

**MINUTES OF THE MEETING OF THE
BOARD OF VETERINARY MEDICINE AND SURGERY**

January 26, 2024

ROLL CALL

The meeting of the Board of Veterinary Medicine and Surgery was called to order at 7:37 a.m. by Chairperson, Elizabeth Farrington, DVM, at the Crowne Plaza Younes Conference Center North in the Bronze Room #3 at 707 W Talmadge Rd, Kearney, NE 68845. The meeting was conducted In-Person and by WebEx. Board members present and answering roll call were:

Elizabeth Farrington, DVM, Chairperson
Joshua Schlote, LVT, Vice-Chairperson
Christopher G. Byers, DVM, DACVECC, DACVIM (SAIM), CVJ, Secretary
Donovan Hauser, DVM
Public Member position vacant

Absent: None

A quorum being present, the meeting convened. Also present to participate in the meeting: Vonda Apking, Program Manager, Licensure Unit, Jan Gadeken-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General; Juliann Lanphier-Willson, DHHS Department Legal via WebEx; Larry Wiehn, Investigator, with the Investigation Unit via WebEx and Anna Harrison, Compliance Monitor, with the Licensure and Investigation Units via WebEx.

Farrington announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and posted in the Licensure Unit on January 12, 2024 and revision posted on January 22, 2024.

ADOPTION OF AGENDA

Byers moved, seconded by Schlote, to adopt the Agenda. Voting aye: Byers, Farrington, Hauser and Schlote. Voting nay: None. Absent: None. Abstain: None. Motion carried.

APPROVAL OF MINUTES

Hauser moved, seconded by Byers to approve the October 25, 2023, minutes as written. Voting aye: Byers, Farrington, Hauser and Schlote. Voting nay: None. Absent: None. Abstain: None. Motion carried.

DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS

Jan Gadeken-Harris explained that the Board needs to inform the public each year the method by which the Board will provide notice of their meetings. In the past, the Board had chosen to post meeting agendas on the Bulletin Board at the Nebraska State Office Building, to e-mail agendas to the interested parties list, and to post agendas on the Department's website. Byers moved, seconded by Schlote, to continue the same method that the Department has been using to provide public notice of this Board's meetings by posting meeting agendas at the Nebraska State Office Building, by e-mailing agendas to the interested parties list, and by posting agendas on the Department's website. Voting aye: Byers, Farrington, Hauser and Schlote. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Please Note: if you would like to be included on the list of "Interested Parties" to receive a notice of the Agenda for the meetings, please contact Jan Gadeken-Harris at: Janis.gadeken-harris@nebraska.gov

DEPARTMENT OF AGRICULTURE UPDATES

Kaylie Fritts, DVM, Deputy Nebraska State Veterinarian with the Agriculture Department was present for discussion with the Board.

NPAI (Highly Pathogenic Avian Influenza) has been reported in virtually all the surrounding states to Nebraska in significant numbers. Fortunately, there have only been two backyard flocks with NPAI reported and investigated in Nebraska to date.

Dr. Fritts is currently in the process of hiring market Veterinarians to fill vacancies at some of the livestock markets in Nebraska. There are 38 livestock markets located throughout Nebraska.

Several Emergency Preparedness exercises are being planned throughout the year.

2024 LEGISLATION UPDATES

Jessika Benes, DVM, Juniata, NE and NEVMA Board of Directors member was present to discuss the 2024 Legislation Bills that have been introduced that the NEVMA will be following and may be of interest to the Board:

LB16 - Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction and make a determination regarding an applicant with a criminal conviction, provide for jurisprudential examinations and appeals from denial of a license, and change requirements for membership of the State Electrical Board.

NEVMA is concerned that work experience alone is not enough qualification for licensure in Nebraska based on comparison of other states requirement qualifications, especially for Veterinary Technicians.

To learn more about LB16 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB16.pdf>

LB892 - Change provisions relating to controlled substances under the Uniform Controlled Substances Act Hearing scheduled for February 1, 2024

NEVMA will be testifying regarding getting an exemption for Veterinarians.

To learn more about LB892 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB892.pdf>

LB910 - Authorize emergency care providers to provide care to injured law enforcement canines Hearing scheduled for February 1, 2024

NEVMA is in general support of this Bill.

To learn more about LB910 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB910.pdf>

LB1062 - Change provisions of the Rural Health Systems and Professional Incentive Act

Hearing was held January 24, 2024

NEVMA testified in support of this Bill.

To learn more about LB1062 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1062.pdf>

LB1311 - Eliminate certain sales and use tax exemptions and impose sales and use taxes on certain services

Hearing scheduled for February 1, 2024

NEVMA will be testifying in opposition.

To learn more about LB1311 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB1311.pdf>

REGULATION UPDATES

The Board continued the discussion regarding the need for Veterinary Technicians especially in the field of large animal veterinary practices and the possibility of amending the scope of practice to include additional procedures for Veterinary Technicians in the Nebraska Veterinary Medicine and Surgery Regulations, Title 172 Chapter 180.

