

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

January 29, 2020

ROLL CALL

The meeting of the Board of Veterinary Medicine and Surgery was called to order at 9:00 am by Vice Chairperson, Micah R. Kohles, DVM, in the Staybridge Room at Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. Board members present and answering roll call were:

Micah R. Kohles, DVM, Vice Chairperson
Elizabeth Farrington, DVM
Joshua Schlote, LVT
Christopher G. Byers, DVM, DACVECC, DACVIM (SAIM), CVJ
Public Position Vacant

Absent: None

A quorum being present, the meeting convened. Also present to participate in the meeting: Jesse Cushman, Program Manager, Jan Gadeken-Harris, Health Licensing Coordinator, Mindy Lester, Assistant Attorney General and Larry Wiehn, Investigator.

Kohles 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.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

Schlote moved, seconded by Farrington to approve the October 30, 2019 minutes as written. Voting aye: Farrington, Kohles and Schlote. Voting nay: None. Absent: None. Abstain: Byers. Motion carried.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Byers moved, seconded by Farrington, to go into closed session at 9:03 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, Kohles, and Schlote. Voting nay: None. Absent: None. Motion carried.

Farrington moved, seconded by Schlote, to open the session at 10:23 a.m. Voting aye: Byers, Farrington, Kohles, and Schlote. Voting nay: None. Absent: None. Motion carried.

APPLICATION REVIEW – OPEN SESSION

STUBBS, DANA, ANIMAL THERAPIST, CHIROPRACTIC, VOM - application for a license to practice Animal Therapist, Chiropractic, VOM. Farrington moved, seconded by Schlote, to table for additional information. Voting aye: Byers, Farrington, Kohles, and Schlote. Voting nay: None. Absent: None. Motion carried.

PRACTICE QUESTION(S)

Can a kennel owner boarding dogs, administer kennel cough vaccine to the dogs boarding under that kennel owner's care and charge for the service?

Response: It is the opinion of the board that they do not have jurisdiction of this issue. Check with the USDA.

BOARD DISCUSSION(S)

A. FDA Draft Guidance for Compounding Animal Drugs:

The FDA released DRAFT Guidance for Industry #256, "Compounding Animal Drugs from Bulk Substances"

<https://d3lut3gzcp87s.cloudfront.net/download/eJwFwQEKgCAMAMAXbVYgar9ZziGUKU0Ien13!xhdV2P0uE4d9AxUi1Tpaze9irlVlxzSbLcAiWUDx94BISJgpxJz4Zi9LNhZfuYoGPo=/GFI256.pdf>

The AVMA (American Veterinary Medical Association) public policy and advocacy teams worked together to create a summary of the contents of FDA's DRAFT GFI #256, "Compounding Animal Drugs from Bulk Substances". Please note this is simply a concise summary of what is in the longer DRAFT guidance; it is not a thumbs up or thumbs down on DRAFT GFI 256.

<https://d3lut3gzcp87s.cloudfront.net/download/eJwFwVEKgDAIANAT6ay5j7qNOKZRa5FC0OI7b4u4fU3J9@PwkCfQM0qXb1zyOtroaZLcWIWFMosA10KgzAsQkbGRqJWMd20@4WoYYg==/Draft%20GFI%20256%20AVMA%20Summary.pdf>

Byers, will draft a letter of comments/feedback with the Board's thoughts on the proposed draft GFI #256 to submit to the AVMA.

Board Recessed for a Break at 10:58 a.m.

Board Returned at 11:10 a.m.

