under ch. 89, Wis. Stats. The Board would like to evaluate this topic for a guidance document and for potential rulemaking.

**MOTION:** Kevin Kreier moved, seconded by Bruce Berth to create a guidance document clarifying the role of dispensing veterinary prescriptions. Motion carried unanimously.

Whether a Wisconsin veterinarian can dispense for a prescription from an out-of-state veterinarian: the best practice would be either for the Wisconsin veterinarian to establish a VCPR or for the client to either get the prescriptions from a human pharmacy or have the prescription mailed from the out-of-state veterinarian.

Shelter staff and prescriptions: In both scenarios the shelter veterinarian has examined the animal in the past year, which may suffice to establish the VCPR as long as the script is medically appropriate to be prescribed based on the prior exam.

## **VIII. American Association of Veterinary State Boards (AAVSB) Matters**

- A. Board Basics & Beyond Training  
\$250 per participant, April 17-18 in Kansas City, MO. Melissa Mace will need to know who is attending by the middle of February to allow enough time for the out-of-state travel request process.

**MOTION:** Lisa Weisensel Nesson moved, seconded by Kevin Kreier, to spend registration fees and associated costs for the three new board members to attend the AABSB Board Basics & Beyond training, April 17-18, 2020. Motion carried unanimously.

B. AAVSB Request for Input

Model regulation regarding opioids: no comments

Model regulation regarding veterinary technicians: can be a resource if there are pieces that are pertinent. AAVSB distinguishes between veterinary technician and veterinary technologist.

**IX. Elections and Appointments**

A. Election of Officers

1. Chair

**NOMINATION:** Diane Dommer Martin nominated Robert Forbes for the Office of Board Chair. Lisa Weisensel Nesson seconded the nomination.

Melissa Mace called for nominations three (3) times.

**MOTION:** Arden Sherpe moved, seconded by Kevin Kreier, to close nominations. Motion carried unanimously.

Robert Forbes was elected as Board Chair by unanimous consent.

2. Vice Chair

**NOMINATION:** Kevin Kreier nominated Diane Dommer Martin for the Office of Vice Chair. Hunter Lang seconded the nomination.

Melissa Mace called for nominations three (3) times.

**MOTION:** Robert Forbes moved, seconded by Lisa Weisensel Nesson, to close nominations. Motion carried unanimously.

Diane Dommer Martin was elected as Vice Chair by unanimous consent.

3. Secretary

**NOMINATION:** Robert Forbes nominated Lisa Weisensel Nesson for the Office of Secretary. Hunter Lang seconded the nomination.

Melissa Mace called for nominations three (3) times.

**MOTION:** Robert Forbes moved, seconded by Kevin Kreier, to close nominations. Motion carried unanimously.

Lisa Weisensel Nesson was elected as Secretary by unanimous consent.

<b>2020 Election Results</b>		
<b>Office</b>	<b>Description of Role</b>	<b>Member Name</b>
Board Chair	Highest ranking officer. Manages meetings. Delegated authority to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings.	Robert Forbes
Vice Chair	Serves as backup for the Board Chair.	Diane Dommer Martin
Secretary	Serves as secondary backup for the Board Chair.	Lisa Weisensel Nesson

**B. Appointment of Liaisons**

1. Education and Exams  
The Board determined to eliminate this liaison. Responsibilities will be shifted to the Continuing Education Liaison.
2. Continuing Education  
The Board determined to keep this liaison.
3. Legislative  
The Board determined to eliminate this liaison. The DATCP legislative liaison functions in this role.
4. Administrative Rules  
The Board determined to eliminate this liaison and create an administrative rules committee instead.
5. Monitoring  
The Board determined to eliminate this liaison. The DATCP department monitor functions in this role.
6. Other Liaisons?  
No new liaison categories in 2020.

<b>2020 Liaison Appointments</b>		
<b>Liaison</b>	<b>Description of Role</b>	<b>Member Name</b>
Continuing Education Liaison	Consultation on CE questions	Primary: Hunter Lang
		Alternate: Lyn Schuh

C. Appointment of Committees

1. Screening Committee
2. Credentialing Committee
3. Other Committees?

The Board determined to create an Administrative Rules Committee.

