

MINUTES
North Dakota Board of Veterinary Medical Examiners
Tuesday June 8, 2021
Project Room, North Dakota Heritage Center

Board members present:

- Dr. Carolyn Woodruff, President
- Dr. Tammy Weiand-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. Brad Bartholomay
- Ms. Pat Anderson, NDVMA Executive Director

The meeting was called to order at 9:06am by Dr. Woodruff. All board members and Dr. Lyons were present.

A revised agenda was provided by Dr. Lyons. Motion by Dr. Weiand-Ness to approve the agenda as provided and second by Ms. Morman. 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. Behm to approve licensure for the 19 candidates that were interviewed pending receipt of necessary documentation and second by Dr. Weiand-Ness. Motion passed unanimously.

- Dr. Katryna Fleer, Richwood, WV; license no. 1574
- Dr. Patricia Diaz Baasch, Moorhead, MN; license no. 1577
- Dr. Isabella Houck, Akaska, SD; license no. 1578 (pending receipt of diploma)
- Dr. James Heier, Denmark, WI; license no. 1579
- Dr. Samantha Wigglesworth, Fargo, ND; license no. 1580
- Dr. Sydni Schaper, St. George, KS; license no. 1581
- Dr. Lucas Benz, Steele, ND; license no. 1582 (pending receipt of diploma)
- Dr. Stephanie Iverson, Aitkin, MN; license no. 1583 (pending MN verification)
- Dr. Tessa Klein, Central City, IA; license no. 1584
- Dr. Cyle Richard, Devine, TX; license no. 1585
- Dr. Kyla Boas, Ames, IA; license no. 1586
- Dr. Mary Moen, Ames, IA; license no. 1587 (pending receipt of diploma and \$75 license fee)

- Dr. Hannah Smith, Ames, IA; license no. 1588 (pending receipt of diploma)
- Dr. Dylan Boyer, Elgin, ND; license no. 1589 (pending receipt of diploma)
- Dr. Taylor Storhoff, Nome, ND; license no. 1590 (pending receipt of diploma)
- Dr. Shelbey Nagle, Baker, MT; license no. 1591
- Dr. Melissa Beyer, Madison, WI; license no. 1592 (pending HI CA verification)
- Dr. Sabrina Callaway, Christianburg, VA; license no. 1593

Mr. Job left the meeting at 10am.

The board recessed for lunch at 12:45pm.

The meeting reconvened at 1:30pm with Dr. Lyons and all board members except Mr. Job present. Mr. Bialke, Dr. Bartholomay and Ms. Anderson joined the meeting at this time.

Motion by Dr. Weiand-Ness to approve the minutes from the November 12, 2020 meeting and second by Ms. Morman. Motion passed unanimously.

Motion by Ms. Morman to accept online CE waivers as listed for LVTs and DVMs with 6-month grace period and second by Dr. Behm. Motion passed unanimously.

A complaint against Dr. Matt Heeb by Dan and Carrie Hoefler was discussed. Motion by Dr. Weiand-Ness that Dr. Heeb did not meet the minimum standard of care per 87-05-02-1.1 with second by Dr. Behm. Discussion of the case ensued regarding lack of appropriate analgesia for the dog, inadequate fluid administration, lack of monitoring overnight and lack of referral when it was apparent that the dog was not responding to treatment. The board had concern regarding communication to the owner as they did not appear to be aware that no one would be with the dog overnight. Mr. Job joined the meeting at 2:25pm. Motion by Dr. Weiand-Ness to amend the motion to add reference to 43-29.14.1.e/i in failure to meet the minimum standard of care with second by Dr. Behm. Amendment to the motion passed unanimously. Amended motion passed unanimously. Motion by Dr. Weiand-Ness to suspend Dr. Heeb's license with second by Mr. Job. Motion passed unanimously. Motion by Ms. Morman to offer a settlement to Dr. Heeb which includes stayed suspension pending completion of 6 hours of continuing education on the topic of GI emergencies by December 31, 2021 with second by Dr. Weiand-Ness. Motion passed unanimously. The board directed Mr. Bialke to include language in the settlement regarding their concern for a lack of referral in this case.

Motion by Dr. Behm to accept completed continuing education from Dr. Kathy Pffingsten as fulfillment of settlement agreement with second by Mr. Job. Motion passed unanimously.

Motion by Ms. Morman to accept completed continuing education from Dr. Brandi Mantz as fulfillment of settlement agreement with second by Mr. Job. Motion passed unanimously.