B. AAVSB Topics:

1. Board Basics & Beyond Training, 4/17-18/2020 - at this time no Board members will be able to attend.
2. Model Regulation Feedback – (submit by 2/20/2020)
 - a) Draft – Appropriate use of Opioids and Other Controlled Substances – the Board has no comments at this time.
 - b) Draft – Veterinary Technician Scope of Practice – the Board has no comments at this time.
3. Resolution 2019-01 – the Board has no comments at this time.
4. Nominations for the 2020-2021 leadership year – Dr. Farrington would like to apply for an open ICVA position. The Department/Board will draft a Nomination Letter in support of Dr. Farrington.
5. AAVSB is developing a new Legal Counsel Funding Program to attend the AAVSB Annual Meeting, 09/24-26/2020 – Mindy Lester, Assistant AG has expressed interest in attending the AAVSB meeting and her name has been submitted to the AAVSB for consideration.
6. Proposed Bylaws amendments due to AAVSB office by 02/28/2020 – the Board has no comments at this time.
7. AAVSB Annual Meeting & Conference, Portland, OR, September 24-26, 2020 – at this time Josh Schlote will represent the Board as a voting delegate. Dr. Farrington is currently a member of an AAVSB Committee, therefore she will also be attending the meeting and representing the AAVSB.

C. DISCUSSION REGARDING PER DIEM AND TIME FRAME FOR PREPARATION OF AGENDA ITEM DOCUMENTS

Cushman explained the process of paying per diems for certain activities of the Board and the time frame of preparing agenda items for the Board to review. The agenda is normally made available to the Board members and public at least 10 days prior to the meeting date.

Byers moved, seconded by Schlote, to have the Department pay per diems as \$50.00 per diem for one preparation day and one meeting day, and any travel days. Also included are days spent at non-board meetings where the individual is representing the Nebraska Board of Medicine and Surgery, as well as any travel days associated with those meetings. Voting aye: Byers, Farrington and Schlote. Voting nay: none. Absent: None. Abstain: Kohles. Motion carried.

REGULATIONS UPDATE

As of this date Public Hearings have not been scheduled for the proposed amendments to Regulations for Title 172 Chapter 180 Regulations Governing the Practice of Veterinary Medicine and Surgery and Title 172 Chapter 182 Licensure of Animal Therapist.

For updates on the schedule for Public Hearing Notices for Draft Regulations, please visit the Secretary of State website link listed below:

<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi>

2020 LEGISLATION UPDATES

The following is a list of some of the legislative bills that will be followed by the Veterinary Medicine and Surgery Board during the 106th Legislature, 2nd Session:

LB742 - Change penalty, sentencing, and hearing application provisions relating to offenses against animals

Current Status: Notice of hearing for February 26, 2020

To learn more about LB742, please visit:

<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB742.pdf>

LB791 - Change provisions of the Livestock Animal Welfare Act relating to ownership, possession, or seizure of animals

Current Status: Notice of hearing for January 21, 2020

To learn more about LB791, please visit:

<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB791.pdf>

LB857 - Require state agency review of rules and regulations

Current Status: Notice of hearing for January 31, 2020

To learn more about LB857, please visit:

<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB857.pdf>

If there are any other legislative bills the Board would like to review, please forward this information to Jesse Cushman, Program Manager so they can be added to the agenda for the next meeting.

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

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. Farrington moved, seconded by Byers, 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, Kohles, and Schlote. Voting nay: None. Absent: None. Motion carried.

ELECTION OF OFFICERS

Farrington moved, seconded by Byers to elect new officers as follows:

Chairperson: Micah R. Kohler, DVM, MPA

Vice-Chairperson: Joshua M. Schlote, LVT

Secretary: Elizabeth L. Farrington, DVM

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

SCHEDULE OF THE NEXT BOARD MEETING

The next Board of Veterinary Medicine and Surgery will be scheduled for Wednesday April 8, 2020. The schedule will be posted on the DHHS website. <http://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

ADJOURNMENT

There being no further business, Byers moved, seconded by Farrington, to adjourn the meeting at 12:00 p.m. Voting aye: Byers, Farrington, Kohles, and Schlote. Voting nay: None. Absent: None. Motion carried.

Respectfully submitted,

signature available upon request

Micah R. Kohles, DVM, Vice Chairperson
Board of Veterinary Medicine and Surgery