

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

**March 04, 2019**

**ROLL CALL**

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

James F. Unwin, DVM, Chair  
Micah R. Kohles, DVM, Vice Chair  
Elizabeth Farrington, DVM  
Joshua Schlote, LVT

Absent: Linda Heiden, Secretary

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; Larry Wiehn, Investigator.

Unwin 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**

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

**APPROVAL OF MINUTES**

Kohles moved, seconded by Farrington to approve the December 17, 2018 minutes as written. Voting aye: Farrington, Kohles, Schlote and Unwin. Voting nay: None. Absent: Heiden. Motion carried.

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

Kohles moved, seconded by Schlote, to continue to utilize the three current methods to give public notice of the Board of Veterinary Medicine and Surgery meetings. The current methods are to post the agenda on the Department public bulletin board, post to the Department website, and to send the agenda via email to interested parties. Voting aye: Farrington, Kohles, Schlote and Unwin. Voting nay: None. Absent: Heiden. Motion carried.

**BOARD DISCUSSION(S)**

The Department and the Board received a notification from the NVA (Nebraska Veterinary Association) that they had been contacted regarding a website that offers rabies vaccine for purchase by Nebraska residents. Bryan Buss, CDC Career Epidemiology Field Officer with the Public Health Division, Community Health Department was invited to meet with the Department and the Board to engage in a discussion regarding rabies and the current Nebraska rabies statutes and the proposed Legislation, LB61, which would change and eliminate provisions relating to rabies.

Mr. Buss indicated that for rabies vaccine to be officially recognized, it must be performed by a licensed veterinarian. An animal vaccinated by an owner (who is not themselves a licensed veterinarian) would need to be managed as unvaccinated if it is involved in an exposure – either as an exposing animal or if exposed to rabies itself. Below is how the statutes read.

71-4401.

Terms, defined.

For purposes of sections 71-4401 to 71-4412, unless the context otherwise requires:

(1) Domestic animal means any dog or cat, and cat means a cat which is a household pet;

(2) Vaccination against rabies means the inoculation of a domestic or hybrid animal with a rabies vaccine as approved by the rules and regulations adopted and promulgated by the department. **Such vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska;**

71-4402.

Vaccination against rabies; required; vaccine; sales.

(1) Every domestic animal in the State of Nebraska shall be vaccinated against rabies with a licensed vaccine and revaccinated at intervals specified by rules and regulations adopted and promulgated by the department. Young domestic animals shall be initially vaccinated at the age specified in such rules and regulations.

Unvaccinated domestic animals acquired or moved into the State of Nebraska shall be vaccinated within thirty days after purchase or arrival unless under the age for initial vaccination.

**(2) The rabies vaccine used to vaccinate domestic animals pursuant to this section shall be sold only to licensed veterinarians.**

The Department will refer the alleged website to the Investigation Unit to proceed with investigating the issue.

### **INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION**

Farrington moved, seconded by Kohles, to go into closed session at 10:09 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: Farrington, Kohles, Schlote and Unwin. Voting nay: None. Absent: Heiden. Motion carried.

Kohles recused himself at 10:45 a.m.

Kohles returned at 11:17 a.m.

Kohles moved, seconded by Farrington, to open the session at 12:02 p.m. Voting aye: Farrington, Kohles, Schlote and Unwin. Voting nay: None. Absent: Heiden. Motion carried.

Board Break 12:03 p.m.

Board Reconvene 12:15 p.m.

### **APPLICATION REVIEW – OPEN SESSION**

BURGESSER, KENT MICHAEL, DVM - application for a license to practice veterinary medicine and surgery on a Locum Tenens basis. Kohles moved, seconded by Schlote, to recommend denial of issuance of a Veterinary Locum Tenens license. Denial recommendation was based on the Board's opinion that the application was not in line with the intent of a Locum Tenens license as stated in Statute.

### **FYI'S**

A. AAVSB Call for Nominations – Farrington, who is on the AAVSB Nominating Committee encouraged all the Board members to consider making nominations for the ballot of candidates for all elected positions within the AAVSB, however at this time no nominations were suggested. Nomination packets must be received in the AAVSB office by May 30, 2019.

B. AAVSB Call for Suggestions – the AAVSB Conference Committee for the Annual Meeting & Conference which will be held in St. Louis, MO, September 26-28, 2019, is asking for input from the member States and Boards as to what regulatory topics or sessions you would like to see included in this year's program. Please send all ideas and other feedback to Lainie Franklin at [efranklin@aavsb.org](mailto:efranklin@aavsb.org).

C. AAVSB Topics to Discuss – Resolution 2018-1 was passed by the AAVSB Delegate Assembly at the 2018 AAVSB Annual Meeting & Conference. Jesse Cushman, Program Manager will review the Resolution with Teresa Hampton, DHHS Department Legal to provide feedback to the AAVSB.

