STATE OF NEVADA

BOARD OF VETERINARY MEDICAL EXAMINERS

BOARD MEETING AT:
Airport Plaza Hotel & Conference Center
1981 Terminal Way
RENO, NV 89502

MINUTES

Thursday, July 28, 2016

BOARD MEMBERS PRESENT
Bill Taylor, DVM, ABVP, President
Ronald Sandoval, DVM, Vice President
Davyd Pelsue, DVM, DACVS
Sherita Rogers, Public Member
Steve Damonte, DVM
Scott Bradley, DVM
Melissa Schalles, LVT

Absent: Kevin Collins, DVM

Dr. Taylor called the meeting to order at 8:15 AM and took roll of Board Members.

1. Public Comment:
   None

Approval of Consent Agenda (Items 2A & 3A)

2. Approval of Board Minutes for Possible Action
   A. April 28, 2016 Board Meeting

3. Review & Determination of Complaints for Possible Action:
   A. 04-2016DVM-11

Motion: Dr. Bradley moved to accept items 2A and 3A as presented, and item 3A for dismissal.
Second: Ms. Schalles
Passed: Unanimous; Dr. Pelsue abstained on item 3A.

A. 11-2015DVM-078; Sumit Sabharwal, DVM, Lic. 1460: Letter of Reprimand or Board decision for administrative hearing.

Discussion: Mr. Ling provided the Board with an overview of the proposed Letter of Reprimand.
Motion: Dr. Pelsue moved to accept Letter of Reprimand as presented.
Second: Dr. Damonte
Passed: Unanimous; Dr. Sandoval abstained

B. 02-2016DVM-05; Jack Thomas, DVM, Lic. 1119: Letter of Reprimand or Board decision for administrative hearing.

Discussion: Mr. Ling provided the Board with an overview of the proposed Letter of Reprimand. Ms. Machen added that Dr. Thomas wrote the Board a letter that discussed the steps he had already taken towards completing continuing education credits related to the complaint. New procedures have been established in his facility regarding the handling of diagnostic testing results.
Motion: Ms. Rogers moved to accept Letter of Reprimand.
Second: Dr. Pelsue
Passed: Unanimous; Dr. Sandoval abstained

C. David Espinosa, DVM, Lic. 2419: Review of Agreement and Order of Reciprocal Discipline (CO)

Discussion: Mr. Ling provided the Board with a summary of Dr. Espinosa’s discipline in Colorado, and explained that he agreed to reciprocal discipline in Nevada while he complies with the conditions under his Probation order in Colorado.
Motion: Dr. Pelsue moved to approve Agreement and Order of Reciprocal Discipline.
Second: Dr. Sandoval
Passed: Unanimous

D. In the Matter of Carrie Lambert, DVM License #1162 (06-2016DVM-21) - Discussion and determination of the request to place license in abeyance or to otherwise address the suspension of the license.

Discussion: Mr. Ling explained the legal status of Dr. Lambert’s license and her agreement with the Board. The consensus of the Board was to consider lifting the suspension and placing Dr. Lambert’s license in abeyance subject to conditions determined by the Board.
Motion: Dr. Pelsue moved to lift the suspension of Dr. Lambert’s license and place her license in abeyance.
Second: Ms. Schalles
Passed: Unanimous; Dr. Taylor abstained

E. 04-2016DVM-08

Discussion: After discussion of the complaint assessment with the review panel the Board dismissed 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.
Motion: Dr. Pelsue moved to dismiss with a letter of concern regarding the policies and procedures that should be in place when a veterinarian is working with pet stores.
Second: Ms. Schalles
Passed: Unanimous; Dr. Bradley abstained

F. 04-2016DVM-09

Discussion: After discussion of the complaint assessment with the review panel the Board dismissed 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.
Motion: Dr. Sandoval moved to dismiss with a letter of concern regarding radiological safety.
Second: Dr. Bradley
Passed: 5 Yay/1 Nay; Ms. Schalles abstained

G. 04-2016DVM-10
Discussion: After discussion of the complaint assessment with the review panel the Board dismissed 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.
Motion: Dr. Damonte moved to dismiss.
Second: Dr. Bradley
Passed: Unanimous; Dr. Sandoval abstained

H. 05-2016DVM-12
Discussion: After discussion of the complaint assessment with the review panel the Board dismissed 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.
Motion: Dr. Pelsue moved to dismiss with a letter of concern regarding pre-anesthetic blood work abnormalities being discussed with the owner prior to a procedure.
Second: Dr. Sandoval
Passed: Unanimous; Dr. Taylor abstained

