

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

August 22, 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
Linda Heiden, Secretary
Elizabeth Farrington, DVM
Joshua Schlote, LVT

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, Teresa Hampton, Legal Department; Larry Wiehn, Investigator and Anna Harrison, Compliance Monitoring.

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

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

APPROVAL OF MINUTES

Farrington moved, seconded by Schlote to approve the May 23, 2018 minutes as written. Voting aye: Farrington, Heiden, Kohles, Schlote and Unwin. Voting nay: None. Absent: None. Motion carried.

PRESCRIPTION DRUG MONITORING PROGRAM

Felicia Quintana-Zinn, Epidemiology Surveillance Coordinator, presented a progress update on the PDMP. As of 07/27/2018, 235 Veterinarians/clinics have registered with the PDMP and 45 Veterinarians/clinics have registered as exempt. 22,207,406 Dispensed Records have been noted. Veterinarian reporting documents are available on www.dhhs.ne.gov/pdmp. The Veterinarian NDC Resource and Client Form found on the site have been found to be very helpful in the reporting process.

Teresa Hampton joined the meeting at 9:10 am

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Kohles moved, seconded by Farrington, to go into closed session at 9:10 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, Heiden, Kohles, Schlote and Unwin. Voting nay: None. Absent: None. Motion carried.

Unwin recused himself at 9:11 a.m.
Unwin returned at 9:20 a.m.

Teresa Hampton recused herself at 9:20 am.

Kohles recused himself at 9:52 a.m.

Kohles returned at 10:06 a.m.

Teresa Hampton returned at 10:42 am.

Kohles moved, seconded by Heiden, to open the session at 10:41 a.m. Voting aye: Farrington, Heiden, Kohles, Schlote and Unwin. Voting nay: None. Absent: None. Motion carried.

APPLICATION REVIEW – OPEN SESSION

No applications were presented to the Board for review.

2018 LEGISLATION UPDATE

Discussion was held on the continuing competency requirement relating to LB731. Kohles moved, seconded by Farrington that the 3 hours of continuing education biennially regarding prescribing opiates be inclusive with the required 32 hours. Voting aye: Farrington, Heiden, Kohles, Schlote and Unwin. Voting nay: None. Absent: None. Motion carried.

FYI's

Unwin noted that the AAVSB Practice Act Model & VCPR Changes including Telehealth Guidelines along with the Proposed Bylaws Amendments will all be discussed and voted on at the AAVSB Annual meeting in Washington DC, September 13-15, 2018. Unwin and Farrington will be representing the Nebraska Board at the AAVSB Annual meeting.

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

PRACTICE QUESTIONS

A. How are pre-vet students regulated as far as duties they can perform?

Response: The pre-vet student would be regulated the same as an unlicensed assistant.

38-3321. Veterinarian; veterinary technician; animal therapist; license; required; exceptions. No person may practice veterinary medicine and surgery in the state who is not a licensed veterinarian, no person may perform delegated animal health care tasks in the state who is not a licensed veterinary technician or an unlicensed assistant performing such tasks within the limits established under subdivision (2) of section 38-3326, and no person may perform health care therapy on animals in the state who is not a licensed animal therapist. The Veterinary Medicine and Surgery Practice Act shall not be construed to prohibit:

- (1) An employee of the federal, state, or local government from performing his or her official duties;
- (2) A person who is a student in a veterinary school from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian;**
- (3) A person who is a student in an approved veterinary technician program from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian or a licensed veterinary technician;**

38-3307. Direct supervision, defined. Direct supervision means that the supervisor is on the premises and is available to the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

Source: Laws 2007, LB463, § 1089. Operative date December 1, 2008.

B. What are the Nebraska Veterinary rules on ultrasound for cattle?

Response: In Nebraska to perform ultrasound on cattle an individual would need to be a licensed veterinarian.

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;
- (3) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subdivision (1) of this section; and
- (4) To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subdivision (1) of this section.

Source: Laws 2007, LB463, § 1094. Operative date December 1, 2008

C. If an animal is found with a microchip, what is the Vet-Client privilege and is it required to make every effort to find the owner and report the found animal?

Response: It is the Veterinarian responsibility to attempt to contact the owner. While it is not a Veterinary Practice Act, it is ethically a responsibility.

D. Policy of return to a pharmacy of prescription drugs (specific to unopened heart guard medication) and policy of returned controlled drugs? (This question was on the May Agenda and was tabled for further research)

Response: Veterinarians cannot take back drugs from an owner, if they do they take on responsibility to dispense of the drugs. If the drug was dispensed to a patient, the patient needs to go to a pharmacy that participates in a medication disposal program: <http://www.nebraskameds.org/>

E. Is the Licensed Animal Therapist required to have a letter of referral before working on an animal?

Response: Yes, The owner of the animal presents to the licensed animal therapist a prior letter of referral for health care therapy that includes a veterinary medical diagnosis and evaluation completed by a licensed veterinarian who has a veterinarian-client-patient relationship with the owner and the animal and has made the diagnosis and evaluation within ninety days immediately preceding the date of the initiation of the health care therapy.

38-3333 Animal therapist; health care therapy; conditions; letter of referral; liability. (1) A licensed animal therapist may perform health care therapy on an animal only if:

- (a) The health care therapy is consistent with the licensed animal therapist's training required for the license referred to under subdivision (1) of section 38-3332;
 - (b) The owner of the animal presents to the licensed animal therapist a prior letter of referral for health care therapy that includes a veterinary medical diagnosis and evaluation completed by a licensed veterinarian who has a veterinarian-client-patient relationship with the owner and the animal and has made the diagnosis and evaluation within ninety days immediately preceding the date of the initiation of the health care therapy; and
 - (c) The licensed animal therapist provides health care therapy reports at least monthly to the referring veterinarian, except that a report is not required for any month in which health care therapy was not provided.
- (2) A licensed veterinarian who prepares a letter of referral for health care therapy by a licensed animal therapist shall not be liable for damages caused to the animal as a result of the health care therapy performed by the licensed animal therapist.

Source: Laws 2009, LB463, § 10. Effective Date: August 30, 2009

SET DATE OF FUTURE MEETINGS

The next meeting of the Board is set for Monday December 17, 2018 at 9:00 am at the Staybridge Suites.

ADJOURNMENT

There being no further business, Kohles moved, seconded by Schlote, to adjourn the meeting at 11:21 a.m. Voting aye: Farrington, Heiden, Kohles, Schlote and Unwin. Voting nay: None. Absent: None. Motion carried.

Respectfully submitted,

signature available upon request

Linda Heiden, Secretary
Board of Veterinary Medicine and Surgery