Continuing education for Dr. Rick Odegard was discussed. Dr. Odegard did not complete the required 24 hours of CE by the renewal date of June 30, 2020 and was granted a 6-month grace period. Dr. Lyons sent a reminder letter at the beginning of December and received email communication on December 14, 2020 stating that he had some credits done but not all of them. Dr. Lyons spoke with Dr. Odegard by phone on December 29, 2020 and asked him to submit a plan for completing the necessary CE in a timely fashion. Such plan was not received. On April 22, 2021 Dr. Odegard submitted a letter with CE certificates totaling 10 credits and a list of procedures that he helped with at Airport Animal Hospital for the Veterinary Exchange Program. In the letter Dr.

Odegard stated that he had done more hours of CE but did not have a certificate or other proof. The board was of the consensus that the requirements for the Veterinary Exchange Program were not completed due to lack of proper documentation and therefore Dr. Odegard had provided proof of completion of only 10 of the required 24 hours of continuing education. Motion by Mr. Job that Dr. Odegard's license be placed on probationary status pending completion of the additional 14 hours of continuing education by August 31, 2021 with second by Dr. Behm. Motion passed unanimously. Motion by Dr. Weiland-Ness to suspend Dr. Odegard's license if the required CE is not completed by August 31, 2021 with second by Mr. Job. Motion passed unanimously.

The board discussed public comments regarding proposed changes to the Administrative Board Rules. Comments were received from the NDVTA, NDVMA, AVMA and Dr. Gary Pearson.

The addition of equivalent program was added under 87-03-01-03 to allow a graduate of a foreign veterinary technology program to take the VTNE. The board felt that this was an important addition and should remain.

Motion by Dr. Weiland-Ness to strike the word 'forms' and replace with 'notice' in 87-03-01-04 with second by Ms. Morman. Motion passed unanimously.

Motion by Ms. Morman to remove strikethrough on the number 2 under 87-04-01-02 with second by Dr. Behm. Motion passed unanimously.

Motion by Dr. Weiland-Ness to strike 87-04-01-02.5 with second by Dr. Behm. Discussion ensued and the board felt there was value in having some type of statement, but different wording may be more appropriate. Motion withdrawn by Dr. Weiland-Ness. Motion by Dr. Weiland-Ness to amend 87-04-01-02.5 to remove 'treatment with' and replace with 'dispensing' with second by Ms. Morman. Motion passed unanimously.

Motion by Dr. Weiland-Ness to add 'A diagnosis is not rendered and a VCPR is not required.' at the end of 87-06-01-01.4 with second by Ms. Morman. Motion passed unanimously.

Motion by Dr. Behm to strike 'specialties of' in the title of 87-06-03 and section header of 87-06-03-01 and strike 'Branches or specialties of' and change 'include' to 'includes' in 87-06-03-01 with second by Dr. Weiland-Ness. Motion passed unanimously.

All other public comments were discussed with no further changes made.

Motion by Dr. Behm to approve final draft of the proposed Administrative Rules Changes for presentation to the ND Attorney General's office for legal review with second by Dr. Weiland-Ness. Motion passed unanimously.

A letter from the AAVA was reviewed.

The topic of veterinary chiropractic care was discussed. There are continued instances of human chiropractors that have completed a veterinary chiropractic course treating animals with no veterinary referral. The NDBVME has had prior discussion with the ND Board of Chiropractic Examiners on this topic. The practice act states that chiropractic treatment is considered the practice of veterinary medicine. The board acknowledges that changes to the practice act are needed to address this topic. Dr. Bartholomay was asked for his comment, and he stated that he felt that for human chiropractors to provide treatment to animals they should have a veterinary referral, proper training (certification), and ongoing CE.

A letter from DEI was reviewed.

A letter from Mr. Matthew Kriedeman was reviewed. Mr. Bialke recommended sending Mr. Kriedeman a reply highlighting NDCC 43-29-14.

Email correspondence from Austin Verhasselt was reviewed.

Dr. Lyons asked for clarification on the LVT application and initial license fee. Currently there is no license fee submitted, only the application fee. If the application is received prior to December 1st the license expires in the current year. The board agreed to continue as was done previously.

The board agreed that military persons should not be charged for temporary permits including 60-day permits.

A letter from VVCA was reviewed. It was brought to Dr. Lyons attention that this is a lobbying group that has been active in Florida and other states.

AAVSB annual meeting will be held in Denver, CO September 30-October 2, 2021. Dr. Behm and Dr. Weiland-Ness expressed interest in attending as delegates.

June 7, 2022 was set as the date for the next June board meeting.

Motion to adjourn the meeting at 5:00pm by Dr. Behm with second by Ms. Morman. Motion passed unanimously.

Submitted by Sara Lyons, DVM
NDBVME Executive Secretary