

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

May 23, 2018

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: Kathie Lueke, Program Manager, Jan Gadeken-Harris, Health Licensing Coordinator, Amy Huff, Assistant Attorney General, Teresa Hampton, Legal Department and Anna Harrison, Compliance Monitoring.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

Schlote moved, seconded by Farrington to approve the February 28, 2018 minutes as written. Voting aye: Farrington, Unwin, Schlote, and Kohles. Voting nay: None. Absent: Heiden. Motion carried.

PRESCRIPTION DRUG MONITORING PROGRAM

Amy Reynoldson, PDMP Community Health Educator, and Felicia Quintana-Zinn, Epidemiology Surveillance Coordinator, presented a progress update on the PDMP. PDMP staff shared that as of July 1, 2018, Veterinarians who dispense Schedule II through IV controlled substances will need to report those for the Prescription Drug Monitoring Program. A "Frequently Asked Questions" (FAQs) page will be on the PDMP website starting the first part of June to assist veterinarians and their staff on reporting questions. The Board encouraged PDMP staff to attend the NVMA (Nebraska Veterinary Medical Association) summer meeting, June 14-16, 2018 in Lincoln, NE and hold a presentation/seminar on the PDMP procedures.

Teresa Hampton joined the meeting at 9:35 am

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Kohles moved, seconded by Farrington, to go into closed session at 9:45 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, Schlote, Unwin, and Kohles. Voting nay: None. Absent: Heiden. Motion carried.

Teresa Hampton recused herself at 9:45 am.

Teresa Hampton returned at 10:16 am.

Kohles moved, seconded by Schlote, to open the session at 10:15 a.m. Voting aye: Farrington, Schlote, Unwin and Kohles. Voting nay: None. Abstain: None. Absent: Heiden. Motion carried.

APPLICATION REVIEW – OPEN SESSION

No applications were presented to the Board for review.

PRACTICE QUESTIONS

- A. Can a licensed Veterinary Technician perform epidural anesthesia?

Response: *The health care task is permissible with supervision as stated in: Title 172 NAC 180-004; 180.004.01 "The following tasks may be performed only by a licensed veterinary technician under the direction, supervision and control of a veterinarian licensed to practice in Nebraska, provided the veterinarian makes a physical examination of the patient treated."; 180-004.01B "Direct Supervision...Induction of anesthesia..."; 180-004.01C "Indirect supervision... Administration and application of treatments, drugs, oxygen therapy, medications and immunological agents by parenteral and injectable routes (subcutaneous, intramuscular, intraperitoneal, and intravenous..."*

- B. Can an unlicensed assistant under immediate supervision of a veterinarian adjust the gas concentration of a gas anesthetic machine?

Response: *The health care task is permissible with supervision as stated in: Title 172 NAC 180-004.02 The following tasks may be performed by unlicensed veterinary assistants under the direction, supervision and control of a veterinarian or veterinary technician licensed to practice in Nebraska, provided the veterinarian makes a physical examination of the patient treated.; 180-004.02A "Immediate Supervision...Assist veterinarian in surgery by...instrument handling."*

- C. Policy of return to a pharmacy of prescription drugs (specific to unopened heart guard medication) and policy of returned controlled drugs?

Response: *Teresa Hampton, DHHS Legal Department, will research non controlled vs controlled substances before issuing a response.*

- D. What is the definition of emergency (related to dispensing compounded medicines) and what is the definition of compounded medications?

Response: **28-401. Terms, defined.** *As used in the Uniform Controlled Substances Act, unless the context otherwise requires:*

(20) "Practitioner means... a veterinarian,... or any other person licensed,... permitted to distribute, dispense, prescribe, conduct research with respect to, or administer a controlled substance in the course of practice or research in this state, including an emergency medical service as defined in section 38-1207; 38-1207 "Emergency medical service means the organization responding to a perceived individual need for medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury..."

