

MINUTES

NDBVME Regular Meeting

North Dakota Heritage Center ~ Bismarck, ND

February 13, 2024

Board members in attendance:

Dr. Tammy Weiand-Ness (via Zoom)

Dr. Lindy West

Ms. Janell Morman

Dr. Russell Behm

Ms. Naomi Day

Others in attendance:

Mr. Matthew Menge, Attorney General's Office

Dr. Sara Lyons, NDBVME Executive Secretary

Mr. Nathan Svihovec, North Dakota Labor Commissioner

Ms. Carolyn Laird

Dr. Troy Dutton, NDVMA representative

Ms. Ashley Hoffman, NDVTA representative

The meeting was called to order at 9:06am by Dr. Weiand-Ness. All those listed in attendance were present.

Motion by Dr. Behm to approve the agenda with second by Ms. Day. Motion passed unanimously.

Motion by Ms. Morman to amend the January 23, 2024 minutes to read "the report does not make a recommendation whether to commence disciplinary action or to dismiss" instead of "the report does not specifically recommend disciplinary action" with second by Ms. Day. Motion passed unanimously. Motion by Ms. Morman to approve the amended minutes with second by Dr. Behm. Motion passed unanimously.

North Dakota Labor Commissioner, Mr. Nathan Svihovec, and research assistant, Ms. Carolyn Laird, discussed questionnaire results provided by the board. This questionnaire was meant to gather information regarding licensing practices to streamline the licensing process. This was

initiated by the Governor and legislature. Mr. Svihovec will share his summary report with the board when completed.

The meeting was adjourned at 10:10am to switch rooms due to technical issues.

Meeting reconvened at 10:22am.

Motion by Ms. Morman to approve veterinary technician licensure for the following individuals with second by Dr. West. Motion passed unanimously by roll call vote.

- Hillary Podoll
- Chyanne Brien
- Kristian Winningham
- Kirsten Kiecker
- Ashley Folsom
- Lauren Rossman
- Alaura Lavender
- JaDee Feist
- Cambree Ferguson
- Brenna Calaway
- Kacie Hanson

Dismissal letters were reviewed for complaints against Dr. Kristi Pennington and Dr. Kelly Birchem.

The settlement agreement was reviewed for Dr. Kathy Pfingsten. Dr. Lyons will make periodic requests for records as directed in the settlement.

Mr. Ed Schmidt has responded to the letter regarding his concern against Two Rivers Veterinary Hospital. He did not send a complaint form as requested. The board felt that there was no additional action to be taken at this time. Mr. Menge will send Mr. Schmidt a letter with the board's conclusion.

A possible complaint against Heart of Dakota Veterinary Clinic was reviewed. The board did not feel there was enough specific information to move forward. Motion by Dr. West to dismiss the complaint with second by Ms. Day. Motion passed unanimously by roll call vote.

The complaint against Dr. Matt Heeb by Dr. Carolyn Woodruff was reviewed. Motion by Dr. Behm to enter executive session with second by Dr. West. Motion passed unanimously by roll call vote. The board members, Dr. Lyons and Mr. Menge moved to a different room and Dr. Weiland-Ness was contacted on a conference call. Executive Session began at 10:37am. Motion by Ms. Day to adjourn executive session at 11:03am with second by Dr. Behm. Motion passed unanimously by roll call vote.

The regular meeting reconvened at 11:16am.

Motion by Dr. West that upon board discussion and review of the Peer Review Committee report, it is determined that there is sufficient basis to believe that Dr. Heeb violated 43-29-14.1.i, 87-04-02-01.3, 87-05-02-01.1 and 87-05-02-01.2 with second by Dr. Behm. Motion passed unanimously by roll call vote. Motion by Dr. Behm to informally resolve the matter by offering a settlement agreement containing the items listed in the offer of compromise from Dr. Heeb's attorney, excluding item #6, and with the addition of the requirement to complete the DRIP medical records

CE course with second by Ms. Day. Motion passed unanimously by roll call vote. Dr. Weiland-Ness thanked the Peer Review Committee for their hard work and thorough report.

A complaint against Dr. Kirk Johnson by Mr. Dayne Holland was reviewed. The board felt that the initial treatment was appropriate but had concerns with the length of time prior to the initial recheck. The board also had concerns with the medical records including lack of detail and documentation of the name of the person making the entries. Motion by Ms. Morman to dismiss the complaint with second by Ms. Day. Dr. West requested that the letter include a concern regarding the medical records. Motion passed unanimously by roll call vote.

The board reviewed a complaint regarding possible unlicensed practice made by Dr. Shelby Hanson against Keaton & Leighton Brunelle. The complaint form stated that they were performing ultrasound pregnancy diagnosis and are not licensed veterinarians. Dr. Lyons contacted Dr. Hanson via email and asked for any advertising as well as a statement from the producers. No additional information was received. Dr. Behm pointed out that the board is tasked with protecting the public and this is not a complaint from a member of the public. Motion by Dr. Behm to send a letter to the accused party inquiring if they are charging a fee and enumerating the applicable statutes and rules relating to the practice of veterinary medicine and the boards responsibilities regarding unlicensed practice with second by Dr. West. Motion passed unanimously by roll call vote.

The meeting was adjourned for lunch at 11:46pm.

The meeting reconvened at 12:38pm.

The remainder of the meeting was spent discussing proposed revisions to ND Century Code 43-29 and Administrative Code 87-01 with input from the NDVMA and NDVTA representatives.

Mr. Menge left the meeting at 1:40pm.

The dates of upcoming meetings are June 11, 2024 and November 12, 2024.

Motion to adjourn the meeting by Ms. Morman at 3:44pm, with second by Dr. Behm. Motion passed unanimously.

Submitted by:

Sara Lyons, DVM

NDBVME Executive Secretary

