

MINUTES
North Dakota Board of Veterinary Medical Examiners
Tuesday June 9, 2020
Fort Union Room, North Dakota Capitol Building

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
Mr. Joseph Bialke, ND Attorney General's Office
Dr. John Boyce
Dr. Erika Schumacher
Dr. Kim Brummond
Dr. Brandi Mantz

The meeting was called to order at 9:02 am by Dr. Woodruff. All board members (minus Dr. Behm), Dr. Lyons and Dr. Boyce were in attendance. Zoom link for the meeting was initiated.

Dr. Behm joined the meeting shortly thereafter.

Motion by Ms. Morman to approve the agenda with no changes and second by Dr. Weiland-Ness. Motion passed unanimously.

The following candidates completed the written state board examination via online format prior to June 9th and were interviewed today by the board via Zoom. Motion by Dr. Behm to approve licensure for the 14 candidates that were interviewed pending receipt of necessary documentation and second by Ms. Morman. Motion passed unanimously.

- Dr. Shawn Dunn, Flaxton, ND, license no. 1543
- Dr. Ronald Powell, Flaxton, ND, license no. 1555
- Dr. Eileen Donoghue, Red Lake Falls, MN, license no. 1556
- Dr. Emmett LaCoursiere, Red Lake Falls, MN, license no. 1557
- Dr. Megan Pedersen, West Fargo, ND, license no. 1558
- Dr. Taylor Biermaier, Fisher, MN, license no. 1559
- Dr. Krista Erdahl, Wahpeton, ND, license no. 1561 (pending receipt of diploma)
- Dr. Amanda Young, Saint Paul, MN, license no. 1562 (pending receipt of license verification from Illinois)
- Dr. Joel Teachout, Sioux Falls, SD, license no. 1563 (pending receipt of license verification from Nebraska and Minnesota)
- Dr. Sammi Hansen, Belle Fourche, SD, license no. 1565
- Dr. Trina Krumm, Oakes, ND, license no. 1566
- Dr. Rachael Lagein-Odermann, Madison, SD, license no. 1567
- Dr. Clara Bruner, Lisbon, ND, license no. 1568
- Dr. Tarek Isham, Clyde Park, MT, license no. 1569

The board recessed for lunch at 12:06pm. Dr. Boyce left the meeting.

The meeting reconvened at 1pm. Dr. Schumacher, Dr. Brummond and Dr. Mantz joined the meeting at this time.

Motion by Ms. Morman to approve the minutes from the February 25, 2020 and March 24, 2020 meetings with no changes and second from Dr. Weiland-Ness. Motion passed unanimously.

Follow up letters were reviewed for Dr. Enga, IDEXX, Justin Damone and Curtis Anderson.

COVID-19 correspondence to the Governor's office was reviewed. No response has been received in regard to the requests sent by the board. Several licensees have voiced concern that they will be unable to obtain the necessary in person CE since everything has been converted to a virtual format. Mr. Bialke informed the board that 87-02-01-03.3 allows them leniency to decide what CE is acceptable on an individual basis. The board was of the consensus that if a licensee is unable to complete the CE requirements as stated in 87-02-01-04 and must utilize technology based methods to complete the 24 hour CE requirement, the licensee may submit a written request to the board for a CE waiver no later than 12/30/2020. Dr. Lyons will notify licensees via email, post on the NDBVME website and provide the information to the NDVMA for publication in their newsletter.

A complaint against Dr. Brandi Mantz and Dr. Erika Schumacher from Mr. Robert Tucci was reviewed. Dr. Woodruff presented a summary of the case and discussion was held regarding Dr. Mantz and her care of Mr. Tucci's cat, Baby Girl. Dr. Ness voiced concern that the focus was on ear mites and that the cat was not appropriately treated for otitis and possible ruptured eardrum. There was also concern expressed that an ear cytology was not performed. When the cat was presented for neurologic signs the day after the initial treatment, the neurologic signs were incorrectly attributed to the pyrethrin ear medication that the owner had administered rather than to a ruptured tympanum and otitis interna. The board felt that the patient was misdiagnosed and therefore appropriate treatment was not initiated, but no deception occurred. Motion by Dr. Weiland-Ness that Dr. Mantz did not meet the minimum standard of care and that there is reason to believe a violation of Article 87-05-01.1 and 87-05-02-02.1 occurred. Second by Ms. Morman. Motion passed unanimously. Motion to suspend the license of Dr. Mantz by Mr. Job with second by Dr. Weiland-Ness. Motion passed unanimously. Motion by Dr. Weiland-Ness to offer settlement agreement which includes stayed suspension pending completion of 2 hours of continuing education on the topic of otitis in cats and 2 hours of continuing education on the topic of neurologic disease in cats by 12/31/2020 with second by Ms. Morman. Motion passed unanimously.

Motion by Dr. Weiland-Ness to dismiss the complaint against Dr. Schumacher with second by Dr. Behm. Dr. Weiland-Ness was concerned that analgesia was not provided, and Dr. Woodruff was concerned that lack of antibiotic treatment was not recognized initially, but these were not considered adequate grounds for a violation. Motion passed unanimously.