<b>2020 Committee Appointments</b>		
<b>Committee</b>	<b>Description of Role</b>	<b>Member Name</b>
Screening Committee	Delegated authority to open cases for investigation or closes cases inappropriate for further action. Delegated authority to consider questions related to scope of practice of veterinary medicine and veterinary technicians. The Committee may choose to approve or reject a particular practice, or bring the matter to the full Board. Chair manages Committee meetings.	Chair: Kevin Kreier
		Member: Lyn Schuh
		Member: Hunter Lang
		Member: Lisa Weisensel Nesson
		Member: Arden Sherpe
Credentialing Committee	Delegated authority to address all issues related to credentialing matters, except potential denial decisions should be referred to the full Board for final determination. Delegated authority to employ a “passive review” process for background checks, whereby if no Committee member requests a meeting on the materials within five business days after receiving them, the application would be considered cleared to proceed through the process.	Chair: Robert Forbes
		Member: Diane Dommer Martin
		Member: Hunter Lang

	Chair manages Committee meetings.	
Administrative Rules Committee	Meet in between quarterly meetings to discuss administrative rules and guidance documents. The Committee's role is to expedite the process of drafting documents. Final drafts will go to the full Board for approval. Chair manages committee meetings and is the primary contact for simpler administrative rule questions.	Chair: Robert Forbes
		Member: Diane Dommer Martin
		Member: Lyn Schuh

**MOTION:** Diane Dommer Martin moved, seconded by Kevin Kreier, to affirm the Chair's appointment of liaisons and committees for 2020. Motion carried unanimously.

#### D. Delegated Authority Motions

##### 1. Urgent Matters

**MOTION:** Diane Dommer Martin moved, seconded by Lisa Weisensel Nesson, that in order to facilitate the completion of assignments between meetings, the Board delegates authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, to fill vacant appointment positions, where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

##### 2. Screening Committee

**MOTION:** Kevin Kreier moved, seconded by Hunter Lang, that the Board delegates authority to the Screening Committee to open cases for investigation or close cases inappropriate for further action. Motion carried unanimously.

**MOTION:** Kevin Kreier moved, seconded by Diane Dommer Martin, that the Board delegates authority to the Screening Committee to consider questions related to scope of practice of veterinary medicine and veterinary technicians. The Screening Committee may choose to approve or reject a particular practice, or bring the matter to the full Board. Motion carried unanimously.

##### 3. Credentialing Committee

**MOTION:** Hunter Lang moved, seconded by Kevin Kreier, that the Board delegates authority to the Credentialing Committee to address all issues related to credentialing matters, except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

**MOTION:** Hunter Lang moved, seconded by Bruce Berth, that the Board delegates authority to the Credentialing Committee to employ a "passive review" process for background checks, whereby if no

Committee member requests a Committee meeting on the materials within five (5) business days after receiving them, the application would be considered cleared to proceed through the process. Motion carried unanimously.

#### 4. Document Signatures

**MOTION:** Arden Sherpe moved, seconded by Kevin Kreier, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

#### 5. Monitoring Liaison and Department Monitor

**MOTION:** Kevin Kreier moved, seconded by Bruce Berth, to adopt the "Roles and Authorities Delegated to the Department Monitor" document with a modifications to remove the Monitoring Liaison.

### **X. Administrative Items**

#### A. Follow-up on Items from October 23, 2019 Meeting:

1. Wisconsin Technical College System (WTCS) – Certified Veterinary Technician (CVT) Outreach  
Lyn Schuh and Melissa Mace met with WTCS CVT program to discuss barriers to certification.
2. Strategic Planning  
Strategic planning training will occur at AAVSB annual meeting in September, 2020. It would be about \$10,000 to bring the trainer in separately. Strategic planning will be added to the VEB agenda for July, 2020.
3. Board Outreach to the Wisconsin School of Veterinary Medicine on Licensing/Board Education  
Ongoing, no updates.

- B. Establishing a Veterinary-Client-Patient Relationship (VCPR)  
The veterinarian needs to talk to the client at some point.

### **XI. Licensing/Exam Inquiries**

### **XII. Administrative Code Items**

- A. VE 7 – Complementary, Alternative and Integrative Therapies – Informational  
VE 7 CAITs was referred to the Joint Committee for Review of Administrative Rules (JCRAR) on 12/23/19. JCRAR has a 30-day passive review period that may be extended to 60 days.



B. VE 1-11 – Reorganization – Board Approval of Preliminary Public Hearing and Comment Period and Discuss the Possibility of a Teleconference Meeting after the Hearing and Comment Period

The Joint Committee for Review of Administrative Rules (JCRAR) directed the VEB to hold a preliminary public hearing and comment period. The notice of the hearing and comment period will need to be approved by both the VEB and the DATCP Board.

