NEVADA STATE BOARD OF VETERINARY MEDICAL EXAMINERS

BOARD MEETING

at

Airport Plaza
Hotel & Conference Center
1981 Terminal Way
Reno, Nevada
On

Thursday, September 7, 2006 at 9:00a.m.

Board Members Present
Jon Pennell, DVM, President
Chris Yach, DVM, VP
Richard Simmonds, DVM, MS
Craig Schank, DVM
Gary Ailes, DVM
William Taylor, DVM
Beverly Willard

Staff Present
Debbie Machen, Exec. Dir.
Tracie Estep, Admin. Asst.
Keith Marcher, Senior Deputy AG
Mike Chumrau, DVM, Investigator

MINUTES

Dr. Pennell called the meeting to order at 9:10a.m.
*1. Approval of Board Minutes:  
A. June 1, 2006 Board Meeting Minutes

Motion: Dr. Ailes moved to approve.  
Second: Dr. Schank  
Passed: Unanimously

2. Disciplinary Action
A. MR01-050406-478 / FR01-050406-H149 Letter of Reprimand, John D. Moore, DVM  
Discussion: The review panel found that there was sufficient evidence to proceed with disciplinary action and recommended discipline.

The Public Letter of Reprimand stipulated to the following violations:
1) NAC 638.0175 and NAC 638.057, in that the Licensee failed to establish a Veterinary-Client-Patient Relationship by examining the animal prior to delegating any tasks to a licensed veterinary technician.

The stipulated adjudication is as follows:
1) The Licensee must take and pass the Nevada State jurisprudence examination.  
2) The Licensee must take an additional two (2) hours of continuing education on professional ethics.  
3) The Letter of Reprimand will be reported to the National Veterinary Disciplinary Database of the American Association of Veterinary State Boards (AAVSB).  
4) The Licensee will pay attorneys fees, investigative costs, and Board costs of $250.00

Motion: After discussion of the Letter of Reprimand, Dr. Yach moved to approve as presented.  
Second: Beverly Willard  
Passed: Unanimously, Dr. Pennell abstained, Dr. Schank abstained

B. FS01-061306-1127 Letter of Reprimand, Vidya Francis, DVM  
Discussion: The review panel found that there was sufficient evidence to proceed with disciplinary action and recommended discipline.

The Public Letter of Reprimand stipulated to the following violations:
1) NRS 638.1402, in misrepresenting information to secure a license.
The stipulated adjudication is as follows:
1) The Licensee shall take an additional fifteen (15) hours of continuing education.
2) The Licensee shall be audited, at a minimum, from 2007-2009 and shall be required to provide supporting documentation proving that he has participated in at least 15 hours of completion of continuing education during the 12 months immediately preceding the beginning of the new licensing year.
3) The Letter of Reprimand will be reported to the National Veterinary Disciplinary Database of the American Association of Veterinary State Boards (AAVSB).
4) The Licensee will pay attorney fees, investigative costs, and Board costs of $250.00 and a fine of $500.00.

**Motion**: After discussion of the Letter of Reprimand, Dr. Ailes moved to approve as presented.
**Second**: Beverly Willard
Passed: 5 yes, 1 no

**C. GS01-070506 Consent Decree and or Board decision for potential administrative hearing, Robert Goldman, DVM**

**Discussion**: The review panel found that there was sufficient evidence to proceed with disciplinary action and recommended discipline. The Consent Decree is still being negotiated with the Licensee and staff.

**Motion**: After discussion of the complaint, Dr. Yach moved to direct staff to continue negotiations with the licensee and either settle contingent on the terms discussed or file an Accusation and set a date for hearing.
**Second**: Dr. Schank
Passed: Unanimously, Dr. Ailes abstained.

**D. HR02-051006**

**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.

**Motion**: Dr. Ailes moved to dismiss.
**Second**: Dr. Schank
Passed: Unanimously
E. CS01-062206
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.

