

State of New Hampshire
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF LICENSING AND BOARD ADMINISTRATION

Board of Veterinary Medicine
7 Eagle Square, Concord, NH 03301-4980
Phone: 603-271-2152

LINDSEY B. COURTNEY
Executive Director

JOSEPH G. SHOEMAKER
Director



PUBLIC MEETING MINUTES
8:30AM on MAY 18, 2022

The meeting was held at the Office of Professional Licensure and Certification, 7 Eagle Square, Concord New Hampshire, 03301.

Members present and eligible to vote:

Kirk Smith, DVM Board President (KS)
Winifred Krogman, DVM, Board Vice President (WK)
Elaine Forst, Public Member (EF)
Claire Timbas, DVM (CT)
Steve Crawford, DVM (SC)

Others present:

Jenna Wilson, Board Administrator
Jessica Whelehan, Board Administrator
Heather Kelley, OPLC Finance Director
Tina Kelley, OPLC Rules Staff
Jessica Kallipolites, OPLC Enforcement
Dr. Rich Montminy, Investigator

Members Absent:

Jill Patronagio, DVM

Legal Counsel:

Stacie Moeser, Esq., NH Dept. of Justice

CALL TO ORDER

KS, President of the Board, called the meeting to order at 8:42AM.

- 1. MEETING MINUTES:** On motion of SC and second by WK, the Board voted* to accept the public minutes from the meeting held April 20, 2022, as amended.

- 2. UPDATE FROM OPLC & ADMINISTRATIVE ITEMS:**

Heather Kelley(HK) provided additional ProMetrics information to the Board at their request from the March 15, 2022, meeting. The Board inquired about previous work done to develop a contract with AAVSB for testing. That contract would have been sole sources and AAVSB had only contracted with 3 other states; the proposed contract was not finished or presented to G&C.

On motion of SC and second by KS, the Board voted to approve OPLC to **contract with ProMetric** for the Board's State of NH jurisprudence testing; however, the Board will reconsider this approval by the March 2023 meeting.

- 3. ENFORCEMENT UPDATE:**

The Board welcomed the newly contracted Board Investigator, Dr. Rich Montminy. Jessica Kallipolites explained the anticipated process the Board will follow while working with Dr. Montminy and advised that he will have a maximum of 5 active cases per month, and all requests for assistance will continue to be sent to the Enforcement Division for assignment. Having a contracted investigator will lessen the need for Board members to investigate complaints which will reduce recusals and bolster transparency of Board enforcement actions. Board administration and the Enforcement Division are working together to reconcile cases and anticipate that Dr. Montminy will be a great asset in clearing the backlog. Jessica Kallipolites and Dr. Montminy left the meeting at 9:27AM.

4. LICENSURE:

- a. Christopher **Burwell**, DVM: On motion of SC and second by KS, the Board voted to ratify Dr. Burwell's license reinstatement.
- b. Ryan **Canales**: On motion of SC and second by WK, the Board voted to approve licensure pending passage of the NH jurisprudence exam.

5. ADMINISTRATIVE RULES: Tina Kelley arrived at the Board meeting at 9:50AM.

- a. The Board would like to make a change to question #5 on the application form which is part of Vet 400. Tina advised that this change can be made after the public comment period is closed when the final proposal is being prepared for JLCAR review.
- b. On motion of KS and second by SC, the Board voted to approve the **Vet 300 Final Proposal** and send it to JLCAR.
- c. The Board discussed the draft **Vet 700 Initial Proposal** and amended Vet 701.02(a) to reflect that the Board statutory authority over veterinarians, not their practices and facilities. On motion of KS and second by WK, the Board voted to proceed with the amended Vet 700 IP for formal rulemaking.
- d. The Board discussed the content **Vet 800 IP** draft, including: different paths to obtain "pre-vet" degrees, the level of supervision (indirect, immediate, direct), and surgical assistance. Tina Kelley will provide a revised draft for review at the next meeting.
- e. KS tabled the **Vet 900**, Animal Dental Care, IP Draft for the next meeting.
- f. On motion of KS and second by WK, the Board voted to approve the amended **Vet 1000** IP (Opioid Management), to proceed with formal rulemaking.
- g. On motion of SC and second by WK, the Board voted to approve **Vet 406.01- Substantive Waiver**, to proceed with formal rulemaking.

Tina Kelley left the meeting at 11:21AM.

RECESS: At 11:22AM, KS announced the Board was taking a brief 10-minute recess. The Board resumed public session at 11:35AM.

