

MINUTES
North Dakota Board of Veterinary Medical Examiners
Tuesday November 9, 2021
Lecture Room B, North Dakota Heritage Center

Board members present:

- Dr. Carolyn Woodruff, President (via Zoom)
- Dr. Tammy Weiand-Ness, Secretary
- Dr. Russell Behm (via Zoom)
- Ms. Janell Morman
- Mr. Thomas Job

Others present:

- Dr. Sara Lyons, NDBVME Executive Secretary
- Mr. David Schaibley, ND Attorney General's Office
- Dr. John Boyce
- Dr. Kim Brummond, NDVMA President
- Ms. Pat Anderson, NDVMA Executive Director

The meeting was called to order at 9:10am by Dr. Woodruff. All board members, Dr. Lyons, Mr. Schaibley and Dr. Boyce were present.

Motion by Mr. Job to approve the minutes from the June 7, 2021 meeting and second by Dr. Weiand-Ness. Motion passed unanimously.

Motion by Ms. Morman to approve the agenda as provided and second by Dr. Weiand-Ness. Motion passed unanimously.

The following candidates completed the written state board examination via online format prior to the meeting and were interviewed by the board via Zoom. Motion by Dr. Weiand-Ness to approve licensure for the 6 candidates that were interviewed and second by Mr. Job. Motion passed unanimously.

- Dr. Brookelle Bartsch, Bismarck, ND; license no. 1594
- Dr. McCauley Vailes, Hettinger, ND; license no. 1595
- Dr. Anthony Loomis, Watchung, NJ; license no. 1598
- Dr. Brian Evans, Encinitas, CA; license no. 1597
- Dr. Caitlin Rickey, West Fargo, ND; license no. 1600
- Dr. Alexa Weyer, Fargo, ND; license no. 1601

Dr. Brummond joined the meeting at 10am.

Follow up correspondence was reviewed regarding settlement agreements for Dr. Kathy Pflingsten and Dr. Brandi Mantz and a letter to Matthew Kriedemann.

Motion by Ms. Morman to accept online CE waivers for the licensees listed in the agenda book and second by Dr. Weiand-Ness. Motion passed unanimously.

Correspondence reviewed from IDEXX regarding the Alertys on farm pregnancy test.

The settlement agreement for Dr. Matt Heeb was reviewed. Dr. Woodruff pointed out the addition of a statement requested by Dr. Heeb's attorney regarding protection of the settlement in civil action. Mr. Schaibley stated that inclusion of such statement is not a concern for the board as a judge will decide what documentation is admissible if there is future litigation.

Continuing education provided by Dr. Richard Odegard was reviewed. Dr. Odegard provided additional information on the veterinary practice exchange form and a list of courses that he completed in March 2021 as requested. He also provided a certificate stating completion of 23 additional CE hours in June 2021. By providing the required CE documentation prior to the August 31, 2021 deadline, Dr. Odegard fulfilled the requirements of the board and his license was reinstated to active status. Board discussion was held on which CE courses would be accepted for the 2019-2020 period. Dr. Woodruff expressed concern that there were 7 courses in March that were not listed on the CE certificate. The board currently accepts multiple methods for proof of CE and it was discussed that requiring a certificate for all CE could create enforcement issues in the future. Motion by Ms. Morman to accept 8 hours for the veterinary exchange program with a second by Mr. Job. Motion passed unanimously. Motion by Ms. Morman to accept 6 hours listed on the syllabus from March as fulfillment of CE requirement; second by Mr. Job. Motion passed with Dr. Behm, Dr. Weiand-Ness, Ms. Morman and Mr. Job voting in favor and Dr. Woodruff voting against.

The board reviewed a complaint against Dr. Vince Stenson by Mr. Jacques Laschet. Motion by Dr. Weiand-Ness to dismiss the complaint with second by Ms. Morman. Discussion ensued regarding the requirements for a rabies certificate and the appropriateness of the fee charged for reissuing the certificate with the necessary information. Motion failed unanimously. Motion by Dr. Weiand-Ness that there is reasonable evidence to conclude that Dr. Stenson violated 87-05-02-02.1 and 87-05-02-02.3 with second by Ms. Morman. Amendment to the motion by Dr. Weiand-Ness to include violation of 87-05-02-01.1 with second by Ms. Morman. Amended motion passed unanimously. Motion by Dr. Behm for a conditional dismissal for Dr. Stenson if evidence is provided to the board that he reimbursed the fee of \$200 to Mr. Laschet and he submits documentation for a period of 2 months that shows complete and accurate information on all rabies certificates written during that time. If conditions are met a letter of concern will be issued by the board and the case will be dismissed. If conditions are not met, the board will investigate and may pursue disciplinary action. Second by Mr. Job. Motion passed unanimously.

