STATE OF NEVADA
BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING
at
Oquendo Center for Clinical Education
2425 East Oquendo Road
Las Vegas, Nevada 89120
MINUTES

April 24, 2014

BOARD MEMBERS PRESENT
William Taylor, DVM – President
Ronald Sandoval, DVM - Vice-President
Steve Damonte, DVM
Scott Bradley, DVM
Kevin Collins, DVM
Melissa Schalles, LVT
Davyd Pelsue, DVM
Sherita Rogers, Public Member

BOARD STAFF PRESENT
Debbie Machen - Executive Director
Tracie Estep – Administrative Asst.
Louis Ling, Esq. – Board Counsel
Christina Johnson, LVT – Inspector
Patricia Handal, DVM- Investigator
Becky Phlegar, LVT-Inspector
Dr. Taylor called the meeting to order and called roll at 9:03 a.m.

1. Public Comment
   None

2. Approval of Board Minutes for Possible Action
   A. January 30, 2014 Board Meeting
      Motion: Dr. Bradley moved to accept the minutes as presented.
      Second: Ms. Schalles
      Passed: Unanimous

3. Review & Determination of Complaints/Disciplinary Action & Disciplinary Hearings for Possible Action:
   NOTE: The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)
   A. SS01-110813, License #1460, Sumit Sabharwal: Letter of Reprimand or Board decision for administrative hearing
      Motion: Dr. Bradley moved to accept the Letter of Reprimand as written.
      Second: Ms. Rogers
      Passed: Unanimous; Dr. Sandoval abstained
   B. BS01-101712
      Discussion: The review panel recommended the Board dismiss the complaint due to the fact that there was not sufficient evidence to believe that the licensee had committed an act which constitutes a cause for disciplinary action. Following discussion, the Board concurred with the panel’s recommendation.
      Motion: Dr. Bradley moved to dismiss
      Second: Dr. Pelsue
      Passed: Unanimous; Dr. Sandoval and Dr. Collins abstained
   C. GS01-091113
      Discussion: After discussion of the above noted complaint the review panel recommended that disciplinary action be initiated against the licensee.
      Motion: Dr. Bradley moved to have staff and Mr. Ling initiate action against the licensee due to there being sufficient evidence to proceed with disciplinary action.
      Second: Dr. Pelsue
      Passed: Unanimous. Dr. Sandoval abstained
      DVM-002A/2014FAC-002B
      Discussion: After discussion of the above noted complaints the review panel recommended that disciplinary action be initiated against the licensee and the facility.
      Motion: Dr. Bradley moved to have staff and Mr. Ling initiate action against the licensee and the facility due to there being sufficient evidence to proceed with disciplinary action.
      Second: Dr. Damonte
      Passed: Unanimous. Dr. Sandoval abstained
D. 2014FAC-001A/2014DVM-001B
Discussion: The review panel recommended the Board dismiss the complaint due to the fact that there was not sufficient evidence to believe that the licensee had committed an act which constitutes a cause for disciplinary action. Following discussion, the Board concurred with the panel’s recommendation.

Motion: Dr. Pelsue moved to dismiss
Second: Ms. Rogers
Passed: Unanimous. Dr. Collins abstained

E. SS01-120913
Discussion: The review panel recommended the Board dismiss the complaint due to the fact that there was not sufficient evidence to believe that the licensee had committed an act which constitutes a cause for disciplinary action and send a letter of concern to the licensee regarding:
1) “Against Medical Advice” forms being used for a patient with ongoing deterioration that is recognized, but not being adequately addressed due to the client declining recommended diagnostics and treatment. 2) A distinction between boarding vs. hospitalized patients. Any animal under any type of veterinary care should be a hospitalized patient to ensure proper monitoring.

Motion: Dr. Pelsue moved to dismiss with a letter of concern.
Second: Dr. Collins
Passed: Unanimous. Dr. Damonte abstained

F. 2014DVM-004
Discussion: After discussion of the above noted complaint the review panel recommended that disciplinary action be initiated against the licensee.

Motion: Dr. Collins moved to have staff and Mr. Ling initiate action against the licensee due to there being sufficient evidence to proceed with disciplinary action.
Second: Ms. Schalles
Passed: Unanimous. Dr. Bradley abstained

G. 2014DVM-003
Discussion: After discussion of the above noted complaint the review panel recommended that disciplinary action be initiated against the licensee.

