

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
June 15, 2022

The Board of Veterinary Medicine meeting was held at the Office of Professional Licensure & Certification at 7 Eagle Square, Concord, NH.

Members present and eligible to vote:

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

Others present:

Jenna Wilson, Board Administrator (JW)
Jessica Whelehan, Board Administrator (JMW)
Tina Kelley, OPLC Rules Staff (TK)

Legal Counsel:

Stacie Moeser, Esq., NH Dept. of Justice (SM)

CALL TO ORDER

KS, President of the Board, called the meeting to order at 8:43AM.

1. **MEETING MINUTES:** On motion of SC and second by KS, the Board voted* to accept the public minutes as amended from the meeting held April 20, 2022. JP abstained.
2. **UPDATE FROM OPLC & ADMINISTRATIVE ITEMS:**
 - a. JW explained that new software, OnBoard, will begin implementation within the next few weeks and to expect an email with an invitation to create an account. The use of OnBoard will eliminate use of the FTP site and the documents on the FTP will be archived.
 - b. JW reminded the Council to complete the Administrative Law Training if they have not already done so.
3. **9:00 AM RULEMAKING HEARINGS:** Vet 400 – Continued Status, Vet 500 – Ethical Standards and Vet 600 – Practice of Veterinary Medicine: Acupuncture, Embryo Transfers, and Telemedicine
 - a. The public hearing began at 9:01AM. KS read the required information pursuant to RSA 541-A. Jim Boulet spoke on behalf of the NHVMA about proposed rule Vet 403.01 related to continuing education requirements. There is concern that the definition of “simultaneous online learning” may not be clear to licensees.

*All votes are unanimous unless indicated otherwise.

- b. No additional public comment was received, and the hearing was closed at 9:18AM.

4. CORRESPONDENCE & NEW BUSINESS:

- a. The Board reviewed a letter from Atty. John DeFuria related to Ownership of Veterinary Practice. SC relayed information from previous discussions about this topic from then summer of 2020. On motion of KS and seconded by WK the Board voted to respond in writing and reference the Board's rules and statute. This is not a matter for a declaratory ruling. There are no specific citation or explanation to provide in the response.

5. ADMINISTRATIVE RULES:

- a. Tina Kelley joined the Board meeting to continue working on **Vet 800**. SC provided comments about Vet 801.02(a) related to removing the bachelor's degree requirement in this section because it is already in (b).

[SC left the meeting at 9:45AM]

- b. The Board inquired about the previous affidavit section. Also, letters must come from a NH licensee, so what does an out-of-state tech who is moving here do if they do not have any contacts here? There was concern from the Board that the proposed rule may create a circumstance in which any one in the country may become licensed as a vet tech and NH OPLC could inadvertently become the nation's accreditation center.
- c. The Board asked for changes to the draft which would ensure than the supervising veterinarian was also a *licensed* veterinarian.
- d. Ed Carlson of the NHVTA asked to address the board via Zoom. Mr. Carlson commented on Vet 804.01(a). The Board discussed that, from a practical standpoint, techs need to be able to monitor anesthesia at the discretion of their supervising veterinarian.

KS tabled voting on proceeding with Vet 800 until SC returned to the meeting.

[SC returned at 10:35AM. WK and CT left the meeting room]

- e. TK told the Board that the **Vet 300 Final Proposal** was not field with JLCAR as planned due to comments from OLS to be addressed. The Board made changes to address the OLS comments. On motion of KS and seconded by SC the Board voted to submit the **Vet 300 FP** as amended.
- f. On motion of KS and seconded by SC the Board voted to begin the formal rulemaking process with the **Vet 800 IP** as amended.

[WK and CT returned at 10:38AM. TK left the meeting]

RECESS: At 10:40AM KS announced the Board would take a brief recess. The Board resumed public session at 10:51AM

- g. The Board discussed the draft **Vet 900** - Animal Dental Care. The Board suggested that Vet 701.01(b)(19) "accurate description" be taken into consideration while working on this chapter.

6. LICENSURE:

- a. Brett **Gaby**, DVM: On motion of KS and second by JP, the Board voted to accept Dr. Burwell's application for reinstatement.

NON-PUBLIC SESSION: At 11:46AM, upon motion by KS and second by SC, 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) & (e), RSA 91-A:5, IV, Lodge v. Knowlton (1978), and the Board's executive and deliberative privileges.

RESUME PUBLIC SESSION: At 1:19 PM, KS announced the Board was back in Public Session. On motion of KS and second by WK, the Board voted to **seal the non-public minutes, except the items listed below**, 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.

- a. Notice of Hearing to be issued on these cases: Myhre, Bartol & Jones, and Kelloway.

ADJOURNMENT: KS adjourned the meeting at 1:20PM.