Motion: Dr. Taylor moved to dismiss.
Second: Dr. Schank
Passed: Unanimously

F. SWKW01-052306
Discussion: The review panel recommended the Board dismiss the complaint with Board recommendations being sent to the veterinarian regarding the following: 1) Medical Records: NAC 638.0475 (i) All clinical information pertaining to the animal, including, without limitation, sufficient information to justify the diagnosis or determination of the medical status of the animal and to warrant any treatment recommended for or administered to the animal.

Motion: Dr. Yach moved to dismiss/recommendations.
Second: Dr. Schank
Passed: Unanimously, Dr. Ailes abstained

G. PS01-053006
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.

Motion: Dr. Taylor moved to dismiss.
Second: Dr. Yach
Passed: Unanimously. Dr. Ailes abstained

H. MS01-062706
Discussion: The review panel recommended the Board dismiss the complaint with Board recommendations being sent to the veterinarian regarding the following: 1) AVMA Principles of Veterinary Medical Ethics, specifically in this complaint there was a lack of direct communication with the owner and/or the primary veterinarian regarding the change in the medication, the expected outcome of the treatment, and the long term prognosis.

Motion: Dr. Taylor moved to dismiss/recommendation.
Second: Dr. Schank
Passed: Unanimously, Dr. Ailes abstained, Dr. Yach abstained.
I. BS01-051406 Modify Order, Hany Botros, DVM
Discussion: This complaint was originally reviewed and dismissed by the Board in September 2005. Since then the complainant provided sufficient information to support re-opening the investigation. The recommendation by the review panel was to extend the existing probation to 12-31-2007.

Motion: Dr. Schank moved to approve modifying the existing Board Order.
Second: Dr. Yach
Passed: Unanimously, Dr. Ailes abstained.

J. CS01-071706
Discussion: This complaint was tabled for further investigation.

K. PS01-060706
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.

Motion: Dr. Yach moved to dismiss.
Second: Beverly Willard
Passed: Unanimously, Dr. Schank abstained

L. CS01-062606
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.

Motion: Dr. Taylor moved to dismiss.
Second: Dr. Ailes
Passed: Unanimously, Dr. Schank abstained

M. HC01-070706
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.

Motion: Dr. Yach moved to dismiss.
Second: Dr. Schank
Passed: Unanimously, Dr. Taylor abstained.
N. Dr. Hayden-Discussion/Decision/Review of Mentor reports to modify Board Order.

Discussion: Dr. Hayden was present per a Board Order to assess her progress and competence in view of the reports and records that had been provided by Dennis Olsen, DVM, ACVS. Dr. Hayden has been working on surgical cases during her probation period with Dr. Olsen. Dr. Hayden stated that she has learned to say to herself with every case, “Why am I doing what I am doing? Also, I have learned to think out each step of doing the surgery and realize there is no need to panic.” She has purchased new equipment, improved her medical records, and refers complicated cases.

Motion: Dr. Schank moved to terminate her probation and the conditions of the probation.
Second: Dr. Yach
Passed: Unanimously.

Dr. Simmonds arrived and voted on the remaining agenda items.

*3 Continuing Education-Request for approval of CE’s for:
A. Merial “Adjuvant or Not to Adjuvant” 2 hrs

Motion: Dr. Taylor moved to approve for two hours.
Second: Dr. Yach
Passed: Unanimously

B. Area Health Centers “Avian Influenza” 2 hrs

Motion: Dr. Taylor moved to approve for two hours.
Second: Dr. Schank
Passed: Unanimously

*4. Deputy Attorney General Legal Report
A. Open/Pending Complaints/Hearing
Discussion: Mr. Marcher reported that there were no pending hearings.

*5. Requests for Licensure
A. Shannon Almond, VTIT & Veterinary Technician
Discussion: Shannon Almond submitted an application for Veterinary Technician in Training/Veterinary Technician based on a Bachelor of Health Science degree with a minor in Biology. The Board reviewed her application and all submitted documentation.