Motion: Dr. Sandoval moved to have staff and Mr. Ling initiate action against the licensee due to there being sufficient evidence to proceed with disciplinary action.
Second: Dr. Pelsue
Passed: Unanimous. Dr. Taylor abstained

H. 2014DVM-005
Discussion: The review panel recommended the Board dismiss the complaint due to the fact that there was not sufficient evidence to believe that the licensee had committed an act which constitutes a cause for disciplinary action. Following discussion, the Board concurred with the panel’s recommendation.
Motion: Dr. Pelsue moved to dismiss
Second: Ms. Schalles
Passed: Unanimous. Dr. Bradley abstained

4. Continuing Education-Request for approval of CE's for Possible Action:
   A. “Veterinary Acupuncture and Herbal Medicine Introduction: Small Animal”
      7 hours for veterinarians
   B. “Veterinary Acupuncture and Herbal Medicine Introduction: Equine”
      7 hours for veterinarians
   Discussion: Dr. Collins reviewed the above noted courses and recommended approval for the requested hours of continuing education.
   Motion: Dr. Pelsue moved to accept the above noted continuing education courses.
   Second: Ms. Schalles
   Passed: Unanimous

C. “Atopic Dermatitis” Diagnostic & Management Tips” 1 ½ hours for veterinarians & LVT’s
   Discussion: Dr. Collins reviewed the above noted course.
   Motion: Dr. Pelsue moved to accept the above noted continuing education course for veterinarians and veterinary technicians.
   Second: Ms. Schalles
   Passed: Unanimous.

5. Proposed Regulation Amendment Hearing for Possible Action
   Topics of Discussion:
   A. Defining the duties of a supervising veterinarian in a veterinary facility where animals are boarded
   B. Setting forth the requirements pursuant to which dentistry may be performed
   C. Revised certain continuing education requirements for licensees
   D. Adopting by reference a code of ethics for veterinary technicians
   E. Defining the term “informed consent”
   F. Establishing a fee for duplicate licenses, registrations, or permits
   G. Revises the required contents of medical records
   H. Revises the tasks that a licensed veterinary technician is authorized to perform
   I. Revises provision of labeling of sodium pentobarbital by euthanasia technicians
   J. Defines, “Consultation”

   Discussion: Dr. Taylor opened the hearing for discussion at 1:00 p.m. The following people were present and testified: Ben Haas, DVM, Brooke Niemiec, DVM, Suzanne Zervantian, DVM, Dennis Lopez, LVT, Tarah Fuentes, LVT, and Michelle Wagner, Executive Director of the NVMA. Written comments were submitted by Ben Haas, DVM, Brooke Niemiec, DVM, and John Shaner, DVM. The Board reviewed the revised LCB draft of the new regulations, listened to testimony and discussed the issue of dental intraoral radiography and made one non-substantial change to Section 6 (3) and requested that staff forward the change to LCB. Dr. Taylor closed the hearing at 1:50 p.m.
   Motion: Dr. Pelsue moved to adopt
   Second: Ms. Schalles
   Passed: Unanimous
6. Requests for Licensure/Reinstatement/Old Business for Possible Action
   A. Kristy Albanese: Application for VTIT/Licensed Veterinary Technician
   Discussion: Ms. Albanese submitted an application for licensed veterinary technician based on her Bachelor of Science degree in Biology, practical experience, and references. The Board reviewed her application and all supplemental documentation.

   Motion: Ms. Schalles moved to approve her application for VTIT/LVT.
   Second: Dr. Pelsue
   Passed: Unanimous

   B. Krystal Sonsmith: Application for VTIT/Licensed Veterinary Technician
   Discussion: Ms. Sonsmith submitted an application for licensed veterinary technician based on her Bachelor of Science degree in Biology, veterinary assistant certificate of completion from PIMA, practical experience, and references. The Board reviewed her application and all supplemental documentation.

   Motion: Dr. Sandoval moved to approve her application for VTIT/LVT.
   Second: Ms. Rogers
   Passed: Unanimous

   C. Elissa Bauer: Application for VTIT/Licensed Veterinary Technician
   Discussion: Ms. Bauer submitted an application for licensed veterinary technician based on her Bachelor of Science degree in Biology, practical experience, and references. The Board reviewed her application and all supplemental documentation.

   Motion: Ms. Schalles moved to approve her application for VTIT/LVT.
   Second: Dr. Bradley
   Passed: Unanimous

7. Discussion and Determination for Possible Action
   A. Update on “Anatomy of A Complaint”
   Discussion: Ms. Machen presented the Board with the new PowerPoint on Anatomy of a Complaint presentation.

