



## VETERINARY EXAMINING BOARD

### MEETING MINUTES

Wednesday, January 24, 2018

**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): Sheila Harsdorf, Secretary; Keith Ripp, Assistant Deputy Secretary; 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 9:00 am. A quorum of eight (8) members was confirmed.

### INTRODUCTIONS

Secretary Sheila Harsdorf and Assistant Deputy Secretary Keith Ripp introduced themselves to members, discussed their roles at the department and offered their assistance to the Board.

### APPROVAL OF THE AGENDA

**MOTION:** Robert Forbes moved, seconded by Sheldon Schall, to approve the Agenda. Motion carried unanimously.

### APPROVAL OF THE BOARD MEETING MINUTES OF THE OCTOBER 25, 2017 MEETING

**MOTION:** Diane Dommer Martin moved, seconded by, Kevin Kreier to approve the Minutes from the October 25, 2017 meeting. Motion carried unanimously.

### APPROVAL OF THE BOARD MEETING MINUTES OF THE NOVEMBER 2, 2017 MEETING

**MOTION:** Dana Reimer moved, seconded by, Robert Forbes to approve the Minutes from the November 2, 2017, Meeting. Motion carried unanimously.

### APPROVAL OF THE BOARD MEETING MINUTES OF THE NOVEMBER 13, 2017 MEETING

**MOTION:** Robert Forbes moved, seconded by, Kevin Kreier to approve the Minutes from the November 13, 2017, Meeting. Motion carried unanimously.

## APPROVAL OF THE BOARD MEETING MINUTES OF THE NOVEMBER 30, 2017 MEETING

**MOTION:** Sheldon Schall moved, seconded by, Diane Dommer Martin to approve the Minutes from the, November 30, 2017, Meeting. Motion carried unanimously.

### PUBLIC COMMENTS

No Public Comments

### ADMINISTRATIVE UPDATES

#### AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB) MATTERS

The Board reviewed information regarding the process and deadlines for nominating candidates to leadership positions within AAVSB.

### ELECTION OF OFFICERS

#### BOARD CHAIR

**NOMINATION:** Robert Forbes nominated Philip Johnson for the Office of Board Chair. Seconded by Dr. Dommer Martin.

Matt Tompach, Executive Director, called for nominations three (3) times.

Philip Johnson was elected as Chair by unanimous consent.

#### VICE CHAIR

**NOMINATION:** Philip Johnson nominated Robert Forbes for the Office of Vice Chair. Seconded by Kevin Kreier.

Matt Tompach, Executive Director, called for nominations three (3) times.

Robert Forbes was elected as Vice Chair by unanimous consent.

#### SECRETARY

**NOMINATION:** Robert Forbes nominated Diane Dommer Martin for the Office of Secretary. Seconded by Sheldon Schall.

Matt Tompach, Executive Director, called for nominations three (3) times.

Diane Dommer Martin was elected as Secretary by unanimous consent.

2018 ELECTION RESULTS	
Board Chair	Philip Johnson
Vice Chair	Robert Forbes
Secretary	Diane Dommer Martin

<b>2018 LIAISON APPOINTMENTS</b>	
Education and Exams Liaison	Lisa Weisensel Nesson <i>Alternate:</i> Sheldon Schall
Continuing Education Liaison	Philip Johnson <i>Alternate:</i> Sheldon Schall
Legislative Liaison	Bruce Berth <i>Alternate:</i> Kevin Kreier
Administrative Rules Liaison	Diane Dommer Martin <i>Alternate:</i> Kevin Kreier
Monitoring	Lisa Weisensel Nesson <i>Alternate:</i> Kevin Kreier
Screening Panel	Robert Forbes, Diane Dommer Martin, Bruce Berth, Dana Reimer and Kevin Kreier
Credentialing Panel	Lisa Weisensel Nesson, Diane Dommer Martin and Philip Johnson

**MOTION:** Lisa Weisensel Nesson moved, seconded by Bruce Berth to affirm the Chair’s appointment of liaisons for 2018. Motion carried unanimously.

Sheldon Schall will serve on the screening committee for the January 24, 2018 Meeting.

### **DELEGATION MOTIONS**

#### **Delegated Authority – Urgent Matters**

**MOTION:** Robert Forbes moved, seconded by Dana Reimer: 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.

#### **Delegated Authority - Screening Panel**

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

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

#### **Delegated Authority - Credentialing Committee**

**MOTION:** Robert Forbes moved, seconded by Diane Dommer Martin, 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:** Bruce Berth moved, seconded by Kevin Kreier, 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.

#### **Delegated Authority - Document Signatures**

**MOTION:** Dana Reimer moved, seconded by Diane Dommer Martin, 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.

#### **Delegated Authority - Monitoring Liaison and Department Monitor**

**MOTION:** Dana Reimer moved, seconded by Kevin Kreier to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document. Motion carried unanimously.

