



Board of Veterinary Medicine: July 20, 2022 at 8:30 AM

Public Meeting Minutes

Veterinary Medicine

Jul 20, 2022 at 8:30 AM EDT

7 Eagle Square Concord, NH 03301

Attendance

Members Present:

Stephen Crawford, Robyn Eldredge, Elaine Forst, Jill Patronagio, Kirk Smith, Claire Timbas

Members Absent:

Winifred Krogman

Guests Present:

Tina Kelley, Jessica Whelehan, Jenna Wilson

Guests Present (Remote):

Attorney Stacie Moeser

I. Call To Order

Kirk Smith called the meeting to order at 8:42AM followed by reading the Board's mission statement.

II. Review of Public Minutes

Motion:

to approve the 6/15/2022 public minutes as amended

Motion moved by Kirk Smith and motion seconded by Stephen Crawford. Passed unanimously

III. Public Appearances

A. Rulemaking Public Hearings: Vet 207, Vet 700, and Vet 1000

Kirk Smith opened the Public Rulemaking Hearings for Vet 207, Vet 700, and Vet 1000 at 9:00AM and read the required information pursuant to RSA 541-A.

1. Vet 207 Substantive Waiver Rule

There was no public testimony for proposed rule Vet 207.

2. Vet 700 Veterinary Medical Records

There was no public testimony for proposed Chapter Vet 700.

3. Vet 1000 Prescription Drug Monitoring Program

Jim Bouley spoke on behalf of the NHVMA because Dr. Barlow of the AVMA was unable to attend the meeting. The NHVMA appreciated the Board's attempt to bring clarity to the veterinarian requirements for the PDMP. Some areas of concern were noted such as when owners of an animal have different last names (divorce or co-ownership for example), when the owners' dates of birth are not known, or whether gathering this owner information creates a HIPAA violation with their human customers. RSA 126-A:91 is designed for humans and doesn't work for animals. The proposed rule indicates that the veterinarian "may" query the database, whereas the statute uses the word "shall". There was also question about how the Board will enforce the rules when the program doesn't clearly fit the business practices of veterinarians. The Animal Policy Group submitted written comment related to Vet 1001.01.

Kirk Smith closed the rulemaking hearings at 9:23AM.

Motion:

to extend the public comment period deadline to 4:00PM on Monday, August 1, 2022; and to have OPLC rules staff ask OLS attorneys for early comments if possible.

Motion moved by Stephen Crawford and motion seconded by Kirk Smith. Passed unanimously

IV. OPLC and/or Board Administration Updates

- A. OnBoard Implementation
- B. Welcome Attorney Lauren Warner, OPLC General Counsel

Attorney Lauren Warner was unable to attend the meeting. She will meet with the Board at a future meeting.

V. Old Business

VI. New Business

- A. Correspondence from AVMA related to proposed rules (Vet 603)

The Board reviewed the correspondence and discussed AVMA's comments. The Board concluded that individuals cannot establish VCPR electronically in NH and questioned whether Vet 603.01(b) needed more clarification. Suggested proposed changes included adding "unless it is the veterinarian who performed the physical exam" back into Vet 603.01 (b)(2). The Board also discussed the federal VCPR standard which requires the veterinarian to have seen the animal in the past 12 months. Tina Kelley suggested it might be easier to make the change in Ch. Vet 100 in the definitions section; however, the Board felt it was more important to clarify the issue now while the Vet 600s are in active rulemaking. The Board also discussed the option of adding an additional section to the rule before submitting the final proposal to JLCAR. The new section would be "Vet 604 Establishing VCPR" and it would clarify how to establish and maintain the appropriate VCPR. If OLS attorneys will allow the change at this stage in rulemaking, the Board would like to pursue it as a solution to the questions presented,. Steve Crawford volunteered to work on this with the AVMA.

Motion:

to authorize Steve Crawford to contact and work with the AVMA legislative division to draft language for supplemental VCPR rules for use in Vet 604 to clarify the Boards intent of Vet 603.01(b)(1)-(3).

Motion moved by Stephen Crawford and motion seconded by Robyn Eldredge. Passed unanimously

B. PDMP Advisory Council and E-Prescribing

Steve Crawford represents the Board of Veterinary Medicine on the Prescription Drug Monitoring Program Advisory Council, and advised that his 5-year term will end February 2023, and it cannot be renewed. The Board will need to vote on a replacement designee pursuant to RSA 126-A:96 I. Robyn Eldridge indicated she is interested in taking the role but would like to speak with her practice manager before committing to it. Steve Crawford advised that the Advisory Council work is not a big lift, but it could be challenging on top of an already busy Board commitment, particularly during the first year on the Board (where a new member is just getting their bearings) and the last year (running meetings, hearings, etc.)

Steve Crawford

C. Correspondence about low-income emergency animal care

Email from Leo Hagn

Motion:

to respond to Mr. Hagn referencing the UNH vet tech PAWS with Sarah Proctor; the NHSPCA; and contacting their local legislator for information on how state funding must be pursued legislatively.

