

MINUTES
North Dakota Board of Veterinary Medical Examiners
Tuesday January 25, 2022
Via Zoom

Board members present:

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

Others present:

- Dr. Sara Lyons, NDBVME Executive Secretary
- Mr. David Schaibley, ND Attorney General's Office
- Dr. Kim Brummond, NDVMA President
- Ms. Pat Anderson, NDVMA Executive Director
- Dr. Derine Winning, NDVMA representative
- Dr. McClure, AVMA representative

The meeting was called to order at 9:05am by Dr. Weiland-Ness. All board members, Dr. Lyons and Mr. Schaibley were present.

Motion by Mr. Job to approve the agenda as provided and second by Dr. Woodruff. Motion passed unanimously (Dr. Behm did not vote – zoom meeting still connecting).

Motion by Dr. Woodruff to approve the minutes from the November 9, 2021 meeting and second by Mr. Job. Dr. Woodruff requested confirmation of the motion regarding the complaint against Dr. Lenz. Motion was confirmed by Ms. Morman and Dr. Lyons. Motion passed unanimously.

Follow up correspondence was reviewed regarding letters sent to Dr. Heather Baker, Dr. Anna Stansbury and Ms. Mary Kay Walsh. A short discussion was held regarding what information is typically provided to a complainant.

Dr. Weiland-Ness requested comments regarding proposed rules changes and the elimination of telemedicine from those changes from the NDVMA. Dr. Winning provided a statement on behalf of the NDVMA and Dr. McClure provided a statement on behalf of the AVMA. Both organizations believed guidance is needed in this area and would like to see further conversation on this topic. The Attorney General's office has approved the proposed rule changes and upon approval by the board these can be submitted to the Legislative Committee. Motion by Dr. Woodruff to approve the proposed rule changes as submitted to the AG office with second by Dr. Behm. Motion passed unanimously.

The board revisited the complaint against Dr. Vince Stenson by Mr. Jacques Laschet. Dr. Stenson had concerns with the request by the board to reimburse the client as there was a statement on the

NDBVME website that the board does not consider complaints dealing with fees charged for services. Mr. Schaibley explained that the board must consider all complaints submitted. That statement was likely included to help weed out complaints where clients feel they were overcharged for services. The statement has since been removed from the website. The board expressed concern that in this case the service was charged for and paid but had not been completed, thus the need for repeated issuance of the rabies certificate. Motion by Dr. Behm to reissue the previous settlement to Dr. Stenson with the inclusion of the violation of 87-05-02-01(3). Second by Mr. Job. Motion passed unanimously.

The board revisited the complaint against Dr. Shelley Lenz by Ms. Katharine Novotny. The attorney representing Dr. Lenz requested an administrative hearing on November 30, 2021 and then sent an offer of compromise on January 11, 2022. Dr. Lenz has completed 7.5 hours of CE that was pre-approved by Dr. Lyons. Discussion centered around alternative options to achieve public protection without placing Dr. Lenz' license on probationary status. Motion by Dr. Woodruff that the board finds grounds to support violation of 43-29-14(1)(d) and (i) and 87-05-02-02(1) and will offer a revised settlement agreement for conditional dismissal which will include board supervision for one year with the following requirements: 6 hours of continuing education as previously stated in the initial settlement (which will not count towards the regular CE requirements for licensure); submission of a minimum of 6 case reports showing improved handling of client communication; and no additional violations during this time frame with reevaluation in one year. Second by Dr. Behm. Motion passed with Ms. Morman, Dr. Weiland-Ness, Dr. Woodruff and Dr. Behm voting in favor and Mr. Job voting against.

The board discussed next steps to revisit the topic of telemedicine and options for introducing legislative changes to the Practice Act. The board members will identify areas within the NDCC that they feel need to be addressed prior to the next board meeting and further discussion will be held at that time.

Motion to adjourn the meeting at 12:17pm by Ms. Morman with second by Dr. Behm. Motion passed unanimously.

Submitted by Sara Lyons, DVM
NDBVME Executive Secretary