**MOTION:** Bruce Berth moved, seconded by Lisa Weisensel Nesson, to approve the notice of preliminary public hearing and comment period notice for VE 1-11 (SS 125-19). Motion carried unanimously.

If public comments ask for revision of the scope statement, DATCP staff will work with the Administrative Rules Committee to evaluate revising the scope statement. If the proposed changes are large, the rules committee may determine to bring revisions to the full board.

### **XIII. Legislative Update**

A. AB-130/SB-140 – Initial License Fees

Bill was referred to committee on March 28, 2019.

B. AB-731/SB-654 – Reciprocal Credentials

Would expand reciprocal credentials for the spouse of a service member, a service member, or former service member. DATCP is providing a fiscal estimate.

### **XIV. Future Meeting Dates and Times**

A. Teleconference Meeting? None currently planned.

B. April 29, 2020

C. July 29, 2020

D. October 21, 2020

### **XV. CONVENE TO CLOSED SESSION**

**MOTION:** Diane Dommer Martin moved, seconded by Kevin Kreier, to convene to closed session to discuss the Wis. Admin. Code Ch. VE 11 update on the request for proposals where bargaining reasons require a closed session (§ 19.85 (1) (e), Stats.); to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). Robert Forbes read the language of the motion. The vote of each member by was ascertained by voice vote. Roll Call Vote: Robert Forbes – yes; Kevin Kreier – yes; Diane Dommer Martin – yes; Hunter Lang – yes; Bruce Berth – yes; Lisa Weisensel Nesson – yes; Arden Sherpe – yes; Lyn Schuh – yes; Motion carried unanimously.

*The Board took a break from 11:20AM to 11:30AM. The doors were open for the duration of the break.*

### **XVI. Wis. Admin. Code Ch. VE 11 Update on the Request for Proposals (RFP)**

**XVII. Deliberation on Licenses and Certificates**

- A. AS Limited Order of Licensure
- B. 19 VET 090 RG

**XVIII. Deliberation on Proposed Stipulations, Final Decisions and Orders**

- A. 19 VET 016 JB
- B. 19 VET 018 OJ
- C. 19 VET 054 RW
- D. 19 VET 083 KC
- E. 17 VET 017 DW PM
- F. 17 VET 040 BR
- G. 18 VET 010 MH

**XIX. Review of Veterinary Examining Board Pending Cases Status Report**

**XX. RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**MOTION:** Hunter Lang moved, seconded by Kevin Kreier, to reconvene to open session. Motion carried unanimously. The Board reconvened at 12:21PM.

**XXI. Open Session Items Noticed Above not Completed in the Initial Open Session**

**XXII. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate**

**MOTION:** Diane Dommer Martin moved, seconded by Kevin Kreier, to approve the limited order of licensure for AS. Motion carried unanimously.

**MOTION:** Hunter Lang moved, seconded by Arden Sherpe, to open a case for 19 VET 090 RG and combine it with the existing open case. Motion carried unanimously. Lisa Weisensel Nesson recused herself.

**MOTION:** Kevin Kreier moved, seconded by Diane Dommer Martin, to issue final decision orders and grant full licensure in the case of 19 VET 016 JB. Motion carried unanimously.

**MOTION:** Diane Dommer Martin moved, seconded by Hunter Lang, to issue final decision orders in the case of 19 VET 018 OJ. Motion carried unanimously.

**MOTION:** Kevin Kreier moved, seconded by Hunter Lang, to issue final decision order in the case of 19 VET 054 RW. Motion carried unanimously.

**MOTION:** Arden Sherpe moved, seconded by Kevin Kreier, to issue an administrative warnings in the cases of 19 VET 083 KC and 18 VET 010 MH. Motion carried unanimously.

**MOTION:** Hunter Lang moved, seconded by Kevin Kreier, to issue order granting full licensure in the case of 17 VET 017 DW. Motion carried unanimously.

**MOTION:** Diane Dommer Martin moved, seconded by Lisa Weisensel Nesson, to issue an administrative warning in the case of 17 VET 040 PM. Motion carried unanimously.

**MOTION:** Kevin Kreier moved, seconded by Hunter Lang, to issue a final decision order in the case of 17 VET 040 BR. Motion carried unanimously.

### **XXIII. Ratification of Licenses and Certificates**

**MOTION:** Kevin Kreier moved, seconded by Lisa Weisensel Nesson, to delegate ratification of examination results to DATCP staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

### **XXIV. ADJOURNMENT**

**MOTION:** Bruce Berth moved, seconded by Kevin Kreier, to adjourn. Motion carried unanimously.

The meeting adjourned at 12:28PM.