

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

**October 30, 2019**

**ROLL CALL**

The meeting of the Board of Veterinary Medicine and Surgery was called to order at 9:05 am by Chairperson, 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, Chairperson  
Micah R. Kohles, DVM, Vice Chairperson  
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; Larry Wiehn, Investigator; and Anna Harrison, RN, Compliance Monitoring for Health Licensure & Investigations.

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**

Farrington moved, seconded by Schlote, 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 Heiden to approve the June 7, 2019 minutes as written. Voting aye: Farrington, Heiden, Kohles, Schlote and Unwin. Voting nay: None. Absent: None. Motion carried.

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

Heiden moved, seconded by Farrington, to go into closed session at 9:07 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.

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

The Board recessed for a break at 10:15 am  
The Board returned at 10:26 am

**APPLICATION REVIEW – OPEN SESSION**

MOENNING, LARRY, DVM - application for a reinstatement license to practice veterinary medicine and surgery. Farrington moved, seconded by Kohles, to recommend issuance of a reinstatement license after passing the Nebraska Veterinary Jurisprudence Exam. Voting aye: Farrington, Heiden, Kohles, Schlote and Unwin. Voting nay: None. Absent: None. Motion carried.

## **EMAIL BALLOTS SINCE LAST MEETING**

Kolman, Jonathan Andrew, DVM the Board voted via E-Mail Ballot to approve issuance of an initial Veterinarian license on 7/8/2019

Pratt, Megan, DVM the Board voted via E-Mail Ballot to approve issuance of an initial Veterinarian license on 8/5/2019

## **BOARD DISCUSSION(S)**

### A. Licensed Animal Therapist Letter of Referral requirements:

The Board wants to remind the public of the necessity to follow Statute 38-3333

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.

### B. AAVSB resolution for sharing information with the VIVA program:

The AAVSB maintains the Veterinary Information Verifying Agency (VIVA) database which is a centralized repository of veterinarian and veterinary technician licensee information, national examination scores, supporting documentation, and historical and current credentials including disciplinary information. Member Boards provide license information on new licensees as well as updated license information and disciplinary information. The database is used for VAULT services requested by licensees to specific Member Boards.

### C. Telehealth Statutes:

Currently LB29 does not apply to a credential holder under the Veterinary Medicine and Surgery Practice Act. If the NVMA wants Veterinary Medicine and Surgery to be included under a Telehealth Practice they would need to solicit a promotion of a Bill.

### D. Pulse Electro Magnetic Wave Therapy:

This therapy is common in Equine Therapy, it is important to be aware that a "Practitioner" cannot make a diagnosis, unless they are also a licensed Veterinarian.

### E. AAVSB Topics:

1. Resolution 2019-01 – the Board had no comments at this time.
2. Proposed Model Regulations for Appropriated Use of Opioids and Other Controlled Substances – the Board had no comments at this time.
3. Proposed Model Regulations for Scope of Practice for Veterinary Technicians and Veterinary Technologists – the Board had no comments at this time.

## **AAVSB ANNUAL MEETING & CONFERENCE**

The AAVSB held its 2019 Annual Meeting & Conference on September 26-28, 2019 at the Ritz-Carlton in St. Louis, Missouri. Dr. Unwin and Dr. Farrington represented the Nebraska Veterinary Medicine and Surgery Board. Dr. Farrington was also on the AAVSB Nomination Committee. Dr. Unwin and Dr. Farrington agreed that the Conference was informative and a great source to network with other DVM's and Board members. It was suggested that it would be beneficial for Jesse Cushman, Program Manager to attend the next Conference which will be held September 24-26, 2020 in Portland, Oregon.

### **FYI (s)**

- A. AAVSB Delegate Assembly Elects 2019-2020 Board of Directors – the Board had no comments at this time.
- B. Letter to Board opposing the veterinary nurse initiative – the Board supports keeping the terminology as “Veterinary Technician” as opposed to “Veterinary Nurse”.
- C. Veterinary Medical Record Keeping and Law & Ethics courses – the board had no comments at this time.

## **REGULATIONS UPDATE**

NAC Title 173, Chapter 5 – Rabies Control Program - Proposed changes will be discussed at a Public Hearing on November 4, 2019 at 1:00 pm at the NSOB, 301 Centennial Mall South, Lincoln, NE in the LLB conference room. Written comments must be postmarked or received by November 4<sup>th</sup>, 5:00 pm.

## **EXPENSE REIMBURSEMENT**

Jesse Cushman reminded the Committee that all state travel expenses must be submitted to the Department within 30 days of the final day of travel to meet the requirements of Neb. Rev. Stat. § 81-1174.

## **SCHEDULE OF THE NEXT BOARD MEETING**

The next Board of Veterinary Medicine and Surgery will be scheduled for Wednesday January 29, 2020. The schedule will be posted on the DHHS website. <http://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

## **PRESENTATION OF SERVICE AWARDS**

James F. Unwin, DVM, Veterinary Member of the Board was presented with the “Admiralship Award with the Great Navy of the State of Nebraska” awarded by the Governor’s office along with a Plaque from the Board and a Certificate of Appreciation from the Department. Dr. Unwin has served the Veterinary Medicine and Surgery Board for ten years, from December 1, 2009 to November 30, 2019. During those ten years he represented the board as Chairperson for nine consecutive years.

Linda Heiden, Public Member of the Board was presented with a “Certificate of Appreciation” from the Board and the Department. Linda graciously served the Veterinary Medicine and Surgery Board for five years, from December 1, 2014 to November 30, 2019.

The Veterinary Board of Medicine and Surgery and the Department of Health and Human Services extend their deepest appreciation to Dr. Unwin and Linda for their service to the State of Nebraska. Their presence at the Board meetings will be greatly missed.

The Board recessed at 11:22 a.m. Before the Board Hearing scheduled at 12:00 p.m.  
The Board returned at 11:58 a.m.

### **BOARD HEARING**

Dobesh, Gerald Dale, DVM requested a hearing before the Board to request removal of the Practice Quality Monitor limitations to his license. Dr. Dobesh was represented by John C. Chatelain, Attorney at Law. Teresa Hampton, DHHS Attorney was the acting Hearing Officer and Mindy Lester, Assistant AG represented the Department.

Farrington moved, seconded by Kohles to go into Closed Session at 1:10 pm to review the evidence presented. Voting aye: Farrington, Heiden, Kohles, Schlote and Unwin. Voting nay: None. Absent: None. Motion carried.

Farrington moved, seconded by Kohles to open the session at 1:35 pm. Voting aye: Farrington, Heiden, Kohles, Schlote and Unwin. Voting nay: None. Absent: None. Motion carried.

The Board reconvened and the following recommendation was given by the board in open session:

DOBESH, GERALD DALE, DVM – application for reinstatement after discipline requesting removal of the Practice Quality Monitor limitations to his license. The Board concludes that there is not adequate evidence to assure the protection of the public by removing the Practice Quality Monitor Limitations. The Board stands by the recommendation made on June 7, 2019. Motion to change the timing of the Practice Quality Monitor from 1 hour per month to 1 hour per quarter with all other Terms and Conditions remaining the same was made by Farrington, seconded by Schlote. Basis for the denial is to promote continued public safety based on the evidence submitted. Voting aye: Farrington, Heiden, Kohles, Schlote and Unwin. Voting nay: None. Absent: None. Motion carried.

### **INTRODUCTION TO THE BOARD**

Rachel O'Toole, Attorney with the DHHS Legal Services Division was introduced to the Board.

### **ADJOURNMENT**

There being no further business, Kohles moved, seconded by Heiden, to adjourn the meeting at 1:40 p.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