

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

July 29, 2020

ROLL CALL

The meeting of the Board of Veterinary Medicine and Surgery was called to order at 9:00 am by Chairperson, Micah R. Kohles, DVM, MPA in the 3D Conference Room at the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Board members present and answering roll call were:

Micah R. Kohles, DVM, MPA, Chairperson
Joshua Schlote, LVT, Vice-Chairperson
Elizabeth Farrington, DVM, Secretary
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, Anna Harrison, Compliance Monitor 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

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

APPROVAL OF MINUTES

Farrington moved, seconded by Byers to approve the April 8, 2020 minutes as written. Voting aye: Byers, Farrington, Kohles and Schlote. Voting nay: None. Absent: None. Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Byers moved, seconded by Farrington, to go into closed session at 9:15 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 10:41 a.m. Voting aye: Byers, Farrington, Kohles, and Schlote. Voting nay: None. Absent: None. Motion carried.

APPLICATION REVIEW – OPEN SESSION

There were no applications for review by the Board at this meeting.

BOARD DISCUSSION(S)

A. COVID-19

The State of Nebraska, Governor's office has issued Executive Orders No.20-10 (EO), effective March 27, 2020 and EO No.20-27, effective June 17, 2020.

Visit the DHHS website to see listed updates regarding COVID-19, the EO's, frequently asked questions (FAQ's) related to the EO's and the FAQ's related to the Continuing Competency Waiver, the State's Directed Health Measures and County Directed Health Measures.

<http://dhhs.ne.gov/Pages/default.aspx>

<http://dhhs.ne.gov/Pages/COVID-19-Directed-Health-Measures.aspx>

B. NVMA (Nebraska Veterinary Medical Association) Letter to the Board

Jeremy Young, DVM, 2020 NVMA President, joined the meeting to express the NVMA's request for expansion of the hours allowed for online continuing education (CE) opportunities for the next licensing period ending April 1, 2022. The current regulations state that one quarter of the required hours can be obtained from online/home study (DVM- 8 of the 32 hours; Veterinary Technician 4 of the 16 hours). Due to the COVID-19 pandemic many of the traditional in-person meetings and CE courses have been cancelling, therefore they want to be proactive in clarifying how the veterinary professions can be compliant with completing the continuing competency requirement.

It was clarified that many of the in-person meetings and CE opportunities have been rescheduling to "interactive webinars", which are considered to be "live" and therefore do not count as home study online courses.

It was also noted that Executive Order (EO) 20-27 #10 states:

DHHS shall afford credential holders under the UCA the opportunity to request waivers of continuing competency as part of the renewal process as provided for in Neb. Rev. Stat. § 38-146 (2)

For further understanding of the EO 20-27 #10 review the FAQ's regarding the Continuing Competency Waiver.

<http://dhhs.ne.gov/Documents/EO-20-27-FAQ.pdf>

C. Newsletter

The Board discussed the concept of publishing a "Newsletter" for Veterinary Medicine and Surgery that would be posted on the DHHS website semi-annually. Suggested content for the newsletter would be educational topics such as regulatory education - reviewing the UCA (Uniform Credentialing Act), mandatory reporting, medical records documentation and current veterinary interest topics. The newsletter would focus on being inclusive for all the veterinary professions of DVM's, Veterinary Technicians and Animal Therapists. Jesse Cushman and Dr. Kohles will pursue the concept.

D. LB 299 Survey – the Board had no comments at this time

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 106th Legislature, 2nd Session, is back in session as of July 20, 2020 following the break due to COVID-19

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: Agriculture priority bill February 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 on AM3186; Government, Military and Veterans Affairs filed AM3325 on August 3, 2020
To learn more about LB857, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB857.pdf>

LB1152 - Change provisions relating to hemp
Current Status: approved by Governor on August 7, 2020 – **Slip Law**
To learn more about LB1152, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB1152.pdf>

LB1219 - Change provisions of law relating to hemp and adopt the Nebraska Hemp Transportation and Sales Licensing Act
Current Status: Referred to Agriculture Committee, Notice of Hearing February 4, 2020
To learn more about LB1219, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1219.pdf>

LB1221 - Change controlled substance schedules for certain federally approved drugs containing derivatives of cannabis
Current Status: Judiciary filed **AM2614** on July 21, 2020
To learn more about LB1221, please visit:
<https://nebraskalegislature.gov/FloorDocs/106/PDF/Intro/LB1221.pdf>

AAVSB Annual Meeting Update

The AAVSB Annual Meeting scheduled for September 24-26, 2020 in Portland, Oregon has been cancelled for the in-person components.

The Annual Meeting has two components – the Educational Meeting and the Annual Delegate Assembly. The Educational Meeting will be held virtually. These education sessions will be submitted for RACE® approved credit. The schedule will be designed over several months with 1 – 1.5-hour sessions approximately twice per month. The AAVSB looks forward to your engagement in these virtual offerings.

The other component of the Annual Conference, the Delegate Assembly, will be cancelled for 2020. The Board of Directors feels there are three important reasons for the cancellation including:

- The business session of the Association lends itself to Delegates and members being face-to-face.
- Achieving quorum would be difficult through virtual means.
- Continuity of leadership is extremely important during these unprecedented times.

The cancellation of the Delegate Assembly impacts voting on proposed Bylaws amendments as well as elections for the open positions. Per the AAVSB bylaws, the current members of the Board of Directors, the Nominating Committee, and the Representatives to the ICVA, shall serve "until a successor is elected and qualified" which will occur at the 2021 AAVSB Annual Meeting & Conference in Denver, Colorado on September 30 – October 2. Submitted proposed Bylaws amendments will be deferred until 2021.

For additional updates and information regarding registration for the 2020 virtual conference, check out the AAVSB website:

<https://www.aavsb.org/board-services/annual-meeting/>

SCHEDULE OF THE NEXT BOARD MEETING

The next Board of Veterinary Medicine and Surgery will be tentatively scheduled for Wednesday, October 28, 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, Farrington moved, seconded by Byers, to adjourn the meeting at 11:35 p.m. Voting aye: Byers, Farrington, Kohles, and Schlote. Voting nay: None. Absent: None. Motion carried.

Respectfully submitted,

signature available upon request

Elizabeth L. Farrington, DVM, Secretary
Board of Veterinary Medicine and Surgery