



Board of Veterinary Medicine
PUBLIC meeting Minutes
April 19, 2023
7 Eagle Square in Concord, NH 03301

Members Present:

Winifred Krogman, Chair
Jill Patronagio
Claire Timbas
Stephen Crawford
Elaine Forst
Robyn Eldredge

Absent:

Administration:

Traci Weber, Administrator,
Michael Gianunzio, Administrator
Elizabeth Eaton, Board Counsel

I. Call To Order 8:38 a.m.

RSA 332-B:1-a Purpose. – The purpose of the board of veterinary medicine is to promote public health, safety, and welfare by safeguarding the people of New Hampshire against incompetent, unscrupulous, and unauthorized persons and from unprofessional or illegal practices by persons licensed to practice veterinary medicine. The right to practice veterinary medicine is a privilege granted by legislative authority to persons possessing personal and professional qualifications specified in this chapter.

Dr. Krogman called the meeting to order at 8:30AM and read the Board's mission statement.

II. Review of Public Minutes - On motion from Dr. Krogman, second by Dr. Eldredge to approve the minutes as amended, all in favor. Passed.

III. Public Appearances – n/a

IV. OPLC and/or Board Administration Updates

A. FAQ Shelter Waiver Vet Med – Board Counsel presented the FAQ for Board review. The Board accepts the draft with minor amendments, all in favor. Passed.

B-1. VET CE Waiver Communication – On motion from Dr. Crawford, second from Dr. Krogman to approve. The qualifying Standing Order waiver will expire on February 28, 2025. This VET CE Waiver communication will go out to all licensees. Roll call vote 6-0-0.

B-2. Standing Order Waiving New 400 rules on CE's – On motion from Dr. Crawford, second from Dr. Patronagio to approve the Standing Order and to place it onto the Board's website. This Standing Order will expire on February 28, 2025. Roll call vote 6-0-0.

C. Board Advised – AAVSB Notice

D. Legislative Updates

1. HB 2 – No changes that would effect the Board of Veterinary Medicine. Board Counsel is almost certain nothing else will be added into this bill.
2. HB 655 – This bill has the complaint process with Enforcement. This bill also provides additional funds to expand the Enforcement Team, and the OPLC office will conduct the Adjudicative Proceedings. Dr. Crawford commented to Board Counsel the Veterinary Practice Act RSA 310:7 II does not mention the Veterinary Telemedicine at all and it should be included for Veterinarians and Veterinarian Technicians.

Dr. Crawford advised Board Counsel RSA 310:9 nothing is public. Emergency/Settlement is not included, this is about exhibits.

Dr. Crawford advised Board Counsel – This bill talks about Mandatory Recusal, if this Board gets any smaller it will be virtually impossible to do business because everyone knows each other either professionally or personally.

3. HB 258 – Animal Chiropractic Bill. The discussion was there is a desire to create this bill similar to animal physical therapy. There was a majority of who felt that people who wanted to practice animal chiropractic would need to be licensed Chiropractors. No further updates at this time.

E. Rules with Tina – The Board was advised that Vet 900 was going to JLCAR on 4/21/23 and it is on the consent agenda. If it passes, you will hold a hearing next month

F. Waiver Requests – Dr. Crawford suggested a condition on the waiver is – any change in Supervision; a new Waiver does need to be submitted. This type of waiver is attached to the licensed Veterinarian who applied for it. The waiver does not transfer to anyone or any facility. When the rules are amended, the Board will clarify the supervision. The Waiver will terminate upon separation between the licensee and the animal shelter. Medical Staff can move between facilities, as long as all the waivers are in place for all.

1. Maggie Kelly, DVM Animal Rescue League of NH – On motion from Dr. Crawford, second from Dr. Krogman to approve, roll call vote 6-0-0.
2. Stephanie Magnarelli, DVM Animal Rescue League of NH – On motion from Dr. Crawford, second from Dr. Krogman to approve, roll call vote 6-0-0.

