



Veterinary Board of Medicine Public Meeting

Minutes

Veterinary Medicine

Aug 16, 2023 at 8:30 AM EDT

Attendance

Present:

Members: Robyn Eldredge, Winifred Krogman, Jill Patronagio, Elaine Forst

Absent:

Members: Stephen Crawford, Claire Timbas

I. The Chair Called the Meeting To Order at 8:34

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.

II. Review of Public Minutes

Motion to Approve the July 19, 2023 Public meeting minutes as amended:

Motion moved by Jill Patronagio and motion seconded by Winifred Krogman. Roll Call
Vote 4-0-0

III. Public Appearances

A. 9:00 James Penrod from AAVSB

The AAVSB has many programs that could assist the Board. We are a growing staff and now have 38 people who can support the Board's needs. January or February we hold a meeting to strategize for the year and address the trends and changes in the profession. One of our programs this year was a student outreach program, about 100 students joined. A topic of discussion was regarding licensure and what is required of them after they acquire licensure. Our practice act model had some revisions this year. We do have a model practice act for technicians, to assist with the regulations if the Board decides to license the technicians. Another program is Vet Board connect, we provide topics that may impact you as as a Board one program was horse racing. We have a publication titled Watchdog which is very helpful in keeping track of legislation and looking at what may be coming and to increase the

communication between the veterinary Boards across the country. Viva is the Veterinary Verification information agency. We have every licensed veterinarian and technician in our database. We are working towards a real time on demand database so staff could go on and type in a name of an applicant to determine if a licensee is in good standing which would be a useful tool in streamlining the licensure process.

We have the VAULT program where a veterinarian can use to transfer their licensure information to a state of intended practice. We collect all the information and send it to your office in one packet so you have all of the information in one packet. It is helpful to the Board and also to the licensees to get licensed more efficiently.

Data exchange program their goal is to have everyone involved with this program. NPDB is federally mandated, this is not mandated. We do have funding to assist the Board's in setting this process up.

Racetrack program is where we assist licensees to track their continuing education and the Board could do a 100% audit. Our office does have funding to assist the Board in setting this program up and running.

Licensees can also find continuing education in the Racetrack program as well.

The Spa program is where we provide the exams; Jurisprudence or open book. AAVSB has the capability to provide these exams anywhere in the United States.

PAVE is the program which determines equivalency of education for foreign trained individuals.

Lannie Franklin is the Member Board Concierge she is there to answer questions, or find the answers if she doesn't know. The Board Administrator has her email if anyone has any questions.

1. Additional AAVSB Topic not related to the visit from James Penrod

The Chair has volunteer to complete this survey.

B. 10:00 Heather Kelly, Director of Operations with OPLC

Investigator Contract-Is the current investigator renewing his contract or is OPLC looking for a new investigator. The Board previously asked how many cases the contractor is expected to review.

Exam Vendor - Is there a proposed vendor in place?

CE Broker - When will the Vet Board be able to join in this?

Fees for Vet Tech's? This category is not included in the Plc 1002. Do you foresee there being a fee for this group in the future?

Heather is currently working on reaching out to the investigators to see if they are willing to stay on. If so they will provide an amendment to the current contract, if not they will put out a request for a new investigator.

Exam vendor - this process is still 3-4 months out. OPLC is working to consolidate this under one umbrella. The vendor can provide pass/fail rates, in-person testing, or online; whatever type of exam is currently being given.

CE Broker is under contract with OPLC. We are working with CE Broker and reviewing the boards specific requirements. We have not reviewed the vet board yet. We are working on a rolling out process for each Board. The first roll out will be in October. The board of Medicine will be first.

For CE Broker, each licensee will get their own log in information to upload their continuing education and the program will keep track all of their continuing education so when they are getting ready to renew, our new database system will be able to look at ce broker to determine if the licensee has met all the requirements. It will all be in one portal. In addition, If the Board approves continuing education courses that too would be housed in ce broker as well.