Motion by Dr. Weiand-Ness to send a letter of concern to Dr. Baker regarding the incomplete rabies certificate that was initially written in the Stenson case. Second by Dr. Behm. Motion passed unanimously.

The board recessed for lunch at 12:08pm.

The meeting reconvened at 1:02pm with all board members, Dr. Lyons, Mr. Schaibley and Dr. Brummond present.

The board reviewed a complaint against Dr. Shelley Lenz by Ms. Katharine Novotny. Motion by Dr. Weiand-Ness to dismiss the complaint with second by Ms. Morman. Dr. Woodruff expressed

concern that there have been previous complaints against Dr. Lenz of a similar nature that were dismissed due to lack of evidence. Discussion included a lack of any documentation of previous abuse or concerns regarding the Novotny's in the medical record and two witnesses that corroborate Ms. Novotny's statement. Concerns were expressed that the behavior by Dr. Lenz was not appropriate for the given situation. Mr. Job was concerned that if the client had a known disability there should have been some accommodation made to communicate effectively with the client. Mr. Schaibley cautioned the board against using the pattern of behavior to decide the case today. Motion failed unanimously. The board discussed whether there was need to gather additional information including statements under oath and a psychological examination. The majority of board members did not feel that a psychological evaluation was appropriate. Motion by Ms. Morman that Dr. Lenz was in violation of 87-05-02-01.10 with second by Dr. Behm. Motion passed unanimously. Motion by Dr. Weiland-Ness to enter into a settlement agreement with Dr. Lenz to place her license on probationary status for a period of at least 6 months pending completion of 6 hours of continuing education pre-approved by the board through the Executive Secretary on the topics of client communication, professionalism, and conflict resolution. Second by Dr. Behm. Motion passed unanimously.

The board reviewed a complaint against Dr. Anna Stansbery by Ms. Mary Kay Walsh. Motion by Dr. Weiland-Ness to dismiss the complaint with second by Mr. Job. Discussion was held regarding human error involved in the case and lack of oversight by the veterinarian when fluid therapy was initiated. Concern was also expressed for the addition of potassium to the fluids if the dog was a possible Addisonian patient. The board did acknowledge that Dr. Stansbery was forthcoming to the client regarding the error and safeguards have been implemented to help prevent future issues. Motion failed with Dr. Behm, Dr. Woodruff, Mr. Job and Ms. Morman voting against and Dr. Weiland-Ness voting in favor. Motion by Ms. Morman that Dr. Stansbery was in violation of 87-05-02-02.1 with second by Mr. Job. Motion passed unanimously. Motion by Ms. Morman to send a letter of concern to Dr. Stansbery with second by Dr. Weiland-Ness. Motion passed unanimously.

Disciplinary action against Dr. Andrew Bettenhausen in Arizona and Dr. Carol Kurtyka in Minnesota was reviewed.

Ms. Anderson joined the meeting at 2:45pm.

Motion by Mr. Job to approve the 2021-22 budget with second by Dr. Weiland-Ness. Motion passed unanimously.

Mr. Job left the meeting at 3:05pm.

The board discussed comments from the Attorney General's office review regarding proposed changes to the Administrative Board Rules. The following changes were made by consensus of the board:

- 87-01.1-01-03: strike "state board" and replace with North Dakota
- 87-01.1-03-03.1: strike this section and replace with wording that cites 43-51-11.1
- 87-02-01-01.4: add "and the North Dakota examination must be completed" at the end of the last sentence
- 87-03-01-02: strike the last sentence regarding oral interview
- 87-03-01-05: replace licenseholder with licensed veterinary technician (make similar wording changes in 87-03-01-08 through -10)

- 87-05-02-02.4.a.iv: add the word “or” after the word welfare
- 87-06-01: remove telemedicine section as this would be more appropriately addressed in statute
- 87-06-02: replace VCPR with veterinarian client patient relationship

License report and NDVMA annual report were reviewed with no comments.

AAVSB annual meeting highlights were provided by Dr. Behm.

2021-22 officer elections were held. Dr. Behm nominated Dr. Weiand Ness for President with second by Ms. Morman. Motion by Ms. Morman to close nominations and cast a unanimous ballot for Dr. Weiand-Ness. Motion passed unanimously. Dr. Weiand-Ness nominated Ms. Morman for Secretary with second by Dr. Behm. Motion by Dr. Weiand-Ness to close nominations and cast a unanimous ballot for Ms. Morman. Motion passed unanimously.

November 1, 2022 was set as the date for the next November board meeting.

Motion to adjourn the meeting at 4:27pm by Dr. Weiand-Ness with second by Ms. Morman. Motion passed unanimously.

Submitted by Sara Lyons, DVM

NDBVME Executive Secretary