I. 05-2016DVM-13/05-2016LVT-14
Discussion: After discussion of the complaint assessment with the review panel the Board dismissed 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. The owner and a co-worker of the owner were present and made a statement discussing both of their concerns.
Motion: Dr. Pelsue moved to dismiss the case against the veterinary technician and dismiss the case against the veterinarian with a letter of concern regarding the lack of communication between the owner and the veterinarian even when the owner is an employee.
Second: Dr. Damonte
Passed: Unanimous; Dr. Bradley abstained

J. 05-2016DVM-15
Discussion: After discussion of the complaint assessment with the review panel the Board dismissed 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.
Motion: Dr. Bradley moved to dismiss with a letter of concern regarding complete anesthetic monitoring requirements.
Second: Dr. Damonte
Passed: Unanimous; Dr. Sandoval abstained

K. 05-2016DVM-16/05-2016DVM-17
Discussion: After discussion of the complaint assessment with the review panel the Board dismissed 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.
Motion: Dr. Pelsue moved to dismiss the complaint.
Second: Dr. Bradley
Passed: Unanimous

5. Requests for Licensure/Reinstatement/Review of Past or Present Disciplinary Action for Possible Action
A. Samantha Butrico, application for VTIT and LVT
Discussion: The Board reviewed the submitted documentation and application of Ms. Butrico.
Motion: Ms. Schalles moved to deny application due to her education not meeting the educational requirements for license under NAC 638.0525.
Second: Dr. Damonte
Passed: Unanimous

B. Maninder Herr, DVM-Probation review, monitor reports, hospital inspections (Dr. Bradley)
Discussion: The Board reviewed Dr. Herr’s progress during his probation period. Ms. Machen explained Dr. Herr is evaluated monthly by Dr. Gary Weddle. Quarterly inspections are performed by Ms. Phlegar for both facility locations owned by Dr. Herr. Dr. Bradley will follow up with Dr. Herr and continue to monitor his progress.

6. Discussion and Determination for Possible Action
A. Review and Discussion of new regulations RO73-16:
Discussion: Ms. Machen and Ms. Pedigo explained that these regulations are being introduced at this Board Meeting to make minor changes before staff proceeds to workshop. A public workshop will likely be held in October at the NVMA Meeting as well as the October Board Meeting. Ms. Pedigo provided the Board with an overview and intent worksheet for the following items:

a. Ordering/Dispensing of compounded drugs – For consumers to obtain a supply of compounded drugs needed for treatment of their pet.
b. Redefining/clarifying ‘mobile clinic’ – To clarify what constitutes a mobile facility
c. Redefining ‘facility owned by licensed veterinarian’, ‘indirect supervision’, ‘vaccination clinics’ – To clarify the definitions of the aforementioned supervision levels.
d. Increase in fees for veterinary owned and mobile facilities – Fees are being increased to cover costs of hospital inspections, which are used to educate and maintain compliance with standards that protect the public and their animals.
e. AVMA Principles of Ethics (2003) – Formal adoption of these specific ethics provides veterinarians and the public clear guidelines on ethical behavior.
f. Editing of medical records – Any changes to medical records must be noted by identifying marks such as initials or a signature so it can be ascertained who made the changes and what changes were made.
g. Duties for off-site treatments administered by licensed veterinary technicians – These changes are to allow for greater flexibility and better service to the public and for animal patients that need home care.
h. Responsibilities of Veterinarian-in-Charge – Clarifies the responsibilities of the veterinarian in charge.
i. Inventory requirements for controlled substances – Clarifies the guidelines for accounting of controlled substances within a veterinary facility and ensures clear standards that controlled substance logs must meet in order to be in compliance.
j. Repackaging of drugs – This covers the process of repackaging drugs for consumers in smaller quantities for administration of the drug within a facility.
k. Filing of Accusations – This clarifies the language pertaining to administrative hearings
l. Requirements for oxygen in facilities and microchipping services in vaccination clinics
   During an emergency, a form of oxygen administration must be available if it is needed, thus serving the animal’s wellbeing and safety. Microchips are widely utilized in returning lost animals, thus, providing microchipping service at the time of vaccination is convenient and serves public needs.
m. Change in requirements of licensure for Animal Chiropractors and Animal Physical Therapists – Requiring one year of active licensure serves to increase the assurance the licensee is capable of sufficiently performing animal physical therapy or animal chiropractic and allowing for a clear path to licensure in Nevada.
n. Cosmetic cleaning of teeth – This allows for discretion by the veterinarian to provide an alternative cosmetic teeth cleaning when the animal is a suitable candidate
B. Zack Rhodes presentation and discussion of possible equine dentistry regulations with representative, Mark Allen, from International Association of Equine Dentistry

Discussion: Ms. Machen explained that Mr. Rhodes and Mr. Allen were present to provide the Board with information regarding equine dentistry. Ms. Machen gave the Board background information on equine dentistry and prior history of a Bill that was presented at the 2015 legislative session.