   B. Telemedicine-Dr. David Mason (2 p.m.)
   Discussion: Dr. David Mason, a boarded surgeon, was present to discuss the subject of telemedicine and the accountability of third party consultants (radiologists, pathologists, internal medicine) that provide written reports to the attending veterinarian. Dr. Mason provided a letter to the Board addressing several concerns regarding why a boarded radiologist would not be accountable for the misinterpretation of a radiograph? He was asking the Board for some guidance in this situation. The consensus of the Board was that each case that is investigated is looked at on its own individual merits, the Board felt that is was definitely a discussion that could be brought back to the July Board meeting. Mr. Ling stated, in human medicine teleradiologists have to be licensed in this state, if the radiologist is evaluating films from a patient in Nevada. Mr. Ling believes that Dr. Mason’s concern is valid, and the Board could make policy that requires telemedicine specialists to be licensed in the State of Nevada. Debbie posed the question to other state veterinary Boards, and no other states that responded to her inquiry require telemedicine specialists to be licensed.
C. Board appointments

Discussion: Ms. Machen explained to the Board that four Board appointments expire at the end of October and it is important that if any Board Member wishes to be re-appointed they need to send a letter to the Governor’s office for consideration.

D. Businesses that sell over-the-counter veterinary prescription drugs (NRS 639.2345)

Discussion: Ms. Machen explained to the Board that the Pharmacy Board has approached this Board to assist them in compiling information regarding feed stores and other businesses that sell over the counter prescription drugs. A committee has been formed and will be working with the Pharmacy Board on this issue.

E. Newsletter article on “financial restraints”

Discussion: The Board office has had several inquiries regarding the newsletter article on financial restraints. Most of the concerns were regarding the definition of the standard of practice. The consensus of the Board is that a follow-up article should be written by Dr. Taylor to clarify the intent of the article.

F. NBVME increase to $400.00 for the Species Specific Examination(SSE)

Discussion: Ms. Machen explained that the Board was recently notified that the NBVME Board voted to increase the cost of the SSE to $400. The website and all Board information will be changed to reflect this cost increase. The NBVME has informed the Board that they will not assess the new increase until the changes have been implemented on the website and the current applicants have taken the examination.

G. Legislative Committee for 2015

Discussion: Ms. Machen explained that with the 2015 session approaching the Board needs a 2015 legislative committee. Dr. Simmonds, past Board President, has stated that he would like to be on the committee. Dr. Bradley, Dr. Pelsue and Dr. Sandoval also volunteered.

H. Schedule Board Meetings
   Reno-July 31, 2014
   Las Vegas-October 30, 2014
   Reno- January 29, 2015
   Las Vegas-April 23, 2015
   Reno-July 23, 2015
   Las Vegas-October 29, 2015

Discussion: Meeting dates were confirmed.

8. Staff Reports for Possible Action
   A. Financial Report -Debbie Machen
      Discussion: The financial report was presented to the Board’s satisfaction.

   B. Approval of 2014-2015 Budget
      Discussion: Ms. Machen presented to the Board the 2014-2015 budget.

      Motion: Dr. Bradley moved to accept the budget.
      Second: Dr. Damonte.
C. Administrative Report-Tracie Estep
D. Hospital Inspection Report-Christina Johnson, LVT

Discussion: The administrative and hospital inspection reports were presented to the Board’s satisfaction.

E. Legal Report, Louis Ling, Esq

a. Cite and Fine Protocol & update of current Citations
Discussion: Mr. Ling discussed the existing laws for Cite and Fine Orders NAC 638.0433 The consensus of the Board was they do not want to see the Cite and Fine orders until they are signed; staff and a Board Member will be assigned to each case for the investigation.

b. Discussion of Open Meeting Law
Discussion: Mr. Ling went over the Open Meeting Law requirements for the benefit of the new Board members.

9. Public Comment
Dr. Zervantian asked the Board for clarification in regard to the confidentiality of a veterinarian that has a complaint filed against them. Dr. Taylor explained that a complaint is considered confidential until the Board votes to proceed with disciplinary action and a final Order has been signed off by the Board.

10. Agenda items for next meeting
   a) Telemedicine
   b) LVT’s performing an epidural
   c) Approval of Biology/Bachelor of Science Degrees for LVT’s.

11. Adjournment for Possible Action
Motion: Dr. Bradley moved to adjourn at 3:50 p.m.
Second: Dr. Sandoval
Passed: Unanimous.