Licensees would see what is acceptable or not. This will start after the upcoming renewal cycle for the Vet Board.

AAVSB, Mr. Penrod offered that they also have the CE broker and collects the ce's and then the licensure database will have it on-demand. Heather states, OPLC already has this in process and our database will interface with CE Broker and it will all be in one portal for our office as well.

Bethany Cottrell, Division Director of Licensing and Board Administration.

The topic regarding Vet Techs. Statutorily I do not believe that the Board has the authority to create a new license type. OPLC needs to be aware of how staff will follow the process. The first Bethany saw was when the email was sent out. This was not consulted with the staff in licensing and it was not relayed to everyone. There are some license types where people do need to be approved to take the exam. Internally we can set up a meeting with the Board Chair, and Board Council and Tina to have a meeting to talk about this process. We want to make sure that whatever rules you are making they point to the statutory authority correctly and OPLC needs to be aware of two things; are we regulating it, or are we only providing administrative tasks.

OPLC has taken a step back from this because are we regulating this profession. The Board is not trying to create a new license type. We have introduced the vet techs to be able to do more in the office. We have created a worksheet for these vet technicians to identify their experience, the veterinarian reviews and adds a letter. It is reviewed by the Board and then they will send this to the AAVSB to

authorize to sit for the Vet Tech exam. They are requiring a credential and not a license type.

Executive Director Courtney

It wasn't included in the fees, because it was not statutorily attached to the right process and fees. This is only going to happen for 3 years, and if you are doing all of this process to complete an administrative process. If we are looking at rules for a short term regulation. Rules expire every 10 years and it has to be a regulation for . There is no statutory authority. AAVSB in order to take the VTNE, you have to take the accredited program. The association cannot approve non=graduates of an accredited program. Unless a state Board says otherwise. They have authority to adopt rules for the requirement of certain training of veterinary staff 332-b 2 7 a 10. and this group of vet techs who have not graduated from an accredited school but must. this is the first bethany has seen it, or heard of it, she is not sure, she does not want this to be a delay. Bethany wants to hold a meeting in the next week, we regulate the veterinarian and anything that that happens under this. She wants to make sure we are all on the same page.

Only AAVSB does state that the Board has to delegate the applicant to take the exam. Is the board able to approve for these people to take the exam. they have rulemaking over the training and scope of activity. 541:1 the definition of a license is an approval by the authority from the government. essentially title protection. Lindsey came here on 2 separate occasions informing the Board that they do not have the statutory authority. The question, if you haven't taken this exam and you have not gone through this process are you allowed to perform the activity, the 800's state no.

There is a way to draft this to say the veterinarian only delegates tasks that each veterinarian is responsible for all actions of the employees. The issue is AAVSB is requiring the Board to dictate to the state. What is the authority of the state agency to allow this to happen. We are only looking at this for a short term to allow people who have been practicing allow them to take the exam. There needs to be a bigger conversation about this. Maybe in non-public. Because OPLC is licensing, they are not willing to work with the credentials. OPLC authority is limited to the authority in the statutes. She does not think that the Board has the authority to do this. The cleanest way to go about this is to create statute to issue a license.

This puts a liability on the veterinarian that is unpalatable.

The base challenge in this climate is to convince the legislature that you need to protect the public. Is there a delegate or a process during this time to allow this process to continue while the Board looks at other options.

From the agencies perspective, OPLC would be willing to work with the Board.

IV. OPLC and/or Board Administration Updates

A. Plc 1002.3 Fees in effect 8/1/23

Will the Vet Tech's require a different fee? Heather Kelly to discuss with the Board regarding this.

B. Standing Order Board Council to discuss with the Board

V. Old Business

VI. New Business

A. Board Correspondences

1. Amanda Gourgue

Legally animals are considered property and so an owner has oversight of what they want to do with their pets. The Board cannot oversee this since it is in an RSA already. No we do not need any legislative movement on euthanasia, it is done frequently with veterinarians and it is a personal decision of the pet owner. Courts consider the animal property, in NH so the animal is the property of the owner. (RSA 458:16-a as of 8/2019 tangible property shall include animals).