#### **2017 RENEWAL CYCLE UPDATE**

Matt Tompach, Executive Director, reported on the 2017 veterinary credential renewal cycle. To date, 5,353 holders renewed their credentials, and about 50 additional renewals are currently being processed. Staff will contact approximately 640 non-renewals to confirm that they may not practice veterinary medicine now that their credentials have expired. Matt Tompach recognized DATCP licensing specialist Sally Ballweg for her work during and planning for the renewal process, as well as her work with DATCP IT staff toward creating an online credential application. In spring of 2017, Matt Tompach and Sally Ballweg met with third-year UW Veterinary Medical School students and

advised them of the veterinary credential application process. Philip Johnson asked that staff continue that effort again this year.

### **LICENSING/ EXAM INQUIRIES**

Liz Kennebeck spoke on the process by which respondents fulfill any requirements to complete continuing education (CE) that may be included in a Final Decision and Order (FDO). Currently, the standard language of an FDO implies the respondent must wait to fulfill that requirement until the order is signed by the Board, which may be 1-3 months after the respondent has signed it. Many Respondents are anxious to get started on completing the CE, but, due to the standard FDO language, risk not being credited for CE taken prior to the Board signing the Order.

The Board directed counsel to bring language for consideration at the April meeting that will allow CE to be taken within 90 days of the stipulation being signed by the respondent. However, there should also be cautionary language in the FDO that the Board may not accept the stipulation.

### **LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

Cheryl Daniels, board counsel, updated members on the status of VE 7 – Hearing Draft on Complementary, Alternative and Integrative Therapies, VE 11- Hearing Draft to create permanent Wis. Admin Code VE 11, relating to a Veterinary Professional Assistance Procedure and VE 1 – Final Draft.

### **SCOPE OF PRACTICE**

At the October 25, 2017 VEB meeting, in response to a request from Jordan Lamb, representing WVMA, the Board directed counsel to review and provide guidance on state law relating to the release of rabies vaccination records to a municipality. In response, Cheryl Daniels prepared a memo for the January 24, 2018 meeting stating that municipalities had the right to require such records from veterinarians, provided the requirement is administered in compliance with state law, DATCP rules, and municipal ordinances.

### **REVIEW OF VEB POSITION STATEMENTS**

Members discussed past VEB position statements on access to health care records. The Board reaffirmed that a person can request all health records for an animal once they are the owner and can provide proof of their ownership of the animal.

### **SCOPE OF PRACTICE**

The Board reaffirmed that common non-veterinary practices, such as dew claw removal and docking tails, are considered veterinary surgery and shall always be performed in Wisconsin by a licensed veterinarian.

### **FUTURE MEETING DATES AND TIMES**

The dates of February 28 and March 28 (9:00 a.m.) were set for the VEB Screening Committee.

The date for the next regular VEB meeting is April 18 (9:00) am at POSOB/DATCP in Boardroom. The April Screening Committee meeting will follow.

The date of February 13 (11:00 a.m.) was set for a Special Board conference call on VE 7 and VE 11. An agenda and call-in information will be emailed to members ahead of the call.

## **FUTURE AGENDA ITEMS**

Members requested language on CE fulfillment VEB orders be presented for consideration at the April Board meeting.

## **CLOSED SESSION MOTION**

**MOTION:** Robert Forbes moved seconded by Lisa Weisensel Nesson, 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: Bruce Berth -yes; Diane Dommer Martin -yes; Robert Forbes -yes; Kevin Kreier - yes; Dana Reimer -yes; Sheldon Schall -yes; Lisa Weisensel Nesson -yes; Philip Johnson -yes; Motion carried unanimously.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Robert Forbes moved, seconded by Diane Dommer Martin, to reconvene to open session. Motion carried unanimously. The Board reconvened at 11:15 a.m.

**MOTION:** Lisa Weisensel Nesson moved, seconded by Robert Forbes, to approve the veterinarian application of Laura Aasen, once all requirements are met. Motion carried unanimously.

**MOTION:** Diane Dommer Martin moved, seconded by Sheldon Schall, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Rande Blanchard - 17 VET 007, Kathryn Fox - 17 VET 016, Motion carried unanimously.

**MOTION:** Kevin Kreier moved, seconded by Dana Reimer, to return to full licensure Lavon Hettich - 16 VET 004; Darren Katzung - 16 VET 021; and Paul Lindstrom - 17 VET 021. Motion carried unanimously.

**MOTION:** Lisa Weisensel Nesson 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.

## **ADJOURNMENT**

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

The meeting adjourned at 11:20 a.m.