

MINUTES
North Dakota Board of Veterinary Medical Examiners
North Dakota Heritage Center
November 15, 2019

Board Members Present:

Dr. Carolyn Woodruff, President
Dr. Russell Behm
Dr. Tammy Weiland-Ness
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
Pat Anderson, NDVMA Executive Secretary

The meeting was called to order at 9:19am. The board members and Dr. Lyons were present.

Dr. Woodruff welcomed Ms. Morman and Mr. Job as new board members. Both have completed their oath of office.

The following items were added to the meeting agenda.

- 1) Follow up items:
 - Dr. Enga settlement
 - Dr. Grozdonic CE completion confirmation
 - Dr. Grozdonic letter of concern
 - Dr. Lyons letter of employment
 - Laressa Mattson complaint
- 2) Board Rules Update
- 3) Miscellaneous Items:
 - Drug distribution questions
 - Zoetis CE request
 - Summary of AG seminar
 - Fees for records
 - USP 800 regulations

Motion by Dr. Behm to approve the updated agenda, second by Dr. Weiland-Ness. Motion passed unanimously.

Dr. Woodruff called for a correction to the June 4, 2019 minutes to change USDA FSIS on page 2 to USDA APHIS. Motion by Dr. Behm to approve the corrected minutes, second by Ms. Morman. Motion passed unanimously.

Motion by Dr. Ness to accept the CE completed by Dr. Heidi Folden to complete her settlement agreement, second by Dr. Behm. Motion passed unanimously. A letter will be sent to Dr. Folden and her license status is now unconditional.

Dr. Darl Enga has a current settlement which requires completion of CE by 12/1/19. The Board has not received any proof of completion. Board directed Dr. Lyons to reach out to Dr. Enga. If CE is not completed by 12/1/19 his license will be suspended.

Follow up correspondence was reviewed for CE completion and a letter of concern for Dr. Grozdanic and the employment letter for Dr. Lyons.

The 2019-20 budget was reviewed. The State is allowing Boards with under \$200,000 in annual receipts to prepare financial reports rather than an audit. The \$3300 for audit fees was removed from the budget. \$2000 was added to advertising due to the need for Board Rules updates. Motion to accept updated budget made by Dr. Weiland-Ness, second by Mr. Job. Motion passed unanimously.

The following candidates completed the state board examination and were interviewed by the board. Motion by Dr. Weiland-Ness to approve licensure to practice veterinary medicine in North Dakota (with the conditions noted), second by Ms. Morman, and passed unanimously.

Dr. Brian Hurley, Rutland, MA, license no. 1554 (pending receipt of license verifications from California, Louisiana and New Hampshire)

Dr. Amber Conway, San Tan Valley, AZ, license no. 1551

Dr. Mackenzie Hellert, Dubuque, IA, license no. 1548

Dr. Lacey Carlson, Fargo, ND, license no. 1553

Dr. Laura Rice, Fargo, ND, license no. 1547

Dr. Heather Wilton, Carman, MB, license no. 1549 (pending receipt of license verification from Manitoba)

Dr. Rebecca Michalski, Fargo, ND, license no. 1536 (pending receipt of license verification from Maryland)

Dr. Robert Burgess, Shevlin, MN, license no. 1552

Dr. Christian Scott, St. Claude, MB, license no. 1546

Dr. Ashlyn Kuklock, Moorhead, MN, license no. 1539

Dr. Abbigael Gutierrez, Williston, ND, license no. 1542

Dr. Jason Erickson, West Fargo, ND, license no. 1550

Dr. Boyce joined the meeting. The Board interviewed Dr. Michael Keller. Dr. Keller applied for licensure in MN and was granted licensure with a stipulation and order that includes enrollment in HPSP. Dr. Keller provided a review of his ongoing treatment and monitoring for substance abuse. Dr. Woodruff indicated to Dr. Keller that a decision on licensure would be made this afternoon and the board would be in contact with him as soon as possible.

The board recessed for lunch at 12:25pm.

The meeting reconvened at 1:18pm. Ms. Meyer and Pat Anderson joined the remainder of the meeting.

The board continued the discussion of Dr. Keller's licensure. The board discussed the benefit to Dr. Keller of the programs in place through the state of MN which are not available in ND. The board felt that their previous concerns were being addressed through the HPSP program and the MN Board. Motion by Dr. Behm to approve Dr. Michael Keller, Fargo, ND, license no. 1534, for licensure to practice veterinary medicine in North Dakota. Second by Mr. Job. Motion passed unanimously.

Correspondence from Tom Manikowske was reviewed in regard to a previous complaint against Dr. Nesius. The board was in consensus that Dr. Nesius was not found to be in violation of the practice act and there is no change in position from the previous letter that was sent to Mr. Manikowske. The board did not feel that there was a need for further correspondence.

Dr. Woodruff reviewed a previous complaint against Laressa Mattson, LVT. Ms. Mattson has no pending settlement, but Dr. Woodruff discussed communicating with her in regard to her previous complaint. The Board was in consensus that a letter should be sent with her renewal requesting information on her continued treatment for substance abuse.