Motion: Dr. Taylor moved to approve.
Second: Dr. Schank  
Passed: Unanimously

B. Clint Malarchuk, VTIT & Veterinary Technician  
Discussion: Clint Malarchuck submitted a VTIT application after being admitted into the distance learning program for CCSN. There was a non-verified grievance filed with the Board regarding Mr. Malarchuck performing unlicensed veterinary technician duties. Mr. Malarchuck is working for a licensed Nevada veterinarian and the veterinarian attested to the fact that Mr. Malarchuck has only performed unlicensed assistant duties.

Motion: Dr. Simmonds moved to approve.  
Second: Dr. Taylor  
Passed: Unanimously

C. Rebecca Gonzalez, VTIT & Veterinary Technician  
Discussion: Rebecca Gonzales submitted an application for veterinary technician in training/Veterinary Technician based on a Bachelor of Science degree from a foreign college recognized by the AVMA.

Motion: Dr. Taylor moved to approve.  
Second: Dr. Simmonds  
Passed: Unanimously, Dr. Yach abstained

D. Jennifer Kasiewicz, VTIT & Veterinary Technician  
Discussion: Ms Kasiewicz submitted an application for veterinary technician in training/veterinary technician based on being a senior student at UNLV majoring in Anthropology. The Board reviewed her application, transcripts and all other submitted documentation.

Motion: Dr. Taylor made the motion to deny the application for licensure based on the education that was submitted not being equivalent to a degree in veterinary technology or animal science.

Second: Dr. Simmonds  
Passed: Unanimously

6. Discussion of Proposed Regulations R-075-06/R91-06

Dr. Pennell opened the workshop/hearing at 1:00 pm. There were six veterinarians and the Executive Director of the NVMA present.
The following sections had **no changes** to the proposed regulations (R-075-06/R91-06):

- Establishing requirements for aseptic and clean surgery.
- Revising the requirements for registration of a VTIT.
- Revising the responsibilities of a supervising veterinarian.
- Repealing the provisions governing the presentation of evidence at hearings.
- Revising the provisions related to vaccinations, animal physical therapy and animal chiropractic.

The following changes were made to RO75-06:

- Revising the tasks that a LVT and a VTIT can perform.
  1. Section 5, (2a) is being moved to immediate/direct supervision and 3d is being moved to immediate supervision.
  2. Section 7, (2i) shall read, “Administration of intramuscular, subcutaneous or intravenous injections through a preplaced catheter, except anesthetics, controlled substances or vaccinations for zoonotic diseases.”
  3. Delete Section 7, (3)
  4. Section 7, (4a) & (4b) shall read, “Administration of oral and topical medications and controlled substances dispensed by prescription; b) Collection of free catch urine or feces and skin scrapings.”

- Increasing the fee to operate a facility and revising the provisions governing the permits, inspection, and practice requirements.
  1. Section 12, (1a) shall read, “Dated surgical packs including sponges and proper instrumentation with proof of internal and external sterilization.”

**Motion:** Dr. Yach moved to accept RO75-06 regulation with the above noted changes.

**Second:** Beverly Willard

**Passed:** Unanimously

The following changes were made to RO91-06:

- Providing for the issuance of a citation for practicing veterinary medicine without a license.
  1. Section 1, (2a) shall read, “For a second violation, an administrative fine in the amount not to exceed $2500.”

- Repealing the provisions governing the Committee on Euthanasia techs and revising the procedures for ET’s.
1. Section 5, (1a), (2a) and (2c) the following will be deleted, “in two attempts per dog (or cat) in 90 percent of the animals (cat or dog) injected.”

Dr. Pennell closed the workshop and the hearing at 1:45 pm.