D. Nebraska LAP Newsletter – the Board had no comments.

E. ICVA Call for Nominations – the International Council for Veterinary Assessment is seeking to identify individuals who would be interested in serving on the ICVA's Assessment Development Committee (ADC). There is one position on the ADC for a veterinarian with Swine expertise, with a term beginning in June 2019. Nominations, including a completed nomination form and resume/CV, should be submitted to [jblasewitz@icva.net](mailto:jblasewitz@icva.net) with ADC Nomination as the subject line by April 16, 2019. Self-nominations are also welcome.

F. ICVA – NAVLE Updates – the Board had no comments.

### **PRACTICE QUESTIONS**

**A. What are the Nebraska state requirements for educating clients on medications that are prescribed and dispensed for pets? Does the DVM need to do the "consultation" with the client and verify it in the medical record as the human pharmacies do and does the DVM need to send home written information with each drug dispensed or is sending an e-mail with the information adequate?**

*Response: It is the opinion of the Board that the DVM/Clinic needs to comply with the standard of care procedures.*

**B. Who is legally permitted to own a Veterinarian Clinic in Nebraska by Statute and or PLLC stipulations?**

*Response: It is the opinion of the Board that the Secretary of State office would be the resource to answer questions of this nature.*

**C. If a student is enrolled in an accredited online Veterinary Technician program, with direct and indirect supervision are there limitations on how long they can do approved procedures under the status of being a VT student?**

*Response: It is the opinion of the Board that as long as the VT student is actively enrolled in the VT program, there is no time limit.*

**D. Requirements for dispensing of Xyalzine (Rompum)?**

*Response: It is the opinion of the Board that there needs to be an active client/patient relationship and the standard of care needs to be performed.*

**E. Can employees of an animal shelter treat animals with certain symptoms (e.g. diarrhea, vomiting, coughing) under the advice of the shelter veterinarian but prior to the examination by the veterinarian?**

*Response: It is the opinion of the Board that the answer would be "No". A Veterinarian is required to be present to start treatment or diagnosis. Vitals can be obtained, but no treatment can be started without the presence of a Veterinarian, unless emergency treatment needs to be initiated. A clinic may want to have guidelines or a list of triage symptoms to determine when a phone call needs to be made to the Veterinarian to initiate emergency treatment.*

### **2019 LEGISLATION UPDATES**

Updates of the different legislative bills that are being followed by the Veterinary Medicine and Surgery Board were discussed.

The following list of bills were available for review by the Board prior to the meeting:

LB29 - Provide and eliminate telehealth provisions

LB61 - Change and eliminate provisions relating to rabies

LB344 - Adopt the Animal Health and Disease Control Act, eliminate and provide duties for the Department of Agriculture, eliminate various acts, terminate and transfer certain funds, create a fund, and provide penalties

LB382 - Change the Dog and Cat Purchase Protection Act

LB489 - Require registration for the prescription drug monitoring system

LB557 - Change provisions relating to prescriptions for controlled substances

Kohles left the meeting at 2:00 p.m.

#### **REGULATIONS UPDATE**

The Department of Health and Human Services was given an Executive Order by the Governor's office to eliminate language from Regulations that already is stated in the Statutes and or the Uniform Credentialing Act. Therefore the proposed updates were reviewed by the Veterinary Board for Title 172 NAC, Professional and Occupational Licensure, Chapter 180, Practice of Veterinary Medicine and Surgery Regulations and Chapter 182, Licensure of Animal Therapists. Farrington moved, seconded by Schlote to approve the proposed updates. Voting aye: Farrington, Schlote and Unwin. Voting nay: None. Absent: Heiden and Kohles. Motion carried.

#### **ELECTION OF OFFICERS**

Schlote moved, seconded by Farrington to keep the slate of officers for 2019 the same as in 2018. James Unwin, DVM, Chairperson; Micah Kohles, DVM, Vice-Chairperson and Linda Heiden, Secretary. Voting aye: Farrington, Schlote and Unwin. Voting nay: None. Absent: Heiden and Kohles. Motion carried.

#### **SCHEDULE OF FUTURE MEETINGS**

The next meeting of the Board is set for Friday, June 07, 2019, 9:00 am at the Staybridge Suites.

#### **ADJOURNMENT**

There being no further business, Schlote moved, seconded by Farrington, to adjourn the meeting at 2:30 p.m. Voting aye: Farrington, Schlote and Unwin. Voting nay: None. Absent: Heiden and Kohles. Motion carried.

Respectfully submitted,

\*signature available upon request\*

James Unwin, DVM, Chairperson  
Board of Veterinary Medicine and Surgery