2. Attorney Shane Rice questions regarding NH Vet Practice

As an Attorney, most of the answers are findable. And Attorney's are supposed to do the research. For Liability purposes, the Board cannot answer these questions, it is unreasonable for this attorney to ask the Board these types of questions. Vet 102.01 (a) (p) the Veterinary Facility is defined. In that case an appropriate response would be our law and rule is silent on the first question.

#1 is silent.

#2 We cannot provide clarity.

#3 The Board leaves this interpretation to be interpreted by the attorney of the Veterinarian clinic.

#4 This is a question for the Board of pharmacy.

#5 This questions does not fall under the Board's jurisdiction.

3. Morley Elder CE Request Letter

The only question is how many hours to approve it for. In the Board's laws and continuing education rules by definition of our rules, it would be 60 hours. We could approve it up to 24 hours for hours for 2 years. We reviewed the syllabus and found that 24 hours qualify for continuing education.

Motion to approve the request for 24 hours of medical continuing education. Dr. Elder will need to request on his own with his own.
Motion moved by Winifred Krogman and motion seconded by Robyn Eldredge. Roll call vote 4-0-0

VII. Licensure

VIII. Administrative Rules

A. 8:45 a.m. Public Rules Hearing for Vet 802.01

Ed Carlson - question for clarification regarding the rules. Does this exemption apply to Veterinary Assistants? It makes sense under everything regarding the veterinary technicians. The Board has created a waiver for the Shelters have in place. Does this exemption (g) does this cover Veterinarians and Veterinarians Technicians Assistants. 802.01 (b). So for Shelters who have the waiver, they will not need the waiver once this is passed. Right. This is only for the tasks under this list. They dont want it to be this way, it needs to be a little more clear, if that is the intention. The Veterinarian Shelters did not want it to be a professional because they do not always have a Veterinarian Technicians. The entire list can be performed under a veterinarian assistant. The waiver can only apply to the euthanasia only. The intent is to allow people to do indirect with the euthanasia. When we read g "any licensed veterinarian shall be exempt from providing direct supervision (in the case of euthanasia while working for the animal shelter" this is the wording for Tina to change the wording to.

Ed Question - It is at the discretion at the veterinarian who the veterinarian deemed appropriate to complete this process. Instead of being in the room with the assistants and it is up to the veterinarian to determine if you as the person is trained to euthanize. Maybe we could put something in here to provide direct supervision which the veterinarian (shelter staff) has been deemed appropriate by the Veterinarian on record there.

He believe what Jill said is fine, but we may get questions on who is allowed to do this. The main thing is to determine if they Board is amending to be the process for euthanasia only. We do want to leave some leeway for the Veterinarian to

make the decisions. Since this came to the attention of the Board from the shelter.

Hearing Opened at: 9:02

Hearing Closed at: 9:20

Hearing Recorded: Yes. Traci will work with Liz to get the wording to Tina.

- B. Proofread Text Cover Letters to be signed by the Chair: Vet 400, Vet 900, Vet 1000
- C. Vet 102.01

Motion to Approve Vet 102.01:

Motion moved by Robyn Eldredge and motion seconded by Jill Patronagio. Roll Call Vote 4-0-0

IX. Non-Public Session

Non-Public session 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 to NP at 11:03 a.m.:

Motion moved by Winifred Krogman and motion seconded by Robyn Eldredge. Roll Call Vote 4-0-0

X. Resume Public Session at:

XI. Seal The Minutes of the Non-Public Session

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:

Motion moved and motion seconded. Roll Call Vote

XII. Board Adjourned at 12:51

Motion to adjourn:

Motion moved by Winifred Krogman and motion seconded by Robyn Eldredge. all in favor 4-0-0