3. Michelle Martino, DVM Monadnock Humane Society – On motion from Dr. Crawford, second from Dr. Krogman to approve, roll call vote 6-0-0.
4. Jessica Cioffi, DVM NHSPCA in Stratham – On motion from Dr. Crawford, second from Dr. Krogman to approve, roll call vote 6-0-0.
5. Sarah Proctor, DVM Pope Memorial Humaine Society – On motion from Dr. Crawford, second from Dr. Krogman to approve, roll call vote 6-0-0.
6. Gail Robinson, DVM Pope Memorial SPCA – On motion from Dr. Crawford, second from Dr. Krogman to approve, roll call vote 6-0-0.

V. Old Business – N/A

VI. New Business – Questions from the Public

1. Frank Powell, Tele-video consultation – multiple questions.
 - a. Can a consultant who has no contact or interaction with the pet owner and only provides help or consultation to the treating veterinarian who is licensed in your state, provide these types of consults without needing to be licensed in your state? An example is the consulting veterinarian would analyze the Electronic Medical Data provided by the doctor or clinic in your state and use tele-video to observe the animal and then provide guidance on treatment for the critical animal to the local attending veterinarian. This is a critical care situation.

Answer: Please refer to RSA 332-B: 2 (1) IV.

- b. For number one above, can this be done by a veterinarian that is not licensed in any US state but is licensed in a foreign county?

Answer: Please refer to RSA 332-B: 2 (1) IV

- c. Can a corporation or non-licensed person own any portion of a veterinary professional practice in your state? Stated differently, what are the laws on corporate medicine for veterinary practice in your state?

Answer: Please refer to RSA 332-B: 18 and also Vet 102.01 (a-o) for Vet Manager and (a-p) for Veterinarian Facility definition.

2. Kevin Salazar, Owner's Statement rule (436.101) with respect to rabies. Does the statement have to be written? Can it be spoken by the owner and written down by a Veterinarian? What is the expectation for compliance? To receive a writtens statement by the owner?

Answer: On the www.nh.gov website, RSA 436:101 has the owners statement. The Board is unable to provide legal advice or interpretation of rules and laws. The Board would advise you to seek your own legal counsel or request a declaratory ruling as outlined in Vet 205 of the administrative rules.

3. Katy Raynor, Vet Tech requirements for certification – People who need to be certified are the people who are doing the procedures as listed in Vet 800, in particular Vet 804. Technicians are not licensed in NH, they are certified and these are the procedures they would be allowed to perform in NH. Equine is handled the same as small.
4. Attorney Hartman, Thank you for your inquiry. The Board is unable to provide legal advice or interpretation of rules and laws. The Board would advise you to seek your own legal counsel or request a declaratory ruling as outlined in Vet 205 of the administrative rules.
5. MacDonald Veterinary Services, Does remote learning include zoom as well as CE courses offered through companies such as Indexx that have questions and quizzes that need to be answered throughout the course.

Answer: In the Board's newly adopted administrative rules outline Live & Interactive, Vet 403.01

6. Attorney Lutz, Multiple Questions
 - a. Vet 802.01 Veterinary Nurse or Veterinary Technician First, are these two terms to be considered interchangeable? I am confident that you are aware of the issues related to calling veterinary technicians "nurses" in other states and just want to confirm that term is to be used in New Hampshire

Answer: Please refer to the Administrative rules Vet 802.01 (b)(4), (c)(5) and Vet 804.01(b) and the rest of the statement clarifies.

- b. Vet 802.01 (b) (4), (c)(5) and 804.01 (b) What is the distinction between, "blood or blood component collection" in 802.01(b)(4) and "collection of blood" in 802.01 (c)(5)? What is the distinction between the terms above and 804.01(b), "Obtain" "blood samples"? It is not clear to me what supervision is required for the veterinary technician or whether a veterinary assistant can also collect blood samples.