**Motion:** Dr. Simmonds moved to accept RO91-06 regulations with the above noted changes.
**Second:** Dr. Schank
Passed Unanimously

7. **Executive Director Report**
   A. **Administrative Report**
   B. **Financial Report**

**Discussion:** Ms. Machen reviewed the administrative and financial report to the Boards’ satisfaction.

C. **Budget approval 2006-2007**

**Motion:** Dr. Simmonds moved to approve the 2006-2007 budget as presented.
**Second:** Dr. Taylor
Passed unanimously

D. **Request for new equipment from reserve fund**

**Discussion:** Ms Machen explained that the current computers are in need of upgrading and has requested $7500.00 from the boards reserve to purchase this equipment. The bid from Integrity Consultants had been done in March of 2006.

**Motion:** Dr. Simmonds made the motion to allocate up to $9000.00 from the reserve which would be over and beyond the budgeted equipment allowance.
**Second:** Dr. Yach
Passed unanimously

8. **Discussion and Determination**
   A. **Dentistry performed by unlicensed veterinary assistants with credentials. (Woodrow Allen, DVM)**

Keith Marcher, Board Counsel, explained that if the objective was to add a sub-category of licensees that typically you can’t create a new category of licensure without statutory authority. If that authority is granted then the Board would have the ability to create regulations to support the statutes.
The Board had the following concerns regarding this proposal:

- That the Licensed Veterinary Technicians (LVT) position would be diminished and have less of a value in the facilities.
- That the education needed to be more stringent; a one day course was inadequate.
- Protection of the public’s interests.
- With three newly accredited vet tech schools graduating approximately 100 students a year is this change necessary?
- Difficulty in regulating. (educational requirements)

Woody Allen, DVM, John Koehm, DVM and Andy Burnett, DVM, were present to discuss Board concerns regarding the proposed changes to the Practice Act. The consensus of this group and others who had contributed was that the concept of a “team approach” for dentistry would enhance the standard of practice. They believe that veterinarians can’t facilitate the need of the animals with the current restrictive laws and the lack of LVT’s in the State.

They also indicated that the group realized they had made a mistake in the first proposal stating that a one day course would be sufficient in training these individuals.

B. Are licensed governmental employees who wish to practice out of the scope of their license in violation of the NRS/NAC638?

Discussion: Dr. Simmonds had proposed the above noted question to determine if there is an exemption in NRS/NAC 638 for these employees who wish to practice out of their scope when they are licensed with the Board and employed by governmental agencies that are governed by the Federal Animal Welfare Act. The question was tabled for inclusion on the January 2007 Board meeting agenda for further discussion.

C. Are local garden shops offering the services of diagnosing and treating Koi fish practicing veterinary medicine?

Dr. Simmonds was listening to the KOH morning show and there was a representative from a local garden shop that was advertising that they could diagnosis and treat ill Koi fish. The Board agreed this would be the practice of veterinary medicine and a letter should go out to the business owner.
D. Election of Officers
President-Christopher Yach, DVM-Las Vegas

Motion: Dr. Simmonds
Second: Dr. Ailes

Vice-President-Craig Schank, DVM-Fallon

Motion: Dr. Taylor
Second: Dr. Simmonds

D. Staff evaluations

Staff would receive a 4% cost of living and 3% merit raise.

Motion: Dr. Taylor
Second: Dr. Ailes
Passed unanimously

E. Status of new Board appointments
The Governor’s office has not made any decisions regarding Dr. Ailes’ and Dr. Pennell’s board appointments that expire October 30, 2006. Several veterinarians have shown interest in taking these positions if the Governor does not reappoint them. Both members have been on the Board for 9 years.

F. Set Board Meetings
Jan 11, 2006, Video conference Reno/Las Vegas
April 12, 2006, Las Vegas

9. Public Comment
None

10. Agenda items for next meeting
1) Exemptions for governmental employees
2) Continuing education policy
3) Massage Therapy
4) Legislative Committee
5) Recognition of Veterinary Technician Specialties
6) Liability issues for Specialists that consult via phone or without establishing a VCPR.

11. Adjournment
Adjournment at 3:55p.m.

Motion: Beverly Willard
Second: Dr. Yach