Dr. Schumacher, Dr. Brummond and Dr. Mantz left the meeting.

The board reviewed an application for veterinary licensure from Robert Elliott. Motion by Dr. Behm to refuse application based on violations of NDCC 43-29-14.1.d/e/i/n and failure to meet the requirements as stated in NDCC 43-29-07.2.2. Second by Mr. Job. Motion passed unanimously.

Disciplinary action in MN against Dr. Melissa Hensel was reviewed. The board felt that there was no need to take action against Dr. Hensel at this time but would like to request quarterly updates on progress and completion of the requirements as set forth in the stipulation from the MBVME.

The board reviewed an application for veterinary technician licensure by Austin Verhasselt. Dr. Lyons provided additional email correspondence between Mr. Verhasselt and potential employers. Motion by Ms. Morman to refuse to issue a license based on violation of NDCC 43-29-14.1.d/n. Second by Mr. Job. Motion passed unanimously.

A complaint against Dr. Kathy Pfingsten by Ms. Sidney Schonhoff was reviewed. Motion by Dr. Weiland-Ness that there is reason to believe Dr. Pfingsten violated NDCC 43-29-14.1.f and Article 87-05-02-01.4 allowing the unlicensed practice of veterinary medicine as defined in 43-29-01.1.8. Second by Dr. Behm. Brief discussion of the case ensued. Motion passed unanimously. The board also discussed that referral should have been offered as Dr. Pfingsten was unable to provide care rather than allowing a layperson to perform an ultrasound. The board felt that the lack of referral did not meet the standard of care as defined in the AVMA Code of Ethics, Principle VII.c. Motion by Dr. Weiland-Ness to suspend the license of Dr. Pfingsten with stay of suspension offered based on a settlement agreement requiring completion of the DRIP Veterinary Law and Ethics course by 12/31/2020. Second by Ms. Morman. Motion passed unanimously. Motion by Dr. Weiland-Ness that there was a violation of NDCC 43-29-14.1.i and Articles 87-05-02-01.1 and 87-05-02-02.1 because of failure to refer the patient to a licensed veterinarian and a letter of reprimand should be sent. Second by Dr. Behm. Motion passed unanimously.

A complaint against Dr. Alexandra Frolek and Dr. Alicia Wisnewski by Ms. Ashley Blanchard was reviewed. Dr. Weiland-Ness disclosed that she did provide care for the patient involved in the case but did not feel there was a cause to abstain from the discussion or vote. Motion by Dr. Weiland-Ness to dismiss the complaint against Dr. Frolek and Dr. Wisnewski. Second by Ms. Morman. Brief discussion was held and the board found that no violation of codified law occurred by either doctor. Motion passed unanimously.

The board entered executive session in order to discuss Dr. Lyons evaluation and probationary period. The zoom meeting was muted, and Dr. Lyons was excused from the room. After discussion Dr. Lyons re-entered the meeting and the zoom link resumed. Motion by Dr. Behm to move Dr. Lyons from probationary to permanent status with second by Ms. Morman. Motion passed unanimously. Motion by Mr. Job to offer Dr. Lyons a 5% pay increase with second by Dr. Behm. Motion passed unanimously.

A question from Dr. Justin Galbreath regarding the extra label use of ponzaauril in calves was discussed. The board was of the consensus that they do not have a position on this topic specifically but if there is an available labeled product, that product should be used. The board recommended that Dr. Galbreath consult AMDUCA and FARAD regarding extra label medication use and also provide a statement of withdrawal time if using a medication in an extra label manner.

A presentation proposed by the NDVTA on the topic of phytocannabinoids was reviewed for CE approval. Mr. Bialke reviewed the laws regarding this topic. The statement issued by the board is that they cannot approve continuing education credit for this topic.

A recent veterinary school graduate, Dalton Hansen, contacted the office regarding licensure as his NAVLE exam has been delayed due to COVID-19. The board agreed that they are able to issue a temporary permit pending SBE and a passing NAVLE score. The permit will be rescinded if he does not pass the NAVLE.

The AAVSB has a new online verification system that will help to make the license verification process more efficient.

No updates on a new database system at this time.

Dr. Lyons has been working on the 2019-20 audit but is having difficulty completing it as the auditor's office staff has been working from home and availability is limited.

Dr. Lyons mentioned a phone call received from Dr. Susan Keller regarding an individual by the name of Tim Martin that was anonymously reported to her office to be spaying heifers in ND. This individual is not a licensed veterinarian. Since there is no information other than a name the board is unable to pursue this further.

Dates of upcoming meetings

- June 16, 2020: Board meeting in Bismarck, Peace Garden Room-ND Capitol
- September 24-26, 2020: AAVSB meeting in Portland, OR
- November 12, 2020: Board meeting in Bismarck, ND Heritage Center

Motion to adjourn the meeting by Mr. Job at 4:53pm with second by Dr. Weiland-Ness. Motion passed unanimously.

Submitted by,

Sara Lyons, DVM
NDBVME Executive Secretary