Answer: 804.01 is if the Vet is in the room. Please refer to the newly adopted rules.

- c. Vet 804.01 The introductory section suggests that the tasks that follow can be performed by a veterinary assistant under “indirect supervision.” However, Vet 804.01 (a) states that a veterinary assistant can only monitor anesthesia under “immediate supervision.”

Answer: If the Vet is in the room.

Can a veterinary assistant monitor anesthesia under indirect or immediate supervision?

Answer: Indirect no, but please refer to the whole Vet 804 (a-f).

- d. Vet 804.01(d): please confirm that a veterinary assistant can only administer sedation prior to anesthesia under “immediate supervision.”

Answer: The Board would like to refer you to the Administrative Rules where it outlines the practice for Veterinary Assistants, in particular Vet 800.

- e. Please confirm that it does not look like a veterinary assistant can perform any tasks under “direct” supervision. If that is the case, then the veterinary assistant can perform tasks when the veterinarian is in the immediate area and within audible and visual range of the animal and assistant or when the veterinarian is not at the same facility but cannot perform tasks when the veterinarian is present on the premises and available but not in the immediate area?

Answer:

- f. Vet 1001.01 Does this only apply to a veterinarian who “prescribes” an opioid? There is no mention here about “dispensing.”

Answer: Dispensing is in another place in the Vet 1000’s. Veterinarians can only prescribe for 7 days, then the consumer would have to go elsewhere, like a chain pharmacy for a prescription for more than 7 days, described in Vet 1001.01(e). Vet 1001.01 (g) describes chronic pain. RSA 126-A: 89 has the dispenser definition, which is what exempts Vets for 48 hours. Then after the Vet needs to follow RSA 126-A:91

- g. Vet 1001.01 (f) and (g) – Thank you for bringing this to the Board’s attention. We will look into this.

7. John Guest question on new Opioid Regulations. Please see <https://www.gencourt.state.nh.us/rsa/html/xxx/318-B41.htm>
 8. John Ordway, question regarding heartworm medication. Please see the Vet Med Ethical Principles located here; [Principles of veterinary medical ethics of the AVMA | American Veterinary Medical Association](#)
 9. Tyler McGill, questions regarding prescriptions, please see the Vet Med Ethical Principles located here; [Principles of veterinary medical ethics of the AVMA | American Veterinary Medical Association](#)
2. Vet 800 Questions
1. If a tech does not pass the VTNE can the tech continue in the duties after May 2026? **No, after May 2026 they would become a Vet Assistant and would subsequently fall under the Vet Assistant Rules.**
 2. Will the Vet Technicians need to be reclassified as veterinary assistants after the May 1, 2026? **Please take a look at the definitions directly before the Vet 800 rules. The rules themselves clearly defines the practice of a Certified Veterinary Technician. The Certified Veterinary Technician is a protected term now.**
 3. Can staff currently considered as "Vet Techs" continue to perform at their current level of training until 5/1/26 or do they have to be demoted to "Vet Assistants" with limited tasks allowed on 5/15/23? **Yes**
 4. Do the 4 years of on-the-job training covering the tasks listed in Vet 802 for eligibility to take the VTNE have to be completed by 5/15/23 or at some point before 5/1/26? **At some point before they sit for the exam.**
 5. After passing the VTNE is one simply considered a Vet Tech or is membership to NHVTA (NH Vet Tech Association) also required in order to obtain a certification/license? **Once passed the VTNE you will receive a certification from AAVSB. No additional memberships or certifications are required for NH.**
 6. Will the state be compiling and verifying Vet Tech certifications and/or an organization such as NHVTA? Will this be done by registration or inspection? **The OPLC office will have this information as well as AAVSB. However, it is up to the practitioner to keep track of their certification.**
 7. I have an uncertified technician with a BS, 1/2 year of experience at another hospital, 1.5 years with us and the skills required to have a licensed veterinarian write a letter for them to take the VTNE. Does she need 2 separate letters, one

being from her previous place of employment? **Yes, needs 2 separate letters as defined in Vet 801.02 located on the Board's website.**