Survey questions from the Board have been finalized. Megan Kilgore, Executive Director of the Nebraska Veterinary Medical Association (NEVMA) was present at the meeting and has agreed to email the survey questions to the NEVMA constituents and all Nebraska licensed Veterinarians and licensed Veterinary Technicians to solicit their feedback responses.

Below are samples of the surveys:

DVM Survey - <https://www.surveymonkey.com/r/dvmscopesurvey>

LVT Survey - <https://www.surveymonkey.com/r/lvtscopesurvey>

Be sure to send in your response to the survey. The Board is very interested in receiving the feedback so that they can make an informed recommendation for amending the Regulations to best accommodate the needs of the Nebraska veterinary community.

The Board and the Department want to extend our appreciation to Megan and the NEVMA for assisting in the assimilation and distribution of this survey.

Tim Sobotka, DVM, Spencer, NE brought up the question of creating a “Mid-Level” position to ease some of the pressures of the rural Veterinarian for procedures such as pregnancy tests, processing calves, dehorning and fertility testing of bulls. Farrington explained that expanding the scope of practice for Veterinary Technicians to include those types of procedures under a level of Veterinarian supervision may be a more direct route rather than adding another level of a licensed credential. Adding another level of a licensed credential would involve legislative changes and establishing license testing protocols, etc. Josh Schlote is an instructor at the Northeast Veterinary College in Norfolk, and he indicated that all the above procedures that Dr. Sobotka mentioned are currently being taught at the college, however because of the restraints of the current Nebraska Regulations by law the Veterinary Technician cannot practice those procedures under any of the Veterinarian supervision levels.

Barrett Huneke, DVM, St. Paul, NE also brought up another procedure of concern, necropsy. Can the Veterinary Technician under certain supervision take samples with the Veterinarian making the diagnosis.

Lisa Redington, LVT, Omaha, NE mentioned that back in the day when she attended school, they were offered instruction in artificial insemination in bulls.

It was a good open discussion exploring many options for expanding the scope of practice for the licensed Veterinary Technician with supervision. Remember the Board absolutely needs the feedback from the veterinary community to be able to make the best possible recommendations for advancing the Regulations.

AAVSB 2024 CALL FOR BYLAWS AMENDMENTS

The Board has no comments currently.

PROCLAMATION for a STATE of NEBRASKA VETERINARY TECHNICIAN RECOGNITION DAY

Joshua Schlote is proposing that a request be sent to the State of Nebraska and Governor Pillen to have an Official Day of Recognition for Veterinary Technicians/Technologists in the State of Nebraska that would coincide with the National Veterinary Technician week which is celebrated the third week of October each year. This Official Day would provide an opportunity for our State to recognize the value of the veterinary technicians' contributions that they make every day of the year and to Thank them for ALL they do for the veterinary community.

The Department will initiate the steps to submit the proclamation request to the Governor's office.

PRACTICE QUESTION(S)

- A. Can Veterinary Technicians collect embryos in cattle?
Can Veterinary Technicians implant embryos in cattle?

It is the opinion of the Board that collection of embryos and implantation of embryos in cattle would be considered to be surgery. Surgery is reserved for the Veterinarian.

004.04 TASKS RESERVED FOR A VETERINARIAN. Licensed veterinary technicians or unlicensed veterinary assistants are not permitted to do any of the following:

- (A) Make a diagnosis or prognosis;
(B) Prescribe any treatment, drugs, medications or appliances;
(C) Perform surgery; or
(D) Administer rabies vaccine.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Byers moved, seconded by Hauser, to go into closed session at 9:02 a.m., for the purpose of review and discussion of investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Byers, Farrington, Hauser and Schlote. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Board Break 9:02 a.m.
Board Reconvened 9:22 a.m.

Farrington, Chairperson opened the session at 10:34 a.m.

APPLICATION REVIEW (0)– OPEN SESSION

Currently there are no applications for Board review.

ELECTION OF OFFICERS

Schlote moved, seconded by Byers to maintain the same slate of officers for 2024 as follows:

Chairperson: Elizabeth Farrington, DVM

Vice-Chairperson: Joshua M. Schlote, LVT

Secretary: Christopher G. Byers, DVM, DACVECC, DACVIM (SAIM), CVJ

Voting aye: Byers, Farrington, Hauser and Schlote. Voting nay: None. Absent: None. Abstain: None. Motion carried.

SCHEDULE OF THE NEXT BOARD MEETING

The next Board of Veterinary Medicine and Surgery has been scheduled for Wednesday April 24, 2024. The schedule will be posted on the DHHS website. <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

ADJOURNMENT

There being no further business, Farrington, Chairperson adjourned the meeting at 10:44 a.m.

Respectfully submitted,

signature available upon request

Christopher G. Byers, DVM, DACVECC, DACVIM (SAIM), CVJ, Secretary
Board of Veterinary Medicine and Surgery