



VETERINARY EXAMINING BOARD

MEETING MINUTES

Wednesday, April 24, 2019

PRESENT: Bruce Berth; Diane Dommer Martin, D.V.M.; Robert Forbes, D.V.M., Philip Johnson, D.V.M.; Kevin Kreier, D.V.M.; Lisa Weisensel Nesson, D.V.M.

STAFF: Department of Agriculture, Trade, and Consumer Protection (DATCP) Division of Animal Health: Melissa Mace, Executive Director; Office of the Secretary: Liz Kennebeck and Cheryl Daniels, DATCP Attorneys; Robert Van Lanen, Regulatory Specialist Senior; Sally Ballweg, License/Permit Program Associate; Kelly Markor, Executive Staff Assistant; Angela Fisher, Program Policy Analyst; Introductions and Discussion.

Robert Forbes, Chair, called the meeting to order at 9:00 a.m. A quorum of six (6) members was confirmed.

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

II. Introductions

- A. DATCP Secretary Bradley Pfaff – not available
- B. DATCP Deputy Secretary Randy Romanski – moved below
- C. DATCP Assistant Deputy Secretary Angela James – not available

III. Approval of the Agenda

MOTION: Philip Johnson moved, seconded by Kevin Kreier, to approve the agenda. Motion carried unanimously.

IV. iPad Updates

Deputy Secretary Randy Romanski

Randy Romanski introduced himself and expressed appreciation for the work the Board does. The board members introduced themselves. The office of the secretary is working on Board appointments. Dr. Johnson described transition from DSPS to DATCP and overview of Board activities.

V. OnBoard Software Training – moved below

VI. Approval of Board Meeting Minutes

- A. VEB: March 1, 2019

MOTION: Diane Dommer Martin moved, seconded by Lisa Weisensel Nesson, to approve the minutes from the March 1, 2019, meeting. Motion carried unanimously.

- B. Credentialing: February 8, 2019

MOTION: Lisa Weisensel Nesson moved, seconded by Kevin Kreier, to approve the minutes from the February 1, 2019, meeting. Motion carried unanimously.

OnBoard Software Training

Teleconference training provided by Jenni Washington of Passageways.

VII. 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.

- A. Dr. Moore, Postville Veterinary Clinic, bull semen collection – no appearance or call in

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

A. AAVSB Presentation

Jim Penrod and Erin Griffiths of AAVSB gave a presentation about the VAULT (Veterinary Application for Uniform Licensure Transfer) program, including a video presentation.

Cheryl Daniels explained that rule currently requires verification to come directly from the school, or state, and would need to adjust language in VE 1-10 to allow to fully use the VAULT service.

There is no cost to the Board for VAULT. The costs to the user are: Cost to transfer exam score \$50; Basic transfer \$90 for veterinarians and \$80 Vet for CVTs; Premium \$175 (calling other states/school to get verification).

Sally Ballweg explained that currently the applicant does the legwork for application, and that it is sent to her piece by piece by the schools and other states

Liz Kennebeck answered question to explain that disciplinary actions are public records, so there would not have a legal issue with sharing in VAULT.

B. AAVSB Member Questions

Reminder that questions and state responses are posted in OnBoard.

C. Summary of Board Basics and Beyond

Summary discussion of training and key take home points, including: the practice act model, VAULT and information sharing, potential for meetings with other boards to discuss topics in common, formatting applications to make clear what information is required by rule/statute, informational materials to explain importance of licensure to the public, volunteer opportunities, and the annual meeting. Discussion of the role of members, that all members are “public” members, the difference between regulator and practitioner.

Put annual meeting on July agenda to discuss and poll for delegates. Kreier, Dommer, and Forbes are interested in attending. It would be beneficial for the Executive Director to attend. There is a potential for Cheryl Daniels from legal to attend. AAVSB will fund 2 attendees and the board can fund additional if choose.

IX. Administrative Items

A. NC Dental – Overview

Cheryl Daniels discussed NC Dental case: persons outside of the dental profession submitted complaints to the FTC regarding cease and desist letters that were sent by the dental board. The court ruled that boards are immune from anti-trust laws if in making a decision the board is acting from state policy and not self-interest as practitioners.

B. Guidance Documents / Act 369

Cheryl Daniels gave an overview of Act 369, requirements for guidance documents, and current court cases. Guidance documents help explain how a rule is applied in practice. The Board’s position statements would be considered guidance documents. Guidance documents do not have the force of law. Under Act 369, guidance documents would need to be published for public review prior to going into effect.

1. Standard Formatting

Standard fields to include: A title and unique identifier, references to statute and administrative code, date of draft or Board approval, a description of the topic or questions being addressed, a description of relevant statutes and code, and the Board’s position including references to applicable statute/code

2. Bull Semen Collection for discussion

Discussion to clarify steps:

Steps 1 (insert the probe) and 2 (ejaculate the bull) are acts of nonsurgical specimen collection.

Under 7.02 (3) (b), Wis. Admin. Code, a veterinarian may delegate nonsurgical specimen collection to a certified veterinary technician under the direct supervision of the veterinarian. Under 7.02 (5) (a), Wis.

Admin. Code, a veterinarian may delegate nonsurgical specimen collection to an unlicensed assistant under the direct supervision of the veterinarian.

