

August 28, 2019 MEETING PUBLIC MINUTES
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Minutes: August 28, 2019

The regular board meeting of the New Hampshire Board of Veterinary Medicine was held at the State House Annex, Room 201, 25 Capitol Street, Concord, NH.

Members present: President: Dr. Sonnya Dennis, DVM; Judith Leclerc, DVM; Kirk Smith, DVM; Winnifred Krogman, DVM; Stephen Crawford, DVM Ex Officio Member; Elaine Forst, Public Member.

Staff: Kim M. Lavoie, Administrative Secretary

Public present: Becky Gallant, NH Veterinary Tech Association; George Bailey, Madeline & Dan Kadle

PUBLIC SESSION

The public segment of the meeting was called to order at 10:45 a.m.

1. The "Mission Statement" was read: 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 practice 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.
2. The July 31, 2019 public meeting minutes were reviewed. Dr. Crawford motioned to approve with 2 minor corrections. Dr. Dennis seconded. So moved.
3. Signing of the license certificates was completed by members present.
4. AAVSB-Email from Kim Lavoie, Administrative Secretary to AAVSB-Due to lack of resources we will not always be able to participate in the inquiries from other states.
5. Erick Bloomfield CE questions-"A Practitioners' Diversion Awareness Conference", AVA accredited. Dr. Dennis motioned to approve providing Dr. Bloomfield provides the syllabus for the Board to assess and assign the number of CE units. Dr. Crawford seconded. So moved.
6. Dr. Zezula-email on RACE changes-RACE category change from 3 categories to 2 categories. Dr. Dennis will update our CE summary document and send to Ms. Lavoie to post on the web site.
7. Vicki Tinsley, DoIT, help for online licensing problems-for future reference, reviewed.
8. Email from Tammy Wright, Clerk of the NH State Senate-appointment of Simon George to serve on the committee established by SB 120, CH 303:13, regarding the controlled drug prescription health and safety program.-Dr. Smith motioned for Dr. Crawford to serve on this Board. Dr. Leclerc seconded. So moved.
9. Office Of Professional Licensure (OPLC)-Dr. Crawford updated the Board, stating that the office will be moving to the OPLC effective of the Governor's signature of the Budget. After September 6,

when the new Executive Director starts, Dr. Crawford, Ms. Lavoie, and Dr. Dennis will meet with her and Mr. Shoemaker to discuss the move.

10. As a follow up from our July 2019 meeting with investigators for the Board of Pharmacy, are links to pertinent information:

11. Compounded drugs for office use (USP 797) and AVMA info. on compounding: http://ebusiness.avma.org/files/productdownloads/Vet_Compounding.pdf and <https://www.avma.org/KB/Resources/FAQs/Pages/Compounding-FAQs.aspx>

12. 503a vs 503b pharmacy compounding: <https://www.fda.gov/drugs/human-drug-compounding/section-503a-federal-food-drug-and-cosmetic-act>

13. Information on product regulation: <https://www.fda.gov/animal-veterinary/animal-food-feeds/product-regulation>

14. Information on dietary supplements and nutraceuticals: <https://petnutritionalliance.org/site/pnatool/how-are-dietary-supplements-for-animals-regulated/>

15. Letter to Curaleaf from FDA: <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/curaleaf-inc-579289-07222019>.

16. Initial licensure application-Dr. Crawford motioned that he would communicate with JLCAR and attorney regarding the updated version of the initial licensure application for approval. Dr. Dennis seconded. So moved.

17. **Desmond Muther**, new applicant-Applicant discarded exam questions-The exam questions must be submitted with the exam answers in order for the exam to be considered valid. No action to be taken. Once new organizational rules are complete and the BVM has moved to OPLC, we plan to move to online administration of jurisprudence.

18. Dr. Dennis asked if anyone present would like to speak. **Becky Gallant** inquired about the status of the new rules. Dr. Crawford said that the interim rules were already approved by JLCAR. He will present the draft to JLCAR again. Once JLCAR approves the Board's proposal, the Board will schedule a public comment hearing once received back from JLCAR, approximately 20 days. .

19. **Madeline Kadle** asked when the annual report would be done and the July request. Dr. Crawford responded that a formal response should be available within a week.

20. **Dan Kadle** asked about licensing regarding the date on the license certificate. Dr. Dennis clarified that MLO (My Licensing Office) software is legal. The paper certificate is ceremonial. The dates should match.

21. **Dan Kadle** asked about his July request for non-public information. Mr. Kadle understands that he cannot have a copy of the document, but is the Board able to clarify a date that something was received. Dr. Crawford told him he would have to seek legal counsel.

22. **Dan Kadle** asked how the office moving to the OPLC will impact the investigations. Dr. Crawford responded by saying that it will provide assistance with licensing and that the OPLC will be involved in the process of Right-to-Know inquiries.

23. **Dan Kadle** expressed concern about being misquoted, and requested the June 2019 public minutes be amended. He asked Board Counsel and was advised to address the board. The Board will discuss.

24. **George Bailey** commented that he had a meeting with Ellevet and assembled information from FDA. It was requested that he submit information to the BVM for review as this is an ongoing issue. There is concern over violation of PoVME and FDA. In humans 3 Categories exist: food, dietary supplement, and drug. In veterinary 2 Categories exist: animal feed and drug. FDA has discretion as to what category a product gets placed. Because CBD was declared active ingredient in Epidiolex it cannot be categorized as feed or supplement. Dr. Crawford motioned and volunteered to draft a letter to FDA for the BVM to consider at the next meeting. Dr. Dennis seconded. So moved by unanimous vote.

At 11:47 Dr. Dennis proposed a 5 minute break.

Upon the motion of Dr. Dennis and second of Dr. Crawford, the Board, by a roll call vote, resolved to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct, noting that such a non-public session is authorized by RSA 91-A:3, II , (c)RSA 91-A:3, II (e), RSA 91A:5, IV, Lodge V. Knowlton, 118 NH 574 (1978), and the board's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by unanimous vote of all members present.

NON-PUBLIC SESSION

At 12:02, the public session resumed.

PUBLIC SESSION

Upon the motion of Dr. Dennis and the second of Crawford the Board, by roll call vote, resolved to withhold the minutes, with the following exceptions, of preceding non-public session from public disclosure pursuant to RSA 91-A:3, III, on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a board member and to render the proposed action ineffective. Each member recorded his or her own vote on the motion, which passed by the unanimous vote of all members present.

Next meetings of the Board of Veterinary Medicine are scheduled for September 19, 2019, October 23, 2019, December 4, 2019, January 15, 2020 & February 5, 2020.

Meeting adjourned.

Respectfully Submitted,

Kim M. Lavoie, Administrative Secretary
Authorized Representative of the
NH Board of Veterinary Medicine