The board discussed a complaint by Dr. Justin Galbreath against Dr. Robert Elliot. Three rabies vaccination certificates were provided by anonymous sources indicating that Dr. Elliot is continuing to practice veterinary medicine without a license. Ms. Meyer has discussed this case with the State's Attorney previously, but no action has been taken. The board discussed options going forward. Board consensus was to take the following action:

- Ms. Meyer to contact the State's Attorney with the additional information.
- Send a letter to the MN Board of Veterinary Medicine since one of the rabies certificates stated Glyndon as the owner's address.
- Send a letter to the parties listed as owners on the rabies certificates informing them that Dr. Elliot is not licensed and requesting further information from them.
- Send a cease and desist letter to Dr. Elliot.
- Post license suspensions and revocations on the NDBVME website.

The board discussed disciplinary action taken against Dr. Melissa Hensel in MN. Dr. Ness disclosed to the board that Dr. Hensel is one of her employees. The board did not feel that there was a conflict of interest in today's discussion as no disciplinary action was being taken. Motion by Ms. Morman to initiate an investigation and request records from the MN Board. Second by Dr. Behm. Motion passed unanimously. A letter will be sent to Dr. Hensel informing her of the investigation.

The board discussed the renewal of Dr. Alphonso Steward's license. Dr. Steward was convicted of a felony in GA in 2008. His FL license was revoked in 2018. Ms. Meyer and Dr. Lyons both spoke to the prosecutor in FL regarding his license revocation. There were several complaints against Dr. Steward while practicing at a spay-neuter facility and his license was revoked based on false information provided on his FL renewal application. His current ND renewal application does indicate a previous felony conviction. Motion by Mr. Job to not accept Dr. Steward's application for renewal based on the ND Century Code 43-29-14. j and 43-29-14.n, second by Dr. Behm. Motion passed unanimously.

The board discussed the need for an update to the current Board Rules. A meeting was set for February 25, 2020 at 9am at the Heritage Center in Bismarck, ND to discuss the proposed updates. The board members were asked to send their proposed revisions to Dr. Lyons prior to the meeting. Some of the areas that were discussed for possible revision included board contact information, laser therapy, telemedicine, video conferencing, CE requirements and fees. The board was reminded that all updates to the rules must be in accordance with the practice act.

The licensure report and NDVMA annual report were reviewed.

Dr. Lyons shared highlights from the AAVSB annual meeting. The 2020 meeting will be held in Portland, OR September 24-26.

An article regarding changes to licensure in Arizona was reviewed. Dr. Boyce shared that the current trends in legislation have common goals to remove barriers to licensure.

DRIP CE will provide the medical records and law and ethics courses to board members free of charge. It was agreed that these courses would be beneficial to board members if they are able to complete them.

Dr. Teresa Sonsthagen had contacted the board office inquiring about inactive status for LVT licensure. There is currently no mention of this in the practice act or rules. The board felt this could be addressed during the Rules updates.

Correspondence from Dr. Trevor Bjerke was reviewed in regard to prescribing questions. The practice act indicates the veterinarian must establish a VCPR. Dr. Ness shared information obtained through VIN that the FDA considers the practice to have a relationship in prescribing medications rather than the provider. The consensus of the current board is of the opinion that the VCPR extends to the practice.

Discussion about prescribing practices after firing of a client was held. This is an area that is not defined in the practice act and dependent on too many variables for the board to make a general statement.

Correspondence was reviewed regarding third party Lasix administration in ND. The board was of the consensus that they are not aware of this practice occurring in ND currently.

The board discussed drug distribution to licensees. Currently the ND Century Code allows distributors to ship to the address listed on the license. There is not a system in place to track multiple addresses currently. The board directed Dr. Lyons to create a form to be put on the website to allow licensees to list additional addresses with the board office. It is the responsibility of the distributor to contact the board office to verify any secondary addresses.

A request from Zoetis for approval for a continuing education seminar to be held in Las Vegas for ND licensees was reviewed. It was the consensus of the board that this was a valid CE request and should be approved.

Dr. Woodruff and Dr. Lyons provided a brief summary of the AG seminar for licensing boards. The slides were emailed to board members. This was a worthwhile seminar and new board members are encouraged to attend next year.

Dr. Woodruff brought discussion regarding fees for record requests. Currently, the board does not have a policy for charging for records. The state rates were reviewed. Motion by Dr. Weiland-Ness to charge the state rates for open records requests, second by Dr. Behm. Motion passed unanimously.

Elections were held. Dr. Weiland-Ness nominated Dr. Woodruff for president, second by Dr. Behm. Ms. Morman nominated Dr. Weiland-Ness for secretary, second by Mr. Job. Motion by Ms. Morman to cease nominations and elect Dr. Woodruff and Dr. Ness, second by Dr. Behm. Motion passed unanimously.

Dr. Ness mentioned that new USP 800 regulations in regards will be in place December 1, 2019. This topic was tabled until the next meeting.

Meeting adjourned at 5:08pm.

Sara Lyons, DVM
Executive Secretary
November 16, 2019

Carolyn Woodruff, DVM
President