Step 4 (evaluate the semen for concentration, motility and morphology) is in the scope of observations and findings related to animal diseases and conditions to be utilized by a veterinarian in establishing a diagnosis or prognosis. Under 7.02 (3) (b), Wis. Admin. Code, observations and findings

related to animal diseases and conditions to be utilized by a veterinarian in establishing a diagnosis or prognosis may be delegated by a veterinarian to a certified veterinary technician under the direct supervision of the veterinarian. Under 7.02 (6) (b), Wis. Admin. Code, observations and findings related to animal diseases and conditions to be utilized by a veterinarian in establishing a diagnosis or prognosis may be delegated by a veterinarian to an unlicensed assistant under the direct supervision of the veterinarian when the veterinarian is personally present on the premises where the services are provided.

Steps 3 (collect the semen sample) and 5 (measure scrotal circumference) may be delegated by the veterinarian to a certified veterinary technician or an unlicensed assistant. Step 3 is nonsurgical specimen collection.

The process of bull semen collection is in the scope of the practice of veterinary medicine. As such, all steps of the process must either be performed by a veterinarian or delegated by the veterinarian. A layperson could potentially measure scrotal circumference if the act is not a part of the process of bull semen collection and not a part of any other process that is the practice of veterinary medicine. A livestock owner could not ejaculate a bull, because that is in the scope of the practice of veterinary medicine.

Under VE 1.01 (5), Wis. Admin. Code, "direct supervision" means immediate availability to continually coordinate, direct and inspect personally the practice of another.

3. Cannabis Products

There is a lot of confusion in the public about what is legal and what a veterinarian may do or say. Angela Fisher is working with staff in DATCP Ag Resource Management to develop general communications and informational materials. Angela will draft a document with definitions, law, FDA regulations, and questions for the Board to discuss at the July meeting.

C. Liaison Roles

Discussion of liaison roles and types of involvement/contacts. The first point of contact for the subject should be the liaison and if the liaison feels it warrants full board discussion then it would go to the next board meeting. For administrative code changes, use a working group/ advisory committee to develop the reorg of VE1-10 for informal review rather than meetings (could include WVMA). Keep liaisons informed of topic areas.

D. Training of New Board Members

AAVSB board basics and beyond training next April

Division staff will be reviewing and updating the training materials board book in anticipation of new members and in advance of the July meeting.

New members will have a day of training at the DATCP Prairie Oaks State Office building.

Board input: ethics and open records rules training are important, how the procedures work is important, Board Basics would be helpful, training the day before, get computer and materials further in advance of training and meeting, run through an example previous agenda, explanation of committees

X. Licensing/Exam Inquiries

There are no licensing/exam inquiries.

XI. Status of Statute and/or Administrative Code Matters

A. VE 7 - Complementary, Alternative and Integrative Therapies

Final Draft with Governor

B. VE 1 - Relating to the Definition of Veterinary Medical Surgery

Referred to Legislature, Review Period Extended

There is currently no meeting scheduled.

C. VE 1-10 - Reorganization

Active Statement of Scope, Rule Draft Timeline

Division staff plan to have a draft ready for the July meeting, and will work with the rules liaison (Dommer) in the meantime.

D. VE 11 - Update on the Request for Proposals (RFP)

The RFP was posted the morning of April 24th, 2019. There will be two rounds of questions to interested parties (first round due to DOA by April 30th, second May 15th), beginning of review of proposals will begin in June.

E. Wis. Stat. Ch. 89 Legislation: Initial License Fees

A bill was introduced in the House (AB 130) and Senate (SB 140), and referred to committees in each, that would eliminate all initial license fees for veterinarians and CVTs.

XII. Future Meeting Dates and Times
A. VEB: July 24, 2019 (9:00AM)

Thank you to Dr. Johnson for service on the Board as today may be last board meeting.

XIII. CONVENE TO CLOSED SESSION

MOTION: Diane Dommer Martin moved, seconded by Kevin Kreier, to convene to closed session 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; Philip Johnson – yes; Bruce Berth – yes; Lisa Weisensel Nesson – yes; Motion carried unanimously.

XIV. Deliberation on Licenses and Certificates
A. MM
B. KC
C. AF
D. CP
E. 12 VET 031 KZ

XV. Deliberation on Proposed Stipulations, Final Decisions and Orders

XVI. Review of Veterinary Examining Board Pending Cases Status Report

XVII. RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Philip Johnson moved, seconded by Bruce Berth, to reconvene to open session. Motion carried unanimously. The Board reconvened at 12:21 pm.

XVIII. Open Session Items Noticed Above not Completed in the Initial Open Session

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

MOTION: Diane Dommer Martin moved, seconded by Kevin Kreier, to decline license request for MM and KC to take the VTNE through WI. Motion carried unanimously.

MOTION: Philip Johnson moved, seconded by Kevin Kreier, to approve the application for AF. Motion carried unanimously. Forbes recused himself.

MOTION: Lisa Weisensel Nesson moved, seconded by Diane Dommer Martin, to approve the license for CP. Motion carried unanimously.

MOTION: Diane Dommer Martin moved, seconded by Kevin Kreier, to write a letter in regards to 12 VET 037 KZ to deny the appeal for reinstatement. Motion carried unanimously. Johnson recused himself.

XX. Ratification of Licenses and Certificates

MOTION: Philip Johnson moved, seconded by Bruce Berth, to delegate ratification of examination results to DATCP staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

The Department's Chief Legal Counsel will be reaching out to Governor's Chief Legal Counsel to verify terms for Board member re-appointments.

XXI. ADJOURNMENT

MOTION: Philip Johnson moved, seconded by Kevin Kreier, to adjourn. Motion carried unanimously.

The meeting adjourned at 12:30 pm.