

MINUTES

North Dakota Board of Veterinary Medical Examiners

Tuesday February 25, 2020

Project Room, North Dakota Heritage Center

Board members present:

Dr. Carolyn Woodruff, President
Dr. Tammy Weiland-Ness, Secretary
Dr. Russell Behm
Ms. Janell Morman
Mr. Thomas Job

Others present:

Dr. Sara Lyons, NDBVME Executive Secretary
Ms. Nici Meyer, ND Attorney General's Office
Dr. John Boyce

The meeting was called to order at 9:10am by Dr. Woodruff. Dr. Woodruff, Dr. Weiland-Ness, Ms. Morman, Ms. Meyer, Mr. Job and Dr. Lyons were present.

The agenda was reviewed. No changes were allowed.

Motion by Ms. Morman to accept the minutes from the November 15, 2019 meeting, second by Mr. Job. Motion passed unanimously.

Motion by Dr. Weiland-Ness to accept the CE completed by Dr. Darl Enga to complete his settlement agreement, second by Ms. Morman. Motion passed unanimously. A letter will be sent to Dr. Enga and his license status is now unconditional.

Correspondence regarding Dr. Alphonso Steward and his license renewal were reviewed. The board was in consensus that there is no need to readdress the previous decision.

Follow up letters were reviewed for Dr. Heidi Folden, Laressa Mattson and Dr. Alan Chastain. No discussion was held.

A mirror agreement for corrective action was received for Dr. Dan Burchill from the MN Board. The board appreciated the addition by the MN Board of the wording in section 3d of the agreement and would like to keep this in mind going forward as a way to follow up with licensees regarding proof of compliance.

Dr. Behm joined the meeting.

A complaint of unlicensed practice by Dr. Kirk Johnson against Justin Curtis/AA Breeders was reviewed. Motion by Dr. Weiland-Ness to send AA Breeders a cease and desist letter citing violation of NDCC 43-29-17, second by Dr. Behm. The board discussed that there are others in the state that engage in bull fertility testing who have been sent cease and desist letters in the past and are still continuing to engage in this behavior. The board was in agreement that the activity may not cease, but there is not any further action that we can take at this time since we have proof of advertising fertility testing but no knowledge that this behavior has occurred in ND. Motion passed unanimously.

Status of unlicensed practice complaint against Dr. Robert Elliot was reviewed. Ms. Meyer has been in contact with the State's Attorney and they are trying to get law enforcement officers to do interviews, but nothing has been done yet. Her last contact with them was early January 2020. Dr. Lyons sent letters to the clients listed on the rabies certificates but has not received any responses. A letter was also sent to the MN Board to inform them of the situation.

Documents were provided by Dr. Hensel in response to the complaint against her in MN. The board tabled discussion until the next meeting to allow time to review the documents and request any additional information if needed.

The LVT application for Austin Verhasselt was reviewed. Mr. Verhasselt had his Montana certification revoked previously due to unprofessional conduct. Detailed information from the certifying agency was not received and the board has no details as to what the unprofessional conduct entailed. The board discussed that they to have the authority to refuse to issue a license in cases of unprofessional conduct or revocation by another state. The board was not comfortable reaching a decision with the information they had and requested that Dr. Lyons contact the MT certifying agency and DVM that signed Mr. Verhasselt's application to attempt to gather additional information. The decision was tabled until the next meeting.

Dr. Boyce joined the meeting.

The ICVA ADC is seeking nominations for members. This information was shared, and no nominations discussed.

A letter was reviewed from IDEXX requesting shipment of the Alertys bovine pregnancy test statewide. An email from James Damone asked for similar information so the two were discussed as one issue. The board felt that the use of this test may constitute the practice of

veterinary medicine according to NDCC 43-29-01.1.8. a, and should be restricted to use by a DVM, LVT or animal owner. For this reason, the board cannot approve statewide distribution of this product. A response will be sent to both parties with this explanation.

The following upcoming meeting dates were discussed:

AAVSB Board Basics & Beyond April 16-19, 2020

AAVSB Annual meeting September 24-26, 2020 (the board can have one delegate attend that AAVSB will pay for)

Regular meeting June 9, 2020 at 9am (candidate testing)

Regular meeting set for November 5, 2020 at 9am (candidate testing)

Dr. Lyons inquired if board certified DVMs who are licensed in other states can have the state board exam waived or completed at home to spare the trip to Bismarck. The current board rules state that the ND exam may not be waived and that the ND exam consists of a written jurisprudence exam and oral interview.

The board recessed for lunch at 12:04pm.

The meeting reconvened at 1:02pm. The remainder of the meeting was spent discussing revision of the current board rules. Chapter 87-01-01 and Articles 87-01 through 87-03 were discussed.

- Licensing fees and per diem for board members was discussed. These items can be deleted from the board rules and then stated as orders, but the board felt it would be best to leave them in the rules as previously done. Fees will be reviewed at the next meeting pending an updated budget review.
- Contact information in 87-01-01-01.5 was removed.
- Revisions were suggested to 87-01.1-01-01 to remove the requirement for oral interview. It was recommended to keep this as an option by stating oral interview may be required as deemed necessary.
- The national board of veterinary examiners needs to be changed to ICVA.
- Wording in 87-01.1-01-03 was discussed and revisions suggested.
- A new section should be added to 87-01.1 to include rules for military spouse licensure that refers back to the new statutes regarding this topic.
- The board suggested adding language in 87-02-01-01 to allow electronic mail notification.
- Changes that Dr. Lyons had previously suggested to educational program requirements were discussed. The board discussed language that would differentiate noninteractive sources from those that are held at a location other than the licensee's home. It was suggested to use the terms professional journal based or technology-based methods instead of in house or self-study and to strike the examples listed. The board

recommended that an increase from 8 to 12 credits of CE can be obtained through these methods for DVMs and an increase from 2 to 4 credits for LVTs.

- Recommendations were made to include CE verification may be done via third party database at the discretion of the board to allow the use of AAVSB and other available technology for tracking CE.
- Specialty licenses were discussed but the board did not feel that there was any benefit to granting a specialty license versus a regular license at this time.

Discussion was held on requirements for veterinary assistants versus veterinary technicians and if the board would like to add wording to the rules regarding assistants. It was also discussed that practice act revisions are necessary and the support of the NDVMA would be very helpful. The board members will reach out to NDMVA members and survey their opinions on the topic.

The board decided to add a special meeting on June 16, 2020 to allow time for additional discussion on the board rules revision.

Dr. Lyons will make the changes suggested at the meeting and send the amended rules to all board members for review.

Motion to adjourn at 4:53pm by Dr. Behm, second by Ms. Morman, passed unanimously.

Sara Lyons, DVM
Executive Secretary
February 26, 2020

Carolyn Woodruff, DVM
President