What is compounding? *Drug compounding is often regarded as the process of combining, mixing, or altering ingredients to create a medication tailored to the needs of an individual patient.*

*Compounding includes the combining of two or more drugs. Compounded drugs are not FDA-approved. 38-2811. **Compounding, defined.** Compounding means the preparation of components into a drug product. **Source:** Laws 2007, LB463, § 907; Laws 2015, LB37, § 33. **Effective Date:** August 30, 2015*

- E. Can a private unlicensed individual draw blood and run a test (with a machine that they own) to determine estrogen levels that will indicate if a canine (owned by another individual) is ready to breed?

Response: *An individual performing the above mentioned health care task would need to be a licensed Veterinarian as stated in 38-3312. "**Practice of veterinary medicine and surgery, defined.** Practice of veterinary medicine and surgery means:*

(1) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy or fertility or for correcting sterility or infertility. The acts described in this subdivision shall not be done without a valid veterinarian-client-patient relationship;

(2) To render advice or recommendation with regard to any act described in subdivision (1) of this section;..."

2018 LEGISLATION UPDATE

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

LB596 - Exempt equine, cat, and dog massage practice from licensure and regulation

Current Status: **Approved by the Governor April 17, 2018**

LB731- Requires continuing education regarding the prescribing of opiates and changes provisions relating to the dispensing of controlled substances

Current Status: **Approved by the Governor on April 19, 2018**

38-145 (6) Beginning with the first license renewal period which begins on or after October 1, 2018, the continuing competency requirements for a nurse midwife, dentist, physician, physician assistant, nurse practitioner, podiatrist, and veterinarian who prescribes controlled substances shall include at least three hours of continuing education biennially regarding prescribing opiates as defined in section 28-401. The continuing education may include, but is not limited to, education regarding prescribing and administering opiates, the risks and indicators regarding development of addiction to opiates, and emergency opiate situations. One-half hour of the three hours of continuing education shall cover the prescription drug monitoring program described in sections 71-2454 to 71-2456. This subsection terminates on January 1, 2029.

LB 788 - Require continuing education for health care professionals regarding opiate prescriptions

Current Status: Incorporated as an amendment to **LB731** by **AM2432**
Approved by the Governor on April 19, 2018

LB 834 – Provide for waiver of certain occupational and licensing fees as prescribed

Current Status: Indefinitely postponed by the legislature as of April 18, 2018

LB 931 – Provide requirements for opiate prescriptions

Current Status: **Approved by the Governor on April 4, 2018**

LB1057 - Change provisions relating to prescription drug monitoring

Current Status: Incorporated as an amendment to **LB1034** by **AM2322**
Approved by the Governor on April 23, 2018

Discussion was held on the continuing competency requirement relating to LB731. Before making a recommendation on the requirements the Board would like further information regarding the CE regulations that other states require. They would also like to know when the Nebraska state regulations for the 32 hours required for Veterinary CE were adopted and also how many CE hours are required for other credentials. They will review this additional information at the next scheduled meeting.

FYI's

Dr. Farrington attended the Board Basics and Beyond Meeting in Kansas City on April 20-21, 2018. She expressed her appreciation to the Board for the opportunity to attend. She indicated that she now has a greater appreciation for who and what the AAVSB (American Association of Veterinary State Boards) is and all the different functions of the association.

Dr. Farrington has expressed interest in attending the AAVSB Annual meeting in Washington DC, September 13-15, 2018. Other board members interested in attending are asked to notify Kathie Lueke or Jan Harris.

No other comments on the FYI's at this time.

SET DATE OF FUTURE MEETINGS

The next meeting of the Board is set for Wednesday, August 22, 2018 at 9:00 am.

ADJOURNMENT

There being no further business, Farrington moved, seconded by Kohles, to adjourn the meeting at 11:45 a.m. Voting aye: Farrington, Schlote, Kohles and Unwin. Voting nay: None. Absent: Heiden. Motion carried.

Respectfully submitted,

signature available upon request

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