8. As above I also have an uncertified technician with 4+ years of experience and the skills required to have a licensed veterinarian write a letter for her to take the VTNE. How will this work when they are ready to register with AAVSB to take the VTNE? **Please refer to Vet 801.02 located on the Board's website.**
9. Being the only CVT and the head technician at our hospital, will the uncertified technicians/veterinary assistants and/or students be working not only under the veterinarians' licenses but my certification as well? **No. Only under the Veterinarian's license.**
10. Under Vet Tech tasks it lists - Collection of blood, whereas under Vet Assistant tasks it lists - Obtain and prepare blood samples. Please confirm that this means Vet Assistants are allowed to draw blood. **Under the Vet Tech tasks, please see Vet 801 on the Board's website.**
11. Under Vet Assistant tasks it lists - Administer oral medication, subcutaneous injections, and fluids, except those intended to induce sedation prior to anesthesia which shall only be administered under immediate supervision. Please confirm that this means Vet Assistants are not permitted to give IM injections. **Please refer to Vet 800 as outlined on the Board's website.**
12. Can uncertified technicians/veterinary assistants perform therapy laser treatments as long as they have passed the Therapy Laser Training Course through AIMLA? **Technician Assistants, No. In order to perform therapy laser, please refer to the therapy rules. And as long as the Veterinarian has directed.**
13. Can a Vet Assistant assist a Vet Tech or Veterinarian with taking radiographs? **Please refer to the Board's website Vet 800 rules. In particular Vet 804.01 and the skill level determined by the Veterinarian.**
14. Is there going to be a more in-depth list of tasks allowed to be performed by a Vet Tech vs a Vet Assistant? No.
15. Being a CVT, I understand the motivation in having veterinary technician certification become mandatory in the state. However, the timing is poor with the current employment crisis. Veterinary hospitals are finding it difficult to obtain enough staffing as it is and with Vet 800's passing I fear the situation will only get worse. Many employees that fall under the standards to take the VTNE are riddled with anxiety and are now considering whether or not to stay in this field. Likewise,

those that now need to enroll in an AVMA accredited school are uncertain whether this is the best career choice with having to pay for schooling which will likely not earn them much more money, especially in private practices. Will any leeway be extended to those practices that struggle with adequate support staff due to Vet 800? **The Board is unable to answer this because it is not in effect for 3 years.**

16. Is the NH Board of Veterinary Medicines intent to allow individuals without the certification qualification to practice as a vet tech until May 2026? **Yes**
17. Will individuals that do not live or work in NH be allowed to take the VTNE through NH using the alternative pathway during the three-year time period? **Yes**
18. Does the veterinarian that signs off on the two or four years of on-the-job training practicing the skills outlined in 802.01 need to be licensed in NH? **Yes**
19. If a tech's two or four years of on-the-job training is spread across more than one employer/veterinarian, can they submit multiple letters that cover the two or four-year requirement? **Yes**

VII. Licensure

- A. John Ledoux, DVM – Reinstatement application. On motion from Dr. Crawford, second from Dr. Eldredge to approve, roll call vote 6-0-0.

VIII. **Non-Public Session** – On motion from Dr. Krogman, second from Dr. Crawford to enter non-public session at 11:17 a.m. 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. Roll call vote 6-0-0.

IX. **Resume** Public Session at 1:17 PM.

X. **Seal the Minutes** of the Non-Public Session – On motion by Dr. Krogman, second by Dr. Crawford to seal the minutes of the non-public session 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, excluding the vote to approve licenses for Dr. Shalette Dingle, DVM. Roll call vote 6-0-0.

XI. On Motion by Dr. Crawford, second by Dr. Timbas to adjourn at 1:20 p.m. All in favor.