Motion moved by Stephen Crawford and motion seconded by Robyn Eldredge. Passed unanimously

- D. Correspondence with questions about starting a house call practice
Email from Karyn Burritt

Informational. No Board action taken.

- E. Correspondence about the use of to Tens Technology
Email from Richard Kaas

Motion:

To respond to Dr. Kass citing RSA 332-B:31 treatments and indicating that the Board accepts this RACE approved CE course.

Motion moved by Kirk Smith and motion seconded by Jill Patronagio. Passed unanimously

- F. Correspondence asking for assistance with out-of-state licensing process

Motion:

to respond to Dr. Vasse's email indicating that the Board will review the information she sends when she submits a complete application and any required supplementary documentation.

Motion moved by Kirk Smith and motion seconded by Stephen Crawford. Passed unanimously

- G. Correspondence about veterinary technician supervision
Email from Jessica Lampkin

Motion:

to respond to Ms. Lampkin providing the statutory citation to supervision, 332-B:2 II, and administrative rule Vet 101.02 (p), (t), and (u). Also include information about current rulemaking process for Vet 800.

Motion moved by Stephen Crawford and motion seconded by Kirk Smith.

VII. Licensure

A. Buechner, Penelope - Initial Application via Reciprocity

Motion:

to accept and approve application for licensure pending passing the NH jurisprudence exam.

Motion moved by Stephen Crawford and motion seconded by Kirk Smith. Passed unanimously

B. Caffrey, Steven - Reinstatement Application

Motion:

to accept and approve Dr. Caffrey's reinstatement application.

Motion moved by Kirk Smith and motion seconded by Robyn Eldredge. Passed. Stephen Crawford abstained.

Kirk Smith tabled this application to non-public session.

C. Koss, Stella - Reinstatement Application

Motion:

to contact Dr. Koss and request additional documentation related to the correspondence she included with her application.

Motion moved by Stephen Crawford and motion seconded by Kirk Smith. Passed.

Kirk Smith tabled this application to non-public session.

D. Aguilar Ramos, Juan Carlos - Continuing Education

CE submission extension was granted at January 19, 2022 meeting. CEs were due by February 28, 2022.

Motion:

To send Dr. Aguilar Ramos a Notice of show cause hearing to give him the opportunity to speak to the Board about not meeting the the conditions of the CE extension; to request Atty Nik Frye to be the hearings officers; and to allow Kirk Smith the authority to act on any motions outside of the meeting, including continuance requests.

Motion moved by Stephen Crawford and motion seconded by Jill Patronagio. Passed unanimously

VIII. Administrative Rules & Legislative Topics

A. See above: Public Appearances for Rulemaking Public Hearings on Vet 207, Vet 700, and Vet 1000

B. Vet 400 Continued Status - Review Final Proposal

Kirk Smith tabled this item because OPLC rules staff was not available for assistance.

OPLC Rules staff Tina Kelly was not available to assist the Board, so Attorney Doug Osterhoudt joined the meeting to work on Vet 400 Final Proposal draft. The Board asked Atty Osterhoudt to make changes to Vet 406 because the statute poorly worded so the proposed rule is not clear. There needs to be a distinction made between licensees who have let their licenses lapse for less than 5 years, more than 5 years, or more than 5 years but actively practicing in a another jurisdiction (see statute language). The Board also requested changing "informed" to "indicated" in Vet 403.02

C. Vet 500 Ethical Standards - Review Final Proposal

Motion:

to approve the Chapter Vet 500 Final Proposal at written for submission to OLS and JLCAR.

Motion moved by Kirk Smith and motion seconded by Stephen Crawford. Passed unanimously.

At 10:58AM Kirk Smith announced the Board was taking brief recess. The Board returned to public session at 11:11AM

D. Vet 600 Acupuncture and Embryo Transfers – Review Final Proposal

See agenda item VI, A above.

E. Vet 900 Dental Care – Continue work on draft initial proposal

Tina Kelley inadvertently provided the Board with the 5/2/22 revision of Vet 900 rather than a draft written after working on the rules at the June meeting. Ms. Kelley apologized and told the Board she would have the correct version for the next meeting.

F. Vet 300 - JLCAR Conditional Approval

Waiting for draft response to JLCAR from Tina Kelley. JLCAR hearing is 7/21/22

G. Informational: Upcoming Hearing(s)

Vet 800 scheduled for 8/17/22

IX. Non-Public Session

Non-Public session is conducted 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.

Motion:

to move into non-public session for the reasons outlined above.

Motion moved by Kirk Smith and motion seconded by Stephen Crawford. Passed unanimously by roll call vote.

X. Resume Public Session

The Board resumed public session at 2:28PM

XI. Seal the Minutes of the Non-Public Session

Minutes of the non-public session are sealed 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.

Motion:

to seal the minutes of the non-public session for the reasons outlined above except the decision by the Board to table Dr. Stella Koss's application until the next meeting to give her the opportunity to submit additional information.

Motion moved by Kirk Smith and motion seconded by Stephen Crawford. Passed unanimously

Reminders for August meeting: Kirk Smith will not attend, and Robyn Eldredge will leave at 12PM.

XII. Adjournment

Kirk Smith adjourned the meeting at 2:43PM