6. LICENSURE – CONTINUED FROM ABOVE

- a. Kristina **Spencer**, DVM: On motion of WK and second by SC, the Board voted to approve Dr. Spencer's petition for waiver of Continuing Education (CE) requirements and accept her license reinstatement application
- b. Janet **Wojciechowski**, Reinstatement: KS tabled the application for the non-public session.
- c. Kristen **Pastiri**, DVM: On motion of SC and second by KS, the Board voted to conditionally approve license reinstatement pending sending OPLC a police report verifying the thefts which prevented her from submitting a complete application with proof of CE.

- d. The Board discussed the need to clarify current CE requirements for the renewal period ending 12/31/2022 because the administrative rules have not been completed yet. The Board will continue to accept virtual CE credits in accordance with the RSA. Stacie Moeser and Jenna Wilson will develop draft language for Board approval.
- e. Carl **DePrima**, DVM: On motion of WK and second by CT, the Board voted to accept Dr. DePrima's CE waiver request and approve license reinstatement.

7. CORRESPONDENCE & NEW BUSINESS:

- a. Dr. Laurie Hess, PetCo inquiry: telemedicine and application questions: Dr. Hess did not follow up her phone call to Board Admin with a written inquiry. However, the Board discussed that the VCPR requires a physical examination so the supervising veterinarian must be physically in NH and licensed to practice in NH. Dept of Agriculture's supportive rule is Agr 1704.05. No correspondence will be sent without a written inquiry from Petco or Dr. Hess.
- b. Town & Country Animal Hospital: inquiry related to confidentiality: The telephone inquiry and fact patterns were discussed, and the Board determined it was unable to respond without a written request for a declaratory ruling pursuant to Vet 205; but, in general, RSA 437.18 relates to abandoned animals and the Board would need more facts to proceed with the application of the patient records rules to the scenario.

LUNCH RECESS: At 12:28PM, KS announced the Board would be in recess for a 30-minute lunch break. The Board resumed public session at 1:05PM

- c. AAVSB Inquiry: VCPR and telemedicine: The Board's response to the correspondence is to cite the current rules and note that telemedicine is a topic of current rulemaking. Additionally, the Board does not keep the records in a way that would allow it to gather the statistics being requested.
- d. AAVSB Annual Conference: CT is interested in attending the meeting; KS encouraged her to go.
- e. Alina Sobolik; Inquiry about Teletriage regulations in NH: On motion of SC and second by KS, the Board voted to send correspondence to Ms. Sobolik citing the RSAs which define the practice of veterinary medicine and when licensure is required.
- f. Mindy Newman, DVM: Inquiry about interstate health certificates: On motion of KS and second by WK, the Board voted to authorize SC to respond via email to this inquiry.
- g. Elizabeth Brown, DVM: Inquiry about heartworm testing and prevention: On motion of KS and second by WK, the Board voted to send a reply email to Dr. Brown advising that the Board has no jurisdiction over the matter and the question relates to a practice protocol. A veterinary practice could implement this type of business policy if it wanted to.

NON-PUBLIC SESSION: At 1:26PM, upon motion by KS and second by WK, the Board voted unanimously by rollcall vote to enter into non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) and (e), RSA 91-A:5, IV, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges.

RESUME PUBLIC SESSION: At 3:13PM, KS announced the Board was back in Public Session. On motion of KS and second by SC, Board voted unanimously by roll call vote to seal the non-public minutes to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the

grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

8. LICENSURE CONTINUED FROM 4 and 6 ABOVE:

- a. Janet **Wojciechowski**, Reinstatement: On motion of SC and second by WK, the Board voted to send correspondence indicating that the reinstatement application is incomplete therefore it could not be reviewed by the Board. The applicant must provide proof of 24 hours of CE in the years 2020-2021.
- b. On motion of WK and second by KS, the Board voted to post the following “Notice to Licensees” on the OPLC Board website:

Notice to Licensees whose licenses expire 12/31/2022:

In accordance with RSA 332-B:13 III, and Chapter Vet 100, as a condition of renewal, a veterinarian shall show proof of attendance at an approved continuing education program or programs totaling at least 24 hours in the 2-year period preceding the renewal date. Approved programs shall be at the discretion of the board, in accordance with rules adopted by the board. The Board of Veterinary Medicine will currently accept up to 100% of virtual online learning obtained in the present renewal cycle.

ADJOURNMENT: KS adjourned the meeting at 3:23PM.