Dr. Damonte stated that there is concern among veterinarians about a lay person performing equine dentistry without prior examination being done by a veterinarian. Mr. Allen explained how he performs equine dentistry services in Arizona, which can include a wellness exam, and if necessary Mr. Allen will refer a client to a veterinarian.

Ms. Schalles asked why they wouldn’t get registered as veterinary technicians. Mr. Allen responded that his association doesn’t feel that additional education benefits him or the horse owner. Dr. Sandoval asked questions pertaining to how someone who is an equine dentistry provider would handle problems that would be out their scope.

Ms. Machen explained that Ms. Pedigo has researched types of equine dentistry regulation that is occurring in other states.

Motion: Dr. Taylor moved to set up a task force to include Dr. Damonte, Ms. Schalles, and a member from the Nevada Veterinary Medical Association.

Second: Ms. Schalles
Passed: Unanimously

C. Specialties for Veterinary Technology and Credentialing – Melissa Schalles, LVT Report

Discussion: Ms. Schalles provided the Board with a list of current LVT Specialties. Going forward, Ms. Schalles and the Board will clarify the specialties and skills that Licensed Veterinary Technician Specialists may perform within his or her specialty. Mr. Ling states we can submit regulations to address the changes discussed.

D. Legislative Committee for 2017 Legislative Session

Discussion: The Board agreed to form a legislative committee to address the 2017 Legislative session that will consist of Dr. Pelsue in Northern Nevada, and Dr. Bradley in Southern Nevada.

Motion: Dr. Damonte moved to approve
Second: Ms. Schalles
Passed; Unanimous, Drs. Pelsue and Bradley abstained

E. Review current complaints for future possible Consent Agendas

The consensus of the Board was that Complaint 04-2016DVM-10 could have been placed on the Consent Agenda.

7. Staff Reports

A. Financial Report

Discussion: Ms. Pedigo presented the financial report to the Board.

Motion: Dr. Pelsue moved to accept the report as presented.
Second: Dr. Bradley
Passed: Unanimous

B. Administrative Report

Discussion: Ms. Pedigo presented the administrative report to the Board’s satisfaction.
C. Hospital Inspection Report-Christina Johnson, LVT
Ms. Pedigo discussed the hospital inspection results in Ms. Johnson’s absence. She explained the point system used in Virginia and once the Board approved the guidelines for hospital inspections in Nevada; staff will begin using the new format for Hospital Inspections.

D. Legal Report, Louis Ling, Esq
a. Final Advisory Opinion on NAC 638.0629/Vet Source litigation update
Discussion: Mr. Ling discussed the advisory opinion in the Pharmacy Board vs. Vet Source that was discussed at the April 2016 Board Meeting. Judge Polaha ruled there was no illegal activity by VetSource or the veterinarians in Nevada.
Motion: Dr. Pelsue moved for an Attorney General’s Opinion (AGO) to be requested.
Second: Dr. Bradley
Passed: Unanimous

b. Proposed Bill Draft for NRS 622
Discussion: Mr. Ling discussed the Bill draft which modifies NRS 622 pertaining to administrative procedures of Boards.

c. Attorney General Opinion on NRS 639.23505 dispensing practitioners
Discussion: The Pharmacy Board is requesting an AGO be provided to the Pharmacy Board to determine whether veterinarians are included in the current regulations for dispensing practitioners. Mr. Ling provided an AGO request letter to the Veterinary Board for approval so that, in collaboration with the Pharmacy Board, the Board may define a position on current dispensing practitioner regulations for veterinarians.

d. Vet Source Update See section D(a)

8. Agenda items for next meeting
1. Transfer of authority to new Executive Director as custodian of records, and including but not limited to, banking, signing authority, and licensing.
2. Hospital Inspections point system
3. Using registered Veterinary Nurses as the universal term in place of Licensed Veterinary Technician.

9. Public Comment: None

10. Adjournment for Possible Action
Motion: Ms. Rogers moved to adjourn the meeting at 4:09PM.
Second: Dr. Damonte
Passed: Unanimous